

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



TUESDAY, JANUARY 2, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, January 2, 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 Rick Brown, ChristBridge Fellowship, Tomball

3.0 Pledges to U.S. and Texas Flags

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

5.0 Reports and Announcements

- January 6, 2018 – **2nd Saturday at the Depot**
- January 17, 2018– First day to apply for Place on Ballot for the May 5, 2018 City

General Election

- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Billy Tidwell – Report on success of “**Shop with a Cop**” Program
 - Jonathan Fontenot or Shera Carriker – Report on success of the Fire Department “**Christmas for Families**” Program

6.0 Approve the Minutes of the December 14, 2017 Special Tomball City Council Meeting and the December 18, 2017 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2018-02, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 0.35 Acres Of Land, Legally Described Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The South Of Hirschfield Road Between Sh 249 And High Meadow 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.

7.2 Adopt, on Second Reading, Ordinance 2018-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between South Pine Street and South Oak Street, All Situated in Block 31 of Revised Map of Tomball, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Lisa and James Bonnett; Providing for Severability; and Containing Other Provisions Relating to the Subject.

8.0 New Business:

8.1 Approve Resolution No. 2018-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 5, 2018; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Aprobar la Resolución Nro. 2018-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 5 de mayo de 2018; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2018-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 5 tháng Năm, 2018; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định

Ngày Bầu Cử Chung Cuộc nêu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó
批准決議案編號2018-01, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2018年5月8日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節

- 8.2 Approve Resolution No. 2018-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2018 for Publication of Matters Pertaining to the City of Tomball

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of December 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 2, 2018

Topic:

- Led by Pastor Rick Brown, ChristBridge Fellowship, Tomball

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 2, 2018

Topic:

- January 6, 2018 – **2nd Saturday at the Depot**
- January 17, 2018– First day to apply for Place on Ballot for the May 5, 2018 City General Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Billy Tidwell – Report on success of “**Shop with a Cop**” Program
 - Jonathan Fontenot or Shera Carriker – Report on success of the Fire Department “**Christmas for Families**” Program

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
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ATTACHMENTS:

Notice of First day to Apply for Place on Ballot for the May 5, 2018 City General Election

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA UN LUGAR EN LA BOLETA)
(THÔNG BÁO VỀ THỜI HẠN NỘP ĐƠN XIN GHI DANH TRÊN LÁ PHIẾU)
(申請選票席位 截止日期通知)

Notice is hereby given that applications for a place on the May 5, 2018 City of Tomball, Texas General Election ballot may be filed during the following time:
(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas de 5 de mayo de 2018 se pueden presentar durante el siguiente horario:)
(Theo đây xin thông báo quý vị có thể nộp đơn xin ghi tên tranh cử trên lá phiếu cho Cuộc Tổng Tuyển Cử của Thành Phố Tomball, Texas ngày 5 tháng Năm, 2018 vào ngày giờ sau đây:)
(特此通知, 申請 2018 年 5 月 5 日 Texas 州 Tomball 市 普通選舉之選票席位可於以下期間辦理登記:)

Filing Dates and Times:

(Fechas y Horario para Entregar Presentaciones):
(Ngày giờ nộp đơn):
(登記日期和时间):

Start Date: <u>January 17, 2018</u>	End Date: <u>February 16, 2018</u>
(Fecha Inicio): <u>17 de enero de 2018</u>	(Fecha Limite): <u>16 de febrero de 2018</u>
(Ngày bắt đầu: <u>17 tháng Một, 2018</u>)	(Ngày kết thúc): <u>16 tháng Hai, 2018</u>
(開始日期): <u>2018 年 1 月 17 日</u>	(截止日期): <u>2018 年 2 月 16 日</u>

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.
Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.
Giờ làm việc: Thứ Hai - thứ Năm, 7:45 a.m.-5:00 p.m.; thứ Sáu: 7:45 a.m.-4:00 p.m.
辦公時間: 週一至週四: 上午 7:45 - 下午 5:00; 週五: 上午 7:45 - 下午 4:00

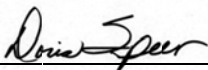
Physical address for filing applications in person for place on the ballot:
(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):
(Địa chỉ tiếp nhận đơn xin nộp trực tiếp):
(親自辦理選票席位申請地址):

City Secretary	La Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375

Address to mail applications for place on the ballot (if filing by mail):
(Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo))
(Địa chỉ nhận đơn xin gửi qua thư bưu điện (nếu nộp qua thư)):
(郵寄辦理選票席位申請地址 (如郵寄申請)):

City Secretary	Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375

Doris Speer, City Secretary/Secretaria de la Ciudad/
Thư Ký Thành Phố/市秘書
Printed Name of Filing Officer
(Nombre en letra de molde del Oficial de Archivos)
(Tên viết bằng chữ in của viên chức phụ trách thủ tục nộp đơn xin)
(登記官印刷體姓名)


Signature of Filing Officer
(Firma del Oficial de Archivos)
(Chữ ký của viên chức phụ trách thủ tục nộp đơn xin)
(登記官簽名)

December 4, 2017/4 de diciembre de 2017/
Ngày 4 tháng Mười Hai, 2017/2017 年 12 月 4 日
Date Posted (Fecha archivada) (Ngày đăng) (发布日期)

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 2, 2018

Topic:

Approve the Minutes of the December 14, 2017 Special Tomball City Council Meeting and the December 18, 2017 Regular Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

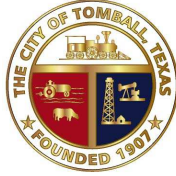
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Draft Minutes of the December 14, 2017 Special Tomball City Council Meeting

Draft Minutes of the December 18, 2017 Regular Tomball City Council Meeting

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



**THURSDAY, DECEMBER 14, 2017
5:30 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Pro Tem Klein Quinn. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges

Members absent:

Mayor Fagan - Excused
Councilman Townsend - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Police Chief – Billy Tidwell
Director of Community Development – Craig Meyers

2.0 No public comments were received:

Grover Edmiston, Executive Director of Resale with a Purpose, and Christina Ochoa, Board of Directors, Resale with a Purpose, presented a check in the amount of \$5,000 each to the Tomball Police Department and the Tomball Fire Department, for each department's Christmas program.

3.0 New Business:

- 3.1 Mayor Pro Tem Klein Quinn called the Public Hearing to order at 5:34 p.m. for the Second Public Hearing to consider the annexation of the following tract of land:
TRACT ONE: FIELD NOTE DESCRIPTION Being 0.5968 of one acre or 25,995 square feet of land situated in the Chauncey Goodrich Survey, Abstract Number 311, City of Tomball, Harris County, Texas, being a portion of that certain called 9.4852 acres of land described in deed and recorded in the Official Public Records of Real Property of

Harris County, Texas, under County Clerk's File Number RP-2016-317524 , said 0.5968 of one acre or 25,995 square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with cap found at the intersection of the Southeasterly right- of-way line of F.M. 2920 (120 foot right-of-way) as described in deed and recorded under Volume 1256, Page 395 of the Deed Records of Harris County, Texas with the Westerly right-of-way line of Treichel Road (as monumented) recorded under Volume 24, Page 178 of the Harris County Commissioner's Court Minutes, for the Northeasterly corner of that certain called 0.1160 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20080147039;

THENCE, S 50°41'50" W, along the Southeasterly right-of-way line line of said F.M. 2920, a distance of 1.71 feet to a 5/8 inch iron rod found for the Northwesterly comer of said 0.1160 acre tract, the Northeasterly comer of said 9.4852 acre tract;

THENCE, S 03°34'31" E, along the Westerly line of said 0.1160 acre tract, a distance of 522.93 feet to a 5/8 inch iron rod found for an angle point;

THENCE, S 02°10'07" E, continuing along the Westerly line of said 0.1160 acre tract, a distance of 14.25 feet to a 5/8 inch iron rod found in the Northerly line of that certain called 5.00 acres of land conveyed by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number S099288 and described in deed recorded under Volume 1149, Page 375 of the Deed Records of Harris County, Texas, for the most Northerly Southeast comer of said 9.4852 acre tract;

THENCE, S 87°02'11" W, along the Northerly line of said 5.00 acre tract, a distance of 400.22 feet to a Mag Nail in a wood post found for the Northwesterly comer of said 5.00 acre tract;

THENCE, S 02°55'23" E, along the Westerly line of said 5.00 acre tract, a distance of 299.60 feet to a 5/8 inch iron rod with cap found at the intersection of the Westerly line of said 5.00 acre tract with the Southeasterly City of Tomball City Limits line as established by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number W304507, for the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, S 02°55'23" E, continuing along the Westerly line of said 5.00 acre tract, a distance of 195.56 feet to a 5/8 inch iron rod with cap found in the Northerly line of that certain called 21.6877 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number G505834, for the Southwesterly corner of said 5.00 acre tract and the most Southerly Southeast corner of said 9.4852 acre tract;

THENCE, S 87°00'53" W, along the Northerly line of said 21.6877 acre tract, a distance of 265.85 feet to a 5/8 inch iron rod with cap set at the intersection of the Northerly line of said 21.6877 acre tract with the Southeasterly line of said City of Tomball City Limits line, from which a 5/8 inch iron rod found for the Southwesterly corner of said 9.4852 acre tract and the Northwesterly corner of said 21.6877 acre tract bears S 87°00'55" W, 175.62 feet;

THENCE, N 50°41'50" E, along the Southeasterly line of said City of Tomball City Limits Line, a distance of 330.20 feet to the **POINT OF BEGINNING** and containing 0.5968 of one acre or 25,995 square feet of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (SOUTH CENTRAL ZONE NO. 4204).

Receiving no public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 5:35 p.m.

4.0 Motion was made by Councilman Stoll, second by Councilman Degges, to adjourn.

Motion carried unanimously.

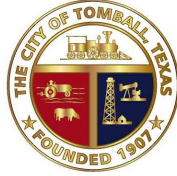
Meeting adjourned.

PASSED AND APPROVED this the 2nd day of January 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 18, 2017
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Pro Tem Klein Quinn. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend

Members absent:

Mayor Fagan - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
CSO Admin. Assistant – Ruth Tapley
CSO Admin. Assistant – Sasha Robinson
Police Officer-Investigations – Gary Hammond

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

3.0 The pledges to U. S. and Texas Flags were led by Fire Chief, Randy Parr.

4.0 The following public comments were received:

Wayne Nagel - Expressed his concerns regarding drainage issues on his
12929 Zion Road, 77375 property, created by new development to the west; advised
he is considering possible litigation.

5.0 Reports and Announcements:

- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year's Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on success of ***“Christmas on Commerce”***
 - Doris Speer – City Secretary's Office has received the **“2017 Exemplary Five Star” Award** from Texas Department of Vital Statistics – **7th Year**

6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the December 4, 2017 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on Second Reading, Ordinance No. 2017-41, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Florence Street Between Elm Street and the Burlington Northern Railroad, All Situated in the William Hurd Survey, Abstract Number 371, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Street Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Professional Services Agreement with Gunda Corporation in the Amount of \$66,909.40 for the Design and Construction of a Parking Lot Expansion at the Wayne Stovall Sports Complex.

Motion carried unanimously.

- 8.2 Consideration to Approve **Zoning Case P17-0131**: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

- Mayor Pro Tem Klein Quinn called the Public Hearing to order at 6:17 p.m. for **Zoning Case P17-0131**.

Receiving no public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 6:19 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-02 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2018-02, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 0.35 Acres of Land, Legally Described Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally Located on the South of Hirschfield Road between SH 249 and High Meadow 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. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

Consideration of Ordinance No. 2018-03 failed due to lack of motion.

No action taken.

- 8.4 Consideration to adopt, on First Reading, Ordinance No. 2018-04, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-115(B)(2) by Requiring Refuse Areas to have a Gate that remains Closed at all Times Except when in Use and Adding Non-Conforming Language; 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 was withdrawn at the request of City staff.

No action taken.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-05 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the abandonment of a Public Right-of-Way and to adopt, on First Reading, Ordinance No. 2018-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between South Pine Street and South Oak Street, All Situated in Block 31 of Revised Map of Tomball, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Lisa and James Bonnett; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of January 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 2, 2018

Topic:

Adopt, on Second Reading, Ordinance No. 2018-02, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 0.35 Acres Of Land, Legally Described Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The South Of Hirschfield Road Between Sh 249 And High Meadow 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, December 11, after conducting a Public Hearing, the Planning and Zoning Commission recommended approval of the rezoning request with 4 votes Aye and 1 vote Nay.

Origination:

Marie Reynolds

Recommendation:

Adopt, on Second Reading, Ordinance No. 2018-02

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2018-02
P17-0131 Staff Report
Notice of Public Hearing
Property Owner Notification
P17-0131 Response Forms

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.35 ACRES OF LAND, LEGALLY DESCRIBED TRACT 6 BLOCK 2 HIRSCHFIELD FARMS SEC 1 U/R, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH OF HIRSCHFIELD ROAD BETWEEN SH 249 AND HIGH MEADOW 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, Marie Reynolds has requested that approximately 0.35 acres of land, legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, City of Tomball, Harris County, Texas, generally located on the south of Hirschfield Road between SH 249 and High Meadow Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Commercial 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 Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF DECEMBER 2017.

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:

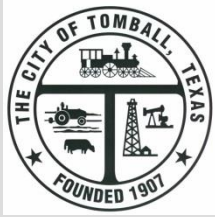
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF JANUARY 2018.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 11, 2017
City Council Public Hearing Date: December 18, 2017

Rezoning Case: P17-0131
Property Owner(s): Marie Reynolds
Applicant(s): Marie Reynolds
Legal Description: Tract 6 Block 2 Hirschfield Farms Section 1 U/R
Location: South side of Hirschfield Road between SH 249 and High Meadow Road (Exhibit "A")
Area: 0.35 acres
Comp Plan Designation: Commercial (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Single-family residence (Exhibit "D")
Request: Rezone from the Agricultural District to the Commercial District
Adjacent Zoning & Land Uses:
 North: General Retail District / Supply Company
 South: Agricultural District / Undeveloped land
 West: SH 249 / SH 249
 East: Planned Development District 5 / Breaux Machine Works

BACKGROUND

City Staff discussed options for the property with a representative of the property owner. After multiple discussions, the applicant submitted a Rezoning Application.

ANALYSIS

The subject site is approximately 15,205 square feet with frontage on SH 249 feeder and High Meadow Road. According to Section 50-77 (Commercial District), convenient access to thoroughfares is a primary consideration of the Commercial District. The land uses in the area include Breaux Machine Works and a mobile home supply company. The subject site is currently used as a single-family residence; however, there are no other residences in the area.

The Comprehensive Plan Future Land Use Map designates the property, as well as all surrounding properties, as Commercial which is "where retail sales and service activities should occur". It is expected that land uses in the Commercial designation will have a steady traffic flow throughout the day and in some cases, the evening. The proposed rezoning will be in conformance with the Future Land Use Map.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Commercial District appear to be appropriate for the immediate area. The established land uses in the area are mostly commercial businesses including Breaux Machine Works and a supply company. This area of the City appears to be appropriate for commercial development.

- 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 just to the north, along Hirschfield Road, and are adequately sized to serve a future commercial development. The existing roadways adjacent to the property can accommodate traffic generated by a Commercial District development.

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

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

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

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

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

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

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

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

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

The Future Land Use Map designates the property as Commercial. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also discusses the

need to ensure commercial development compatibility with surrounding land uses. There are commercial businesses in the area; therefore, it would be appropriate for Commercial zoning.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 22, 2017. The Notice of Public Hearing was published in the paper on November 29, 2017. 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 P17-0131 for the following reasons:

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

EXHIBITS

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

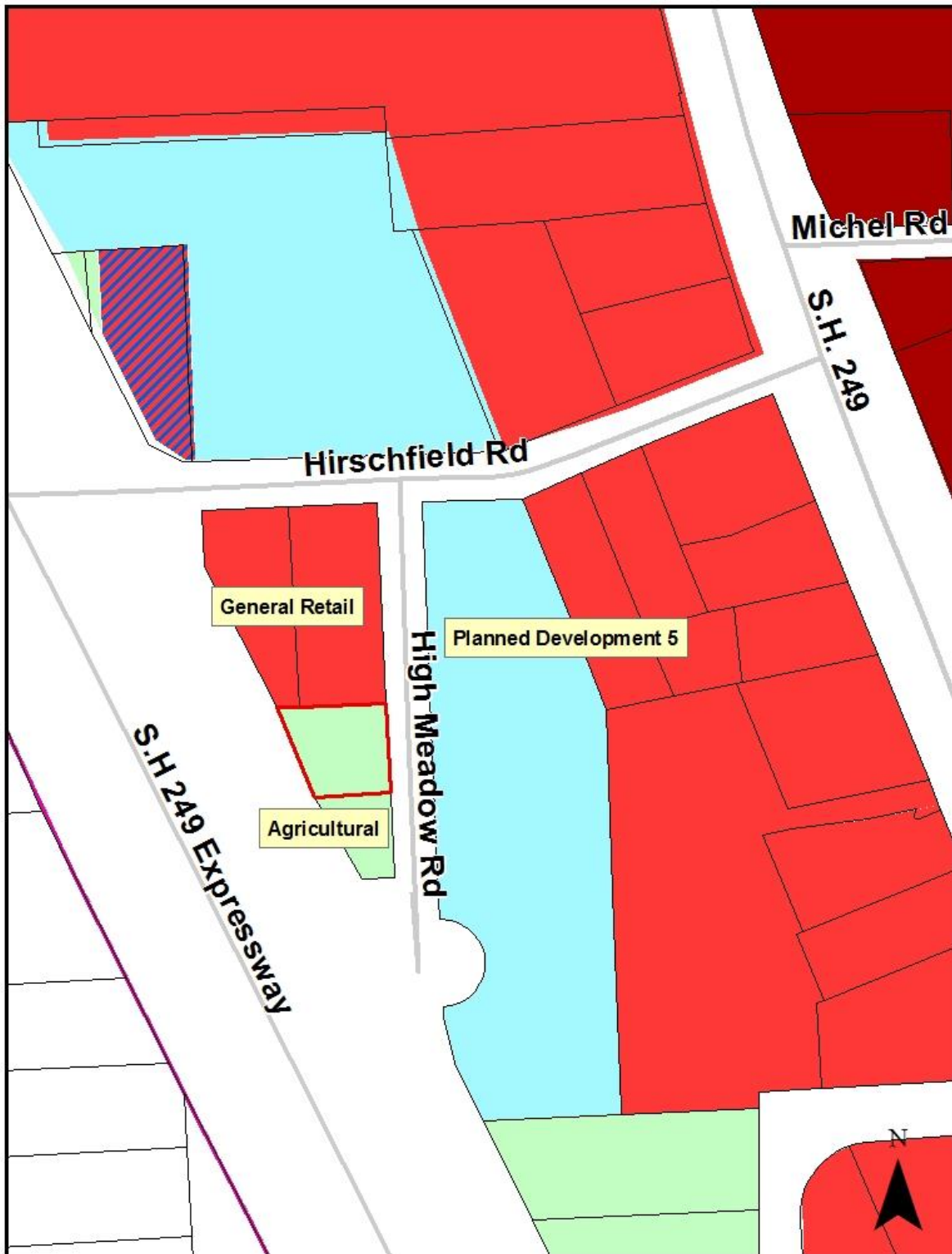
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Application

Revised 5/19/15



P17-0131

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: MARIE REYNOLDS Title: _____
Mailing Address: 28011 HIGH MEADOW ROAD City: TOMBALL State: TX
Zip: 77377
Phone: (214) 244-7598 Fax: (____) _____ Email: Larrymock@sbcglobal.net
(SON - LARRY MOCK)

Owner

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

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: _____

Physical Location of Property: SOUTHEAST OF 249 FEENER AND HIRSCHFIELD RD
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 6 BLK 2 HIRSCHFIELD FARMS SEC 1 4/R
[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: COMMERCIAL DISTRICT (C)

Proposed Use of Property: TO BE DETERMINED

HCAD Identification Number: 1047720000006 Acreage: 15,205 SQ FT LOT

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

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

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

<u>X Marie Reynolds</u>	<u>10/23/17</u>
Signature of Applicant	Date
<u>X Marie Reynolds</u>	<u>10/23/17</u>
Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 01001888 10/23/2017 12:29 PM
OPER: RS TERM: 002
REF#: W2387

TRAN: 130.0000 PLANNING AND ZONING
28011 HIGH MEADOW RD
MARIE REYNOLDS
100-5441
REZONING APPLICATIO 410.00CR

TENDERED: 410.00 CHECK
APPLIED: 410.00-

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

www.tomballtx.gov

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
1047720000006

Tax Year: 2017



Owner and Property Information							
Owner Name & Mailing Address: REYNOLDS MARIE 28011 HIGH MEADOW RD TOMBALL TX 77377-2410			Legal Description: TR 6 BLK 2 HIRSCHFIELD FARMS SEC 1 U/R 28011 HIGH MEADOW RD TOMBALL TX 77377				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Map Facet	Key Map®
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	15,205 SF	1,612 SF	2580.03	26001	4770A	288P

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2017	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2016 Rate	2017 Rate
Residential Homestead (Multiple)	026	TOMBALL ISD	57,000	Certified: 08/11/2017	1.340000	
	040	HARRIS COUNTY	88,831	Certified: 08/11/2017	0.416560	
	041	HARRIS CO FLOOD CNTRL	88,831	Certified: 08/11/2017	0.028290	
	042	PORT OF HOUSTON AUTHY	88,831	Certified: 08/11/2017	0.013340	
	043	HARRIS CO HOSP DIST	88,831	Certified: 08/11/2017	0.171790	
	044	HARRIS CO EDUC DEPT	88,831	Certified: 08/11/2017	0.005200	
	045	LONE STAR COLLEGE SYS	80,000	Certified: 08/11/2017	0.107800	
	083	CITY OF TOMBALL	88,831	Certified: 08/11/2017	0.341455	
	679	HC EMERG SERV DIST 8	50,000	Certified: 08/11/2017	0.095470	

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, 2016			Value as of January 1, 2017		
	Market	Appraised		Market	Appraised
Land	33,938		Land	45,250	
Improvement	93,730		Improvement	82,418	
Total	127,668	80,756	Total	127,668	88,831

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value

1	1001 -- Res Improved Table Value	SF1	SF	15,205	1.24	1.00	1.00	--	1.24	2.40	2.98	45,250.00
---	----------------------------------	-----	----	--------	------	------	------	----	------	------	------	-----------

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1965	Residential Single Family	Residential 1 Family	Average	1,612 *	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	
Element	Detail
Cond / Desir / Util	Fair
Foundation Type	Slab
Grade Adjustment	C-
Heating / AC	Central Heat/AC
Physical Condition	Average
Exterior Wall	Brick / Veneer
Element	Units
Room: Total	5
Room: Full Bath	2
Room: Bedroom	3

Building Areas	
Description	Area
BASE AREA PRI	1,612
OPEN FRAME PORCH PRI	100

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Canopy - Residential	Poor	Fair	480.00	1972
2	Frame Utility Shed	Fair	Fair	225.00	1971

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 11, 2017
&
CITY COUNCIL
DECEMBER 18, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 11, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 18, 2017, 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 P17-0131: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

Zoning Case P17-0137: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road, from the Agricultural District to the Commercial District.

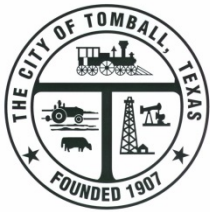
Zoning Case P17-0145: Request by the City of Tomball to amend Sections 50-115 of the Tomball Code of Ordinances in regards to refuse areas.

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 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 **7th** day of **December 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P17-0131

APPLICANT/OWNER: Marie Reynolds

LOCATION: Generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas,

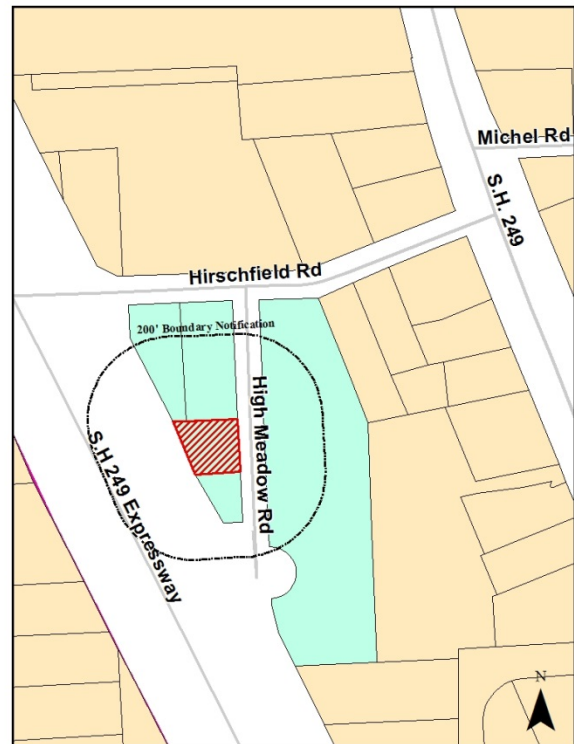
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

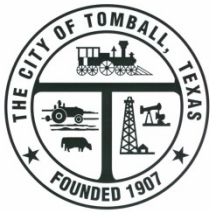


**Planning & Zoning Commission
Public Hearing:
Monday, December 11, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, December 18, 2017, 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0131. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0131. (Please state reasons below)**

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

Monday, December 11, 2017 6:00 PM

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

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

Monday, December 18, 2017, 6:00 PM

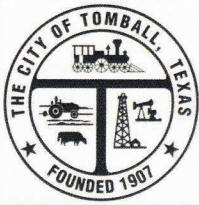
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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:

MARIE REYNOLDS

(please print)

Address:

28011 HIGH MEADOW

TOMBALL, TX 77377

Signature:

Marie Reynolds

Date:

11-29-2017



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0131. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0131. (Please state reasons below)

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

Monday, December 11, 2017 6:00 PM

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

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

Monday, December 18, 2017, 6:00 PM

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

COMMENTS:

The property is surrounded by commercial
zoned property.

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

Please reference the case number in the subject line.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 2, 2018

Topic:

Adopt, on Second Reading, Ordinance 2018-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between South Pine Street and South Oak Street, All Situated in Block 31 of Revised Map of Tomball, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Lisa and James Bonnett; Providing for Severability; and Containing Other Provisions Relating to the Subject.

Background:

Mr. and Mrs. James Bonnett reached out to the City of Tomball to request abandonment of the unimproved alley adjacent to her properties between South Pine Street and South Oak Street. As part of the Bonnett's request, letters of no objection of the abandonment were provided by CenterPoint Energy, Comcast and AT&T.

Existing City of Tomball water and sanitary sewer mains exist within the unimproved right-of-way and an easement will be dedicated to the City of Tomball prior to the abandonment, if approved.

Origination:

Lisa and James Bonnett

Recommendation:

Adopt, on Second Reading, Ordinance No. 2018-05

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2018-05

Abandonment Application

Location Map

Survey

Metes and Bounds

Utility Letters of No Objection

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF AN UNIMPROVED ROADWAY BETWEEN SOUTH PINE STREET AND SOUTH OAK STREET, ALL SITUATED IN BLOCK 31 OF REVISED MAP OF TOMBALL, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 004, PAGE 25 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY TO LISA AND JAMES BONNETT; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that public convenience and necessity no longer require the continued existence of the roadway and street right-of-way described below and that it should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; **now, therefore;**

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

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

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the unimproved roadway easement described in Section 3 hereof.

Section 3. The roadway and street right-of-way, more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes, located within the City of Tomball, Harris County, Texas, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway and street right-of-way to Lisa AND James Bonnett in consideration for the payment to the City of fair market value therefor.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of 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, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF DECEMBER 2017.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF JANUARY 2018.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☒ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☒ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☒ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Lisa Bonnett

Mailing Address 409 Florence St

City Tomball State TX Zip Code 77375

Phone Number 281 682 4185 Fax Number —

E-mail Address lisa40924@yahoo.com

Agent or Engineer Information

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

E-mail Address _____

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

I, Lisa Bonnett, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)

Lisa Bonnett

(Printed Name)

Lisa Bonnett

ROW to be Abandoned

Legend

 ROW to be abandoned

ROW to be abandoned

Clayton St

McPhail

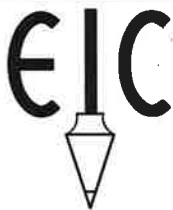
S Oak St

S Pine St

James St

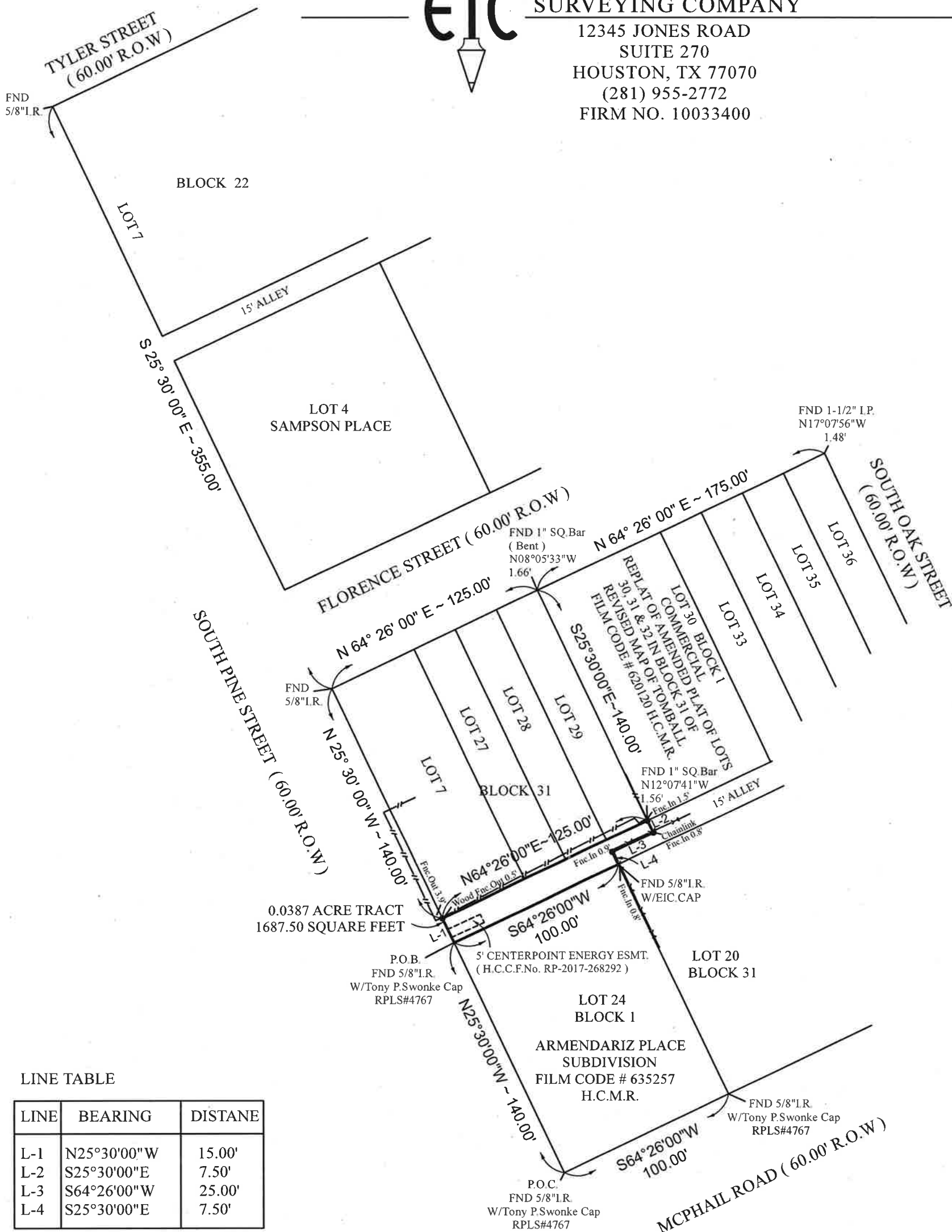
Willowick St





SURVEYING COMPANY

12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2772
FIRM NO. 10033400



LINE TABLE

LINE	BEARING	DISTANE
L-1	N25°30'00"W	15.00'
L-2	S25°30'00"E	7.50'
L-3	S64°26'00"W	25.00'
L-4	S25°30'00"E	7.50'

*. Abandoned Alley for Lots 7,27,28 & 29

Purchaser JAMES R & LISA A BONNETT
Address 409 FLORANCE STREET
Lot *, Block 31, Section
Survey , A
Area 0.0387 ACRE TRACT
Subdivision REVISED MAP OF TOMBALL
Volume 4, Page 25, MAP Records,
HARRIS County, Texas

This Property Lies in Zone "X"
Outside the 100 Year Flood Plain
Per Graphic Scaling according to
Community Panel No.4803150230L
having an effective date 06-18-2007
Job No. 17 - 580 - 11
Scale 1" = 60'
Date 11 - 14 - 2017
Drawn By: AH

I, Craig A. Laney, a Registered Professional Land Surveyor in the State of Texas, RPLS No. 4507, do hereby certify to (See Note 3) and Purchaser(s) that based upon information provided by said Title Company under G.F. No. (See Note 3) that this survey was this day made under my supervision on the ground of the above described property and the above plat or drawing reflects the findings on the ground of this property at this time. I have shown or noted all easements reflected in said Title Company's report. This Survey conforms to the minimum standards of practice as approved by the Texas Board of Professional Land Surveying. Effective February 2014, Last revised 02-2014.

The basis of bearing is N25°30'00"W ALONG THE NORTHEAST R.O.W LINE OF SOUTH PINE STREET PER RECORD PLAT

SUBJECT TO :

1. © 2017 Everything In Christ Services, Inc., All Rights Reserved.
2. Survey is valid only if print has original Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
3. This Survey has been done without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on recorded plat.
4. ● Indicates Set 5/8" Iron Rod with Cap Stamped EIC.Surveying Co.
5. See Corresponding Field Notes .
6. Fences as shown .



All that certain tract or parcel containing 0.0387 acre, (1,687.50 square feet), of land out of a 15' alley in Block 31 of Revised Map of Tomball, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 25 of the Harris County Map Records, said 0.0387 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with Tony P. Swonke RPLS No. 4767 cap (found) marking the intersection of the Northwest right-of-way line of McPhail Road with the Northeast right-of-way line of South Pine Street, (both 60.00 feet in width), same point marking the Southerly corner of Lot 24 in Block 1 of Armendariz Place Subdivision, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 635257 of said Harris County Map Records;

THENCE N 25°30'00" W, a distance of 140.00 feet along the Northeast right-of-way line of said South Pine Street and the Southwest line of said Lot 24 to a 5/8" iron rod with Tony P. Swonke RPLS No. 4767 cap (found) marking the intersection of the Southeast line of said 15' alley with the Northeast right-of-way line of said South Pine Street, the Westerly corner of said Lot 24 and the Southerly corner and POINT OF BEGINNING of the herein described 0.0387 acre tract of land;

THENCE continuing N 25°30'00" W, a distance of 15.00 feet along the Northeast right-of-way line of said South Pine Street and the Southwest line of said 15' alley to a 5/8" iron rod with EIC cap (set) marking the Southerly corner of Lot 7 in said Block 31, the Westerly corner of said 15' alley and the Westerly corner of the herein described 0.0387 acre tract of land;

THENCE N 64°26'00" E, a distance of 125.00 feet along the common line of said 15' alley and said Lot 7 to a 5/8" iron rod with EIC cap (set) marking the Easterly corner of Lot 29 in said Block 31, the Southerly corner of Lot 30 in Block 1 Commercial, a Replat of Amended Plat of Lot's 30, 31 & 32, each in Block 31 of Revised Map of Tomball according to the map or plat thereof filed for record under Film Code 620120 of said Harris County Map Records and the Northerly corner of the herein described 0.0387 acre tract of land, from this point a 1" square iron bar (found) for reference bears N 12°07'41" W, 1.56 feet;

THENCE S 25°30'00" E, a distance of 7.50 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-East corner of the herein described 0.0387 acre tract of land;

THENCE S 64°26'00" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described 0.0387 acre tract of land;

THENCE S 25°30'00" E, a distance of 7.50 feet to a 5/8" iron rod with EIC cap (found) in the Southeast line of said 15' alley marking the Northerly corner of said Lot 24, the Westerly corner of Lot 20 in said Block 31 and the Southerly-East corner of the herein described 0.0387 acre tract of land;

THENCE S 64°26'00" W, a distance of 100.00 feet along the common line of said 15' alley and said Lot 24 to the POINT OF BEGINNING and containing 0.0387 acre, (1,687.50 square feet), of land.

Surveyed on the ground November 14, 2017.

Job No. 17-580-11. (See corresponding plat)

The basis of bearing is N 25°30'00" W along the Northeast right-of-way line of South Pine Street per record plat.





AT&T Texas
7602 Spring Cypress Drive
Room 226
Spring, TX 77379-3113

T: 281.379.7524
F: 281.374.3318

April 10, 2017

Lisa Bonnett
409 Florence Street
Tomball, Texas 77375

RE: "No Objection" to the encroachments located within the 15' wide alley between the address known as 409 Florence Street and 412 South Pine Street, Harris County, Texas. (R.O.W. Job # TB 00218-M)

Dear Ms. Bonnett,

Southwestern Bell Telephone Company, (SWBT) offers "No Objection" to 2 (two) gate encroachments within the 40' long x 15' wide Alley. The 1st gate will cross of a gate crossing the entire width of the 15' wide Alley 21' southeast of South Pine Street Right-of-Way between Lot 7, Block 31 and Lot 24, Block 1, and the 2nd gate will cross the entire width of 15' wide Alley at the southeast corner of Lot 29, Block 31 and the northeast corner of Lot 24, Block 1, located between Lots 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, as shown on Survey prepared by Precision Surveyors, dated August 9th, 1995, Drawing # 95-1352, as described.

Should you have any questions or comments concerning this matter please feel free to contact me by email at sm8285@att.com.

Sincerely,

Sonya Merrill
Manager-Engineering Right-of-Way

Attachment:

CONSENT TO ENCROACHMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, JAMES R and LISA A. BONNETT (Hereinafter referred to as the "GRANTEE") are the OWNERS of the following described property in Harris County, Texas:

Being Lot 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

WHEREAS, the above described property is subject to a 15' wide Alley (sometimes referred to herein as the "Easements") filed with the Clerk of Real Property Records of Harris County, Texas for utility purposes; and

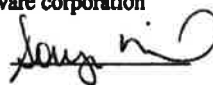
WHEREAS, the GRANTEE plans to construct and/or maintain or has constructed and/or maintains structures within or encroaching upon the area of this Alley and has requested that Southwestern Bell Telephone Company, give its consent to said encroachments.

NOW, THEREFORE, Southwestern Bell Telephone Company gives its consent to two gate encroachments within the 40' long x 15' wide Alley. The first gate will cross of a gate crossing the entire width of the 15' wide Alley, 21' southeast of South Pine Street Right-of-Way, located between Lot 7, Block 31 and Lot 24, Block 1 and the 2nd gate will cross the entire width of 15' wide Alley at the southeast corner of Lot 29, Block 31 and the northeast corner of Lot 24, Block 1, located between Lots 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas. It will be necessary for you take all precautions to prevent damages to any SWBT facilities within the easement. It is understood that Southwestern Bell Telephone Company accepts no responsibility for damage to the encroachments both present and future, due to the existence of any facilities which may presently exist or those which may be placed within these easements. In addition, GRANTEE shall be liable for any additional costs incurred by SWBT during construction and/or maintenance of its facilities due to the existence of any encroachments within the herein referenced easements situated on the herein described property. GRANTEE shall also be liable for the expense for SWBT to adjust or relocate its facilities to accommodate GRANTEE's encroachment within the property.

HOWEVER, consent to these encroachments shall in no way restrict the use of the remainder of the Alley by Southwestern Bell Telephone Company.

EXECUTED this 10th day of April, 2017.

SOUTHWESTERN BELL TELEPHONE COMPANY,
a Delaware corporation

By: 

Name: Sonya Merrill

Title: Manager-Engineering

Hi Amanda,

This letter is in regards to our conversation on the phone, [Monday, March 27th](#), about the abandonment of the alleyway behind/alongside our homes in Tomball Texas.

The city of Tomball has offered to abandon the alley that runs between S. OAK ST. and S. PINE ST. There are no utilities that run in the alley, except for a sewer pipe the city owns. City of Tomball will maintain an easement for the length of it.

Our request:

The city of Tomball is asking for a "LETTER OF NO OBJECTION" from AT&T in order to proceed with the abandonment.

I've enclosed :

- .The survey of my property at [409 Florence St.](#),
- .The width and the length of the alley
- .The physical addresses all of the homes along the alleyway,
- .A Harris County appraisal District map showing the blocks with the alleyway.
- .There is no City Council motion letter yet, as a letter of no objections from the utilities has to come first.
- .A check for \$150 to AT&T

Please let me know if you need anymore information, and I'll try my best to get it.

Thank you so much,

Lisa Bonnett



March 15, 2017

**Ms. Lisa Bonnet
409 Florence Street
Tomball, TX 77375**

Re: Comcast "Consent to Abandon" the rear alley located between Pine Street to Oak Street behind 409 Florence Street to 401 Florence Street, Tomball Texas 77375.

To Whom It May Concern:

Please accept this letter as notification that Comcast of Houston LLC, herein referred to as Comcast has no objection to the abandonment of the fifteen foot alley from Pine Street to Oak Street behind 409 Florence Street to 401 Florence Street, Tomball, Texas 77375 as Comcast has no facilities within said alleyway.

Please feel free to contact me at 713-637-5025 with any questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Grey", with a long, sweeping horizontal stroke extending to the right.

**Chris Grey
Construction Supervisor, Design and Serviceability**

Abandonment of Alley Between
S. Oak Street and S.Pine Street
Tomball Tx

To whom it may concern at Centerpoint energy,
This is a request for the abandonment of the alleyway between S. Oak St. and S. Pine St. in Tomball Texas. The alleyway is only occupied by one sewer pipe owned by the city of Tomball.

The city of Tomball has agreed to abandon the alleyway, as long as there are no objections from the utilities. There are no utilities that use the 340 foot alleyway according to the city of Tomball.

I'm not sure, but I believe the tall pole on the 15' CITY ROAD EASEMENT is a light pole. It has a support wire that extends from it.

It does NOT have any overhead wires that run along the alleyway, or underground, according to the city of Tomball.

I do not know if it only served the purpose of providing electricity to 412 Pine at one time. In the picture, you will see a pole that once received electricity at 412 S.Pine, but there is no electric service to 412 Pine at this time.

We will NOT ever fence the pole or the support wire inside the fence. We would only fence beyond it providing accessibility to the pole at all times.

All other homeowners along the alley have encroached and fenced across the alley in years past and are "grandfathered in", making the entire alley non accessible. We only want to fence across, since we own both pieces of property, 409 Florence and 412 Pine, that are back to back, and we want to connect our properties. We have owned 412 Pine for about five years now and have never received the benefit of it because we have not been able to connect our properties. We will agree to leave an easement if needed, signing any agreements with Centerpoint if needed, with gates for accessibility to the alley at both ends even though there are no utilities that currently run through the alley.

I do not currently have any copies of any city motions or letters, as The city of Tomball has instructed me to obtain letters from the utilities first before proceeding with abandonment motions.

I am enclosing a photo of the pole, looking down the alley. The ugly fence to the left is the

one I want to replace and fence across beyond the support wire of the light pole, across to the right.

The documents I'm sending you are all I have as far as deeds or platts. If I need to send you anything else, I'm happy to do so.

We are flexible and willing to work with you in anyway we can to make this happen. I'm hoping to resolve this as soon as possible, thank you for your time,

Lisa Bonnett

281-682-4185 cell

281-351-5156 home



CenterPoint Energy
P.O. Box 1700
Houston, TX 77251-1700

June 16, 2017

Mr. and Mrs. James R. Bonnett
409 Florence Street
Tomball, Texas 77375

Re: Street & Alley Closure at 409 Florence Street
RW File # 125685

Dear Mr. and Mrs. Bonnett:

The CITY OF TOMBALL has been asked to close and abandon a portion of a 15' Alley.

CenterPoint Energy Houston Electric, LLC, CenterPoint Energy Resources Corporation, d/b/a CenterPoint Energy Texas Gas Operations and CenterPoint Energy Intrastate Pipelines, Inc., herein collectively called "CenterPoint Energy", has investigated the request and determined that there are facilities located within a portion of the area to be abandoned. However, an easement to accommodate these facilities has been granted as shown on the attached CenterPoint Energy sketch or easement, made a part hereof.

This letter of concurrence shall become null and void in the event two (2) years has transpired from the above date and this street/alley closure has not been completed. CenterPoint Energy respectfully requests that the CITY OF TOMBALL forward a copy of the final abandonment ordinance to CenterPoint Energy in order to complete our files and to update our map records.

Sincerely,

A handwritten signature in blue ink that reads "LaWanda J. Grant". The signature is written in a cursive, flowing style.

LaWanda J. Grant, SRWA
Senior Right of Way Agent
Surveying & Right of Way
713-207-6539

Enclosures

ELECTRIC EASEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS }

THAT, James R. Bonnett and wife, Lisa Ann Bonnett, its successors and assigns, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, its successors and assigns, hereinafter referred to as "Grantee", whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, all or in part, an exclusive, perpetual easement, hereinafter referred to as the "Easement", for electric distribution and related communications facilities consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, including, but not limited to, towers or poles made of wood, metal or other materials, props and guys, hereinafter referred to as "Facilities", located within a portion of the following described lands owned by Grantor, ("Grantor's Property"), to wit:

The fifteen (15) feet wide alley (to be vacated), out of the Revised Map of Tomball, an addition out of the William Hurd Survey, Abstract 371 in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of said County and State, the location of which is shown by the speckled area on Sketch No. 17-0421, attached hereto and made a part hereof.

The unobstructed easement area(s) herein granted, hereinafter referred to as the "Easement Area", whether one or more, are described as follows:

An easement five (5) feet wide, for Grantee's guy easement purposes, the location of the centerline of which is shown by the dot dash symbol on said Sketch No. 17-0421.

Grantor shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG", when working in or near the Easement Area.

To the extent that such laws and codes apply to Grantor, Grantor, shall observe all safety codes and laws which apply to working along, within and/or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including the Occupational Safety and Health Administration ("O.S.H.A."), Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code.

Absent written authorization by the affected Grantee, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by Grantor. Any unauthorized improvements or obstructions may be removed by Grantee at the Grantor's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by Grantee at the Grantor's expense should they be an obstruction. Grantee may put said wooden posts and paneled wooden fences back up, but generally will not replace them with new fencing.

Grantee shall not deny or obstruct ingress or egress to or from Grantor's Property, and Grantor retains all rights to cross the Easement Area for access, but not interfering with the utility purpose for which the Easement is granted. Grantor shall have the right to construct or locate in a near perpendicular fashion, utilities, drainage ditches, roadways, driveways, across, but not along or solely along, within or under the Easement Area herein

granted. Grantor assumes all responsibility for the cost of constructing, paving and maintaining said roadways or driveways within easement crossing areas. In the event that Grantor constructs, or causes to be constructed, any utilities, drainage, ditches, roadways, and/or driveways which results in the relocation of Grantee's Facilities, the Grantor will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities. Grantor is prohibited from using the Easement Area for stockpile, spoil, water retention or detention, or lay down areas.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area and Grantor's Property immediately adjoining thereto, all bushes, trees and parts thereof, or other structures or improvements which are within, protrude, bisect, encroach or overhang into said Easement Area and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities. Further, in the event dead or dangerous trees exist within the fall range of overhead electrical facilities, then Grantee shall have the right to take down dead or dangerous trees based on Grantee's discretion.

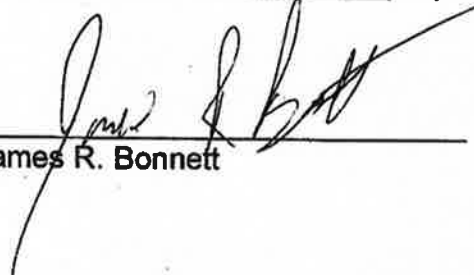
TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not

otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

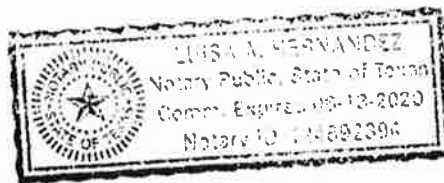
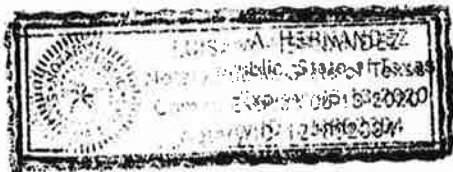
The terms, conditions and provisions contained herein constitute the complete and final agreement between Grantor and Grantee, (collectively the "Parties") with respect to the subject matter hereof and supersedes all prior agreements, representations and understandings of the Parties and, by Grantor's signature affixed hereto and Grantee's use of the Easement, the Parties evidence their agreement thereof. No oral or written agreements made or discussed prior to, or subsequent to, the execution of this Easement shall supersede those contained herein. Any and all revisions, amendments and/or exceptions to the terms, conditions and provisions contained in this Easement shall be in written, recordable form and executed by both parties, or their respective successors or assigns in order to be deemed valid.

EXECUTED this 12 day of JUNE, 2017.

BY:


James R. Bonnett


Lisa Ann Bonnett

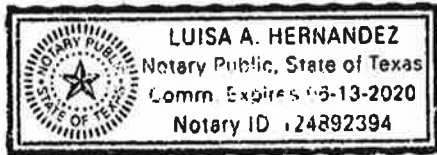


STATE OF TEXAS }

COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared James R. Bonnett, and wife, Lisa Ann Bonnett known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that ()he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

Given under my hand and seal of office this 12 day of JUNE, 2017.



Luisa Hernandez
Notary's Signature

Luisa A Hernandez
Name typed or printed

13 JUNE 2020
Commission Expires

AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700

**WILLIAM HURD SURVEY
A-371**

**REVISED MAP OF
TOMBALL**

Volume 4, Page 25 M.R.

Block 31

**JAMES R. BONNETT
and wife, LISA ANN
BONNETT**

C.F. R547266
F.C. 505-10-1119

BOUNDARY LINE
AFTER ALLEY IS
VACATED

**JAMES R. BONNETT
and spouse, LISA A.
BONNETT**

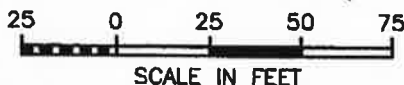
C.F. 20110213374
F.C. 024-02-0978
Lot 24, Block 1

5' Easement
N 62°35'30" E - 19.69

**ARMENDARIZ
PLACE
SUBDIVISION**

Lot 24, Block 1

Bearing Basis:
Texas Coordinate System of
1983, South Central Zone
(TXSC Zone 4204); NAD 83



NOTE: THE EXTERIORS OF ALL EASEMENTS ARE TO
INTERSECT WITH THE EXTERIORS OF ALL ADJOINING
EASEMENTS OR WITH ADJOINING PROPERTY LINES.

REV.1: JOB NO.	BY:	DATE:	REV.2: JOB NO.	BY:	DATE:
EASEMENT - UNOBSTRUCTED			CenterPoint Energy		
COUNTY: HARRIS			SURVEYING & RIGHT OF WAY		
SURVEY DATE: 5-24-2017			P.O. Box 1700 Houston, TX 77251-1700		
SCALE: 1" = 50'			713-207-2222		
FILE NO. - BOOK: 2017			Firm Number: 10027400		
LAST PLOT DATE: 6-02-2017			SKETCH NO. 17-0421		
DRAWN BY: JJC			Page 23 of 28		
MAP NO: 4771D					
JOB NO: 125685A					
CHECKED BY: RDP					

RP-2017-268292

Pages 7

06/16/2017 11:36 AM

e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY

STAN STANART

COUNTY CLERK

Fees \$36.00

RECORDERS MEMORANDUM

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

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

THE STATE OF TEXAS
COUNTY OF HARRIS

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



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

DEDICATION OF EASEMENT
(PUBLIC UTILITY PURPOSES)

THE STATE OF TEXAS

§

§

COUNTY OF HARRIS

§

KNOW ALL MEN BY THESE PRESENTS:

Lisa and James Bonnett, hereinafter

referred to as "Grantor," for and in consideration of the growth, the requirements, and the benefits to accrue to the parties and the citizens of the City of Tomball, Texas, and the receipt and sufficiency of such consideration being hereby acknowledged, HAS DEDICATED, GIVEN, GRANTED, AND CONVEYED and by these presents DOES HEREBY DEDICATE, GIVE, GRANT, AND CONVEY, unto the City of Tomball, Texas, hereinafter referred to as "Grantee," its successors, assigns, and legal representatives, an exclusive and perpetual easement for public utility purposes, including the right to construct, operate, maintain, inspect, replace, and remove said public utilities, along, across, over, and under that certain tract or parcel of land in Harris County, Texas, described by metes and bounds in *Exhibit 'A'* attached hereto, and described by survey plat in *Exhibit 'B'* attached hereto, both Exhibits being incorporated herein by this reference for all purposes.

The Grantee may do and perform all acts necessary to construct, operate, maintain, inspect, replace, and remove said public utilities along, across, over, and under said easement, and operate thereon all necessary machinery and equipment, and Grantee shall have the right to cut, trim, and remove trees, brush, or shrubbery, or weeds, or to remove improvements which may encroach upon, burden, or interfere with the easement herein granted. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement area for any and all purposes which do not interfere with or prevent the use by Grantee of the easement, rights, and

privileges granted herein, subject to all applicable laws and regulations of the State of Texas or its political subdivisions, including Grantee.

The easement and the rights and privileges herein granted shall be perpetual and exclusive, and Grantor covenants that Grantor will not convey any other easement, or any other right, within or conflicting with the area of the easement herein granted. This instrument shall be binding upon the successors, assigns, legal representatives, heirs, executors, and administrators of both the Grantor and the Grantee.

TO HAVE AND TO HOLD the above described easement unto the said Grantee, its successors, assigns, and legal representatives, and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to Grantee and its successors, assigns, and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 10th day of December, 2017

GRANTOR: Lisa Bonnett and James Bonnett

By: [Signature]

By: [Signature]

Printed Name: Lisa Bonnett and James Bonnett

GRANTEE: CITY OF TOMBALL

By: _____

Printed Name: _____

Its: _____

ADDRESS OF GRANTEE:

The City of Tomball
401 Market Street
Tomball, Texas 77375

Attachments: Exhibit "A" – Utility Easement, Metes and Bounds Description
Exhibit "B" – Utility Easement, Survey Plat

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Lisa and Rusty Bonnett, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the owners (Title) for 409 Florence St. Tomball TX, and for the purposes and consideration therein expressed.

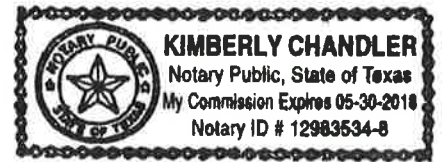
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of December, 2017.

Kimberly Chandler

Notary Public in and for the

State of Texas

My Commission Expires:



ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the City Manager for the City of Tomball, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20____.

Notary Public in and for the

State of Texas

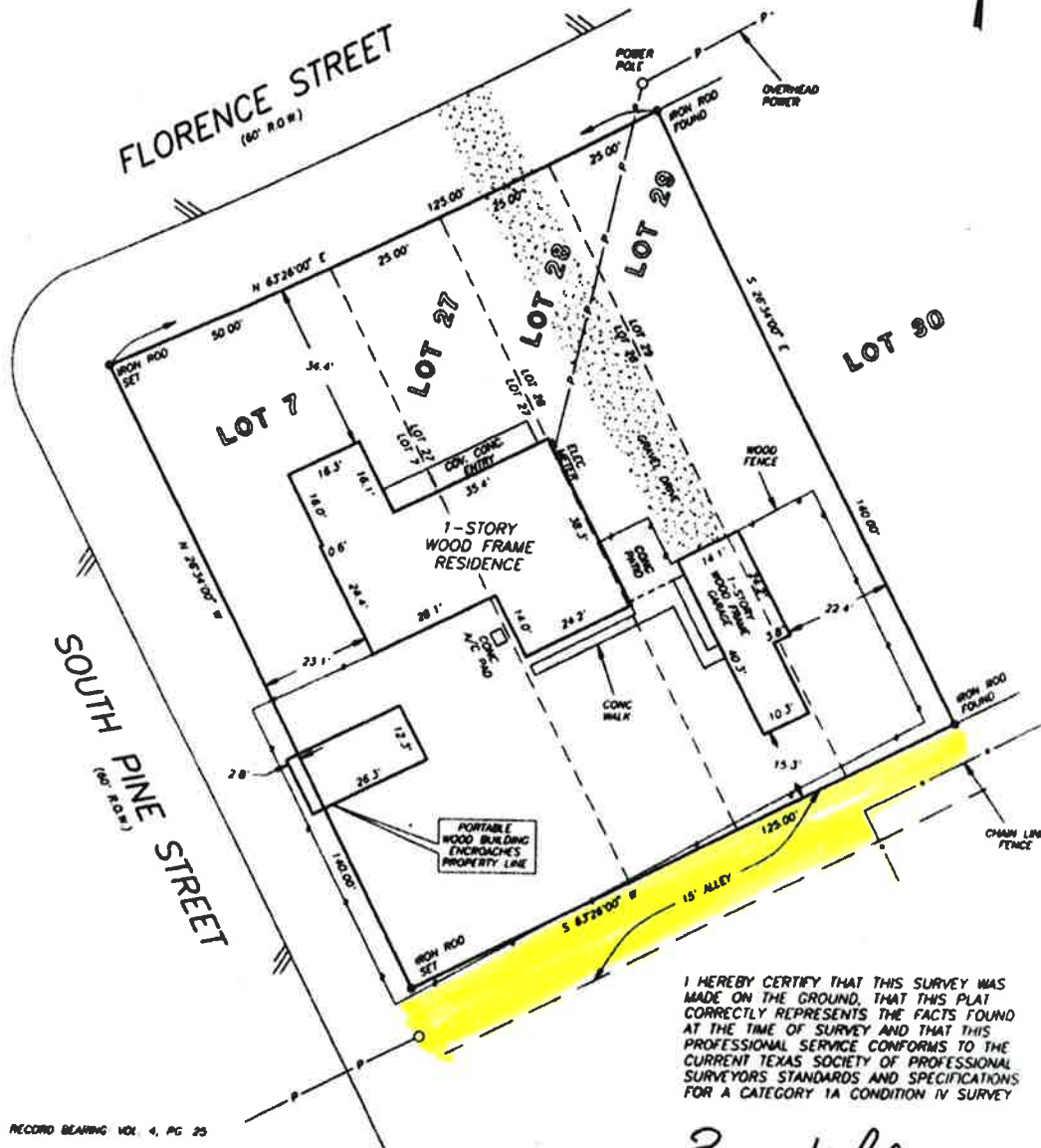
My Commission Expires:

GF NO 95510223 FIDELITY NATIONAL TITLE
 ADDRESS: 409 FLORENCE STREET
 TOMBALL, TEXAS 77375
 BORROWER: LISA ANN BONNETT AND HUSBAND,
 JAMES R. BONNETT, BY HIS ATTORNEY-IN-FACT,
 LISA ANN BONNETT

LOTS 7, 27 28 & 29, BLOCK 31 REVISED MAP OF TOMBALL

ACCORDING TO THE PLAT THEREOF RECORDED
 IN VOLUME 4, PAGE 25 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS

SCALE 1" = 30'

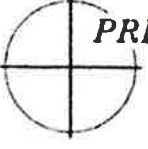


I HEREBY CERTIFY THAT THIS SURVEY WAS
 MADE ON THE GROUND, THAT THIS PLAT
 CORRECTLY REPRESENTS THE FACTS FOUND
 AT THE TIME OF SURVEY AND THAT THIS
 PROFESSIONAL SERVICE CONFORMS TO THE
 CURRENT TEXAS SOCIETY OF PROFESSIONAL
 SURVEYORS STANDARDS AND SPECIFICATIONS
 FOR A CATEGORY 1A CONDITION IV SURVEY

RECORD BEARING VOL. 4, PG. 25

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS ESTABLISHED
 BY THE U.S. DEPT. OF HOUSING & URBAN
 DEVELOPMENT
 COMMUNITY/PANEL NO. 48201C 0040 G
 MAP REVISION: 9/28/90
 ZONE X

Barry White
 BARRY WHITE
 PROFESSIONAL LAND SURVEYOR
 NO. 4189
 DRAWING NO. 95-1352
 AUGUST 9, 1995



PRECISION SURVEYORS
 PROFESSIONAL LAND SURVEYS

1-800-LANDSURVEY 713-496-1586
 1-800-526-3787 FAX 713-498-1867

14780 MEMORIAL DRIVE SUITE 109 HOUSTON, TEXAS 77079



Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 2, 2018

Topic:

Approve Resolution No. 2018-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 5, 2018; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Aprobar la Resolución Nro. 2018-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 5 de mayo de 2018; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2018-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 5 tháng Năm, 2018; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2018-01, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2018年5月8日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節

Background:

Resolution No. 2018-01 orders the Regular City Officer's Election, which will be held on Saturday, May 5, 2018 for Council Position 2 and Council Position 5.

The first day to file an Application for Place on Ballot is Wednesday, January 17, 2018; the last day to file an Application for Place on Ballot is Friday, February 16, 2018 at 5:00 p.m. Early Voting will be held April 23-27 and April 30 and May 1, 2018.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 24, and Tuesday, May 1, 2018.

Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 9, 2018; early voting for the Runoff Election would begin Tuesday, May 29, and end June 5, 2018.

The contract between Hart Intercivic and the City includes training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election and the special election. The anticipated expenses for the May 5, 2018 election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2017-2018 budget should be sufficient to cover anticipated costs.

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

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

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2018-01

Funding:

Yes

Account Number:100-114-6371

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. 2018-01 and Order

RESOLUTION NO. 2018-01

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY, MAY 5, 2018; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 5th day of May, 2018, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**COUNCIL POSITION 2
COUNCIL POSITION 4**

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

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

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

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

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$12.50; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.50 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

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

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

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 24, 2018 and Tuesday, May 1, 2018.

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

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE

Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

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

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

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

Section 9: The first day to file an application for place on ballot is January 17, 2018. All candidates for election for the Office of City Council, Position 2 and City Council, Position 4 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 16, 2018 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 9, 2018. Early voting for the Runoff Election will begin May 29, 2018 and end June 5, 2018. All terms, conditions, and provisions established for the May 5, 2018 Regular City Officers Election shall apply to the Runoff Election.

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

PASSED, APPROVED and RESOLVED this 2nd day of January 2018.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2018-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 5 DE MAYO DE 2018; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

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

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 5 de mayo de 2018, elección en al cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

CONCEJAL, POSICIÓN 2

CONCEJAL, POSICIÓN 4

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

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Patsy Kinsey, Juez Presidente
Latrell Shannon, Juez Presidente Alterno

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

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

El Juez Electoral debe ser remunerado a razón de \$12.50 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$11.50 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

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

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

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

persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 24 de abril de 2018 y el martes 1 de mayo de 2018.

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

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

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

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

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

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 17 de enero de 2018. Todos los candidatos para el cargo de Concejal Municipal, Posición 2 y Concejal Municipal, Posición 4, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 16 de febrero de 2018 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 9 de junio de 2018. La votación anticipada de la Elección de Desempate comenzará el 29 de mayo de 2018 y terminará el 5 de junio de 2018. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 5 de mayo de 2018 se aplicarán a la Elección de Desempate.

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

PASADA, APROBADA y RESUELTA este día 5 de enero de 2018.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2018-01

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO
THỨ BẢY, NGÀY 5 THÁNG NĂM, 2018; CHỈ ĐỊNH CÁC ĐỊA
ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH
BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA
THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO
CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI
TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

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

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong
toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 5 tháng
Năm, 2018, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành
Phố Tomball nói trên, gồm có:

VỊ TRÍ

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 2
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 4**

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

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

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

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

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

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

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$12.50; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$11.50 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

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

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

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 24 tháng Tư, 2018 và Thứ Ba, ngày 1 tháng Năm, 2018.

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

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

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

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

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

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

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 17 tháng Giêng, 2018. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 2 và Vị Trí 4, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 16 tháng Hai, 2018 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 9 Tháng Sáu, 2018. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 29 Tháng Năm, 2018 và kết thúc ngày 5 tháng Sáu, 2018. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 5 tháng Năm, 2018 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

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

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày 6 tháng Giêng, 2018.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHÚNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

決議案編號 2018-01

TOMBALL市市議會決議及指示將於2017年5月5日星期六召開市政府官員普選；指定該選舉之投票地點及委派選舉工作官員；指揮該選舉公告之發佈；指定如有需要的二次決選日期；以及提供舉行該選舉的相關細節

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由德克薩斯州TOMBALL市議會決議的適用條款如下：

第一條： 特此指示德克薩斯州Tomball市在2018年5月5日，星期六舉行普選，在該項選舉中將由符合資格的選民選舉Tomball市下列官員，即是：

席位

市議會席位2

市議會席位4

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

投票所

Tomball市政廳
401 Market Street
Tomball, Texas 77375

執行選舉官員

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

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

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

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$12.50；提前投票書記及選舉書記之酬薪為每小時\$11.50。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工

作是必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

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

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

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45)至下午五時(5:00)、週二上午七時四十五分(7:45)至下午七時四十五分(7:45)、週五上午七時四十五分(7:45)至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005(d)條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2018年4月24日，星期二及2018年5月1日，星期二開放每日12小時供個人出席的提前投票；

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

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

第六條： 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

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

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

第九條： 開始申請參選選票席位的第一天為2018年1月17日。所有競選市議會席位1及市議員辦公室市議會席位5之候選人必須在2018年2月16日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

第十條： 如果需要進行二次決選，二次決選定於2018年6月9日。二次決選的提前投票將於2018年5月29日開始并於2018年6月5日結束。2018年5月5日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

第十一條： 在此依法授權及指示市府秘書發佈上述選舉公告。

於2018年1月__2__日通過，核準并決議。

GRETCHEN FAGAN, 市長
Tomall市

此證：

DORIS SPEER, 市府秘書
Tomall市

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

A General Election is hereby ordered to be held on May 5, 2018 for the purpose of: electing Council Position 2 and Council Position 4.

(Por la presente se ordena que una elección general se lleve a cabo el 5 de mayo de 2018 con el propósito de: elegir un Concejal para la Posición 2 y un Concejal para la Posición 4.)

(Theo đây, chúng tôi yêu cầu tổ chức một Cuộc Tổng Tuyển Cử vào ngày 5 tháng Năm, 2018 để bầu chọn Thành viên hội đồng vị trí số 2 và Thành viên hội đồng vị trí số 5.) 現訂於2018年5月5日舉行以下選舉：市議員席位 2 和市議員席位 4。

Early voting by personal appearance will be conducted each weekday at: 401 Market Street, Tomball, Texas 77375, between the hours of 7:45 a.m. and 5:00 p.m., Monday, Wednesday, and Thursday, between the hours of 7:45 a.m. and 7:45 p.m. on Tuesday, and between the hours of 7:45 a.m. and 4:00 p.m. on Friday, beginning on April 23, 2018 and ending on May 1, 2018.

(La votación anticipada en persona se llevará a cabo de lunes a viernes en: 401 Market Street, Tomball, Texas 77375, entre las 7:45 a.m. y las 5:00 p.m. el lunes, miércoles y jueves, entre las 7:45 a.m. y las 7:45 p.m. el martes, y entre las 7:45 a.m. y 4.00 p.m. el viernes, comenzando el 23 de abril de 2018 y culminando el 1 de mayo de 2018.)

(Thủ tục đích thân tới bỏ phiếu sớm sẽ diễn ra vào tất cả các ngày thường tại 401 Market Street, Tomball, Texas 77375, từ 7 giờ 45 sáng tới 5 giờ chiều, thứ Hai, thứ Tư và thứ Năm, từ 7 giờ 45 sáng tới 7 giờ 45 tối thứ Ba, và từ 7 giờ 45 sáng tới 4 giờ chiều thứ Sáu, bắt đầu từ ngày 23 tháng Tư, 2018 tới ngày 1 tháng Năm, 2018.)

自2018年4月23日起至2018年5月1日止，個人親自提前投票將於以下日期在401 Market Street, Tomball, Texas 77375進行：週一、週三和週四上午 7:45 至下午 5:00；週二上午 7:45 至晚 7:45；週五上午 7:45 至下午 4:00。

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

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

Doris Speer Email: dspeer@tomballtx.gov
(Name of Early Voting Clerk) *(Nombre de la Secretaria de Votación Anticipada)*
(Tên của Thư Ký phụ trách Bỏ Phiếu Sớm) (提前投票工作人員姓名)

401 Market Street
(Address) *(Dirección)* (Địa chỉ) (地址)

Tomball, TX 77375
(City) *(Ciudad)* (Thành phố) (市) (Zip Code) *(Código Postal)* (Số Zip Code) (郵遞區號)

Applications for ballot by mail presented in person must be received no later than the close of business on April 20, 2018.

(Las solicitudes de boletas para votar por correo hechas en persona deberán recibirse para el fin del horario de oficina el 20 de abril de 2018.) (Đơn xin lá phiếu bầu qua thư đích thân đến nộp phải được nhận không trễ quá cuối giờ làm việc ngày 20 tháng Tư, 2018.) 個人親自遞交郵寄選票申請收到日期不得晚於2018年4月20日下班時間。

Issued this the 2nd day of February 2018. *(Emitido este día 2 de febrero de 2018.)*

(Ban hành ngày 2 tháng Hai, 2018.) 本函於2018年2月2日簽發。

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 2, 2018

Topic:

Approve Resolution No. 2018-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2018 for Publication of Matters Pertaining to the City of Tomball

Background:

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

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

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

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

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

Staff recommends designation of The Potpourri, Tomball Edition (Houston Community Newspapers) as the official newspaper for 2018.

Origination:

Home Rule Charter/City Secretary

Recommendation:

Designation of The Potpourri, Tomball Edition, as the official city newspaper for 2018.

Funding:

Yes

Account Number:Responsible Departments, Acct. 6335

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

City Secretary

ACTION TAKEN

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

Resolution No. 2018-02

Distribution Map - Bulk Delivery Locations

RESOLUTION NO. 2018-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, DESIGNATING THE OFFICIAL
CITY NEWSPAPER FOR 2018 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

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

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

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates the Tomball Potpourri (Houston Community Newspapers) to be named the official newspaper for 2018 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

PASSED AND APPROVED BY A VOTE OF ___ TO ___ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF JANUARY 2018:

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Tomball Potpourri - Single Copy Locations (9)



Location	Address	Zip
Tomball Regional Hospital	605 Holdereith	77375
Tomball Chamber of Commerce	14011 Park Dr	77375
Tomball Community Center	227 Market	77375
Fountains of Tomball	1011 Village Square Dr	77375
Tomball Police Department	221 Market	77375
Tomball Water Department	1025 Alma St	77375
Lone Star College	30555 Tomball Pkwy	77375
Tomball Court House	221 Market	77375
VFW Hall	14408 Alice Rd	77377