

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



MONDAY, NOVEMBER 6, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 6, 2017 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Chaplain Steven Allison, VFW Post 2427, 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

- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – ***“Holiday Lamp Post Stroll”***

- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**
- December 9, 2017 – **“Christmas on Commerce” – a 2nd Saturday at the Depot Event**
- 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:
 - Lisa Coe – Report on the success of the **5th “Annual Paces for Pink” 5K Run**
 - Mayor Fagan – Presentation of Check to TOMAGWA
 - Mike Baxter – Report on the success of the **2nd Annual Freight Train Food Truck Festival and the 6th Annual Tomball Bluegrass Festival**

6.0 Approve the Minutes of the October 16, 2017 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No 2017-38, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 8.355 Acres Of Land, Legally Described Lot 9 Tomball Marketplace, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of Medical Complex Drive, West Of Sh 249; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

7.2 Adopt, on Second Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date

7.3 Adopt, on First Reading, Ordinance No. 2017-39, 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 Which Are Visible From A Public Right-Of-Way Be Visually Screened By A Minimum Six-Foot Solid Masonry Wall On At Least Three Sides; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.0 New Business:

8.1 Conduct Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 6 – Copper Cove Subdivision)

- 8.2 Approve Resolution No. 2017-17, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Six Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost Between the District and the City as a Whole; and Making Other Findings Related to the District
- 8.3 Approve Resolution No. 2017-18, a Resolution Authorizing the Establishment of the Public Improvement District Number Six in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject
- 8.4 Approve Development Agreement between the City of Tomball and Tomball Copper Cove, LLC for the Construction of Improvements in Tomball Public Improvement District Number Six (TPID 6), Copper Cove Subdivision
- 8.5 Presentation of the Wastewater Master Plan completed by Freese and Nichols
- 8.6 Approve Resolution No. 2017-19, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District
- 8.7 Approve Resolution No. 2017-20, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at which All Interested Parties shall have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (Remaining Portion of Tract 1: 0.5968 Acres of Land out of a 9.4852-Acre Tract in the Chauncey Goodrich Survey, Abstract No. 311, Harris County, Texas) [Majed, Inc.]
- 8.8 Appoint Member to Vacancy of Alternate Member Position 1 on the Board of Adjustments for Term Expiring March 2, 2018
- 8.9 Approve Request by The Houston Repertoire Ballet (HRB) for Financial Support for Six Performances of "The Nutcracker" Ballet, to be held December 1-3, 2017 at the Tomball High School Theatre, in the Amount of \$18,750
- 8.10 Approve and Accept Proposal for Extension of the Depot "Speeder Building" to Accommodate Expansion of Depot Facility and Exhibits
- 8.11 Discussion and Possible Action Regarding a Request from Tomball Grand Junction, LLC, for City Assistance to Acquire a Right-of-Way and Utility Easement for Utility Extensions to the Proposed Grand Junction Residential Subdivision
- 8.12 Approve Repairs to the Pine Street Water Well by Weisinger, Inc., for an Amount

of \$64,585.00

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

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

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 2nd day of November 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: November 6, 2017

Topic:

- Led by Chaplain Steven Allison, VFW Post 2427, 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: November 6, 2017

Topic:

- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – ***“Holiday Lamp Post Stroll”***
- November 18, 2017 – ***52nd Annual Tomball Holiday Parade***
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Lisa Coe – Report on the success of the ***5th “Annual Paces for Pink” 5K Run***
 - Mayor Fagan – Presentation of Check to TOMAGWA
 - Mike Baxter – Report on the success of the **2nd Annual Freight Train Food Truck Festival and the 6th Annual Tomball Bluegrass Festival**

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 6, 2017

Topic:
Approve the Minutes of the October 16, 2017 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
N/A

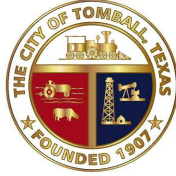
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of October 16, 2017 Regular City Council Meeting

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



**MONDAY, OCTOBER 16, 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
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
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
Police Officer-Investigations – David White

2.0 The invocation was led by Pastor Tim Niekerk of Salem Lutheran Church, Tomball

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, member of the Tomball High School Student Council.

- 4.0 Mayor Pro Tem Klein Quinn announced that Item 8.4 has been withdrawn from the agenda, at the request of the developer, and no action will be taken on Item 8.4.

The following public comments were received:

- | | | |
|--|---|---|
| Dwight Mohle
13203 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Robert Maurer
13215 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Xavier Grostabussiat
13318 Wildwood, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Aileen Kirkham
13211 Lost Creek, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Rob Tutt
13710 Lost Creek, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| B. Tickle
13318 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Ted Johnson
13214 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| John Moss
30718 Spring Lake, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Christine Ferrer
13210 Clepper Drive - B, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |

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|--|---|---|
| Candy Ferrer
13210 Clepper Drive, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 |
| Sandy Maurer
13215 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Victor Lawrence
13202 Spring Hollow, 77375 | - | Wished to have his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Deana Lawrence
13202 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Ginger Tickle
13318 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Sherri Mohle
13203 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| David DiCamillo
31215 Ulrich, 77375
Owner of 13210 Clepper | - | His opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 was read into the minutes. |

5.0 Reports and Announcements:

- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**

- December 9, 2017 – ***“Christmas on Commerce”*** – a **2nd Saturday at the Depot** Event
- 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 – reported on the success of **“Zomball in Tomball”**.
 - Mike Baxter – reported that Denise Fiore finished 9th in the Nation at the World Championship Hunter Rider Adult Challenge, United States Hunter Jumper Association, held in Baltimore.
 - Randy Parr – reported on the success of the free smoke alarms program, providing smoke alarms to area residents.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 2, 2017 Regular Tomball City Council Meeting and the Minutes of the October 9, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455 for the Year 2017 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters 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.

7.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-35, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles, Making Findings, and Providing for Severability. Vote was as follows:

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

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Supplemental Number 1 for E&P Project 2003-10005, M121W Channel and M500 Detention Basin to Gunda Corporation, LLC, for an Amount of \$69,520.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Degges, second by Councilman Townsend, to approve the Purchase of Calidus Gyroplane and associated fuel trailer for the Tomball Police Department, in the Amount of \$35,000.

Motion carried unanimously.

- 8.3 Council received a presentation by Matt Bucchin, Halff Associates, regarding Tomball's Comprehensive Plan Update.

No action was taken.

- 8.4 Item 8.4 was withdrawn at the request of the developer. No consideration will be given to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve "D" Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

- Conduct Public Hearing on **Zoning Case P17-0115**
- Adopt, on First Reading, Ordinance No. 2017-36, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 76.01 Acres of Land, Legally Described Reserve "D" Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

No action was taken.

- 8.5 Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0116** to order at 7:18 p.m.; the following comments were received:

Kimberly Villarreal 30259 Old Joseph Rd, 77447	-	Expressed her support for the proposed rezoning.
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Latrell Shannon 823 Lizzie Lane, 77375	-	Expressed her opposition for the proposed rezoning.
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Receiving no additional comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:23 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-37 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. 2017-37, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 1.5 Acres of Land, Legally Described Tract 245 Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Chestnut Street and Lizzie Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion FAILED unanimously.

- 8.6 Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0117** to order at 7:29 p.m.

Receiving no comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:29 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-38 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2017-38, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 8.355 Acres of Land, Legally Described Lot 9 Tomball Marketplace, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the North Side of Medical Complex Drive, West of SH 249; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.7 Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0118** to order at 7:33 p.m.

Receiving no comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:33 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2017-39 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-39, 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 Which Are Visible from a Public Right-of-Way be Visually Screened by a Minimum Six-Foot Solid Masonry Wall on at Least Three Sides; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.
- Motion was made by Councilman Stoll, second by Councilman Ford, to postpone consideration to adopt, on First Reading, Ordinance No. 2017-39, 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 Which Are Visible from a Public Right-of-Way be Visually Screened by a Minimum Six-Foot Solid Masonry Wall on at Least Three Sides; 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 until the November 6, 2017 Council Meeting. Vote was as follows:

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

Motion to POSTPONE carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, read Ordinance No. 2017-40 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date. 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.

- 8.9 Executive Session: The City Council recessed at 7:39 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

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

Upon reconvening into regular session at 8:25 p.m., the following action was taken:

- 8.10 Motion was made by Councilman Stoll, second by Councilman Townsend to Approve the Amendments to and Extension of the Employment Contract for George Shackelford, City Manager, per the terms of the agreement to be prepared by the City Attorney.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of November 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Adopt, on Second Reading, Ordinance No 2017-38, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 8.355 Acres Of Land, Legally Described Lot 9 Tomball Marketplace, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of Medical Complex Drive, West Of Sh 249; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, October 9th, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Origination:

Josh Rendon, Drake Builders

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2017-38

P17-0117 Staff Report

Notice of Public Hearing

Property Owner Notificaiton

ORDINANCE NO. 2017-38

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 8.355 ACRES OF LAND, LEGALLY DESCRIBED LOT 9 TOMBALL MARKETPLACE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF MEDICAL COMPLEX DRIVE, WEST OF SH 249; 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, Josh Rendon, on behalf of Drake Builders, has requested that approximately 8.355 acres of land, legally described as Lot 9 Tomball Marketplace, City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, 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 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 16TH DAY OF OCTOBER 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:

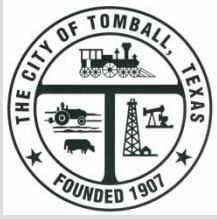
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017

City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0117
Property Owner(s): Weingarten Investments Inc.
Applicant(s): Josh Rendon, on behalf of Drake Builders
Legal Description: Lot 9 Tomball Marketplace
Location: North side of Medical Complex Drive, west of SH 249 (Exhibit "A")
Area: 8.355 acre
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 8.355 acres from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

North: Commercial District / Commercial strip center (Kohl's)

South: Outside City Limits & General Retail District / Single-family residences and undeveloped land

West: Commercial District / Detention pond

East: General Retail District / Undeveloped land

BACKGROUND

City Staff met with the applicant in July 2017 to discuss a proposed development on the subject site. Staff informed the applicant that the property would need to be rezoned prior to the property being developed as desired. The applicant submitted a rezoning application on August 30, 2017.

ANALYSIS

The subject site is approximately 8.355 acres located on Medical Complex Drive on the west side of SH 249. Properties within the City Limits in the area are zoned Commercial and General Retail. To the north of the subject site, there is a large commercial strip center with businesses including Kohl's and Academy. Residence Inn by Marriott also recently opened on Medical Complex Drive, east of the subject site. It does not appear that rezoning the property to Commercial would be out of character with the surrounding area.

The Comprehensive Plan Future Land Use Map designates the property as Mixed Use which includes a mix of office, retail and commercial land uses. Surrounding properties are designated Mixed Use and Commercial. 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 Kohl's, Academy and Residence Inn by Marriott. 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 available to serve this property and the existing arterial street 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 Mixed Use. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also discusses creating a mix of job opportunities by increasing the percentage of commercial land.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 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 P17-0117 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

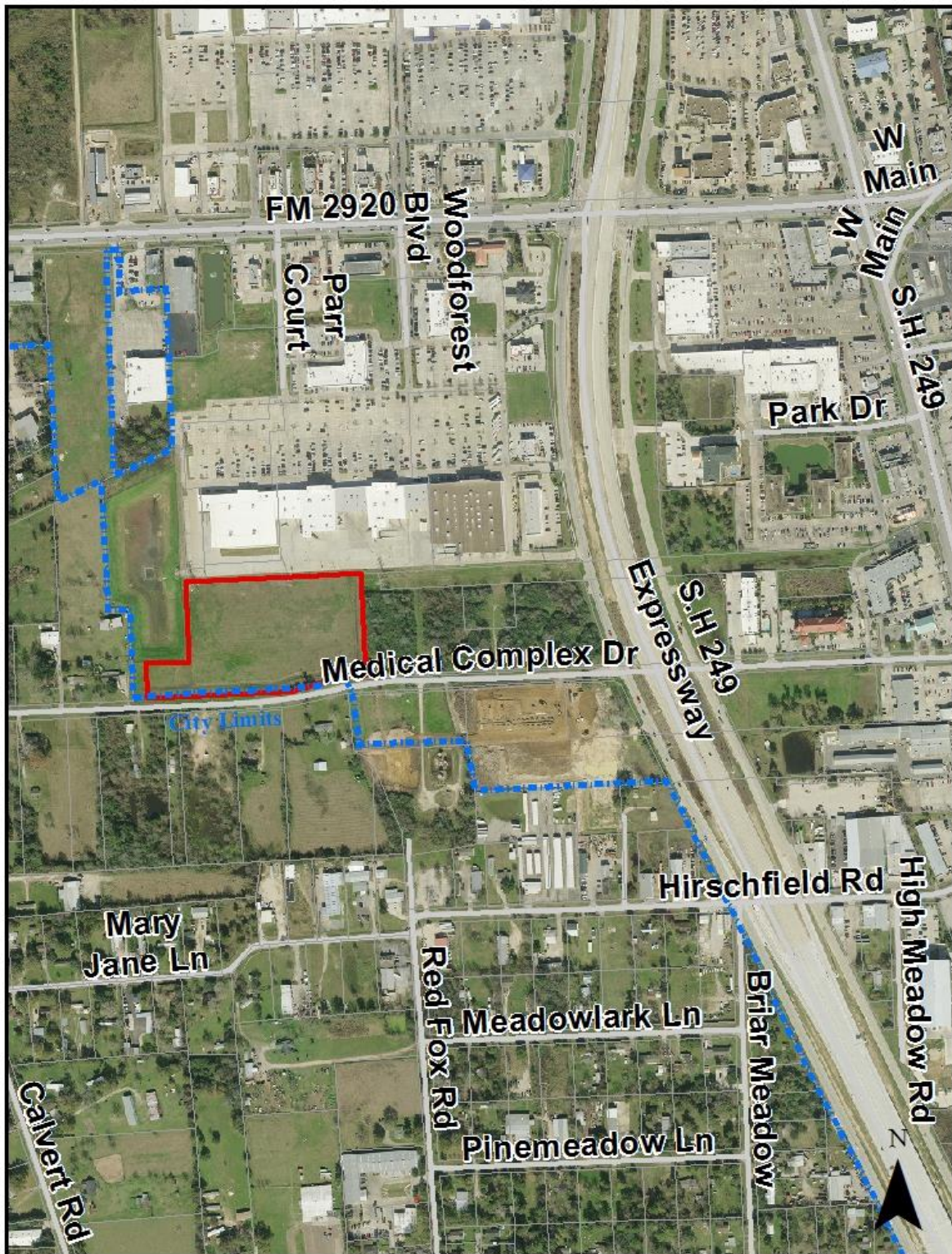


Exhibit "B"
Comprehensive Plan

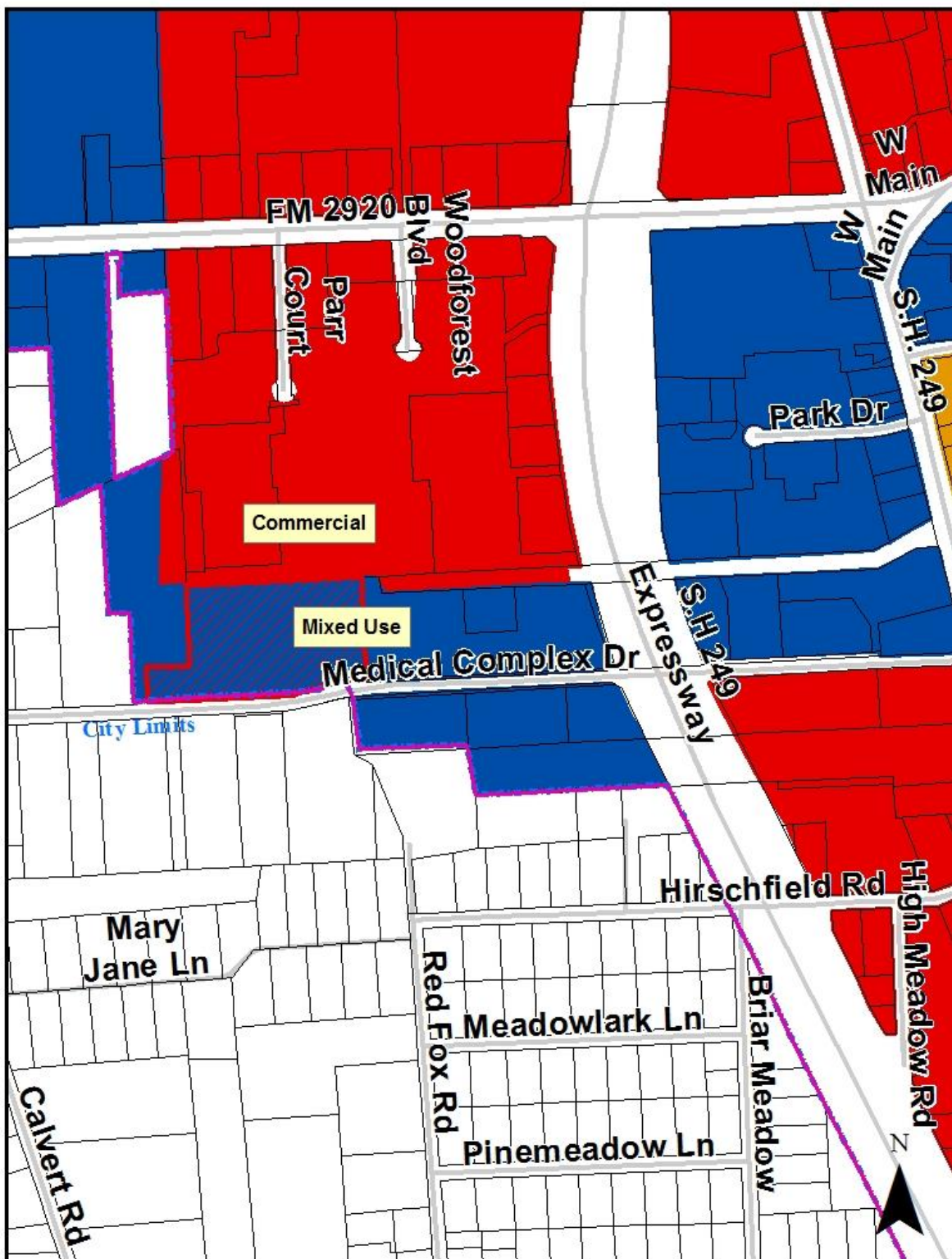
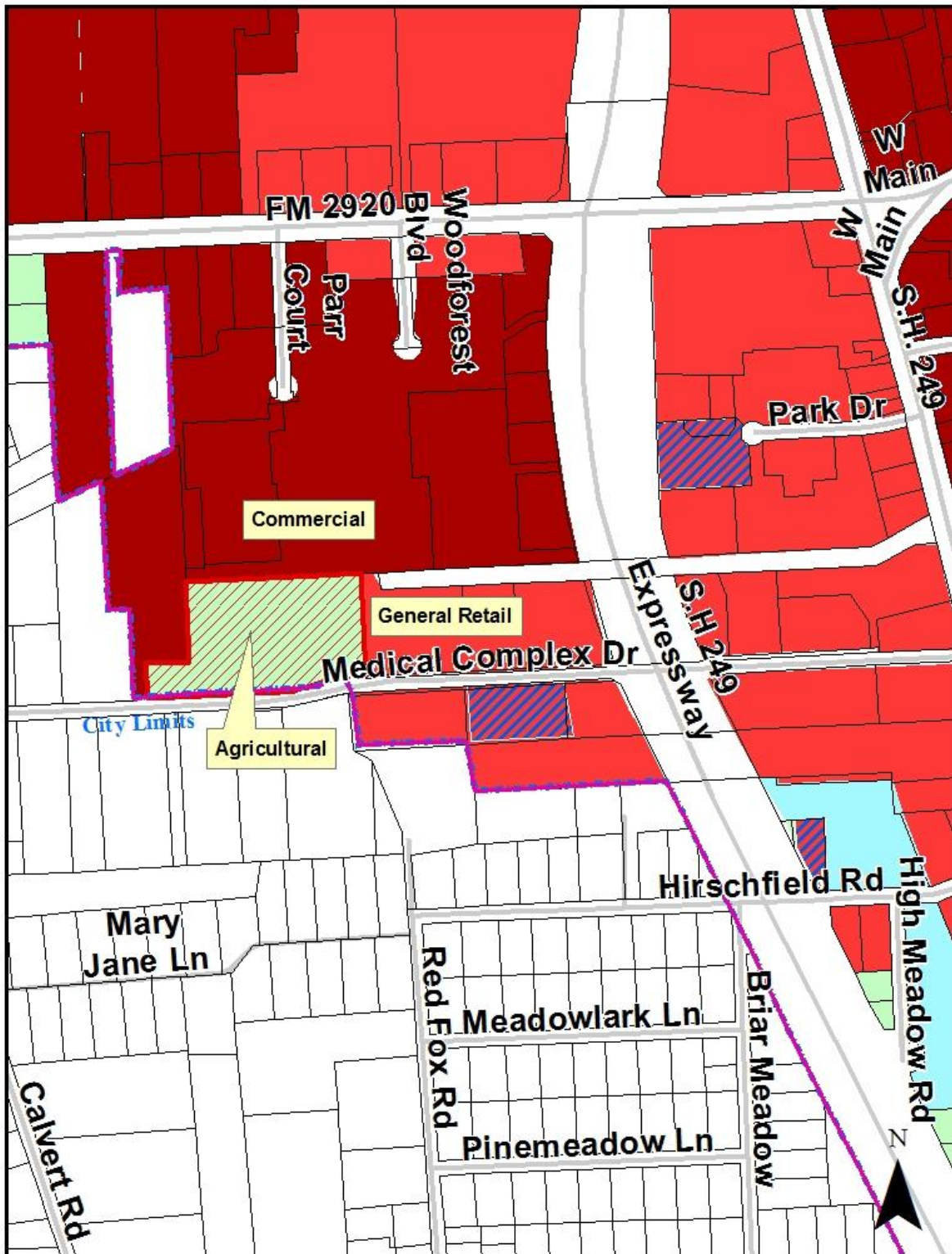


Exhibit "C"
Zoning Map

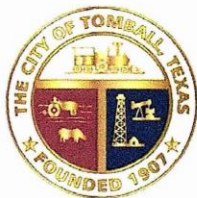


**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



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: Josh Rendon Title: President of Drake Builders
Mailing Address: 13939 Fairwood Springs Dr. City: Cypress State: TX
Zip: 77429
Phone: (832) 489-0148 Fax: () N/A Email: jrendon@drake-builders.com

Owner

Name: Ace Manor Property Management I, Ltd. Title: Manager
Mailing Address: PO Box 690828 City: Houston State: TX
Zip: 77269
Phone: (281) 745-8649 Fax: (713) 290-0952 Email: jmosse@arcremgmt.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial / Light Industrial Flex Office/Warehouse

Physical Location of Property: 8.355 Acres Located on Medical Complex Boulevard 1,100' West of Texas 249 Access Road

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

Legal Description of Property: An 8.355 acre (363,952 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records.

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

Current Zoning District: Agricultural District (AG)

Current Use of Property: Raw Undeveloped Land

Proposed Zoning District: Commercial District (C)

Proposed Use of Property: Commercial Development of Office Warehouse Facilities

HCAD Identification Number: 1287790000009 Acreage: 8.355

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

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

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

<u>X</u>	<u>A. A. Alkay</u>	<u>8/30/2017</u>
	Signature of Applicant	Date
<u>X</u>	<u>[Signature]</u>	<u>8/30/2017</u>
	Signature of Owner	Date

August 30, 2017



Ms. Amelia Lindley, Planner
City of Tomball, Community Development Department
501 James Street
Tomball, TX 77375

Re: Rezoning Application – Tomball Marketplace – (Legal Description): *An 8.355 acre (363,962 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records*

Dear Ms. Lindley:

We are submitting this Application for Rezoning of Lot 9 (8.355 acres) in Tomball Marketplace located on Medical Complex Drive. The subject property is currently zoned as Agricultural District and we are requesting to rezone this property into a Commercial District.

It is the owner's intent to develop the property with commercial facilities that will serve market demands for office, warehouse, service, and distribution businesses. We project the development of these proposed facilities to bring new businesses, jobs, and economic growth to the City of Tomball.

This application is being submitted today, August 30, 2017, to be presented to the Planning and Zoning Commission October 9, 2017, to the City Council for 1st Reading on October 16, 2017, City Council for 2nd Reading November 6, 2017, and approval Ordinance Effective Date of November 20, 2017.

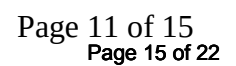
If you should have any questions, concerns, or need any additional information please do not hesitate to contact me with the contact information listed below.

Thank you for your consideration of this application for rezoning of this property.

Sincerely,

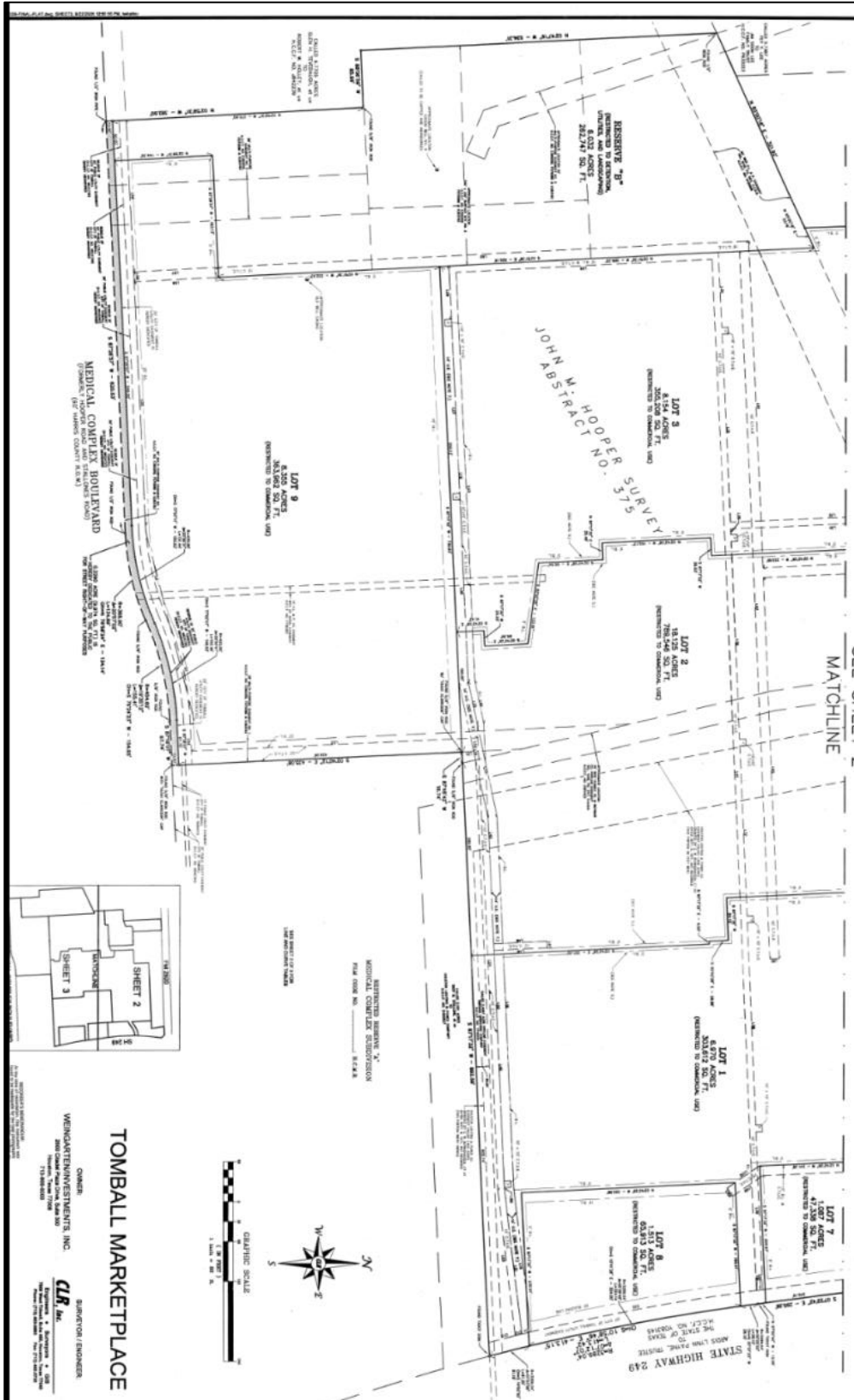
Joshua R. Rendon

Joshua R. Rendon, President
Drake Builders
13939 Fairwood Springs Dr.
Cypress, TX 77429
Phone: (832) 489-0148
Email: jrendon@drake-builders.com



PROPERTY DESCRIPTION
1. A portion of the 1/2 section 10, T12N, R12E, S12W, containing 1.25 acres, more or less, as shown on the plat of the 1/2 section 10, T12N, R12E, S12W, recorded in the public records of the county of ...

[The form contains multiple numbered sections (1-10) detailing property descriptions, survey data, and legal declarations. It includes various signatures and stamps, such as the 'RECEIVED' stamp from the County Clerk's Office.]



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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.

CERTIFICATION

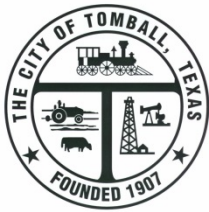
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled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

Elizabeth Jones

Elizabeth Jones

Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P17-0117

APPLICANT/OWNER: Josh Rendon, on behalf of Drake Builders

LOCATION: Generally located on the north side of Medical Complex Drive, west of SH 249

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.355 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

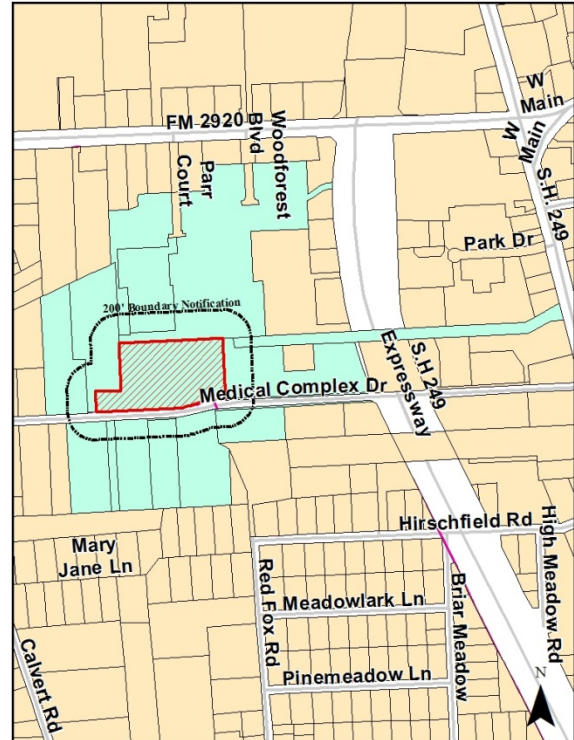
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date

Background:

On a few occasions, following the approval or adoption of a resolution, ordinance, policy, fee schedules, etc., Councilmembers, City staff, or another individual else has discovered that a word was misspelled, used incorrectly, left in/out.

For instance, in the case of Ordinance No. 2017-31, it was necessary to adopt a new ordinance in order to remove the word "burglar" from the Code. This is a case where it would have been beneficial to have a vehicle/avenue to correct a "scrivener's error" without having to adopt a new ordinance or bring the item back to Council to correct a misspelled word, typo, incorrect legal citation, etc.

The proposed Ordinance provides a vehicle/avenue for the city secretary to make necessary corrections in the text and formatting of documents, including but not limited to the misspelling of words, typographical errors, duplicate pages, incorrect references to laws or technical sources, and other similar amendments without the necessity of passage of a corrective ordinance, resolution or other council action.

If a correction is needed, the city secretary will make the correction, complete a Scrivener's Affidavit, and attach the affidavit to the corrected document/item. The notarized Affidavit will remain with the document/item permanently.

Origination:

Doris Speer, 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
--	--	-------

ATTACHMENTS:

ORDINANCE NO. 2017-40

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING
CHAPTER 1, GENERAL PROVISIONS, SECTION 1-8, ADDITION OF
NEW MATERIAL TO CODE, OF THE CODE OF ORDINANCES TO
ALLOW THE CITY SECRETARY TO CORRECT SCRIVENER'S
ERRORS IN ORDINANCES, RESOLUTIONS, AND OTHER COUNCIL
ACTIONS WHETHER CODIFIED OR UNCODIFIED, PROVIDING A
REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING FOR
PUBLICATION, AND PROVIDING AN EFFECTIVE DATE**

* * * * *

WHEREAS, from time to time clerical errors, also known as scrivener's errors, occur in ordinances and resolutions adopted by the Tomball City Council, as well as other Council actions; and

WHEREAS, it would be efficient to allow the City Secretary to correct such errors whether or not the ordinance or resolution is codified, rather than bringing such matters to Council for corrections; and

WHEREAS, the City Council finds it is in the best interest of the City to amend Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to allow the City Secretary to correct scrivener's errors in ordinances, resolutions, and other Council actions, whether codified or uncoded as set forth herein.

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

Section 1. The City Council hereby adopts the findings set forth above.

Section 2. The Code of Ordinances, City of Tomball, Texas, is hereby amended by adding a subsection (c) of Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to be numbered (c), which section reads as follows:

"Sec. 1-8. Addition of new material to Code.

(c) The city secretary is authorized to make necessary corrections in the text and formatting of the Code, or of individual ordinances or resolutions adopted by the council, including but not limited to the misspelling of words, typographical errors, duplicate pages, incorrect references to laws or technical sources, and

other similar amendments without the necessity of passage of a corrective ordinance, resolution or other council action."

Section 3. All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

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

Section 5. This Ordinance shall take effect immediately upon its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

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 16TH DAY OF OCTOBER 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 THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF NOVEMBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

SCRIVENER'S AFFIDAVIT

I _____, City Secretary, City of Tomball, Texas, having personal knowledge of the facts herein stated, under oath depose and say as follows:

1. That Ordinance/Resolution (document) No. _____, adopted (approved) by the Tomball City Council on _____, contains a typographical error in the _____ paragraph on the _____ page relating to _____. In order to correct said error, said _____ paragraph should read as follows:

"

_____"

Signed under the penalties of perjury this _____ day of _____ 20__.

City Secretary

CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, _____, 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/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____ 20__.

Notary Public

Print Name:

My commission expires: _____

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Adopt, on First Reading, Ordinance No. 2017-39, 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 Which Are Visible From A Public Right-Of-Way Be Visually Screened By A Minimum Six-Foot Solid Masonry Wall On At Least Three Sides; 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:

At the August 21, 2017 City Council Meeting, City Staff was directed to bring forward a text amendment to require all new dumpster enclosures to be masonry. On Monday, October 9th, after conducting a public hearing, the Planning and Zoning Commission voted unanimously to recommend approval. Also, Planning and Zoning Commission recommended amending 50-115(B)(2) by requiring that an opaque gate be added to all new dumpster enclosures which are visible from a public right-of-way.

At the October 16th City Council meeting, City Council directed City Staff to not amend Ordinance 2017-39, as recommended by the Planning & Zoning Commission, to require an opaque gate. However, City Council did direct City Staff to amend Ordinance 2017-39 by adding a clause identifying when masonry trash enclosures are required. Therefore the following language was added to Ordinance 2017-39 which matches the same threshold for meeting current landscaping standards for non-conforming sites that expand:

"The standards within this section shall apply to a waste/recycle dumpster or permanent roll-off added to a site and in the case of an addition to a structure or site that alters such structure or site by greater than 25 percent in area."

Origination:

City Council

Recommendation:

Approval

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

Craig T. Meyers, Community Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2017-39

ORDINANCE NO. 2017-39

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 WHICH ARE VISIBLE FROM A PUBLIC RIGHT-OF-WAY BE VISUALLY SCREENED BY A MINIMUM SIX-FOOT SOLID MASONRY WALL ON AT LEAST THREE SIDES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 50 (Zoning) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Chapter 50 (Zoning) of the Code of Ordinances.

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. Section 50-115(b)(2) is hereby amended by the following:

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid masonry wall ~~or fence~~ on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

The standards within this section shall apply to a waste/recycle dumpster or permanent roll-off added to a site and in the case of an addition to a structure or site that alters such structure or site by greater than 25 percent in area.

Section 5. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 7. 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 8. 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 6TH DAY OF NOVEMBER 2017.

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

SECOND READING:

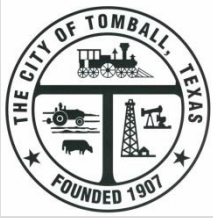
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF NOVEMBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: October 9, 2017

City Council Public Hearing Date: October 16, 2017

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring refuse areas which are visible from a public right-of-way be visually screened by a minimum six-foot solid masonry wall on at least three sides.

BACKGROUND

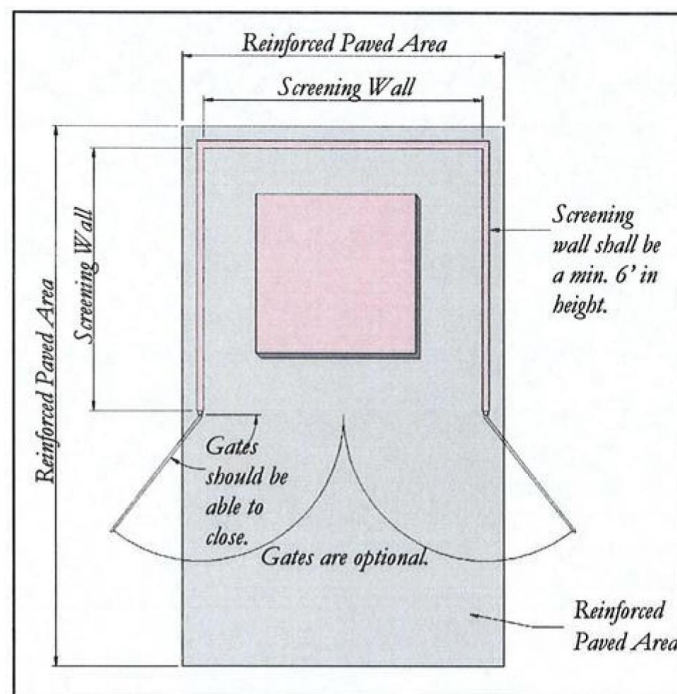
At the August 21, 2017 City Council Meeting, City Staff was directed to bring forward a text amendment to require all new dumpster enclosures to be masonry.

PROPOSED AMENDMENTS

Section 50-115 (b) (Screening of nonresidential, multifamily areas and manufactured (mobile) home parks.) currently states the following:

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid wall or fence on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

Illustration 50-115-1: Refuse area screening



The proposed amendment will require the three sides of the enclosure be masonry.

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid ~~masonry~~ wall ~~or fence~~ on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on September 27, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Conduct Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 6 – Copper Cove Subdivision)

Background:

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

Both Scott Bean and Will Benson will be attending the meeting and will be available for any questions regarding PID 6 Copper Cove Subdivision.

Origination:

Finance

Recommendation:

Conduct Public Hearing

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

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

Summary of PID 6

Public Hearing PID 6

**Council Item Information Sheet - Proposed Public Improvement District (PID) Number Six
(Proposed Copper Cove Subdivision)**

Council Action Requested

It is requested that City Council hold a public hearing on November 6 to approve the proposed PID through adoption of the findings and creation resolutions. A development agreement between the City and Developer will also be presented for consideration. The development agreement describes the terms of the PID and the reimbursement of public infrastructure costs.

Area

Public Improvement District Number Six would be approximately 13.6 acres representing the entirety of the proposed Copper Cove Subdivision, a subdivision that will be developed in one (1) section containing 52 lots. The land is located off of S. Cherry Street as shown on the attached maps.

Purpose

The purpose of the PID is to assist the developer with public infrastructure costs. Through the PID, the developer will recover certain costs through an assessment on each lot. This arrangement is similar to a municipal utility district (MUD) and the MUD tax used for the same purpose.

Assessment Rate

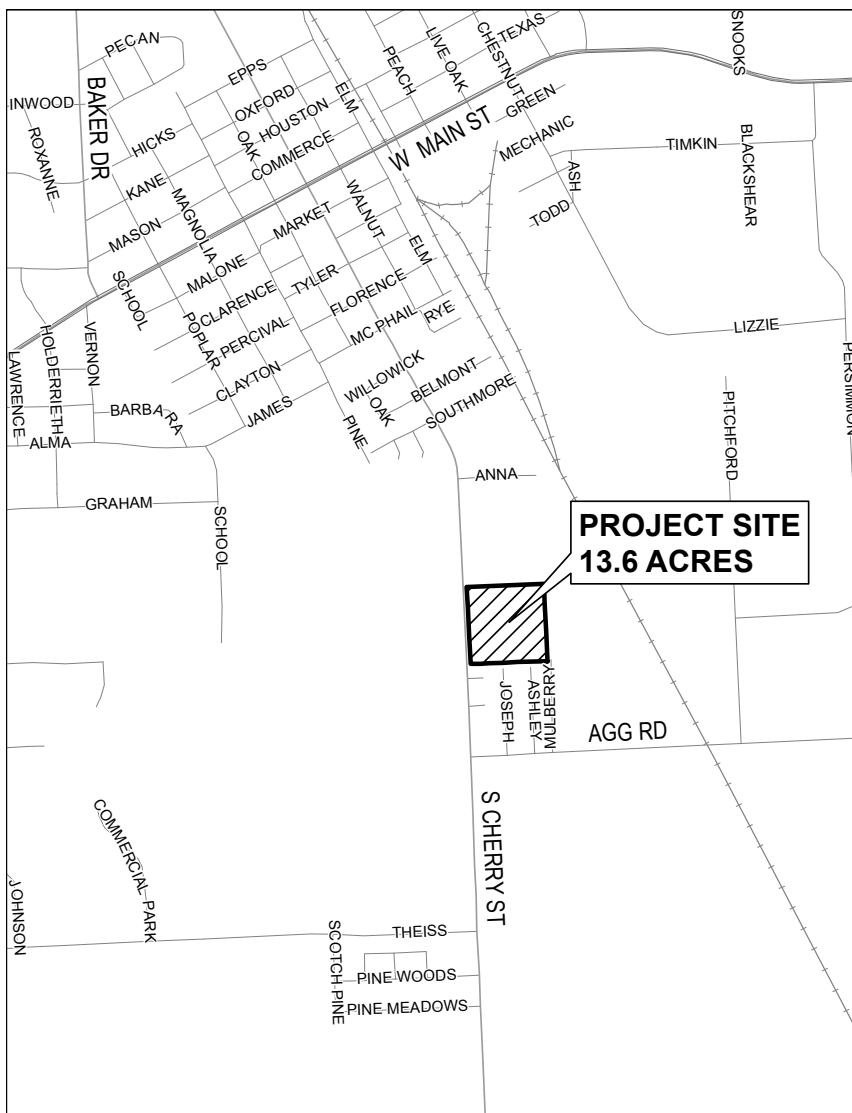
The PID assessment is expected to be approximately \$1,866 per lot per year, or the equivalent of a 72-cent tax rate on a \$260,000 home. Included in the annual payment are financing and interest costs allowing for a level annual payment over the proposed fifteen (15) year term of the PID. The principal amount of the assessment is payable at any time by the homeowners which would terminate the assessment, and an amortization schedule will be kept for each property covered by the assessment to track annual payments and the outstanding principal balance.

Disclosure

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the builders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

If created, the PID would still need City Council approval of the Service and Assessment Plan and all Assessment Rolls (i.e. no assessments can be implemented without City Council approval). The District Administrator will write the Service and Assessment Plans and formulate the Assessment Rolls for consideration by City Council. The District Administrator will work with the City and the Harris County Tax Assessor to have the assessments placed on the County tax bills. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund.



0 500 Feet
[Scale bar]



NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS

MONDAY, NOVEMBER 6, 2017



6:00 P.M.

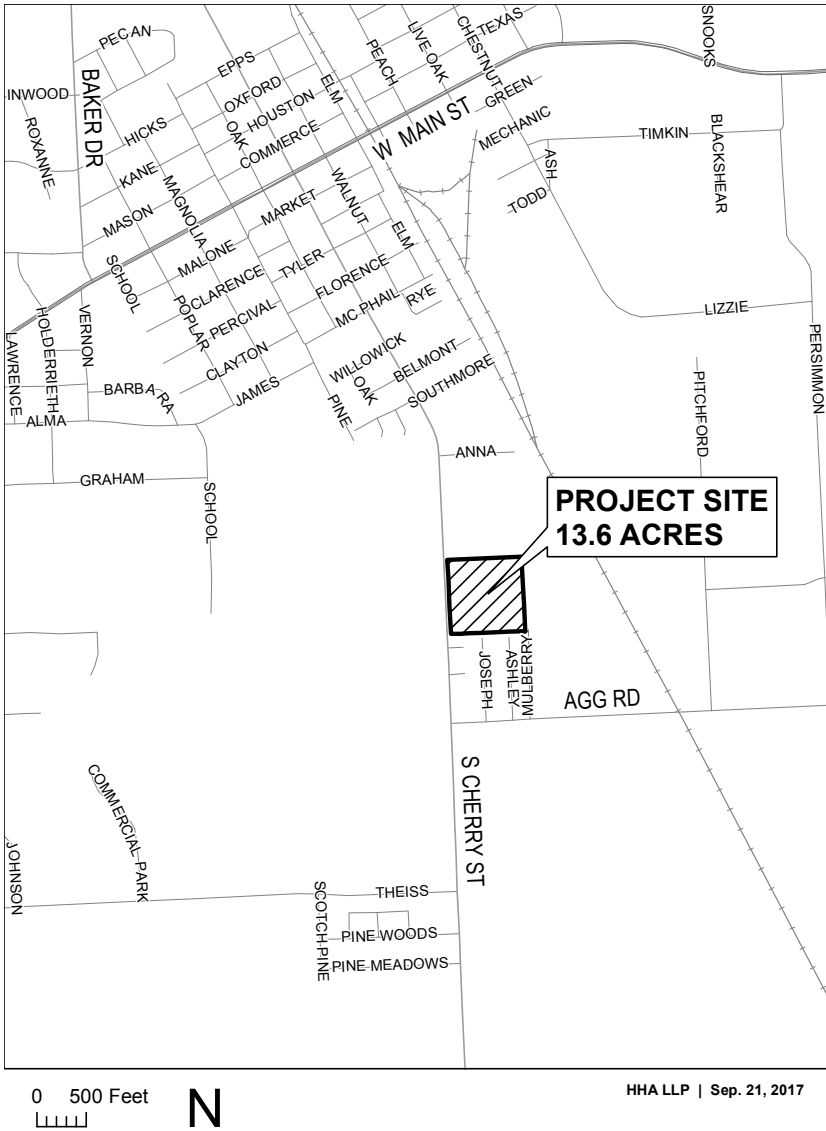
NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL.

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

TIME: Monday, November 6, 2017 at 6:00 p.m.
PLACE: City Council Chambers, 401 Market Street, Tomball, Texas 77375

GENERAL NATURE OF THE IMPROVEMENTS: The improvements are the construction of public utilities (water, sewer, gas & drainage), paving, landscaping, signage, and other public amenities, and related improvements within the PID. The estimated costs of the improvements, including financing, are \$1,900,000.00 over the life of the PID. The proposed method of assessment is by value, per lot, or per square foot of benefited property. The proposed apportionment of cost is 100% to the PID and 0% to the municipality as a whole.

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



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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 2nd day of October 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Resolution No. 2017-17, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Six Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost Between the District and the City as a Whole; and Making Other Findings Related to the District

Background:

Resolution 2017-17, once adopted, will approve the advisability of the improvements, the nature of the improvements, the estimated costs of the improvements, the boundaries of the proposed district, the method of the assessment, the apportionment of cost between the district and the city and making other findings.

Origination:

Finance

Recommendation:

Approve Resolution 2017-17

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

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

Resolution 2017-17

CITY OF TOMBALL RESOLUTION NO. 2017-17

A RESOLUTION MAKING FINDINGS IN CONNECTION WITH THE PROPOSED PUBLIC IMPROVEMENT DISTRICT NUMBER SIX RELATED TO THE ADVISABILITY OF THE IMPROVEMENTS, THE NATURE OF THE IMPROVEMENTS, THE ESTIMATED COST OF THE IMPROVEMENTS, THE BOUNDARIES OF THE PROPOSED DISTRICT, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF COST BETWEEN THE DISTRICT AND THE CITY AS A WHOLE; AND MAKING OTHER FINDINGS RELATED TO THE DISTRICT.

* * * * *

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

WHEREAS, notice of a public hearing to consider the advisability of establishing the proposed district was published in *The Tribune* a local newspaper of general circulation on October 11, 2017; the place, City Council Chambers, Tomball, Texas, the general nature of the proposed improvements; the boundaries of the proposed district; and the proposed method of assessment; and the proposed apportionment of cost between the district and the City as a whole; and

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

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

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

Section 1. The City Council, having duly considered the petition submitted by property owners in the proposed district and the comments of those who made presentations at the public hearing on November 6, 2017, hereby finds as follows:

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

assessment on property in the District, based on the benefit conferred by such project, to pay all of the costs of such improvements.

- (3) The general nature of the public improvements in the District is set forth below.
 - (a) The improvements include engineering and construction of water, wastewater, gas, storm sewer facilities, detention, paving, common areas and amenities, and other improvements, creation and administration costs, and interest.
- (4) The estimated costs of the public improvements over the life of the PID are a total of \$1.9 million.
- (5) The boundaries of the District are fully described in Exhibit A and B attached hereto.
- (6) The proposed methods of assessment is as follows:
 - (a) The assessment for the Public Improvements is proposed to be by value, lot, or according to the square footage of property without regard to improvements on the property.
- (7) The proposed method of apportionment of the cost of the improvements between the District and the City as a whole is as follows:
 - (a) The District will bear 100 percent of the costs of the percentage of the Public Improvements that will be reimbursed by assessment on the property.

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

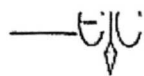
PASSED AND ADOPTED this 6th day of November 2017.

Gretchen Fagan, Mayor

Attest:

DORIS SPEER, City Secretary

Exhibit A



SURVEYING COMPANY

12345 Jones Road, Suite 270

Houston, TX 77070

(281) 955-2772

Fax (281) 955-6678

All that certain tract or parcel containing 13.178 acres of land situated in the Jesse Pruitt Survey, A-629, in Harris County, Texas, also being that same tract described as a 13.158 acre tract of land in a deed filed for record under Harris County Film Code No. 033-73-0147, also being out of Outlots 153, 157, and 161, in Five Acres Tracts, Tomball Townsite, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 2, Page 629 of the Harris County Map Records, said 13.178 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at 5/8" iron rod (found) marking the intersection of the East right-of-way line of Mulberry Street (30.00 feet in width) with the North right-of-way line of Agg Road (30.00 feet in width), same point marking the Southwest corner of Outlot 218, in said Five Acres Tracts, Tomball Townsite and the Southwest corner of that certain call 13.3799 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. R-704344

THENCE N 00°05'00" E, a distance of 941.62 feet along the East right-of-way line of said Mulberry Street to a 5/8" iron rod inside a 1" pvc pipe (found) marking the Northwest corner of Outlot 214 of said Five Acres Tracts, Tomball Townsite, the Northwest corner of said 13.3799 acre tract of land, and the Southwest corner of Outlot 213 of said Five Acres Tracts, Tomball Townsite, from which point a 5/8" iron rod with cap (found) bears S 50°42'21" W, 0.20 feet;

THENCE S 19°16'21" W, a distance of 91.28 to a 5/8" iron rod with cap (set) in the West right-of-way line of said Mulberry Street marking the Southeast corner of said Outlot 161, the Northeast corner of the remainder of Outlot 165, in said Five Acres Tracts, Tomball Townsite, and the Southeast corner and POINT OF BEGINNING of the herein described 13.178 acre tract of land;

THENCE S 89°58'53" W, (call S 87°32'24" W), along the common line of said Outlot 161, said Outlot 165 and the South line of the herein described 13.178 acre tract of land, passing at 3.05 feet the Northeast corner of a 30.00 foot strip of land for road widening, as shown on the amended plat of Cherry Meadows, Block 1, a subdivision in Harris County according to the map or plat recorded in Volume 423, Page 122, of the Harris County Map Records, also passing at 33.05 feet to a 5/8" iron rod (found) marking the Northwest corner of said 30.00 foot strip of land, and the Northeast corner of Lot 40 in said Cherry Meadows, continuing a total distance of 753.55 feet, (call 750.88 feet), to an axle (found) marking the intersection of the East right-of-way line of South Cherry Street (30.00 feet in width) with the common line of said Outlot 161 and said Outlot 165, same point marking the Northwest corner of Lot 60, in said Block 1, and the Southwest corner the herein described 13.178 acre tract of land, from which point a 1/2" iron rod (found) bears N 34°59'30" W, 0.38 feet;

THENCE N 00°04'28" E, a distance of 762.59 feet, (call N 02°25'44" W, 761.90 feet), along the East right-of-way line of said South Cherry Street and the West line of herein described 13.178 acre tract of land to a 5/8" iron rod with cap (set) marking the Southwest corner of a 80.00 foot H.L.&P. easement as described in an instrument filed for record under Harris County Clerk's File No. E-700961 and the Northwest corner of the herein described 13.178 acre tract of land, from which point a 5/8" iron rod (found) bears S 41°16'26" E, 0.92 feet, also from which point a 5/8" iron rod (found) for reference in the North line of said Outlot 153 and the South line of said Outlot 149 marking the Northwest corner of said 80.00 foot H.L. & P. easement and the Southwest corner of that certain call 4.845 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. H-355786 bears N 00°05'00" E, 80.00 feet;

THENCE S 89°53'04" E, a distance of 753.67 feet, (call S 87°30'12" E, 753.26 feet), along the South line of said 80.00 foot H.L.&P. easement and the North line of the herein described 13.178 acre tract of land to a 5/8" iron rod (found) in the West right-of-way line of said Mulberry Street marking the Southeast corner of said 80.00 foot H.L.&P. easement and the Northeast corner of the herein described 13.178 acre tract of land, from which point a 5/8" iron rod (found) for reference marking the Southeast corner of said 4.845 acre tract of land, the Southeast corner of said Outlot 149, the Northeast corner of said Outlot 153 and the Northeast corner of said 80.00 foot H.L. & P. easement bears N 00°05'00" E, 80.00 feet, from this point a 1" iron pipe (found) bears S 89°56'17" E, 0.27 feet;

THENCE S 00°05'00" W, a distance of 760.83 feet, (call S 02°15'02" E, 762.38 feet), along the West right-of-way line of said Mulberry Street to the POINT OF BEGINNING and containing 13.178 acres of land.

Surveyed on the ground March 12, 2003.

Job No. 03-173-03 (See attached plat)

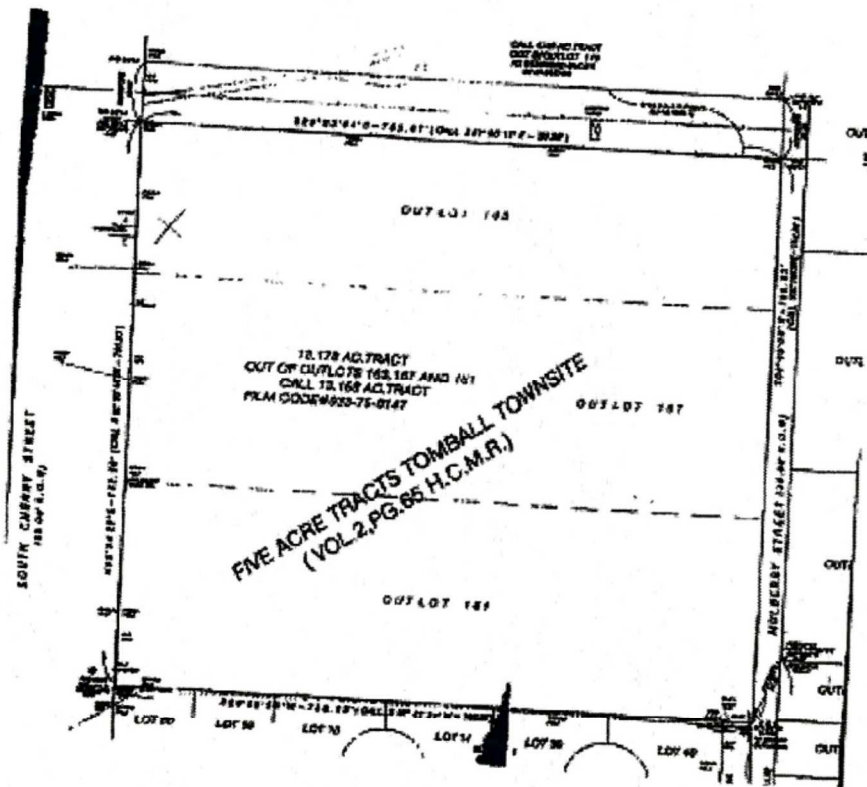
The basis of bearing is S 00°05'00" W along the East right-of-way line of Mulberry Road per prior deed.



Land Boundary • Topographic Surveying
A Division of Everything In Christ Services, Inc.

001070
201070

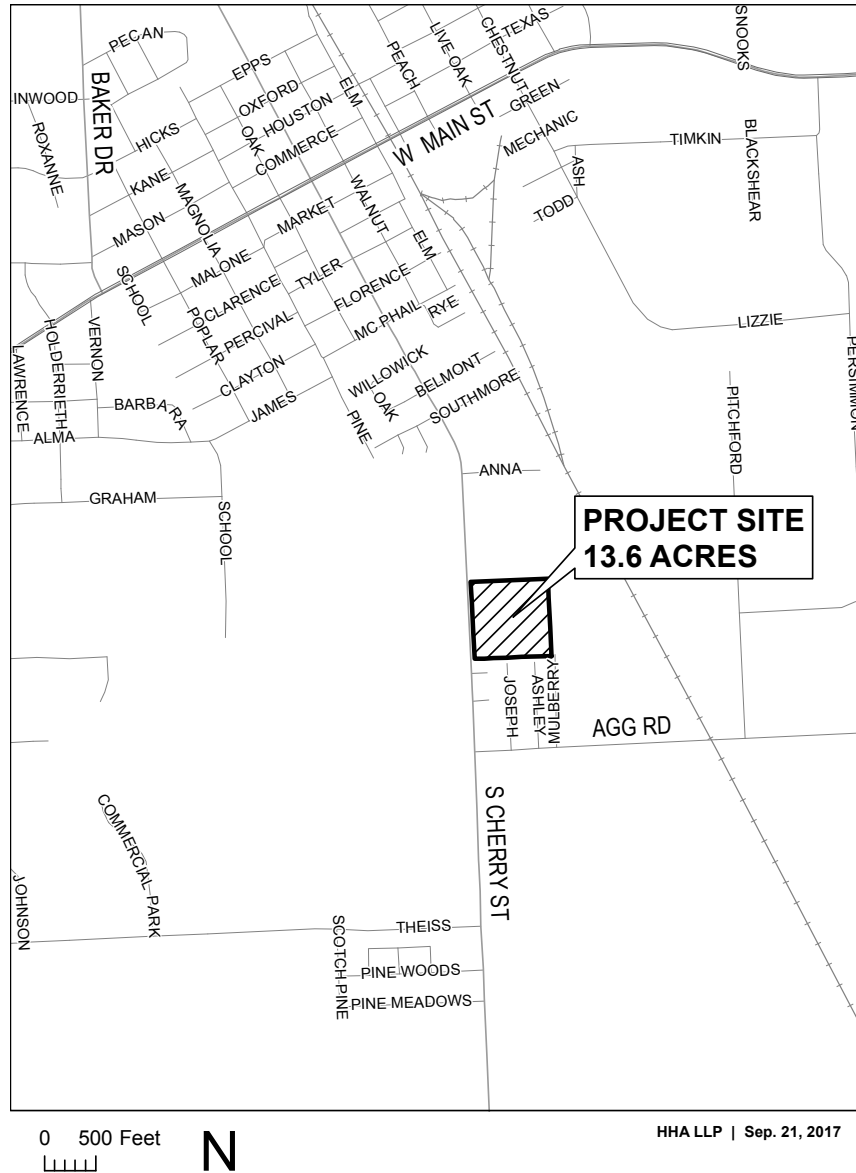
Exhibit "A"
Legal Description

$$2 \frac{00}{54. ft.}$$


Initialed for Identification by Buyer [Signature] Seller

08/25/03 MON 18:17 ITX/RX NO 53441

EXHIBIT B



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Resolution No. 2017-18, a Resolution Authorizing the Establishment of the Public Improvement District Number Six in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject

Background:

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

Origination:

Finance

Recommendation:

Approve Resolution 2017-18

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Resolution 2017-18

Summary and Description of PID Number 6

CITY OF TOMBALL RESOLUTION NO. 2017-18

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT NUMBER SIX IN THE CITY OF TOMBALL, TEXAS; AUTHORIZING PUBLICATION OF THIS RESOLUTION, PROVIDING FOR THE PREPARATION OF A SERVICE AND ASSESSMENT PLAN; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

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

WHEREAS, the City Council held a public hearing on November 6, 2017, notice of which was published and mailed to property owners of the proposed district pursuant to Section 372.009 of the Code; and

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

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

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

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

Section 2. The Public Improvement District Number Six (the “District”) is authorized to be and is hereby established as a public improvement district under the provisions of Chapter 372 of the Code over the land currently included within the boundaries of the City of Tomball, Texas, as more fully described in Exhibit A attached hereto, all in accordance with the findings made by the City Council in Section 1 of Resolution No. 2017-17 passed and approved on November 6, 2017.

Section 3. The City Secretary is hereby directed to give notice of the authorization for establishment of the District by publishing the resolution once in at least one local newspaper of general circulation in the City. The authorization and establishment of the District shall be deemed to be effective upon the publication of the notice directed by this section.

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

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

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

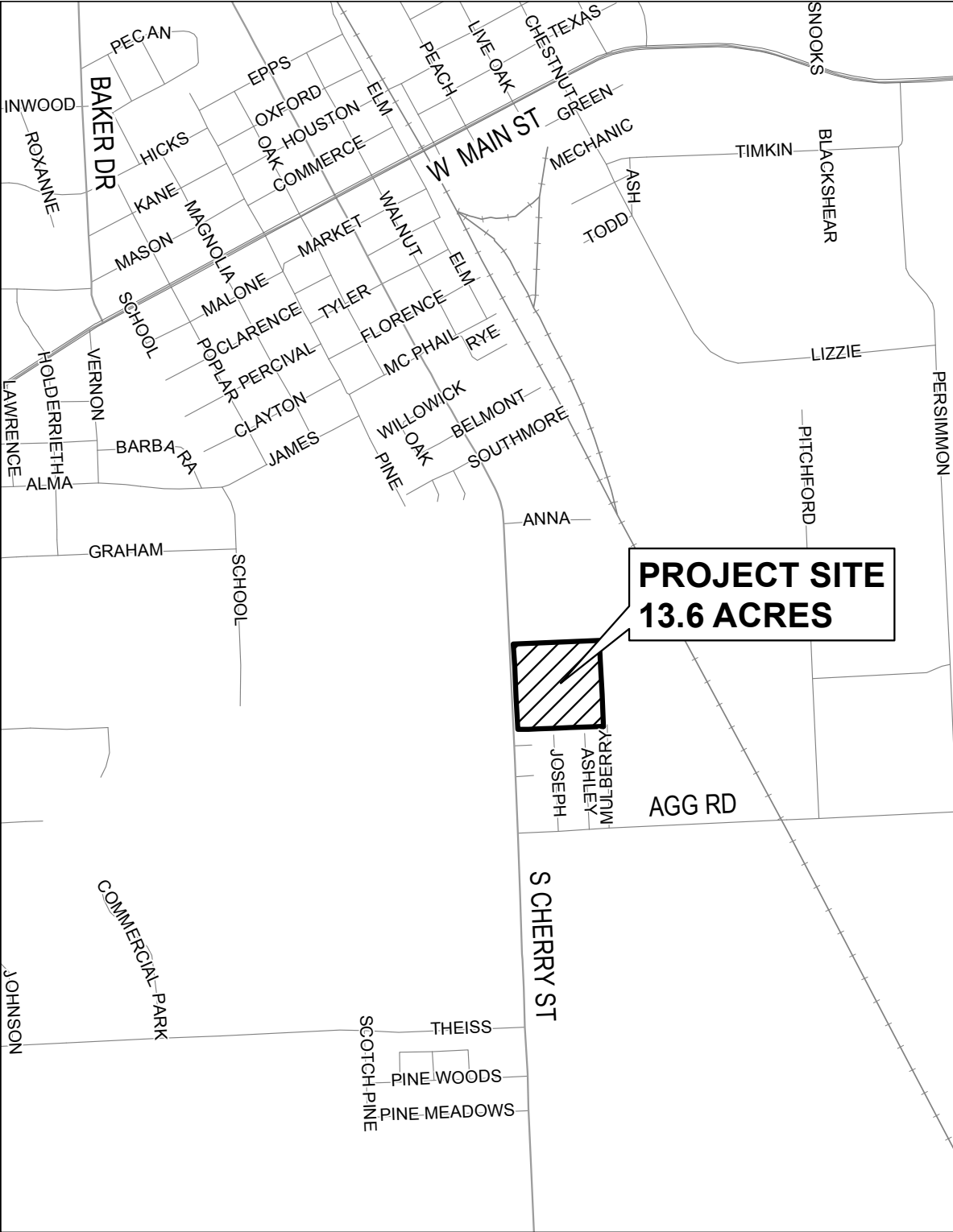
PASSED AND ADOPTED this 6th day of November 2017.

Gretchen Fagan, Mayor

Attest:

DORIS SPEER, City Secretary

EXHIBIT A



0 500 Feet
N

HHA LLP | Sep. 21, 2017

**Council Item Information Sheet - Proposed Public Improvement District (PID) Number Six
(Proposed Copper Cove Subdivision)**

Council Action Requested

It is requested that City Council hold a public hearing on November 6 to approve the proposed PID through adoption of the findings and creation resolutions. A development agreement between the City and Developer will also be presented for consideration. The development agreement describes the terms of the PID and the reimbursement of public infrastructure costs.

Area

Public Improvement District Number Six would be approximately 13.6 acres representing the entirety of the proposed Copper Cove Subdivision, a subdivision that will be developed in one (1) section containing 52 lots. The land is located off of S. Cherry Street as shown on the attached maps.

Purpose

The purpose of the PID is to assist the developer with public infrastructure costs. Through the PID, the developer will recover certain costs through an assessment on each lot. This arrangement is similar to a municipal utility district (MUD) and the MUD tax used for the same purpose.

Assessment Rate

The PID assessment is expected to be approximately \$1,866 per lot per year, or the equivalent of a 72-cent tax rate on a \$260,000 home. Included in the annual payment are financing and interest costs allowing for a level annual payment over the proposed fifteen (15) year term of the PID. The principal amount of the assessment is payable at any time by the homeowners which would terminate the assessment, and an amortization schedule will be kept for each property covered by the assessment to track annual payments and the outstanding principal balance.

Disclosure

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the builders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

If created, the PID would still need City Council approval of the Service and Assessment Plan and all Assessment Rolls (i.e. no assessments can be implemented without City Council approval). The District Administrator will write the Service and Assessment Plans and formulate the Assessment Rolls for consideration by City Council. The District Administrator will work with the City and the Harris County Tax Assessor to have the assessments placed on the County tax bills. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Development Agreement between the City of Tomball and Tomball Copper Cove, LLC for the Construction of Improvements in Tomball Public Improvement District Number Six (TPID 6), Copper Cove Subdivision

Background:

This item, if approved, will approve the Development Agreement between the City of Tomball and Tomball Copper Cove, LLC.

Origination:

Finance

Recommendation:

Approve Development Agreement

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Development Agreement

DEVELOPMENT AGREEMENT

This Development Agreement (this “*Agreement*”) is made as of _____, 2017, by and between the **CITY OF TOMBALL**, a municipal corporation and a home-rule city in the State of Texas (the “*City*”), and **TOMBALL COPPER COVE, LLC** a Texas limited liability company (the “*Developer*”).

RECITALS

WHEREAS, in accordance with the provisions of Chapter 372, TEX. LOCAL GOV’T CODE, and Resolution No. 2017-18, the City Council of the City of Tomball created the Public Improvement District Number Six (the “*PID*”) pursuant to the petition for creation from the owner thereof; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City and the land within the PID to finance the construction of certain PID Improvements (defined below) and that an assessment against the benefited property within the PID should be made; and

WHEREAS, the Developer is the owner of certain property within the PID described in Exhibit A and B, and wishes to finance and construct certain PID projects; and

WHEREAS, the Developer intends to assist the City in the financing and construction of the PID Improvements, in exchange for the City’s agreement to reimburse the Developer in accordance with the terms of this Agreement; now, therefore,

AGREEMENT

For and in consideration of the mutual promises, covenants, obligations, and benefits of this Agreement, the Developer contract and agree as follows:

ARTICLE 1 GENERAL TERMS

1.01 Definitions. The terms “*Agreement*,” “*City*,” “*Developer*,” “*PID*,” and “*PID Agreement*” have the meanings set forth in the preamble hereof, and the following terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For purposes of this Agreement, the words “shall” and “will” are mandatory, and the word “may” is permissive.

Act shall mean the Public Improvement District Assessment Act, Chapter 372, TEX. LOCAL GOV’T CODE, as amended.

Assessments shall mean assessments levied and collected in connection with the PID pursuant to the Act and the Plan, and deposited by the City into a PID Revenue Fund.

Developer Advances shall mean any funds advanced by the Developer pursuant to **Section 5.01**, and shall include any interest payable thereon.

Net Assessments shall mean the annual deposits of the Assessments into the PID Revenue Fund, less amounts reasonably required or anticipated to be required for the administration and operation of the PID in carrying out its responsibilities hereunder, including a reasonable operating reserve.

Parties or *Party* shall mean the City, and the Developer as parties to this Agreement.

PID Improvements shall mean the improvements described in **Article 3** hereof.

PID Revenue Fund shall mean the special fund established by the City and funded with payments made to the City pursuant to the PID.

Plan shall mean the final Service and Assessment Plan for the PID as approved by City Council in accordance with the Act.

Project shall mean the residential development within the PID projected to be carried out by the Developer described on Exhibit B.

1.02 Singular and plural; gender. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa. Likewise, any masculine references shall include the feminine, and vice versa.

ARTICLE 2 REPRESENTATIONS

2.01 Representations of the City. The City hereby represents that:

a. The City is duly authorized and is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The City has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the City, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the City under any agreement or instrument to which the City is a party or by which the City or its assets may be bound or affected.

c. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

2.02. Representations of the Developer. The Developer hereby represents that:

a. The Developer is duly authorized, created and existing under the laws of the State of Texas, is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The Developer has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the Developer or any provisions of the Developer's organizational documents, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the Developer under any agreement or instrument to which the Developer is a party or by which the Developer or its assets may be bound or affected.

c. The Developer has sufficient capital to perform its obligations under this Agreement and will commence construction of the Project within eighteen (18) months of execution of this Agreement.

d. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the Developer, enforceable in accordance with its terms.

ARTICLE 3 THE PLAN AND PID IMPROVEMENTS

3.01 The PID Improvements. The PID Improvements are intended to enhance the proposed implementation of a development within the PID constituting the Project, as more fully described in the Plan.

3.02 PID Improvements description. The PID Improvements consist of acquisition, construction and development of the public improvements within the portion of the PID comprising the Project, as more fully described in Exhibit C, and as described in the Plan. The PID Improvements will be developed pursuant to a schedule consistent with the pace of development of the Project that is mutually agreeable to the Parties. The PID Improvements shall include all engineering, legal and other consultant fees and expenses related to such PID Improvements. The Developer shall be entitled to reimbursement of the project costs described in Exhibit C subject to the limitations contained in Section 3.03 of this agreement.

3.03 General terms of the Plan. The Plan has not yet been adopted by the City. The Parties anticipate that the Plan, at a minimum, will include the PID Improvements described above to serve the land within the PID, and such other facilities as may be agreed upon by the Parties, and that the Assessments shall be assessed in phases to affect only the portions of the PID directly benefited by the PID improvements to be financed by each Assessment. The Assessments shall be based upon the agreed-upon estimated costs of the Public Improvements as reflected in Exhibit C, plus those related costs as deemed reimbursable by the City; however, the Assessments in the Plan shall be formulated in a manner that generally conforms to the

equivalent of a \$0.75 tax rate for properties covered by the Plan on a project-wide basis, and a maximum fifteen (15) year payment term for each property covered by the Plan.

3.04. Additional Projects. This Agreement does not apply to any projects not specifically included in the Plan and defined herein unless this Agreement is amended to provide for the design and construction of such additional projects.

ARTICLE 4 DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

4.01 Construction manager. The Developer agrees to construct the PID Improvements and to provide and furnish, or cause to be provided and furnished, all materials and services as and when required in connection with the construction of the PID Improvements. The Developer will obtain all necessary permits and approvals from the City and all other governmental officials and agencies having jurisdiction, provide supervision of all phases of construction of the PID Improvements, provide periodic reports of such construction to the City upon request, and cause the construction to be performed in accordance with the Plan.

4.02 Design of the PID Improvements. The Developer shall prepare or cause to be prepared the plans and specifications for the PID Improvements. Prior to the commencement of construction or implementation of the PID Improvements, the plans and specifications must be approved by the City. The PID Improvements shall be designed in accordance with City standards applicable to similar public improvements within the City.

4.03 Construction contracts. The Developer shall prepare the PID Improvements construction contract documents to ensure that the contract documents are in accordance with the approved plans and specifications. The Developer shall comply with all laws and regulations regarding the bidding and construction of public improvements applicable to similar facilities constructed by the City, including without limitation any applicable requirement relating to payment, performance and maintenance bonds.

4.04. Construction and implementation of the PID Improvements. The Developer shall be responsible for the inspection and supervision of the construction and implementation of the PID Improvements.

a. The Developer shall commence construction of the PID Improvements in a timely fashion to coincide with the expected development of the Project.

b. Upon completion of a contract for the construction of the PID Improvements, the Developer shall provide the City with a final summary of all costs associated with such contract, and show that all amounts owing to contractors and subcontractors have been paid in full evidenced by customary affidavits executed by such contractors. Following completion of a construction contract, the Developer will call for inspection of the applicable PID Improvements by the City, and upon approval thereof as being in compliance with City standards relating thereto, the PID Improvements will be conveyed to the City, subject only to the right to reimbursement for Developer Advances with respect thereto.

ARTICLE 5 PROJECT FINANCING AND FUNDING

5.01. The Developer Advances.

a. In connection with the construction of the PID Improvements the Developer has determined are required to be constructed to serve the Project, the Developer agrees to provide sufficient funds as such become due for all costs thereof (the “Developer Advances”), such as costs of design, engineering, materials, labor, construction, and inspection fees arising in connection with the PID Improvements, including all payments arising under any contracts entered into pursuant to this Agreement.

b. Interest on each Developer Advance shall accrue at a rate one-half of one percent above the highest average interest rate reported by *The Bond Buyer* newspaper in a weekly bond index in the month before the date of this agreement, compounded annually, whether such costs, fees, or expenses are paid or incurred before or after the effective date of this Agreement. The interest rate shall not exceed eight percent (8%). Interest shall be calculated on the basis of a year of 360 days and the actual days elapsed (including the first day but excluding the last day) occurring in the period for which such interest is payable, unless such calculation would result in a usurious rate, in which case interest shall be calculated on the per annum basis of a year of 365 or 366 days, as applicable, and the actual days elapsed (including the first day but excluding the last day).

5.02. Repayment of Developer Advances.

a. In consideration of the development and construction of the PID Improvements, the City shall begin repaying the Developer Advances, and shall continue such repayment until repaid in full, on the earliest date that funds are available from the following source, and solely from such source:

(i) the Net Assessments, subject to the limitations set forth in **subsection (c)**.

b. the City shall reimburse the Developer for Developer Advances, plus interest, from Net Assessments from the Project accumulated in the PID Revenue Fund available in accordance with the priorities described in **Section 5.03** below.

c. At such time as funds are available to pay all or any portion of the Developer Advances made hereunder, the City shall hire a certified public accountant at the Developer’s expense to calculate the amount due the Developer and prepare and submit a report to the City certifying the amount due the Developer for the Developer Advances being repaid with interest calculated thereon. Such report shall be approved at the earliest practicable time, but not later than 90 days after submission by the Developer of the records required therefor. The City shall make payment to the Developer within 30 days of approval of the accountant’s report.

5.03. Priorities. Amounts deposited in the PID Revenue Fund shall be applied in the following order of priority (i) administrative and operating costs of the PID, (ii) payments to the Developer pursuant to **Section 5.02**, above.

ARTICLE 6 DEFAULT

6.01. Default.

a. If the City does not perform its obligations hereunder in substantial compliance with this Agreement, in addition to the other rights given the Developer under this Agreement, the Developer may enforce specific performance of this Agreement or seek actual damages incurred by the Developer for any such default.

b. If the Developer fails to commence or complete the PID Improvements or the Project in accordance with the terms of this Agreement, including the failure to fund Developer Advances or commence construction of the Project within eighteen (18) months, the City may terminate this Agreement with respect to its obligations to the Developer and shall be relieved of any obligation to reimburse the Developer for any Developer Advances or seek actual damages incurred for any such default.

c. The Party alleging default shall provide written notice to the other party of such default, and the defaulting party shall have 60 days to remedy the default prior to the declaration of any default hereunder.

ARTICLE 7 GENERAL

7.01. Inspections, audits. The Developer agrees to keep such operating records with respect to the PID Improvements and other activities contemplated by this Agreement and all costs associated therewith as may be required by the City, or by State and federal law or regulation. The Developer shall allow the City access to, and the City shall have a right at all reasonable times to audit, all documents and records in the Developer's possession, custody or control relating to the PID Improvements that the City deems necessary to assist the City in determining the Developer's compliance with this Agreement.

7.02 Developer operations and employees. All personnel supplied or used by the Developer in the performance of this Agreement shall be deemed contractors or subcontractors of the Developer and will not be considered employees, agents, contractors or subcontractors of the City for any purpose whatsoever. The Developer shall be solely responsible for the compensation of all such contractors and subcontractors.

7.03 Personal liability of public officials, legal relations. To the extent permitted by State law, no director, officer, employee or agent of the City shall be personally responsible for any liability arising under or growing out of the Agreement. THE DEVELOPER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS RESPECTIVE OFFICERS, REPRESENTATIVES, AND AGENTS FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED BY ANY PERSON, PERSONS, OR PROPERTY RESULTING FROM THE

NEGLIGENT ACTS OF THE DEVELOPER, OR ANY OF ITS AGENTS, OFFICERS, OR REPRESENTATIVES IN PERFORMING ANY OF THE SERVICES AND ACTIVITIES UNDER THIS AGREEMENT.

7.04 Notices. Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the receiving party at the following addresses:

City of Tomball
c/o City Manager
401 Market Street
Tomball, Texas 77375

PID Contract Administrator
Hawes Hill Calderon, LLP
P.O. Box 22167
Houston, Texas 77092
Attn: Scott Bean

Tomball Copper Cove, LLC
PO Box 2331
Tomball, TX 77377
Attn: Will Benson

Each party may change its address by written notice in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipted for by, or actually received by the City, or the Developer, as the case may be.

7.05 Amendments and waivers. Any provision of this Agreement may be amended or waived if such amendment or waiver is in writing and is signed by the City and the Developer. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

7.06 Invalidity. In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provision of this Agreement.

7.07 Successors and assigns. All covenants and agreements contained by or on behalf of a Party in this Agreement shall bind its successors and assigns and shall inure to the benefit of the other Parties, their successors and assigns. The Parties may assign their rights and obligations under this Agreement or any interest herein, only with the prior written consent of the other Parties, and any assignment without such prior written consent, including an assignment by operation of law, is void and of no effect; provided that, the Developer may make a collateral

assignment in favor of a lender without consent. This section shall not be construed to prevent the Developer from selling lots, parcels or other portions of the Project in the normal course of business. If such assignment of the obligations by the Developer hereunder is effective, the Developer shall be deemed released from such obligations. If any assignment of the obligations by the Developer hereunder is deemed ineffective or invalid, the Developer shall remain liable hereunder.

7.08 Exhibits; titles of articles, sections and subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the agreement between the parties hereto. Any reference herein to a section or subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

7.09 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect.

7.10 Entire Agreement. **THIS WRITTEN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

7.11 Term. This Agreement shall be in force and effect from the date of execution hereof for a term expiring on the date that the Developer Advances have been repaid in full, or January 1 of the year following the date the last assessment payment has been made in accordance with the PID Service and Assessment Plan and Assessment Roll(s).

7.12 Time of the essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

7.13 Approval by the Parties. Whenever this Agreement requires or permits approval or consent to be hereafter given by any of the parties, the parties agree that such approval or consent shall not be unreasonably conditioned, withheld or delayed.

7.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which when so executed and delivered shall be deemed an original, but such counterparts together shall constitute but one and the same instrument.

7.15 Legal costs. If any Party hereto is the prevailing party in any legal proceedings against another Party brought under or with relation to this Agreement, such prevailing Party shall additionally be entitled to recover court costs and reasonable attorneys' fees from the non-prevailing Party to such proceedings.

7.16 Further assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of _____, 2017.

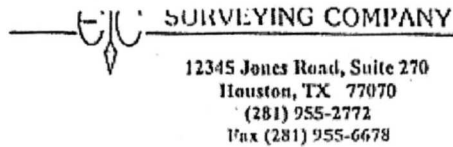
CITY OF TOMBALL, TEXAS

By: _____
Name: _____
Title: _____

TOMBALL COPPER COVE, LLC

William A. Benson, Jr., Member

EXHIBIT A



All that certain tract or parcel containing 13.178 acres of land situated in the Jesse Pruitt Survey, A-629, in Harris County, Texas, also being that same tract described as a 13.158 acre tract of land in a deed filed for record under Harris County Film Code No. 033-73-0147, also being out of Outlots 153, 157, and 161, in Five Acres Tracts, Tomball Townsite, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 2, Page 629 of the Harris County Map Records, said 13.178 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at 5/8" iron rod (found) marking the intersection of the East right-of-way line of Mulberry Street (30.00 feet in width) with the North right-of-way line of Agg Road (30.00 feet in width), same point marking the Southwest corner of Outlot 218, in said Five Acres Tracts, Tomball Townsite and the Southwest corner of that certain call 13.3799 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. R-704344

THENCE N 00°05'00" E, a distance of 941.62 feet along the East right-of-way line of said Mulberry Street to a 5/8" iron rod inside a 1" pvc pipe (found) marking the Northwest corner of Outlot 214 of said Five Acres Tracts, Tomball Townsite, the Northwest corner of said 13.3799 acre tract of land, and the Southwest corner of Outlot 213 of said Five Acres Tracts, Tomball Townsite, from which point a 5/8" iron rod with cap (found) bears S 50°42'21" W, 0.20 feet;

THENCE S 19°16'21" W, a distance of 91.28 to a 5/8" iron rod with cap (set) in the West right-of-way line of said Mulberry Street marking the Southeast corner of said Outlot 161, the Northeast corner of the remainder of Outlot 165, in said Five Acres Tracts, Tomball Townsite, and the Southeast corner and POINT OF BEGINNING of the herein described 13.178 acre tract of land;

THENCE S 89°58'53" W, (call S 87°32'24" W), along the common line of said Outlot 161, said Outlot 165 and the South line of the herein described 13.178 acre tract of land, passing at 3.05 feet the Northeast corner of a 30.00 foot strip of land for road widening, as shown on the amended plat of Cherry Meadows, Block 1, a subdivision in Harris County according to the map or plat recorded in Volume 423, Page 122, of the Harris County Map Records, also passing at 33.05 feet to a 5/8" iron rod (found) marking the Northwest corner of said 30.00 foot strip of land, and the Northeast corner of Lot 40 in said Cherry Meadows, continuing a total distance of 753.55 feet, (call 750.88 feet), to an axle (found) marking the intersection of the East right-of-way line of South Cherry Street (30.00 feet in width) with the common line of said Outlot 161 and said Outlot 165, same point marking the Northwest corner of Lot 60, in said Block 1, and the Southwest corner the herein described 13.178 acre tract of land, from which point a 1/2" iron rod (found) bears N 34°59'30" W, 0.38 feet;

THENCE N 00°04'28" E, a distance of 762.59 feet, (call N 02°25'44" W, 761.90 feet), along the East right-of-way line of said South Cherry Street and the West line of herein described 13.178 acre tract of land to a 5/8" iron rod with cap (set) marking the Southwest corner of a 80.00 foot H.L.&P. easement as described in an instrument filed for record under Harris County Clerk's File No. E-700961 and the Northwest corner of the herein described 13.178 acre tract of land, from which point a 5/8" iron rod (found) bears S 41°16'26" E, 0.92 feet, also from which point a 5/8" iron rod (found) for reference in the North line of said Outlot 153 and the South line of said Outlot 149 marking the Northwest corner of said 80.00 foot H.L.&P. easement and the Southwest corner of that certain call 4.845 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. H-355786 bears N 00°05'00" E, 80.00 feet;

THENCE S 89°53'04" E, a distance of 753.67 feet, (call S 87°30'12" E, 753.26 feet), along the South line of said 80.00 foot H.L.&P. easement and the North line of the herein described 13.178 acre tract of land to a 5/8" iron rod (found) in the West right-of-way line of said Mulberry Street marking the Southeast corner of said 80.00 foot H.L.&P. easement and the Northeast corner of the herein described 13.178 acre tract of land, from which point a 5/8" iron rod (found) for reference marking the Southeast corner of said 4.845 acre tract of land, the Southeast corner of said Outlot 149, the Northeast corner of said Outlot 153 and the Northeast corner of said 80.00 foot H.L.&P. easement bears N 00°05'00" E, 80.00 feet, from this point a 1" iron pipe (found) bears S 89°56'17" E, 0.27 feet;

THENCE S 00°05'00" W, a distance of 760.83 feet, (call S 02°15'02" E, 762.38 feet), along the West right-of-way line of said Mulberry Street to the POINT OF BEGINNING and containing 13.178 acres of land.

Surveyed on the ground March 12, 2003.

Job No. 03-173-03 (See attached plat)

The basis of bearing is S 00°05'00" W along the East right-of-way line of Mulberry Road per prior deed.



Land Boundary • Topographic Surveying
A Division of Everything in Christ Services, Inc.

08/25/03 15:08 FAX 261477 3

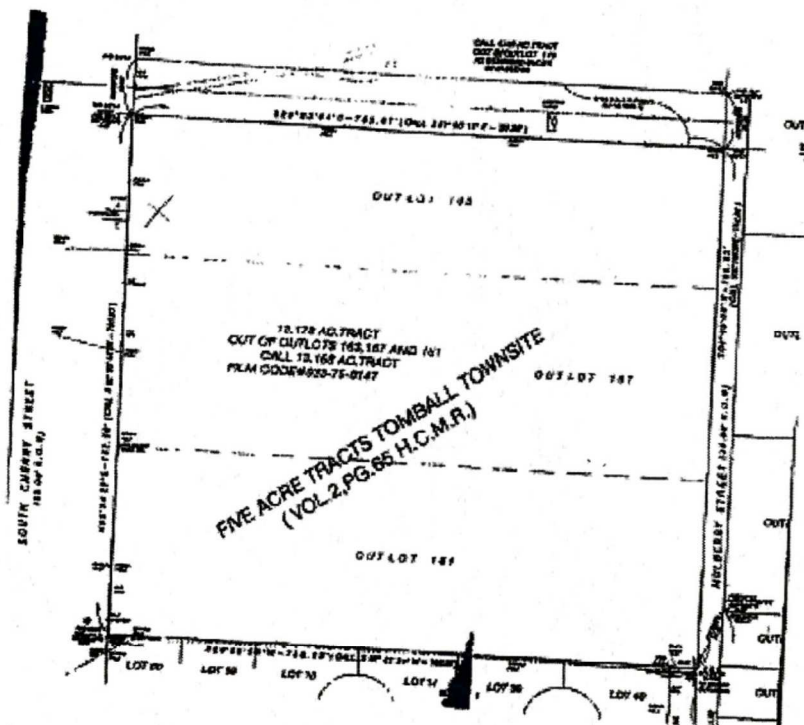
NEW QUEST PROPERTIES

→ LAMUL ERICK

08/25/03 15:08 FAX 261477 3

Exhibit "A"
Legal Description

2⁰⁰/54. ft.



Initialed for Identification by Buyer Seller

08/25/03 MON 15:17 ITX/RX NO 53441

EXHIBIT B

Description of Residential Development

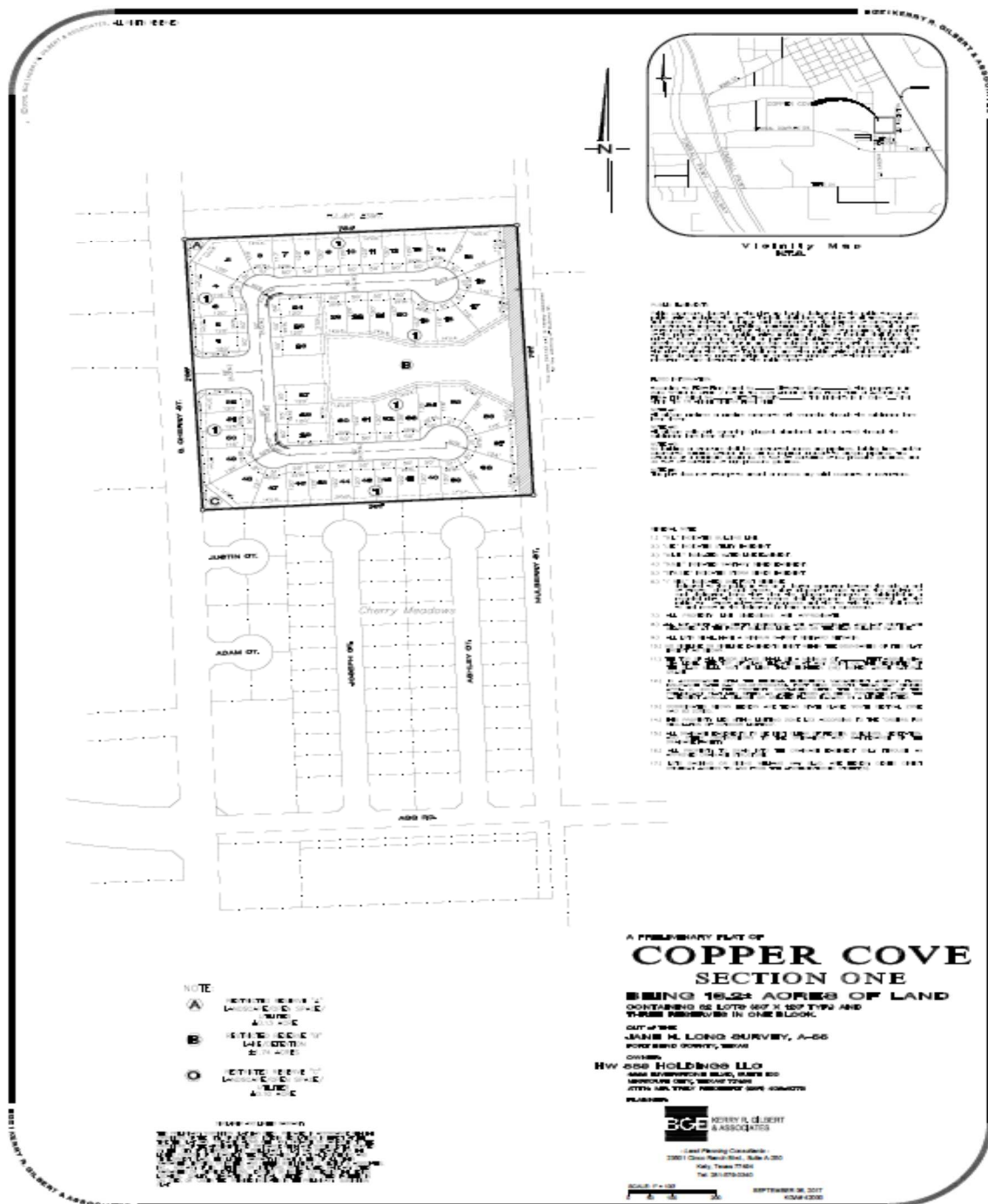


EXHIBIT C

The PID Improvements

Storm & Detention - \$254,000
Water Distribution - \$142,000
Sanitary Sewer - \$166,000
Paving - \$350,000
Electrical, Gas, & Street Lights - \$45,000
Landscaping - \$78,500
Engineering/Survey/Legal – \$218,500

TOTAL EST - \$1,254,000

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Presentation of the Wastewater Master Plan completed by Freese and Nichols

Background:

During Fiscal Year 2016-2017, Freese and Nichols completed a study of our wastewater system. The purpose of the study was to identify a better distribution of flow as well as the useful life of both the North and South treatment plants.

The Wastewater Master Plan includes population projections, projected development growth, hydraulic analysis of the existing and future collection systems, and identification of system improvement based on infiltration and future development. The identified system improvements were then placed into a structured Capital Improvement Plan (CIP).

Origination:

Public Works Department

Recommendation:

N/A

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

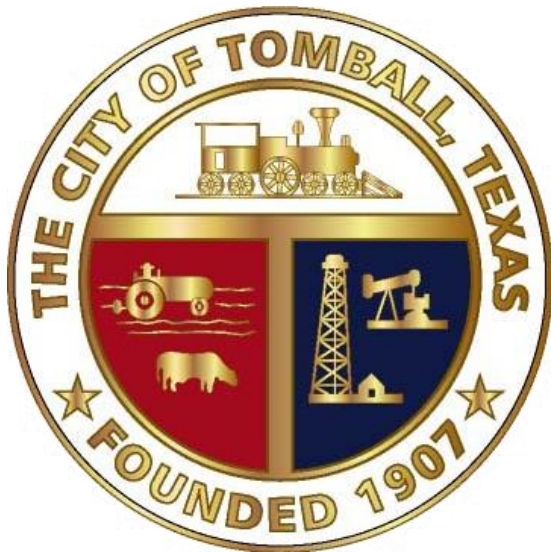
Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Wastewater Master Plan Presentation



City of Tomball

WASTEWATER MASTER PLAN

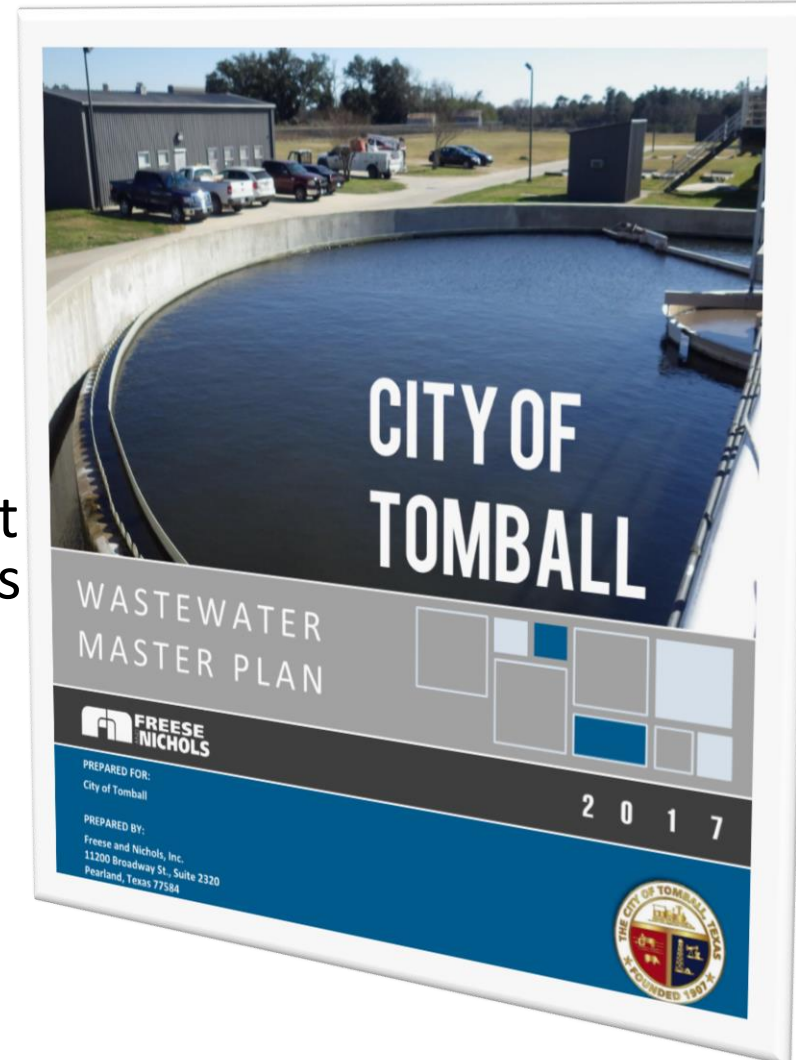
CITY COUNCIL PRESENTATION

November 6, 2017

Wastewater Master Plan Components



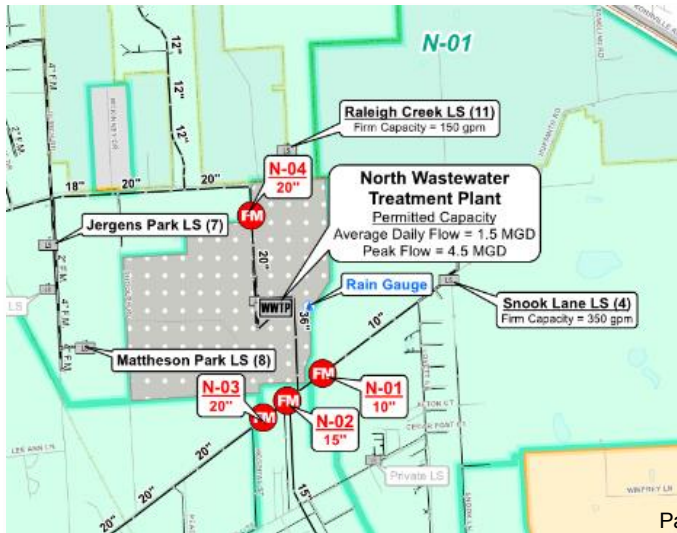
- Wastewater **flow projections**
- Identification of existing and future **system deficiencies**
- **Prioritized, phased CIP** with **cost estimates** *and* **business case** for recommended projects
- Very clear, easy to read **CIP maps** that show location and phasing of projects
- Comprehensive **Master Plan Report**
- **Model tool** for dealing with future development



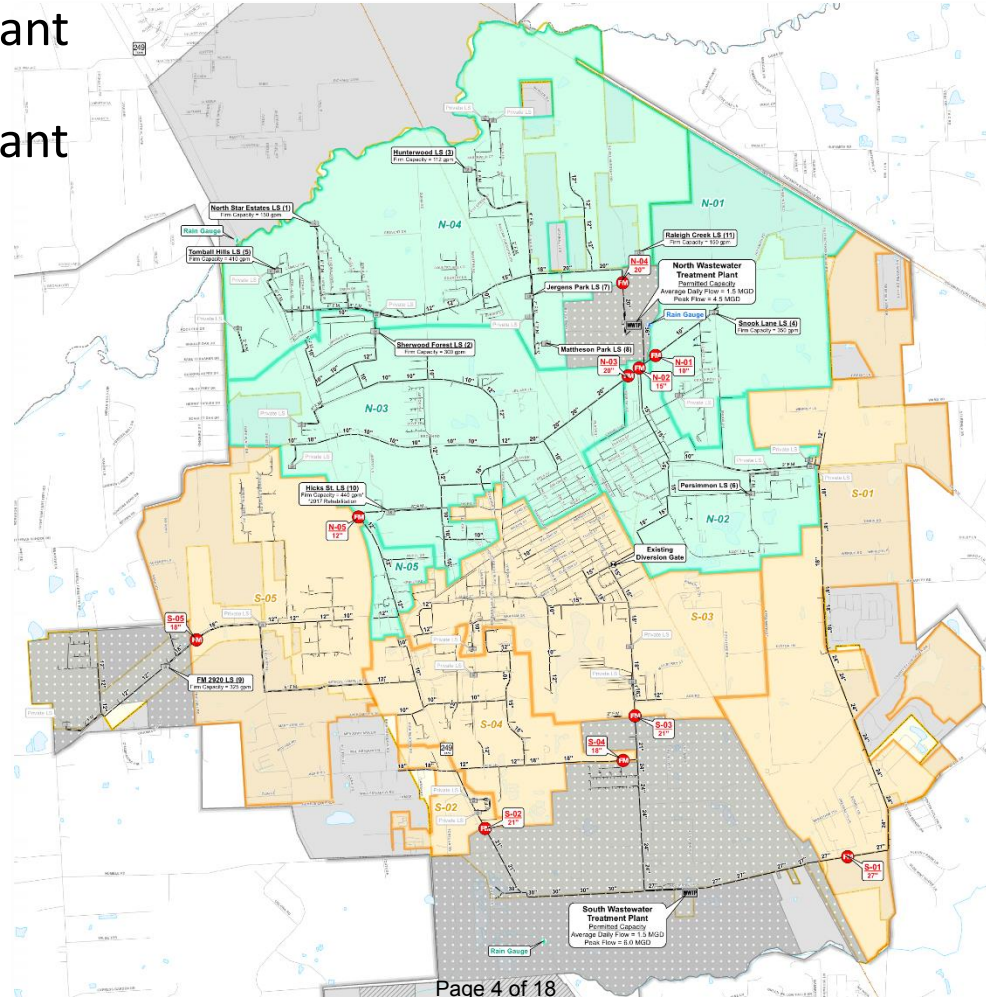
Existing Wastewater System



- **2 Wastewater Treatment Plants**
 - North Wastewater Treatment Plant
 - South Wastewater Treatment Plant
- **10 Lift Stations**
- **90 Miles of Wastewater Pipes**



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Page 4 of 18

Wastewater System Design Criteria



- Texas Commission on Environmental Quality
- Chapter 217 of Texas Local Government Code
- Chapter 217 says:
 - §217.53 (j) (3) that “An owner must ensure that the collection system has capacity to prevent a surcharge.”
 - §217.61 (c) that “the firm pumping capacity of a lift station must handle the peak flow.”
- The peak flow includes the domestic wastewater contribution plus the wet weather infiltration and inflow (I/I)
- **Surcharging** occurs when a gravity pipe is full of wastewater and could cause an overflow
- An **Overflow** is an unauthorized discharge of untreated wastewater from the wastewater system

Effective: December 4, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2012-040-217-OW
Amendment to Chapter 217: Design Criteria

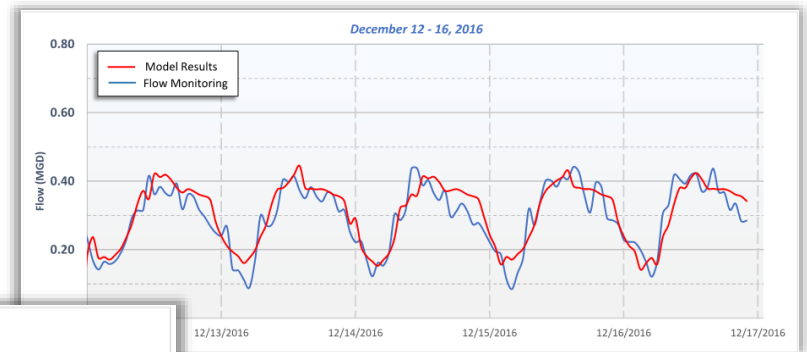
Chapter 217
Design Criteria for Domestic Wastewater Systems
Subchapters A, B, C, D, E, F, G, H, J, K, L, M



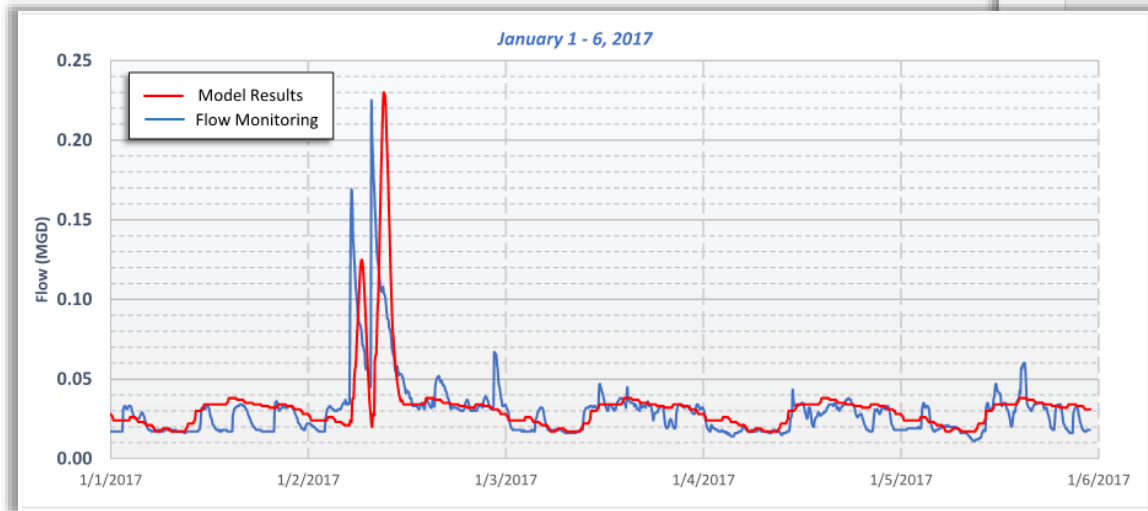
Wastewater Model Development and Calibration



- Hydraulic model based on GIS data
- Dry and Wet Weather Calibrations
- Flow monitoring at 10 locations
- Very good calibration results



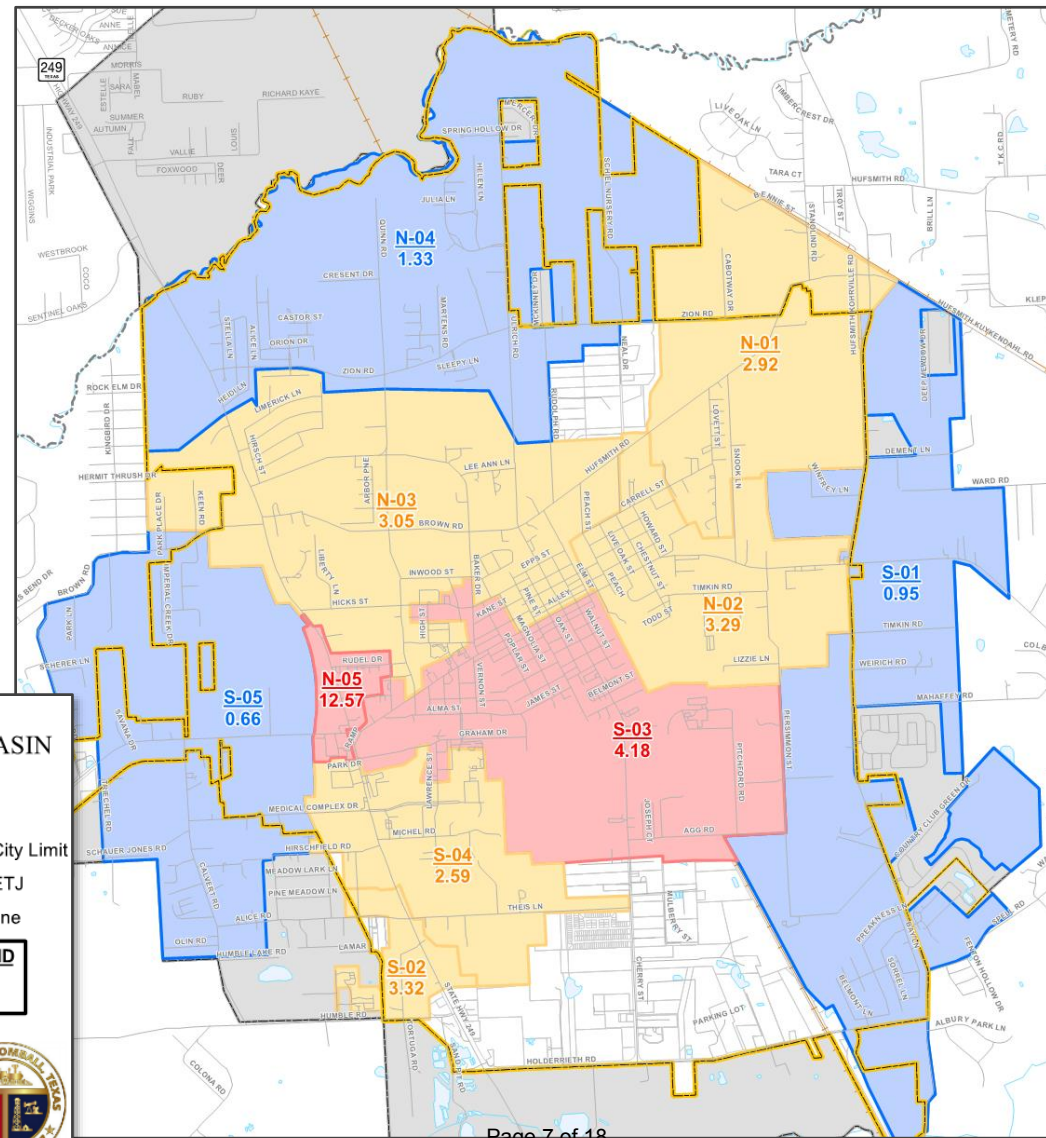
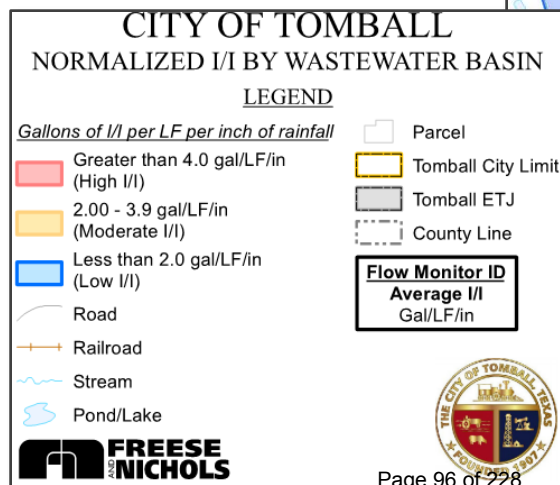
Dry Weather Calibration Results



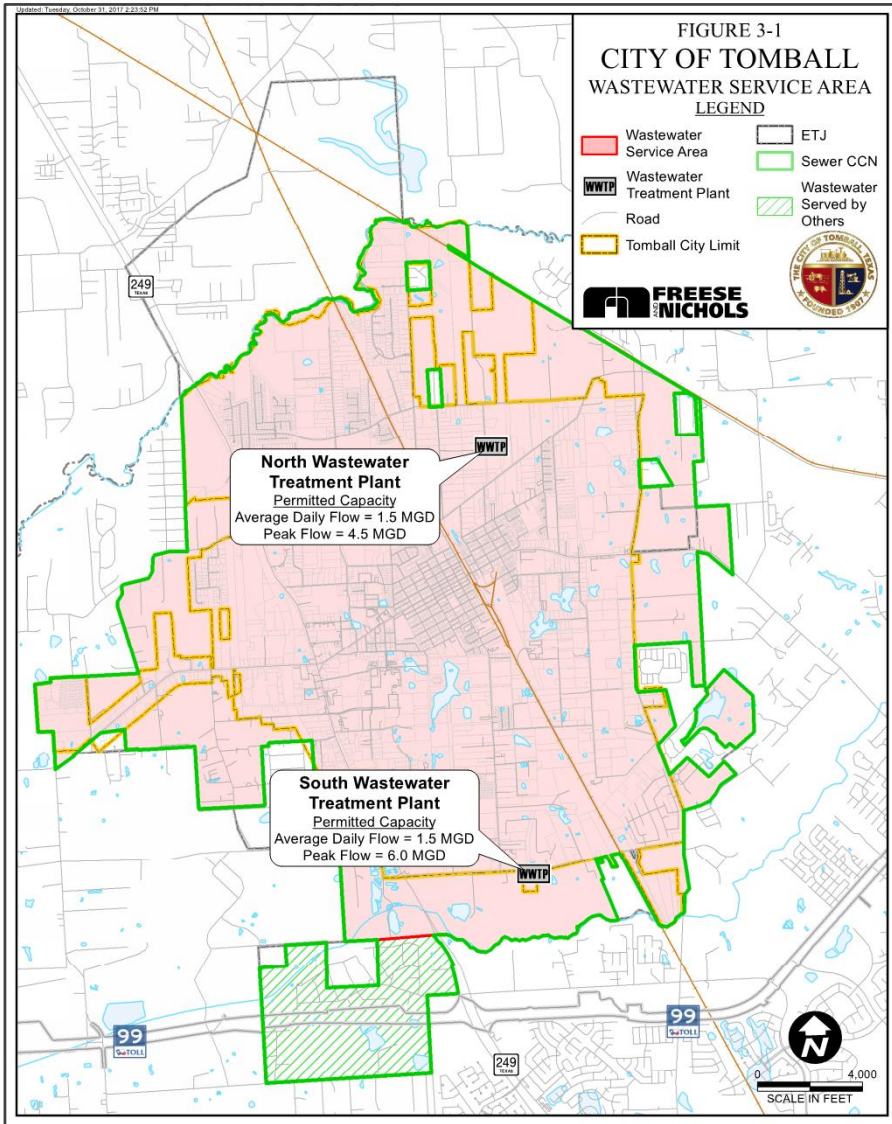
Wet Weather Calibration Results

Inflow and Infiltration (I/I) Study

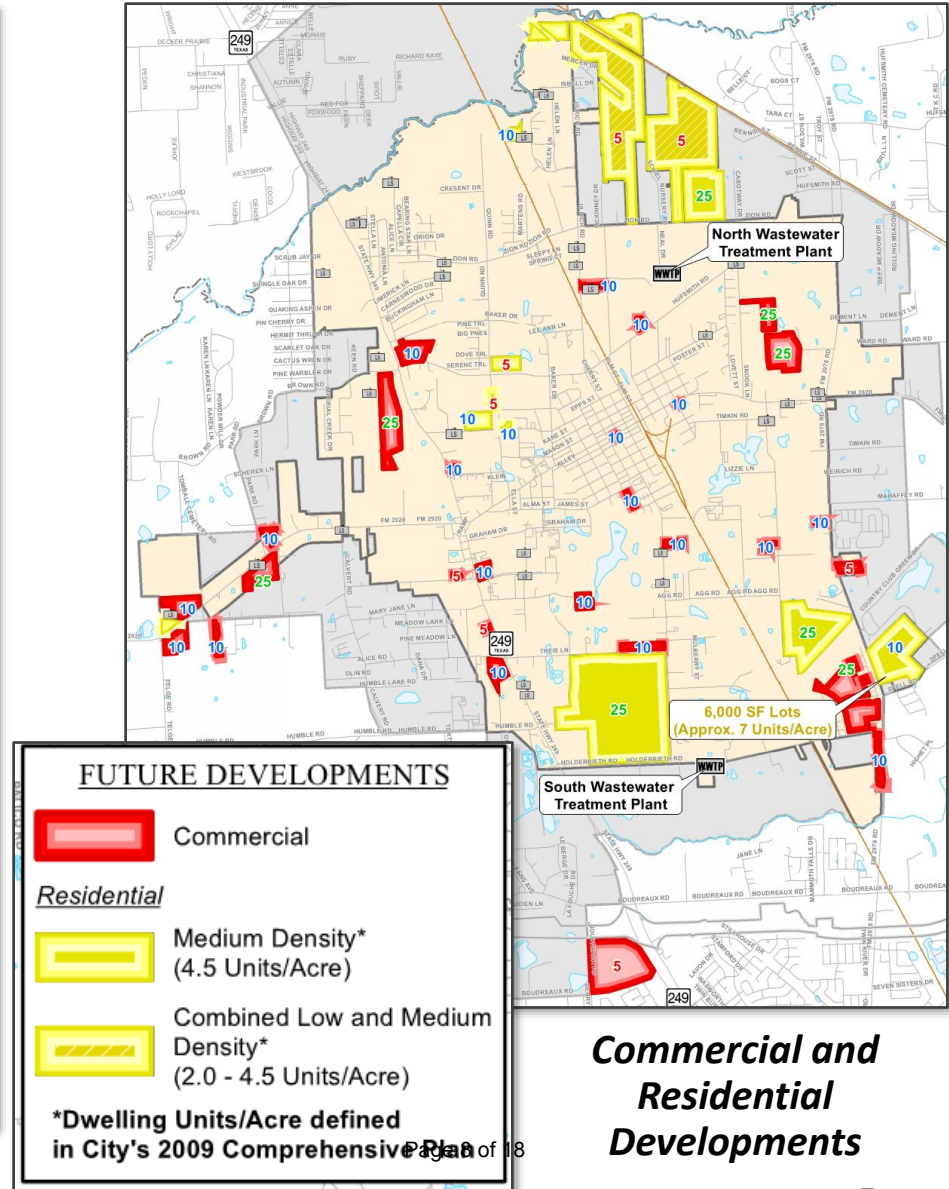
- Flow monitors and rain gauges measure rainfall and peak wastewater flows
- Measures “leakiness” of wastewater infrastructure
- Used to prioritize further sewer basin study and rehabilitation projects



Wastewater Service Area and Anticipated Developments

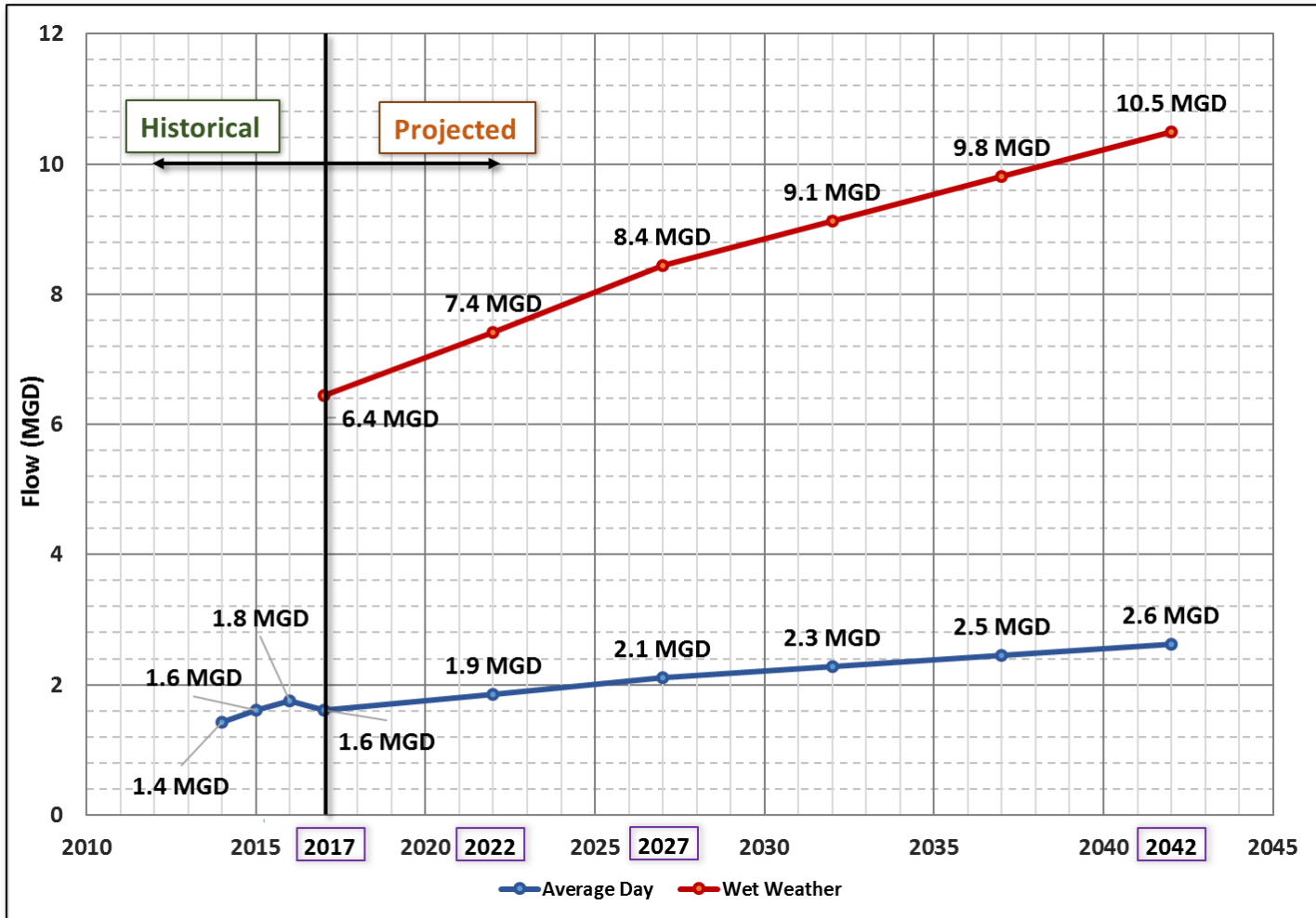


Wastewater Service Area



Commercial and Residential Developments

Projected Wastewater Flows

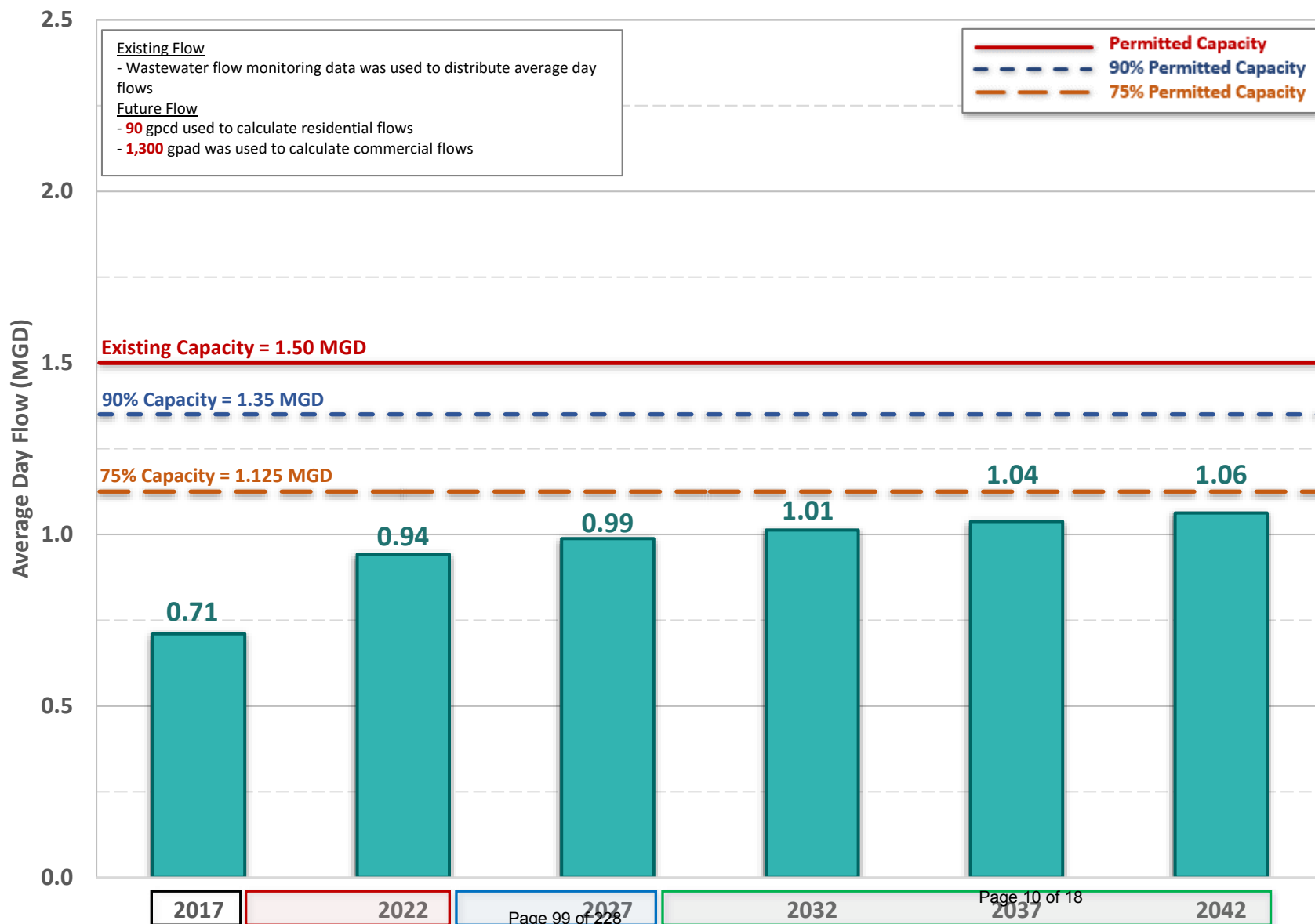


Planning Period Years

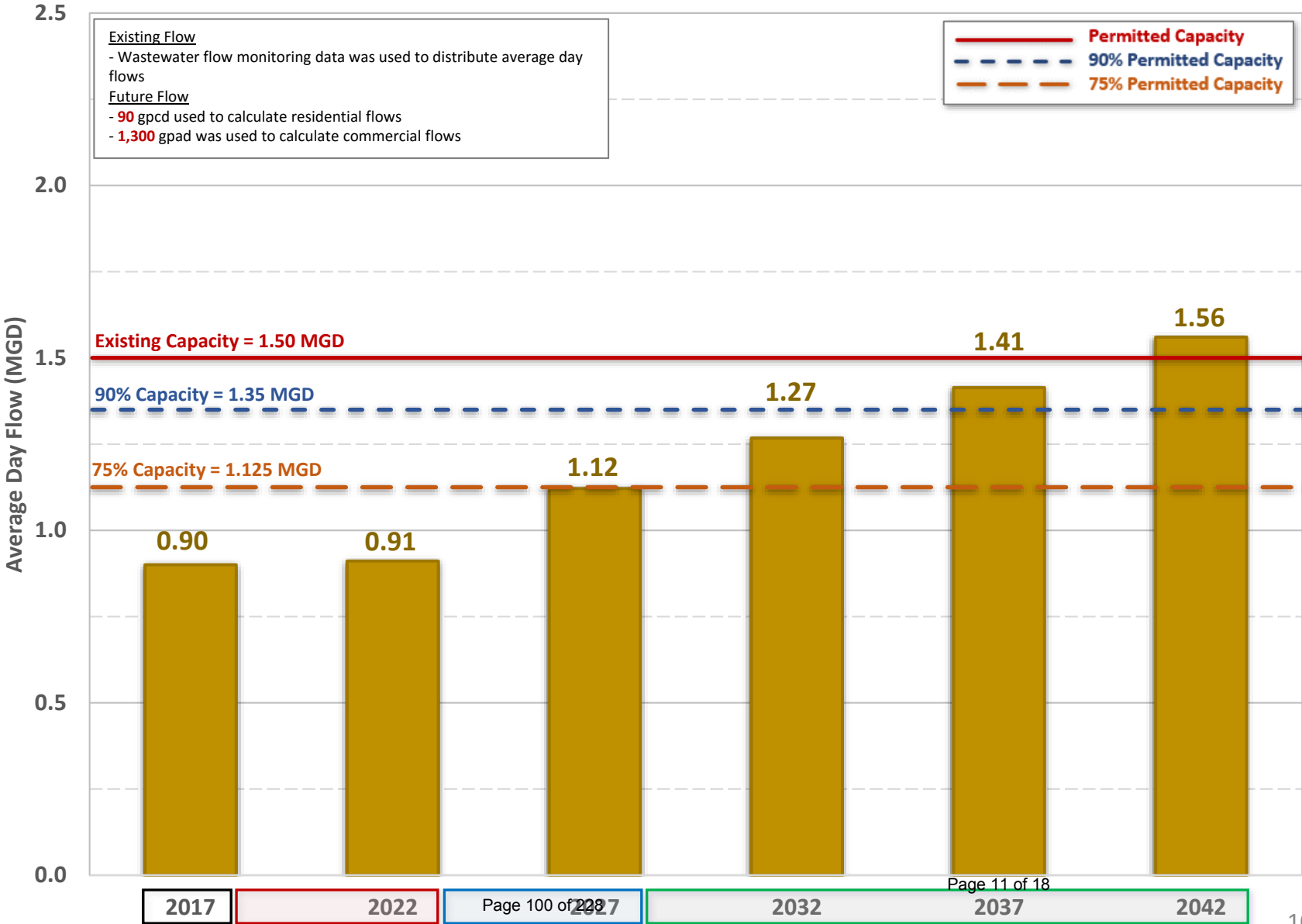
Design Criteria*

Residential Average Flow = 90 gallons/Capita/Day
 Commercial Average Flow = 1,300 gallons/Acre/Day
 Wet Weather Peaking Factor = 4.0

Projected Wastewater Flows to North WWTP



Projected Wastewater Flows to South WWTP



WWTP Consolidation Analysis (25-Year Life Cycle Cost)



WWTP Alternative ⁽³⁾	Total 25-Year Life Cycle Cost (2017 \$ per Capita)	No. of WWTPs
Alternative 1 Both WWTPs remain in service	\$2,433	2
Alternative 2a Decommission North WWTP and 1.5 MGD Expansion to South WWTP in 2028	\$2,902	1
Alternative 2b Decommission North WWTP and 1.5 MGD Expansion to South WWTP in 2020	\$2,591	1

- Wastewater Treatment Plant (WWTP) Consolidation Evaluated using 25-Year Life Cycle Cost (Capital Costs and Operations & Maintenance)
- FNI does not recommend consolidating the WWTPs at this time
- To be re-evaluated in 5 years during the next wastewater master plan

Summary of Wastewater System CIP Recommendations



Ongoing Projects

- **1** – North and South WWTP critical needs projects – Priority 1 (Phase I)

0-5 Year Projects

- **1** - South WWTP critical needs projects – Priority 1 (Phase II)
- **3** - SSES* projects to address I/I in “leaky” basins
- **3** - Collection system projects to provide additional capacity

6-10 Year Projects

- **3** - SSES* projects to address I/I in “leaky” basins
- **2** - Collection system projects to provide additional capacity
- **2** - WWTP projects to replace components in poor condition (Priority 2)

11-25 Year Projects

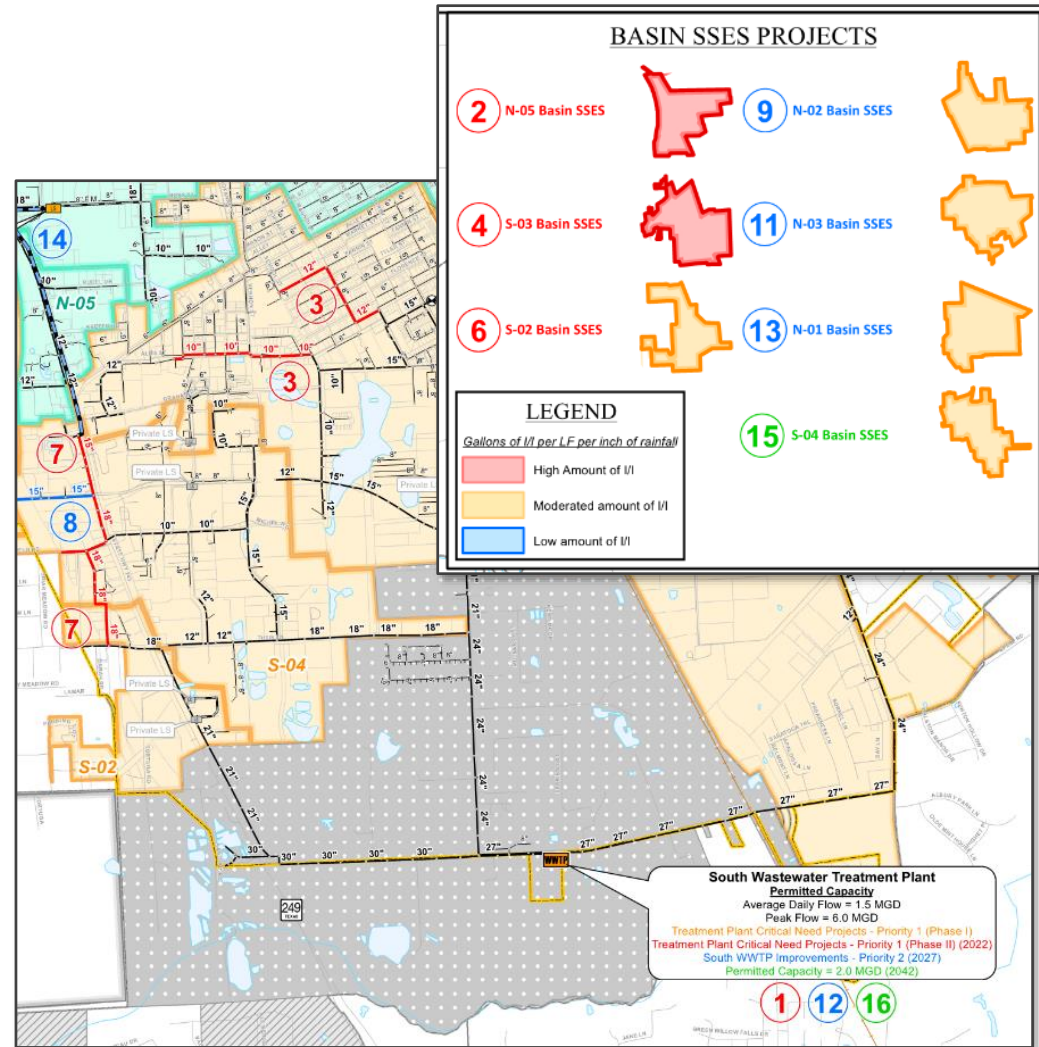
- **1** - SSES* project to address I/I in “leaky” basins
- **1** - South WWTP expansion

Wastewater System Capital Improvements Plan



Phase	CIP	Cost ⁽¹⁾
Ongoing	Treatment	\$3,612,103
0-5 Year	SSES	\$4,373,200
	Collection	\$5,332,000
	Treatment	\$816,700
	Sub-total	\$10,521,900
6-10 Year	SSES	\$4,410,900
	Collection	\$5,823,500
	Treatment	\$10,105,800
	Sub-total	\$20,340,200
11-25 Year	SSES	\$1,463,700
	Treatment	\$6,240,000
	Sub-total	\$7,703,700
Total		\$42,177,903

(1) All costs are in 2017 dollars



Note: CIP Cost Estimates include 30% Contingency and 15-20% Engineering Services

Page 14 of 18

5-year Wastewater CIP Projects



Project	Project Description	Cost
1	Treatment Plant Critical Needs Projects - Priority 1 (Phase II)	\$ 816,700 ⁽¹⁾
2	SSES for Basin N-05 (Field Work and Rehabilitation)	\$ 186,000
3	Replacement 10/12-inch Gravity Lines along Alma/James Streets	\$ 1,149,100
4	SSES for Basin S-03 (Field Work and Rehabilitation)	\$ 2,390,500
5	Replacement 21/24-inch North Willow Street Gravity Line	\$ 583,300
6	SSES for Basin S-02 (Field Work and Rehabilitation)	\$ 348,600
7	Replacement 15/18-inch Gravity Main along Tomball Pkwy (Hwy 249 B)	\$ 1,834,000
Subtotal		\$ 7,308,200
30% Construction Contingency		\$ 1,947,600
Subtotal		\$ 9,255,800
15-20% Engineering Services		\$ 1,266,100
Total		\$ 10,521,900

(1) This project designed and bid in 2017; includes contractor markup for change order planned to be executed in 2018

10-year Wastewater CIP Projects



Project	Project Description	Cost
8	FM 2920 Lift Station Expansion, Replacement Force Main and Gravity Line Expansion	\$ 2,734,100
9	SSES for Basin N-02 (Field Work and Rehabilitation)	\$ 979,600
10	North WWTP Improvements - Priority 2	\$ 4,437,000
11	SSES for Basin N-03 (Field Work and Rehabilitation)	\$ 1,598,200
12	South WWTP Improvements - Priority 2	\$ 2,041,000
13	SSES for Basin N-01 (Field Work and Rehabilitation)	\$ 372,400
14	Hicks Lift Station Expansion and Replacement Force Main	\$ 998,800
Subtotal		\$ 13,161,100
30% Construction Contingency		\$ 3,948,600
Subtotal		\$ 17,109,700
15-20% Engineering Services		\$ 3,230,500
Total		\$ 20,340,200

25-year Wastewater CIP Projects



Project	Project Description	Cost
15	SSES for Basin S-04 (Field Work and Rehabilitation)	\$ 979,000
16	0.5 MGD Expansion of South WWTP	\$ 4,000,000
Subtotal		\$ 4,979,000
30% Construction Contingency		\$ 1,493,700
Subtotal		\$ 6,472,700
15-20% Engineering Services		\$ 1,231,000
Total		\$ 7,703,700

Questions?



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Resolution No. 2017-19, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District

Background:

Harris County Appraisal District requested nominations for the two-year term beginning on January 1, 2018. The current representative for the 32 smaller cities and towns in Harris County, other than the City of Houston, on the six-member HCAD Board of Directors is Ed Heathcott, who has served on the board since January 1, 2008. Mr. Heathcott has respectfully declined his nomination.

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

Harris County Appraisal District now asks Council to cast its ballot for an individual to fill the position on the Board of Directors of the Harris County Appraisal District representing small cities other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2018.

Origination:

Chief Appraiser-HCAD

Recommendation:

City staff makes no recommendation.

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. 2017-19

Request from HCAD and Accompanying Letters from Nominees

RESOLUTION NO. 2017-19

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

* * * * *

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

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

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

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

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

Section 3. That the Mayor be, and she is, hereby authorized and directed to deliver or cause to be delivered an executed or certified copy of this Resolution to the Chief Appraiser of the Harris County Appraisal District no later than December 15, 2017.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF NOVEMBER, 2017.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

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

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

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

James P. Avioli ☒

Ed Heathcott ☐

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

WITNESS MY HAND this 2nd day of November 2015.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

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

Doris Speer
City Secretary

November 2, 2015
Date



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF THE CHIEF APPRAISER

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

FROM: Roland Altinger, Chief Appraiser

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

DATE: October 18, 2017

The nomination period for board candidates representing the small cities, school districts, junior college districts and conservation & reclamation districts closed October 15, 2017. The names of all candidates officially nominated to me on or before that date are reflected on the enclosed "Certification of Ballot" forms.

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

Pete Pape was the only person nominated for the board position representing school districts other than Houston ISD and the junior college districts.

Mike Sullivan and Ed Heathcott are nominees for the board position representing cities other than the City of Houston. However, Mr. Heathcott has respectfully declined his nomination. (See attached letter).

Glenn Peters and Michael Keck are nominees for the position representing the conservation and reclamation districts.

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

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

CERTIFICATION OF BALLOT
FOR BOARD OF DIRECTORS
HARRIS COUNTY APPRAISAL DISTRICT

I, _____, certify that on the _____ day of _____, 2017, the City Council of the City of _____ did by resolution cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

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

Ed Heathcott ☐ (nomination declined)

Mike Sullivan ☐

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

WITNESS MY HAND this _____ day of _____, 2017.

Mayor

ATTEST:

City Secretary

Ed Heathcott, Chairman
HCAD Board of Directors

October 18, 2017

Harris County Appraisal District
13013 Northwest Fwy
Houston, TX 77040

Attn: Mr. Roland Altinger,
Chief Appraiser

Roland,

It has been my privilege and honor to serve on the HCAD Board of Directors for the past ten years.

I will not be seeking re-election to this position. Please accept this as my formal notification I will no longer serve in this capacity as of the end of 2017.

I understand my name must appear on the ballot as it has been officially submitted but I will decline any votes I may receive.

I wish continued success to the HCAD organization as they work to serve Harris County.

Sincerely,

A handwritten signature in black ink that reads "Ed Heathcott". The signature is written in a cursive, flowing style.

Ed Heathcott

Mike Sullivan
4811 Shore Hills Dr
Kingwood, TX 77345
Phone: 713-898-6969
Mike@MikeSullivanInterests.com

October 27, 2017

Honorable Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, TX 77375-4697

Re: Election for HCAD Board of Directors

Dear Mayor:

It is that time of year again. All jurisdictions of the Harris County Appraisal District will soon cast a vote for their respective director for a 2-year term.

As you know, all cities other than Houston are allowed one vote for a director to represent them. I am honored to have been the unanimous nominee of the Harris County Mayors and Councils Association, and will be the only candidate on your HCAD ballot.

Even though I am the sole nominee, it is important to cast your formal vote to ensure that your voice is heard. Your needs should be given just as much consideration as any other jurisdiction.

HCAD will be sending out packages soon with information on the voting process and timelines. Ballots are due back to HCAD by December 15th. With the few number of city council meetings scheduled between now and the deadline, coupled with upcoming Thanksgiving holidays and time for your ballots to be received by HCAD, time is of the essence.

Thank you for your consideration, and I respectfully request that you and your city council cast their vote for me to represent you on the HCAD board of directors.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Sullivan', with a stylized flourish at the end.

Mike Sullivan

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Resolution No. 2017-20, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at which All Interested Parties shall have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (Remaining Portion of Tract 1: 0.5968 Acres of Land out of a 9.4852-Acre Tract in the Chauncey Goodrich Survey, Abstract No. 311, Harris County, Texas) [Majed, Inc.]

Background:

Approval of Resolution No. 2017-20 will declare the City's intention to annex the remainder of Majed, Inc.'s tract, located within the City's ETJ, and schedule the required public hearings. The majority of the tract was annexed in 2002, when the City of Tomball annexed 500-ft. on either side of FM 2920 in order to provide utilities along FM 2920.

A copy of the annexation calendar is included for Council review.

Section 43.063 of the Local Government Code requires two public hearings on proposed annexations. The hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (a 21-39 day timeframe). Due to publication date constraints and Council's meeting schedule, staff's recommendation is that the public hearings be held during the regular Council meeting on December 4, 2017 and at a *special Council meeting on December 11, 2017 at 5:30 p.m.*, prior to the Planning and Zoning Commission meeting.

If the recommended dates for the public hearings are acceptable, the first reading of the annexation ordinance will be adopted at the regular Council meeting on Tuesday, January 2, 2018 and the second reading of the ordinance will be adopted at the regular Council meeting on January 15, 2018.

Origination:

Majed, Inc.

Recommendation:

Approve Resolution No. 2017-20

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2017-20
Annexation Calendar/Worksheet
Majed Annexation Application

RESOLUTION NO. 2017-20

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (REMAINING PORTION OF TRACT 1: 0.5968 ACRES OF LAND OUT OF A 9.4852-ACRE TRACT IN THE CHAUNCEY GOODRICH SURVEY, ABSTRACT NO. 311, HARRIS COUNTY, TEXAS)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on December 4, 2017. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Special Council Meeting at 5:30 o'clock (5:30 p.m.), on December 11, 2017. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 6th day of November 2017.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

Exhibit "A"

Being a Portion of Tract 1: 0.5968 Acres of Land out of a 9.4682-Acre Tract in the Chauncey Goodrich Survey, Abstract No. 311, Harris County, Texas.

METES AND BOUNDS

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;

Exhibit "A" – Page 2

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;

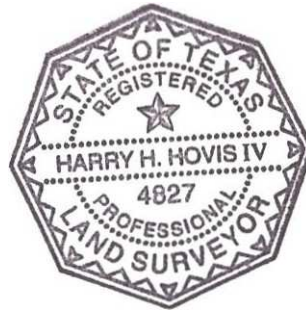
Thence, S 87°00'53" W, along the Northerly line of said 21.6877 acre tract, a distance of 265.85 feet to a 5/8 inch iron rod with cap set at the intersection of the Northerly line of said 21.6877 acre tract with the Southeasterly line of said City of Tomball City Limits line, from which a 5/8 inch iron 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).

TRACT BEING SHOWN ON MAP (SEE HSC 03011-E-2)
HOVIS SURVEYING COMPANY, INC.

By: 



Date: October 27, 2017

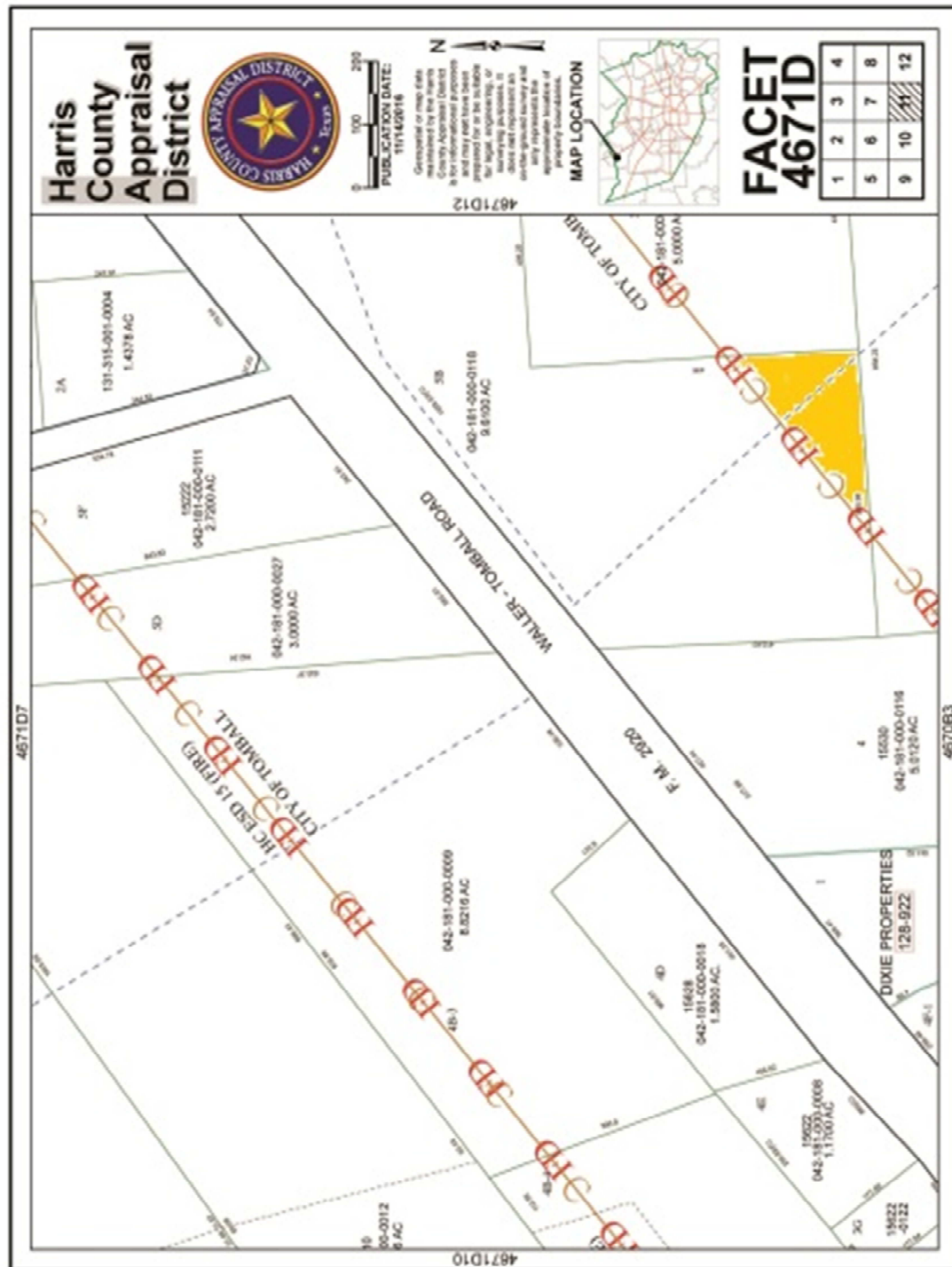
Job No: 17-059-00

Dwg No: HSC 03011-

E-2 File No: B17-

059.00D

Drawing File: 1705900A.dwg



PROPOSED ANNEXATION – MAJED INC.

Council approves annexation request on 11/6/17 by adopting Resolution and sets 12/7 and 12/11 as dates for public hearings (regular and Special Council meetings). Send to paper on 11/7 to run in paper on 11/15 (19 days' notice for 12/4 meeting) and again on 11/22 (19 days' notice for 12/11 meeting) – one Special Council meeting required on 12/11/2017, before Planning & Zoning meeting.

Publish Dates & Public Hearing Dates – Complete Annexation on 1/15/2018	Publish Date	First Public Hearing at Regular Meeting	Publish Date	Second Public Hearing at Special Meeting	First Reading of Ordinance at Regular Meeting	Second Reading of Ordinance at Regular Meeting
Council approves annexation on 11/6 and sets dates for Public Hearings as 12/4 and 12/11:	11/15/2017	Regular Mtg 12/4/2017	11/22/2017	Special Mtg 5p before P&Z 12/11/2017	1/2/2018	1/15/2018
1 st public hearing to 1 st reading is 29 days total; 78 days to complete annexation	19 days' notice To paper 11/7 to run on 11/15 and 11/22		19 days' notice Reminder to paper 6/23 to run 6/30			
(48 days total from first publication notice to first reading)	(-48 days)	(-29 days) to 1st reading		(-22 days) to 1st reading	(Day 0)	(+13 days)

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **19 days' notice for each P.H.**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance.** – **21 days**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.—**29 days**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 11/6/17 request to second reading of ordinance. – **78 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolution No. 2017-20 on the 11/6/17 agenda for Council to approve and to set public hearing and special Council meeting dates.

Annexation Request



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

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

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

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

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

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

mazed, inc
Name of Owner(s) (Type or Print)

[Signature] 10-12-17
Owner's Signature Date

[Signature] 11/1/17
Received by City Secretary Date

Received by Community Development Department Date

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

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

Mayor and Council:

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

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

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

042-181-000-0118

(Obtainable through the County Clerk's Office)

2. The described property is contiguous to the City of Tomball's corporate city limits - ☒ Yes ☐ No.
3. Attached is proof of ownership of the property by the undersigned - ☒ Yes ☐ No.


Full Legal Signature

Siham M. Khalil

Name *(print)*

Majed, Inc.

Company Name *(if applicable)*

3100 S. Gessner Rd., Suite 115

Mailing Address *(print)*

Houston, TX 77068

City, State, Zip

713-468-7557

Phone Number

E-mail Address *(print)*

10/27/2017

Date

Full Legal Signature

Name *(print)*

Company Name *(if applicable)*

Mailing Address *(print)*

City, State, Zip

Phone Number

E-mail Address *(print)*

Date

Part B: Annexation Property Evaluation & Anticipated Development Information

(Please print or type.)

1. Agent's Contact Information:

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

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

Name: Mary M. McKenzie

Company Name: Hovis Surveying Company, Inc.

Mailing Address: 5000 Cabbage ST., Spring, TX 77379
City/State/Zip

Phone Number: 281-320-9591

E-mail Address: mmckenzie@hovis-surveying.com

2. Property Addresses:

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

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

- a. 0 FM 2920
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____
- k. _____

3. Nature of Existing Property:

Property Location: FM 2920 & Treichel Number of Acres: 0.5968

Existing Zoning: Commercial (Adjacent Property)

Is development in conformance with existing zoning districts?

Yes x No ____ Don't know

Current Assessed Valuation of Land: _____

Improvements: _____

Total: _____

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

a.) **Residential** (existing)

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

No. of Units _____

No. of Lots _____ or Acres _____

Single-Family _____

Duplexes _____

Four-Plex _____

Patio Homes _____

Townhouses _____

Apartments _____

b.) **Office and Commercial** (existing)

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

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

c.) **Institutional** (existing)

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

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

d.) **Industrial** (existing)

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

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

4. **Anticipated Development**

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

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

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

_____ A plat will not be submitted within the next 6 months

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

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

Will zoning changes be required and requested in the future to accommodate anticipated development?

_____ Yes If yes, please describe: _____ acres of _____

_____ No

c.) Residential (anticipated)

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

No. of Units _____

Value of Units _____

No. of Lots or Acres _____

Total Estimated Value _____

Single-Family _____

Duplexes _____

Four-Plex _____

Patio Homes _____

Townhouses _____

Apartments _____

Total _____

d.) Office and Commercial (anticipated)

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

Size (Sq. Ft.) _____

Unit Value (\$/Sq. Ft.) _____

Total Estimated Value _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

e.) Institutional (anticipated)

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

Size (Sq. Ft.) _____

Unit Value (\$/Sq. Ft.) _____

Total Estimated Value _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

f.) Industrial (anticipated)

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

Size (Sq. Ft.) _____

Unit Value (\$/Sq. Ft.) _____

Total Estimated Value _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

Estimated Number of Employees _____

g.) Staging of Anticipated Development (In %)

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

DESCRIPTION

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 corner of said 0.1160 acre tract, the Northeasterly corner 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 corner 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 corner 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°00'53" W, 175.62 feet;

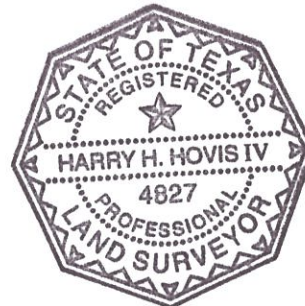
Thence, N 50°41'50" E, along the Southeasterly line of said City of Tomball City Limits Line, a distance of 330.20 feet to the POINT OF BEGINNING and containing 0.5968 of one acre or 25,995 square feet of land.

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

TRACT BEING SHOWN ON MAP (SEE HSC 03011-E-2)

HOVIS SURVEYING COMPANY, INC.

By: _____



Date: October 27, 2017
Job No: 17-059-00
Dwg No: HSC 03011-E-2
File No: B17-059.00D
Drawing File: 1705900A.dwg



Texas American Title Company
Title Information Center
2000 Bering Drive, Suite 1000
Houston, Texas 77057
Ph: 713-244-2867, Fax: 713-244-2872

City Planning Letter

GF Number: 7910-17-7303

Date: October 10, 2017

To: City Planning Department
City of Tomball
501 James Street
Tomball, TX 77375

Texas American Title Company ("Title Company") certifies that a diligent search of the real property records of Texas American Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 4th day of October, 2017, we find the following:

Property Description:

All that certain tract or parcel containing 9.4852 acres of land out of the remainder of that certain call 56 acre tract of land situated in the Chauncey Goodrich Survey, Abstract No. 311, in Harris County, Texas, said 56 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. R-965837, said 9.4852 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod (found) in the West right-of-way line of Treichal Road, (variable width) marking the Southeast corner of the remainder of that certain call 1.56 acre tract of land as described in a deed filed for record in Volume 929, Page 478 of the Harris County Deed Records and the Northeast corner of that certain call 0.380 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. R-089372;

THENCE N 89°44'13" W, along the common line of the remainder of said 1.56 acre and said 0.380 acre tracts of land, passing at 21.50 feet a 5/8" iron rod (found) marking the Northwest corner of said 0.380 acre tract of land, the Northeast corner of that certain call 11.6877 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. L-051386, the Southeast corner of that certain call 5 acre tract of land as described in a deed filed for record in Volume 1149, Page 375 of said Harris County Deed Records and the Southwest corner of the remainder of said 1.56 acre tract of land, a total distance of 438.35 feet to a 5/8" iron rod with EIC cap (set) in the North line of said 11.6877 acre tract of land marking the Southwest corner of said 5 acre tract of land and the Southerly-Southeast corner and POINT OF BEGINNING of the herein described 9.4852 acre tract of land;

THENCE continuing N 89°44'13" W, (call N 88°49'41" W), along the common line of said 11.6877 acre and said 9.4852 acre tracts of land to a 5/8" iron rod (found) in the East line of that certain call 5.012 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. S-273756 marking the Northwest corner of said 11.6877 acre tract of land and the Southwest corner of the herein described 9.4852 acre tract of land;

THENCE N 00°21'50" W, a distance of 413.66 feet, (call N 00°33'14" W, 413.62 feet), along the common line of said 5.012 acre and said 9.4852 acre tracts of land to a 3/4" iron pipe (found) in the Southeast right-of-way line of F. M. Road 2920, (aka Waller-Tomball Road, 120.00 feet in width), as described in an instrument filed for record in Volume 1265, Page 67 of said Harris County Deed Records marking the Northeast corner of said 5.012 acre tract of land and the Northwest corner of the herein described 9.4852 acre tract of land;



Texas American Title Company
Title Information Center
2000 Bering Drive, Suite 1000
Houston, Texas 77057
Ph: 713-244-2867, Fax: 713-244-2872

THENCE N 53°57'55" E, (call N 52°09'00" E), a distance of 1,044.54 feet along the Southeast right-of-way line of said F. M. Road 2920 and the Northerly line of said 9.4852 acre tract of land to a 5/8" iron rod (found) marking the Northwest corner of that certain call 0.1160 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20080147039 and the Northeast corner of the herein described 9.4852 acre tract of land, from this point a 5/8" iron rod with Frontier Surveying cap (found) marking the Northeast corner of said 0.1160 acre tract of land and the intersection of the Southeast right-of-way line of said F. M. Road 2920 with the West right-of-way line of said Treichal Road bears N 53°57'55" E, 1.71 feet;

THENCE S 00°18'21" E, a distance of 522.93 feet, (call S 03°48'34" E, 523.79 feet), along the common line of said 0.1160 acre and said 9.4852 acre tracts of land to a 5/8" iron rod (found) for angle point;

THENCE S 01°06'03" W, (call S 02°08'31" E), a distance of 14.22 feet along the common line of said 0.1160 acre and said 9.4852 acre tracts of land to a 5/8" iron rod (found) in the North line of said 5 acre tract of land marking the Southwest corner of said 0.1160 acre tract of land and the Easterly-Southeast corner of the herein described 9.4852 acre tract of land;

THENCE N 89°41'39" W, (call S 88°34'00" W), a distance of 400.20 feet along the common line of said 5 acre and said 9.4852 acre tracts of land to a p.k. nail in fence post (found) marking the Northwest corner of said 5 acre tract of land and an interior corner of the herein described 9.4852 acre tract of land;

THENCE S 00°20'47" W, a distance of 491.6 feet, (call S 01°27'00" E, 491.18 feet), along the common line of said 5 acre and said 9.4852 acre tracts of land to the POINT OF BEGINNING and containing 9.4852 acres of land.

Owner(s) of Record:

Majed, Inc., a Texas corporation (by General Warranty Deed filed for record under Harris County Clerk's File No. RP-2016-317524)

Deed Restrictions:

None of record.

Easements and other encumbrances:

- a) Pipeline easement(s) affecting the subject property granted to Humble Oil and Refining Company, as set forth and defined by instrument(s) filed for record under Volume 932, Page 361 and Volume 1053, Page 260, both of the Deed Records and under County Clerk's File No(s). C286147, all in Harris County, Texas.
- b) Pipeline easement affecting the subject property granted to The Texas Company, as set forth and defined by instrument(s) filed for record under Volume 936, Page 359 of the Deed Records of Harris County, Texas.
- c) Pipeline easement affecting the subject property granted to Tennessee Gas Transmission Company, as set forth and defined by instrument(s) filed for record under Volume 1977, Page 300 of the Deed Records of Harris County, Texas.
- d) Utility and aerial easement(s) affecting the subject property granted to Houston Lighting & Power Company, as set forth and defined by instrument(s) filed for record under Harris County Clerk's File No(s). D575824 and G620636.
- e) Right-of-way easement affecting the subject property granted to Exxon Corporation, as set forth and defined by instrument(s) filed for record under Harris County Clerk's File No(s). E655260.



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Title Information Center
2000 Bering Drive, Suite 1000
Houston, Texas 77057
Ph: 713-244-2867, Fax: 713-244-2872

- f) Pipeline easement(s) affecting the subject property granted to Pelican Reserve Pipeline Company, as set forth and defined by instrument(s) filed for record under Harris County Clerk's File No(s). H143581 and H143584.
- g) Pipeline easement(s) affecting the subject property granted to Texas Southeastern Gas Company, as set forth and defined by instrument(s) filed for record under Harris County Clerk's File No(s). D946716, L865981 and L865982.
- h) Utility easement affecting the subject property granted to the City of Tomball, as set forth and defined by instrument(s) filed for record under Harris County Clerk's File No(s). W518217.

Lien Holder(s):

None of record.

No examination has been made as to abstracts of judgments; state or federal tax liens, the status of taxes, tax suits or paving assessments.

This letter is issued for the use of, and shall inure to the benefit of PLATTING. The liability of the Title Company, Texas American Title Company, for mistakes or errors in this letter is hereby limited to the cost of said letter.

This letter is issued with the express understanding, evidenced by the acceptance thereof, that the Title Company does not intend to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty nor a warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein, and may not be given to or used by any third party. Texas American Title Company assumes no liability whatsoever for the accuracy of this report or for any omissions or errors with respect hereto. You agree to release, indemnify, and hold harmless Texas American Title Company of any negligence by them (whether sole, joint or otherwise) for any claim, loss, liability or damages arising out of this report.

This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Caution: Texas American Title Company assumes no liability for errors or omissions in this report or for verbal statements. This is a copy of a preliminary report made for use of Texas American Title Company only, to determine whether a title insurance policy can be issued. If a copy is furnished to the parties involved in the transaction, it is to facilitate preparation of the necessary instruments, to point out curative requirements (if any) and to show the results of the company's title search (upon which only the company may rely).

None of the information contained herein, or the absence of other information, constitutes a representation to any party, other than the company, as to the status of title. If a title defect or encumbrance should exist which is not disclosed herein, the company shall not be liable by reason of furnishing the report or for any verbal statements related thereto. The company shall not be liable for any title defect unless a title insurance policy is issued insuring against such defect. The applicable premium paid and the company's liability shall exist only under the terms of its policy (as prescribed by the state board of insurance) and is measured and limited thereby.



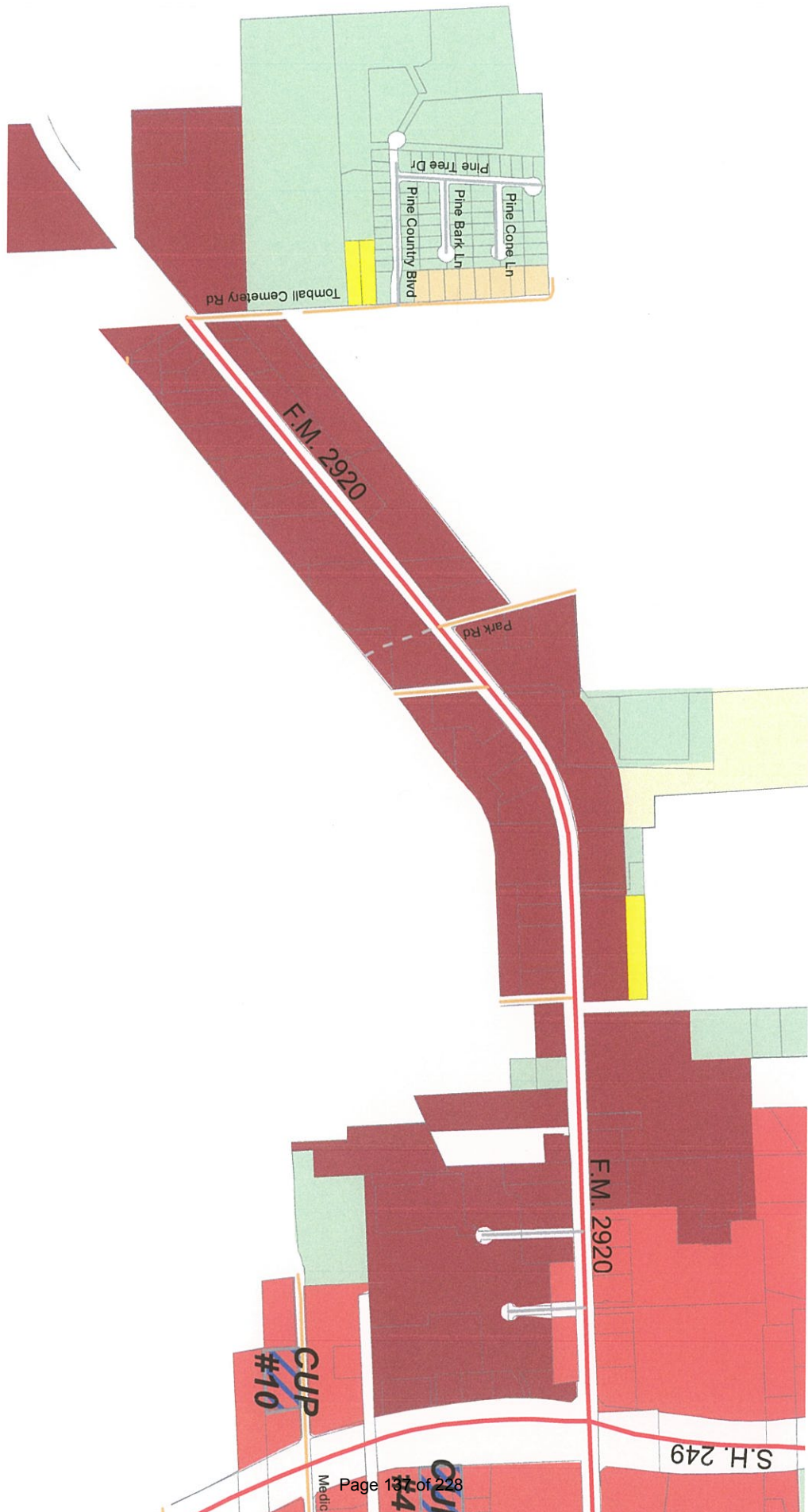
Texas American Title Company
Title Information Center
2000 Bering Drive, Suite 1000
Houston, Texas 77057
Ph: 713-244-2867, Fax: 713-244-2872

Notice: Texas American Title Company disclaims any warranties, expressed or implied, concerning the information. This information is solely for the use of the party requesting it and no one else. Texas American Title Company liability for errors and/or omissions in this information is limited to the amount paid for this report. By accepting this form, the party requesting the information agrees that the disclaimer of warranties and liability limitation contained in this paragraph is a part of its contract with Texas American Title Company and will cover all actions arising by statute, in contract, or in tort.

Texas American Title Company

Darrell Stone

Darrell Stone
Title Examiner



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Appoint Member to Vacancy of Alternate Member Position 1 on the Board of Adjustments for Term Expiring March 2, 2018

Background:

The Board of Adjustments (BOA) consists of five (5) regular member positions and up to four (4) alternate member positions with staggered two year terms.

There are currently two alternate vacancies on the Board. Ms. Phillips has expressed her desire to serve on the Board as an alternate member and if approved would leave the Board with only one alternate member vacancy.

Recommendation is to appoint Cindy Phillips as Alternate 1. Nominations will also be accepted during the Council meeting.

Origination:

Mayor Gretchen Fagan

Recommendation:

Approval

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

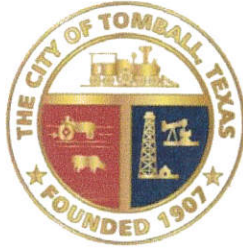
Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Cindy Phillips Application



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2016 will expire in 2018.

Please Type or Print Clearly:

Date: 10/13/2017

Name: CINDY Phillips

Phone: [REDACTED]

Address: [REDACTED]

(Home)
Phone: 832-465-7520

City/State/Zip Tomball Tx 77375

Cell: [REDACTED]

Email: [REDACTED]

I have lived in Tomball 9 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

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

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

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

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

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

Decision-Making Boards and Commissions

() Planning & Zoning Commission

☒ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

() Tomball Economic Development Corporation

() Tomball Regional Health Foundation

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

() Downtown Tomball Advisory Committee

DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

() Tomball Legacy Fund, Inc.

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

Meeting Information

As called

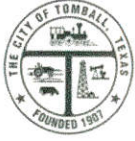
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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


Board Member's Signature

Date


Board Member's Printed Name

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Request by The Houston Repertoire Ballet (HRB) for Financial Support for Six Performances of "The Nutcracker" Ballet, to be held December 1-3, 2017 at the Tomball High School Theatre, in the Amount of \$18,750

Background:

At the October 24, 2017 meeting, the Tourism Advisory Committee recommended approval of the request by The Houston Repertoire Ballet, but recommended the amount be reduced to \$12,500.

Origination:

The Houston Repertoire Ballet

Recommendation:

n/a

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

Tracylynn Garcia, Asst. City Secretary

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

ATTACHMENTS:

HRBTomball2017

HRBTomballSupport2017

George Shackleford Memo re HRB

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT HOTEL OCCUPANCY TAX GRANT PROCESS	NUMBER: 22	EFFECTIVE DATE: October 5, 2009	PAGE 1 OF 2
	REVISED: October 5, 2009	APPROVED BY CITY MANAGER: October 5, 2009	
	SUPERSEDES: January 19, 2009	APPROVED BY CITY COUNCIL: October 5, 2009	

Guidelines for Expenditures, Requests for Funding, and Reporting

Hotel Occupancy Tax

Chapter 351.002 of the Local Government Code authorizes a municipality, by ordinance, to impose a tax on a person who pays for the right to use or temporarily take possession of a room located in a hotel/motel that is ordinarily used for sleeping. The tax is imposed on the cost of the room itself and is not imposed on the cost of any food served or on any other services provided by the hotel/motel.

The revenue derived from the municipal occupancy tax may only be used to promote tourism and the convention and hotel industry in the community. For a city the size of Tomball and located in a county the size of Harris County, that use is limited to the following:

1. the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers or both;
2. the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
4. the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
5. historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - a. at or in the immediate vicinity of convention center facilities or visitor information centers; or
 - b. located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
6. day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing of those authorized expenditures listed in 1-5 above.

Tourists are defined in Chapter 351 as an individual who travels from the individual's residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture. *Tourism* is defined as the guidance or management of tourists.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT HOTEL OCCUPANCY TAX GRANT PROCESS	NUMBER: 22	EFFECTIVE DATE: October 5, 2009	PAGE 2 OF 2
	REVISED: October 5, 2009	APPROVED BY CITY MANAGER: October 5, 2009	
	SUPERSEDES: January 19, 2009	APPROVED BY CITY COUNCIL: October 5, 2009	

Requests for Hotel Occupancy Tax Funding

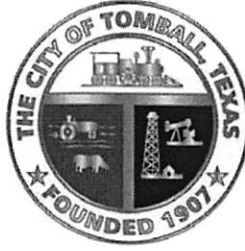
Any organization requesting the use of City of Tomball Municipal Hotel Occupancy Tax funds for an event that qualifies as an authorized use of funds as listed above must complete the “**Application for Use of Hotel Occupancy Tax**” a minimum of 45 days prior to the date of the event. All requests for funding must be approved by the City of Tomball City Council. Only one project may be requested per application. Applications for annual events must be submitted each year. Funding approved in one year does not guarantee funding in subsequent years.

Approved funding will be paid to the requesting organization on a reimbursement basis and will not be paid in advance. The reimbursement paid to the organization will be based on the lesser of the actual costs or the amount originally approved.

Reporting

Subsequent to the event/purpose for which occupancy tax funding was approved, the organization receiving the funds shall submit a full accounting of the event/purpose and specifically highlight the costs to be reimbursed by the hotel occupancy tax. In addition to the financial accounting of the event/purpose, the report shall also include a narrative describing how the event/purpose directly enhanced or promoted tourism and the convention and hotel industry in Tomball as well as the projected number of tourists or convention delegates coming to Tomball as a result of the event/purpose and the basis for the projection. If the event/purpose is one that is ongoing throughout the year, the financial and narrative report shall be updated and submitted on a quarterly basis. Reports shall be submitted to:

Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375
281.290.1417



CITY OF TOMBALL
APPLICATION FOR USE OF HOTEL OCCUPANCY TAX
(Must be submitted no less than 45 days prior to the event)

Applications may be mailed or hand delivered to:

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

Applicant Organization: Houston Repertoire Ballet

Organization Director: Victoria Vittum, Artistic Director and Founder

Project or Event for which funding is requested: "The Nutcracker" performance series with the Cypress Philharm

Date of Event: December 1 - 3, 2017 - 7 performances, 2 dress rehearsals

Description of project or event for which funding is requested HRB's "The Nutcracker" is a classic holiday ballet enjoyed by all ages at an affordable price (\$12 - \$23) bringing approximately 3,500 patrons and artists to Tomball's easily accessible venue.

It features a live orchestra, professional guest artists, lavish costumes and sets along with exquisite dancing in a professionally staged performance drawing in an audience from Houston and neighboring communities. The performance series includes 2 free shows for TISD's 3 grade students with an outreach program for Tomball Elem, an Arts & Education performance and 4 full length shows to meet demand.

Location of project or event: Tomball High School Theatre, Leonard Chambers Fine Arts Wing
330 Quinn Road Tomball, TX 77375

GRANT AMOUNTS:

Amount Requested for Current Fiscal Year: 2017	<u>\$ 18.750</u>
Amount Received for Previous Fiscal Year: 2016	<u>\$ 12,500</u>
% increase requested over last year's grant: 50	<u>%</u>

Organization Budget Summary for Previous Fiscal Year 2016

	City Funds	Other Funds	Total
Personnel		\$10,300 artistic; \$1500 stage	\$11,800
Contracted Services	\$665 security	\$23,000 orch; \$14,500 Guests	\$38,165
Travel		\$1,556	\$1,566
Rental Expense	\$14,813 Tomball ISD	\$5,910 studio; \$644 trucks	\$21,367
Depreciation/Mortgage	N/A		
Advertising	\$904 A&E booklets	\$6,275 programs, flyers, pr, adv	\$7,179
Insurance		\$4,211	\$4,211
Other Expenses	\$498 food; \$1,500 Stage	\$3,131 costumes, food, sets	\$5,119
Volunteer Time	N/A		
Donated Goods/Services	N/A		
Total	\$18,380 *	\$71,027	\$89,407

Grants to an organization will not exceed 35% of the organization's adopted budget for the fiscal year shown above.
 *\$12,500 from City of Tomball received in 2016. - exceeded grant amount in Tomball spending

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

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

<u>Other Investors/Contributors</u>	
Individual	\$3,800
Corporate	_____
Foundations	\$5,000

<u>Fees</u>	
Admissions	\$50,134
Applications	_____
Vendors	\$6,029 silent auction & boutique
Tuition	_____

<u>Concessions</u>	_____
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<u>Memberships</u>	\$4,560 non-member fees
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<u>Subscriptions</u>	_____
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<u>Other</u>	_____
Total	\$ 69,523

How many people do you expect will visit Tomball from out-of-town as a result of this project or event?

Explain the basis for your answer to the preceding question: HRB anticipates more than 3,200 patrons to attend "The Nutcracker" in addition to the more than 150 artists. This is based on historical 95% attendance data as well as historical zip code data. In 2016 only 8% of the audience was from Tomball which demonstrates "The Nutcracker's" draw to the Tomball community as a holiday tradition and hence increasing revenue in the area.

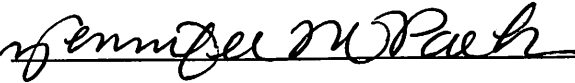
Are attendees for this event or users of this project expected to stay overnight in Tomball hotels or motels? If you answer to this question is Yes, state the basis for your answer: Yes. The long days associated with 2 days of dress rehearsal and 7 performances mandates that some of HRB's company members must stay in the area while others may for a convenience (we have 5 members in Bryan, College Station and Waller). In addition HRB patrons and memvers shop and dine in the Tomball area during "The Nutcracker" performance series.

Organization Contact Name, Title, Address and Phone Number: _____

Jennifer Parks, HRB Board Member - Grants and Corporate Giving

13807 Magnolia Manor Dr Cypress, TX 77429

jmpag@mac.com 832.334.1216 cell

Contact's Signature: 

Date: 10.08.2017



VALIDATION OF APPLICATION

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

O. Frank Newsom
Signature of Authorizing Official

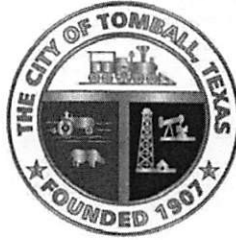
10-4-17
Date

O. Frank Newsom
Typed Name

HRB Board President
Title within Organization

281-528-1383
Telephone

Frank.Newsom@EXP-eng-int.com
Email address



NARRATIVE QUESTIONS

Please look at the criteria in the grant guidelines when you answer the following questions. **Be specific and give examples.** Answers to individual questions should be as brief as possible and should in no case exceed one page. Please see the attached.

1. Describe the history and purpose of the organization.
2. Describe how any grant funds will be used.
3. List the programs and activities for the grant year.
4. Show evidence of growth in community support prior to the grant year. Include the number of performances, exhibitions, audience sizes, services or enrollment. Be sure to include specific information as to the percent of activities taking place within the City of Tomball.
5. How does your project/event qualify for use of Municipal Hotel Occupancy Tax funds as defined in the Hotel Occupancy Tax Guidelines?
6. How do you publicize your activities? How do you evaluate these efforts and what have you done to increase the effectiveness of your marketing efforts?
7. Explain the public benefits to the City of Tomball that will result from your organization's efforts.
8. What is your organization doing to bring visitors to Tomball, to stay in local hotels and otherwise support the hospitality industry?

NARRATIVE QUESTIONS

1. Describe the history and purpose of the organization.

The Houston Repertoire Ballet (HRB) is a non-profit 501(c)(3) dance organization. The youth ballet was conceptualized in 1994 and received non-profit status in 1995. It arose from the need and desire to provide North Harris County communities with the highest quality of dance education and performance experiences. HRB has grown to become the premier pre-professional company in the area requiring discipline and commitment from the dancers and providing two major productions as well as a choreography production with recital for the community each season. Currently there are 63 dancers accepted into the company and they train and rehears 15-20 hours weekly

Beginning in 1988, HRB began performing one act of "The Nutcracker" in Tomball. It has grown to a 7 show performance series featuring the Cypress Philharmonic's 37 piece orchestra at Tomball High School's Theatre thus bringing an affordable and accessible professionally staged production with beautiful sets and costumes as well as talented dancers and musicians to Tomball drawing in patrons to support the community and enrich the residents.

The mission of Houston Repertoire Ballet is:

"HRB is dedicated to the pursuit of excellence in the art of classical ballet, providing a program of the highest quality to local dancers through professional instruction, education and performance experience. To ensure quality, acceptance into the company is limited and by invitation only. The company gives you, talented, dedicated dancers the serious training needed for them to enter the professional world of dance, while providing cultural education and community service to surrounding cities."

2. Describe how any grant funds will be used.

The City of Tomball Hotel Occupancy Funds are earmarked to stay directly in the Tomball Community, either by expense or by enrichment. The Facility Rental expenses (approximately \$15,000) goes directly to Tomball ISD supporting Tomball's public school system. In addition the two free shows that HRB performs for Tomball ISD's 3rd graders fulfills the arts component of their curriculum and brings a live theatre production directly to the students, many for the very first time. Depending on enrollment numbers, high school special needs students and dance students are also invited.

The Stage Crew is comprised of Tomball Stage students and director (along with HRB volunteers). The Tomball students are paid for their work while gaining valuable technical experience related to a live production. In addition HRB provides two \$750 scholarships annually to support graduating Tomball Stage students.

The balance of the funds are used for Tomball security, flowers, and to provide food for the dancers, orchestra, backstage crew and volunteers between the shows. (This is of course in addition to the food purchased by people involved in the production and patrons before and after the shows). Food is typically ordered from local Tomball establishments as well as paper products purchased from local discount stores. Historically some places have included, Chilis, Starbucks, Chik Fil A, Pizza, Kroger, Wal-Mart and Target. In addition the grant funds will go towards supporting the new Mother Ginger Experience, an outreach program) for Tomball Elementary 3rd grader, this is estimated to be \$800.

The city of Tomball grant funds are dedicated to support the Tomball community while supporting bringing the arts and patrons directly to Tomball. If there are any remaining funds, they will be directed towards publicity expenses which bring awareness and patrons to the event in Tomball.

3. List the programs and activities for the grant year.

The grant is used entirely to support bringing "The Nutcracker" to Tomball to enrich their arts community while bringing in patrons from other areas.

HRB begins their presence in Tomball following "move-in" at the beginning of the week with dress rehearsals on Wednesday, November 29th and Thursday, November 30th.

On Friday, December 1, HRB performs 2 free shows for Tomball ISD 3rd grade students fulfilling the arts component of their curriculum. It is an abbreviated performance that includes an educational talk as well as an information booklet. *A sample of one of these is included with supplemental information.*

Friday evening HRB also performs a reduced price Arts & Education performance for a younger audience drawing in girl scout groups, etc. The Arts & Education performances do not include the orchestra, but do include the professional guest artists.

The cost of printing these booklets is approximately \$900.

Saturday and Sunday both include 2 full length performances with the live orchestra.

The lobby is set and decorated for the Holidays extending the feel of festivity to the Tomball area including a large Christmas tree, boutique, silent auction and refreshments provided by Tomball High School's Jr ROTC as their own fundraiser.

HRB's season is also comprised of a spring performance series, "A Celebration of Dance" and a "Choreography Project" as a season finale, also held at Tomball High School Theatre. HRB brings the arts to the Tomball area to delight area residents with affordable and accessible live performances while drawing in outside visitors.

Arts & Education abbreviated performance for Tomball ISD

Friday, Dec 1, Times determined by TISD

Free

Arts & Education abbreviated performance:

Friday Dec 1, 7pm

A&E Tickets \$12

Full performances with live orchestra:

Saturday Dec 3 @ 2pm and 7pm

Sunday Dec 4 @ 1pm and 4:30pm

Tickets \$18 - \$23 (\$15 obstructed view)

4. Show evidence of growth in community support prior to the grant year. Include the number of performances, exhibitions, audience sizes, services or enrollment. Be sure to include specific information as to the percent of activities taking place within the City of Tomball.

New in 2017, HRB is implementing their outreach program with Tomball Elementary, "The Mother Ginger Experience". This has been developed with Tomball ISD's Fine Arts Director, JD Janda, and supported by the principal Chad Schmidt. Auditions will be held on October 16, 2017 for up to 24 boys and girls to participate (12 for each school) and no prior dance experience is required. Rehearsals will be held after school and costumes, shoes and tights will all be provided for the students. The students will learn a simplified choreography and get to experience being part of "The Nutcracker" on stage performing in one of the two free Arts & Education performances, in which attendance is based on enrollment. HRB added a second show in 2010. HRB is thrilled to extend their outreach and hopes that this is simply the first step in their continued investment into the city of Tomball's youth outreach programs.

For "The Nutcracker" 2017, we anticipate 95 - 100% of seats for the 5 performances to be sold. The seating capacity is approximately 3,600 for the 5 ticketed shows (reserve handicapped seats and blocks for videographer). HRB's "The Nutcracker" continues to exceed their patrons expectation as its continued growth supports the need for high quality arts productions in northwest Houston bringing patrons into Tomball.

In 2013, HRB was joined by a live orchestra, The Cypress Philharmonic. This has elevated the production to one that would mirror almost any nutcracker and has additionally increased attendance drawing in a new audience. HRB's audience has steadily increased form 85% in 2010 with 3 full and one abbreviated show to near capacity with 4 full and 1 abbreviated show for 2016. In 2015, HRB had to add a 5th ticketed performance to meet demand, a Friday evening abbreviated Arts & Education performance and has continued to be a success in 2016 and 2017. In fact 22% of tickets have been sold for this show in less than one week

5. How does your project/event qualify for use of Municipal Hotel Occupancy Tax funds as defined in the Hotel Occupancy Tax Guidelines?

HRB bringing "The Nutcracker" with the Cypress Philharmonic to Tomball directly satisfies "The Guidelines for Expenditures, Requests for Funding, and Reporting" published by the City of Tomball City Council on October 5, 2009 in article #4: "the encouragement, promotion, improvement and application of the arts, including...dance...and other arts related to the presentation, performance, execution and exhibition of these major art forms."

6. How do you publicize your activities? How do you evaluate these efforts and what have you don't to increase the effectiveness of your marketing efforts?

HRB has an extensive marketing campaign including poster and flyer distribution, print advertisements and press releases as well as a strong internet presence. In addition HRB is also implementing a social media campaign on Facebook and Instagram to promote name recognition and awareness of "The Nutcracker" in Tomball. The reputation and quality of HRB's "The Nutcracker" has developed into a staple of Tomball's Holiday Season. HRB's extensive flyer and poster campaign is supported by National Charity League, a mother and daughter organization that supports philanthropies. Houston businesses are historically mapped, targeted and tracked to increase effectiveness.

HRB utilizes a publicity liaison to ensure local media sources, neighborhood newsletters and family event locators are targeted and extend notices via the internet and direct email to previous patrons.

Beginning in 2014 HRB also began a direct marketing campaign by gifting the younger, non-company dancers, 53 for 2017, with a season t-shirt for them to wear to promote the events.

As every publicity dollar spent is crucial, HRB does evaluate its marketing, with every ticket order the patron is either asked or prompted on the internet as to how they learned about HRB's "The Nutcracker" in Tomball. There are also

optional audience surveys available at each performance.

Unique to 2017, Houston Ballet may have an abbreviated Nutcracker performance series due to flooding. This likely will draw more demand to HRB's "The Nutcracker" as our guest artists are Houston Ballet Principal Dancer, Jared Matthews and Yuriko Kajiya.

HRB's publicity campaign brings patrons to Tomball as 92% of tickets sold are from outside of Tomball zip codes.

7. Explain the public benefits to the City of Tomball that will result from your organization's efforts.

The City of Tomball will experience increased revenues in areas of shopping and dining as well as hotel occupancy directly related to hosting HRB's "The Nutcracker". It will also bring cultural enrichment to Tomball residents, the students of Tomball ISD as well as elevating Tomball's artistic landscape.

With a direct partnership with JD Janda, TISD's Fine Arts Director, HRB will once again present two free matinee programs to all of TISD's 3rd grade students fulfilling their arts curriculum. With educational budget cuts as well as constraints on missing curriculum time, it would be impossible to bring the students to a venue outside of Tomball. HRB does these performances for no cost to TISD. Simply put, it is part of their community engagement serving others while allowing their dancers valuable performance experience. Furthermore, HRB supports two \$750 scholarships to Tomball Stage members to continue their education after graduation, this builds community relationships as well as is another investment into Tomball.

Tomball High School's JR ROTC also benefits from HRB's "The Nutcracker" as they serve refreshments during the performances as a fundraiser for their own organization.

8. What is your organization doing to bring visitors to Tomball, to stay in local hotels and otherwise support the hospitality industry?

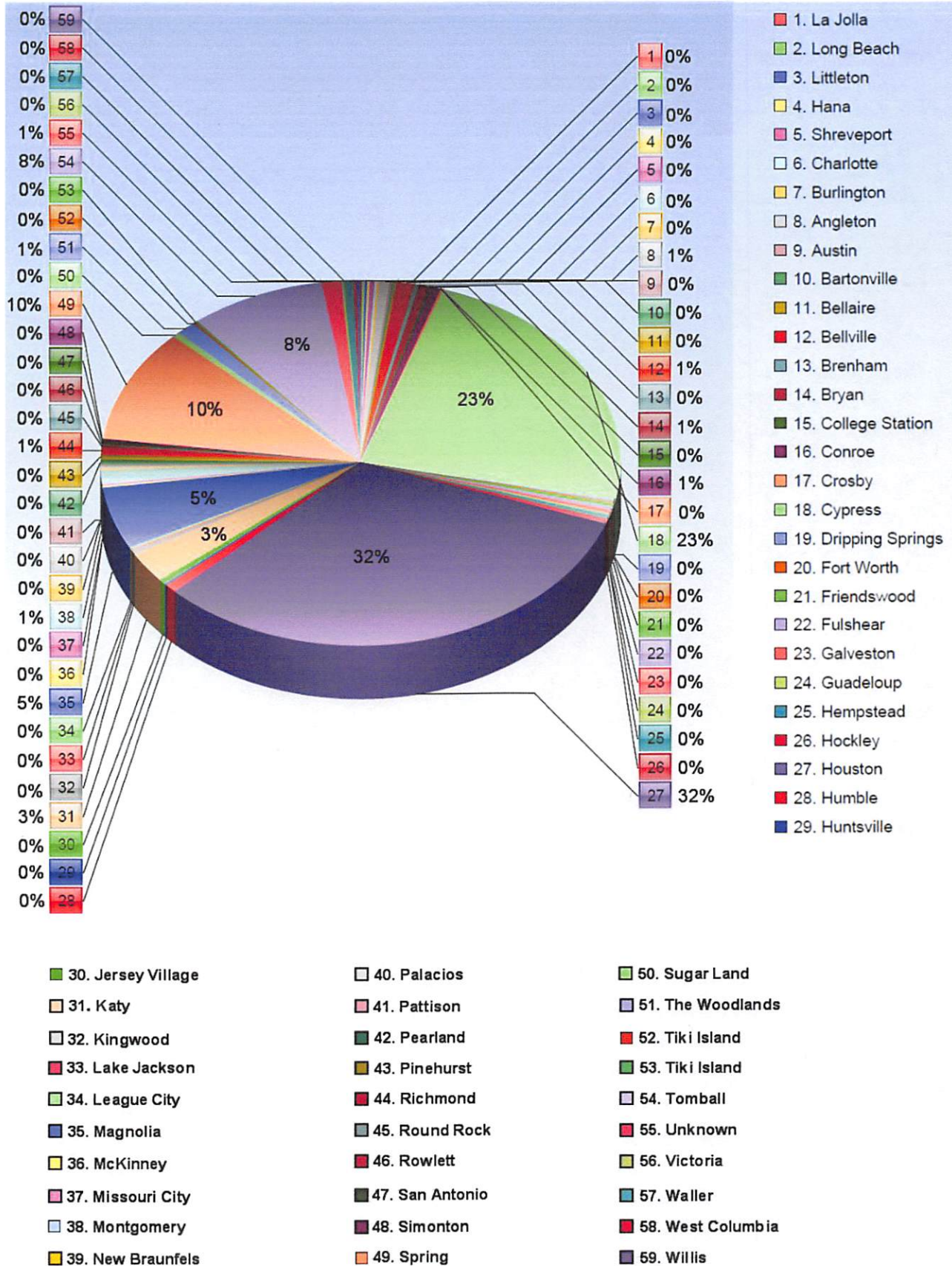
“The Nutcracker” brings more than 3000 patrons as well as more than 200 artists and volunteers to Tomball during the busy shopping holiday season. Approximately 92% of ticketed patrons come from outside of Tomball. *Please see the attached pie chart demonstrating ticket sales by zip code.* This directly puts an out of town population in the Tomball vicinity to shop, dine, run errands and enjoy Tomball. This impact will be felt Wednesday, November 29 - Sunday, December 3.

“The Nutcracker” is a unique event to Northwest Houston as it bring a professionally staged live theatre production complete with professional guest artists and a live orchestra to Northwest Houston, this elevates Tomball as a destination for the patrons to enjoy this holiday classic close to home at an easily accessible and affordable venue. This performance series compliments the city’s other enrichment efforts.

Several HRB dancers live too far away (Bryan, College Station, Waller etc) to commute for the performances, so they choose to stay in Tomball at area hotels. In order to encourage other families to stay in Tomball as well, HRB has coordinated with the General Managers of Tomball area hotels to negotiate a discount for patrons and dancers alike during Nutcracker weekend. These hotels include Holiday Inn, Hampton Inn and Suites, America’s Best Value Inn and Suites, Comfort Inn and Suites, and La Quinta. This information will also be shared with patrons who call in and inquire about area hotels.

Please find a copy of the email already sent to our company members attached. In 2016 HRB dancers and their families stayed at The Comfort Inn (2), La Quinta, Holiday Inn (2), and the Tomball-Rosehill RV Park. Please note some other families stayed as well, but used other discounts such as points, AARP, etc.

2016 Nutcracker Attendance by City



Hello all -

HRB has arranged for reduced rates for *The Nutcracker* for those of you (or family) who would like to stay in Tomball during the busy weekend.

To book a room with the group price listed, call the hotel directly and ask to reserve a room under **Houston Repertoire's Ballet's Nutcracker price**. Only the Holiday Inn has asked us to reference "Tomball Festival Events" instead.

All are based on normal availability. No block of rooms secured. Reduced prices are available only

Dec.1 - Dec. 3

There is one additional hotel (not listed) that I'm currently waiting for a confirmation from regarding reduced rate. I'll send an update to the yahoo group (hopefully) this week with that hotel information once confirmed.

1. Holiday Inn - 20% discount. Rooms need to be reserved by **referencing "Tomball Festival Events."**

14055 Park Dr.
Tomball
832--639-4900

2. Hampton Inn and Suites - \$109 Rate for 2 doubles or King.

14100 Medical Complex Dr.
Tomball
281-357-1500

3. America's Best Value Inn and Suites - \$85 King, \$75 2 Queens.

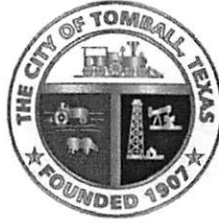
24420 Park Road
Tomball
281-255-9030

4. Comfort Inn and Suites - \$84.99 Double Queen or King. Reference:

13636 Michel Road
Tomball
281-290-7070

5. Tomball - Rosehill RV Park - 15% discount: \$30/night.

19611 FM 2920
Tomball
832-728-9905



OTHER REQUIRED DOCUMENTATION

The following information is required to process the grant application:

1. Articles of Incorporation, if applicable
2. Constitution and/or By-Laws
3. If your organization's budget exceeds \$100,000 (exclusive of in-kind) attach a copy of the last independent audit of financial records. If no audit was completed, explain why.
4. Schedule of Board of Directors meetings for the period of October 1 of the current year through September 30 of the following year. Board of Directors meetings must occur at least once per quarter.
5. Resumes of principal staff and artists or relevant job descriptions.
6. Depending on the nature of the project or event for which grant funding is requested, the organization will obtain a Certificate of Insurance for liability coverage as outlined in the attached Exhibit A. The City of Tomball requires each grantee having an event in the City aimed to attract both residents and tourists to have liability insurance to protect the public for acts by the grantee. This mandated coverage does not cover the grantee or any of its members. We encourage the grantee to acquire insurance to cover itself and its members as it deems fit. Please see your insurance agent for the local government endorsement. The cost of the local government endorsement may be included as part of your budget to be considered for a grant.

OPTIONAL SUPPORTING DOCUMENTATION

This should be additional material that you wish to attach that further explains the activities of your organization such as:

1. Long Range Plan – 3-5 years
2. One labeled videotape of performance(s), exhibits, workshops, capital project and /or other activities for which City of Tomball grant funds will be utilized.
3. Programs, publicity, articles, reviews, etc.
4. Letters of support from patrons or other organizations in the community.

**The City of Tomball
Hotel Occupancy Tax Grant Application**

Other Required Documentation

1. Article of Incorporation

Houston Repertoire Ballet – *The Nutcracker 2017*

Please see the attached 501(c)(3) letter.
HRB is a non profit organization – dance.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 30 2000

HOUSTON REPERTOIRE BALLET
8590 HWY 6N
HOUSTON, TX 77095

Employer Identification Number:
76-0479345
DIN:
17053092751010
Contact Person:
JOHN J MCGEE ID# 31169
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
May 1997
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(2).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

**The City of Tomball
Hotel Occupancy Tax Grant Application**

Other Required Documentation

2. Constitution or By-Laws

Houston Repertoire Ballet – *The Nutcracker 2017*

Please see HRB's attached by-laws.

BY-LAWS
of the
HOUSTON REPERTOIRE BALLET

Article 1 – Name

The name of this organization shall be Houston Repertoire Ballet hereafter referred to as HRB.

Article 2 – Location and Agent

The registered office of HRB shall be at the Studio of Dance located at 16668 Champions Forest Drive, Houston, Texas, 77379. Any current officer of the Board of Directors may act as registered agent for HRB.

Article 3 – Purpose

HRB is a company organized exclusively for providing a program of the highest quality to local dancers in the art of classical ballet. The program provides training, education, and experience for the company dancers while providing cultural education and community service for the surrounding region consistent with HRB's non-profit and educational purposes under the HRB Articles of Incorporation as approved by the State of Texas on May 31, 1995.

Article 4 – Membership

1. The membership of HRB shall consist of the parents who have paid dues for current HRB dancers and the current members of the Board of Directors. Additional members from the community at large may be accepted by an affirmative vote of the Board.
2. Membership period shall be from the date of joining (or rejoining) until three (3) months following the end of that fiscal year of HRB.
3. Each member shall be entitled to one vote on each matter submitted to a vote of the membership. Parents of HRB dancers are jointly entitled to one vote for each of their dancers currently active in HRB.

Article 5 – Meetings

1. In consultation with the Board, the President shall determine the dates, times, locations, agenda, and formats of meetings. Notice shall be given at least two (2) weeks in advance by postings, mail outs, e-mail, or a combination of such means.
2. The membership shall meet at least one time early in each fiscal year. Up to two (2) days in advance, any member may request in writing to the Board additional items or voting issues to be included on the agenda. In order to achieve a desired or required quorum, a physical "meeting" may be held over a defined period of more than one day.

3. A quorum to transact business at membership meetings shall consist of at least twenty (20) members in good standing. An affirmative vote of greater than fifty percent (50%) of those in attendance is required to approve an action or decision.
4. At any duly called meeting, a member may vote by a proxy executed in writing.
5. An annual vote of the members is required to approve the officers of the Board and a broad performance plan for the year.

Article 6 – Board of Directors

1. A Board of Directors shall be maintained with sole authority and responsibility for management and business affairs of HRB.
2. The Board shall be comprised of at least six (6) and no more than twelve (12) Directors.
3. Directors shall be elected or removed by the affirmative vote of a majority of the then current Directors at a duly held meeting of the Board. Directors shall serve for a minimum term of two (2) years which may be extended without limit by a majority vote of the other Board members.
4. Any vote for removal of a Director must be preceded by written notice to all Directors of the scheduled vote. Should a Director resign or be removed, the Board may elect a replacement Director to begin a two (2) year term upon election.
5. A coordinating representative for Board approved committees such as the Partners Guild, the Children's Guild, and special events may attend all Board meetings in a non-voting capacity. With the approval of the presiding officer, any other guests may attend the beginning of any Board meeting to address the Board with proposals or questions to bring comments on behalf of a Director who cannot attend. Such guests will then leave the meeting prior to remaining agenda items that may be discussed and debated privately by the Board to ensure candid discussions.
6. Artistic management of HRB shall be vested solely in the Artistic Director(s) who shall serve as members of the Board of Directors. The Artistic Director(s) may be removed only by a two-thirds (2/3) vote of the entire HRB membership.
7. Regular Board meetings shall be held on a monthly basis. Special meetings of the Board may be called at any time upon the request of the President, the Artistic Director(s), or any two Directors. Notice of such a meeting must be given to each Director at least 24 hours before the meeting.
8. For any Board meeting, at least fifty percent (50%) of the Directors currently on the Board shall constitute a quorum. Unless otherwise specified here, an affirmative vote of greater than fifty percent (50%) of the Directors in attendance shall be sufficient to approve all actions.
9. For any duly called meeting of the Board, a Director may vote by proxy or direct his/her attendance and vote to another Director in writing.
10. No salary, fee, or compensation shall be paid to any Director or member except by resolution of the Board.

Article 7 – Officers of the Board

1. The officers of the Board of Directors of HRB shall consist of a President, a Vice-President, a Secretary, and a Treasurer authorized to conduct business on behalf of HRB. As necessary, officers may designate other HRB members or staff to perform specific duties.

2. Officers of the Board shall be determined by the Board in a manner suitable to the needs of the Board at that time. By the end of July each year, the Board shall determine the slate of officers for the following fiscal year.
3. Should an officer resign or be removed, the President shall be responsible for promptly securing Board approval of a replacement except that a vacancy of the office of President shall be automatically filled by the Vice President.
4. Officers may be removed from office by a vote of the Board at a duly called meeting for which all Directors have been notified.
5. **The President**, or in his/her absence **the Vice President**, shall preside at all meetings of the Board as well as be responsible for maintaining long-term goals and ensuring that Board decisions are implemented. The President shall also establish committees as necessary and steward areas of responsibilities for Board members to ensure the efficient pursuit of activities. Key areas will include Productions, Fund Raising, Publicity, and Volunteers.
6. **The Treasurer** shall have charge of the funds of HRB and ensure the following: detailed records, payment of all fees and bills, preparation monthly reports for the Board, development of an annual budget, filing of tax forms, and audits as directed by the Board.
7. **The Secretary** shall record minutes and maintain files of HRB, give notice to meetings, handle Board correspondence, and keep records of HRB and Board membership.

Article 8 – Special Rules

1. The fiscal year of HRB shall begin on August 1 and end on the following July 31.
2. No Director, officer, or member at large may incur an expense or obligation on behalf of HRB except as authorized by the Board of Directors.
3. Any member is entitled to inspect the books, minutes, or other records of HRB if so requested in writing and if such inspection does not disrupt HRB activities.
4. All officers of the Board and other Directors as well as any other individuals authorized to act on behalf of HRB shall at all times act under the highest standards of personal, business, legal, and ethical conduct when representing HRB. As such, HRB will defend any member from any individual liability from actions taken on behalf of HRB except in any case determined by the Board to be gross negligence or willful misconduct.
5. These by-laws supercede and replace those adopted by HRB on September 20, 1995 and may be amended or replaced by a vote of the Board of Directors.
6. HRB may be dissolved by an affirmative vote of two-thirds (2/3) of the full membership or a unanimous vote of the Board of Directors. Upon dissolution, any HRB assets remaining after payment of all debts shall be contributed to similar non-profit, artistic organizations as determined by the Board of Directors.

THESE BY-LAWS FOR THE HOUSTON REPERTOIRE BALLET ARE APPROVED BY THE
HRB BOARD OF DIRECTORS ON THIS ____ DAY OF _____, 2002 BY:

_____ Name	_____ President
_____ Name	_____ Vice President
_____ Name	_____ Treasurer
_____ Name	_____
_____ Name	_____
_____ Name	_____
_____ Name	_____
_____ Name	_____
_____ Name	_____
_____ Name	_____

The City of Tomball
Hotel Occupancy Tax Grant Application
Other Required Documentation
3. Financial Records
Houston Repertoire Ballet – *The Nutcracker* 2017

HRB's fiscal year mirrors our season and runs August 1 – July 31.
Attached please find a copy of HRB's most recent 990.
(*not sent electronically)

HRB does not conduct an independent audit of financial records.
HRB does not receive any government money that would require an audit.
Additionally, HRB does not have any bank loans or lines of credit.

**The City of Tomball
Hotel Occupancy Tax Grant Application**

Other Required Documentation

**4. Board of Directors & Meetings Schedule
Houston Repertoire Ballet – *The Nutcracker 2017***

Please see the attached:
2017-2018 Board of Directors
Schedule of Board Meetings



Houston Repertoire Ballet Ballet

8515-F Jackrabbit Road
281-940-4721

Houston, TX 77095
www.hrbdance.org

2017 – 2018 Board of Directors Meeting Dates

HRB's meetings are held at 6:00pm, the third Thursday of the month, unless otherwise noted

2017 – 2018 Season

August 17, 2017

September 21, 2017

October 19, 2017

November 16, 2017

December 21, 2017

January 18, 2018

February 15, 2018

March 15, 2018

April 19, 2018

May 17, 2018

June 21, 2018

July 2018 no meeting

2018 – 2019 Season

August 16, 2018

September 20, 2018

Houston Repertoire Ballet is a registered Non-profit 501(c)(3) dance organization. Tax ID# 76.0479345



Houston Repertoire Ballet Ballet

8515-F Jackrabbit Road
281-940-4721

Houston, TX 77095
www.hrbdance.org

2017 – 2018 Board of Directors

President

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1880 S. Dairy Ashford Rd. Ste. 606
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281-528-1383
Frank.Newsom@EXP-eng-int.com

Vice President

Julie Hacker
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Jersey Village, TX 77040
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Publicity

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alexandraadams@sbcglobal.net

Secretary

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Grants / Fundraising

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jmpag@mag.com

Volunteer Coordinator

Susan Davila
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Cypress, TX 77433
281-794-6060
susandavila19@gmail.com

Artistic Director

Victoria Vittum
909 W. 16th St.
Houston, TX 77008
713-628-6907
victoria@balletcenterofhouston.com

Childs Guild Liaison

Susan Wheelock
10602 Gt. Plains Ln.
Houston, TX 77064
281-477-9270
someonenamedsusan@hotmail.com

Founder & Emeritus

Gilbert Rome

Houston Repertoire Ballet is a registered Non-profit 501(c)(3) dance organization. Tax ID# 76.0479345

**The City of Tomball
Hotel Occupancy Tax Grant Application**

Other Required Documentation

**5. Resumes of Principal Staff and Guest Artists
Houston Repertoire Ballet – *The Nutcracker 2017***

Victoria Vittum – Founder and Artistic Director

Victoria Vittum is a nationally recognized teacher and choreographer. She received her early training from Julio de Bittencourt and also holds a B.A. in Dance Education from Lamar University. She has choreographed for professional and civic companies throughout the country as well as having her work presented at the Edinburgh Festival in Scotland.

Ms. Vittum has been the recipient of numerous awards, including two Monticello Choreography Awards, Illinois State University Choreography Competition Winner, and two nominations for the General Electric American Choreographer Awards. In addition, two of her original ballets have been placed on the National Choreography Plan. For over a decade she was on the faculty of Margo Marshall School of Ballet and served as Resident Choreographer and Associate Artistic Director of City Ballet of Houston.

Ms. Vittum has been a guest teacher for Chrysalis Repertory Dance Company, Home Stone, HSPVA, Houston Grand Opera and Ballet Prejocaj of France. She served as Resident Choreographer of Gwinnett Ballet Theatre in Atlanta, GA and was on the guest faculty of the Washington School of Ballet's Summer Intensive Program in 2002 and 2003.

Ms. Vittum was with the Houston Ballet from 1998 – 2003 where she taught classes for the company as well as in the academy. She is the Director of the Ballet Center of Houston and Artistic Director of Houston Repertoire Ballet and is married to Julio de Bethencourt.

Yuriko Kajiya – Guest Artist The Nutcracker, Sugar Plum Fairy Houston Ballet Principal Dancer

Born in Aichi, Japan, Yuriko Kajiya began her training at the age of eight. At ten, she moved to China and became one of the first foreign students to study with and graduate from the Shanghai Ballet School on scholarship. During her stay in China, Kajiya performed many times on Chinese national television.

In 1997, at age 13, Ms. Kajiya won the Best Performance Award in the senior category at the Tao Li Bei National Ballet Competition. In 1999, she became one of the youngest finalists at the Third International Ballet Competition in Nagoya. In January 2000, she won the renowned Prix de Lausanne Scholarship which enabled her to study at the National Ballet of Canada School in Toronto.

Ms. Kajiya starred in the 2007 documentary *Passion Across a Continent* in Japan. She also appeared on the Tokyo Talk Show and presented the American Ballet Theatre documentary *Dancers*. She has performed as a guest in Japan dancing Odette in *Swan Lake*, Act II and *A Midsummer Night's Dream*, as well as appearing in galas at the West Virginia Dance Festival, Santa Fe Festival, Chicago Dancing Festival, Hope and Pride Gala of Japan, New National Ballet Gala and Prix de Lausanne. Most recently, she appeared in a 90-minute documentary entitled *Yuriko: Ballerina*.

Ms. Kajiya joined American Ballet Theatre's Studio Company in September 2001. She became an apprentice with the main Company in 2002 and was promoted to the corps de ballet in June. She was appointed a soloist with American Ballet Theatre (ABT) in August 2007.

Her repertoire includes Gamzatti and first and second Shades variations in *La Bayadère*; Blossom in *Cinderella*; Aurora in *Coppélia*; Gulnare and an Odalisque in *Le Corsaire*; Kitri, Amour and a Flower Girl in *Don Quixote*; Giselle, Zulma and the peasant pas de deux in *Giselle*; Valencienne in *The Merry Widow*; Clara and the Grand Pas de Deux in Alexei Ratmansky's *The Nutcracker*; Clara in Kevin McKenzie's *The Nutcracker*; Olga in *Onegin*; Henrietta in *Raymonda*; Princess Florine, the Lilac Fairy, the Fairy of Joy and the Fairy of Fervor in *The Sleeping Beauty*; the pas de trois, cygnets, Polish Princess and Hungarian Princess in *Swan Lake*; the Waltz in *Les Sylphides*, *Tchaikovsky Pas de Deux*, Miranda in *The Tempest* and leading roles in *Baker's Dozen*, *Ballo della Regina*, *Birthday Offering*, *Brief Fling*, *Chamber Symphony*, *Dark Elegies*, *Désir*, *Diversion of Angels*, *Drink to Me Only With Thine Eyes*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Rabbit and Rogue*, *Seven Sonatas*, *Sinfonietta*, *Symphony in C* and *Theme and Variations*. She created a leading role in Alexei Ratmansky's *Dumbarton*.

Ms. Kajiya joined Houston Ballet as a first soloist in 2014 and was promoted to principal dancer in November 2014 following her performance as the Sugar Plum Fairy in Ben Stevenson's *The Nutcracker*.

**Jared Matthews – Guest Artist *The Nutcracker*, Cavalier
Houston Ballet Principal Dancer**

Jared Matthews was born in Houston and received his early ballet training there under the guidance of Victoria Vittum and Gilbert Rome. He was awarded a full scholarship to study at North Carolina School of the Arts summer program as well as the School of American Ballet and American Ballet Theatre. While attending American Ballet Theatre's Summer Intensive Program in 2001 as a Coca Cola Scholarship winner, he was invited to join ABT's Studio Company.

Mr. Matthews joined American Ballet Theatre (ABT) as an apprentice in 2002 and as a member of the corps de ballet in April 2003. He was appointed a Soloist in August 2007. His repertoire with ABT includes Franz in *Coppélia*; Lankendem in *Le Corsaire*; a Stepsister's Escort in *Cinderella*; Espada in *Don Quixote*; Lysander in *The Dream*; the Turning Boy in *Études*; Albrecht, Hilarion and the peasant pas de deux in *Giselle*; Gaston in *Lady of the Camellias*; Rakitin in *A Month in the Country*; Camille in *The Merry Widow*, the Nutcracker Prince in Alexei Ratmansky's *The Nutcracker*; Lensky in *Onegin*; Cassio in *Othello*; the Head Wrangler in *Rodeo*; Mercutio and Benvolio in *Romeo and Juliet*; the Bluebird in *The Sleeping Beauty*; Benno and von Rothbart (Ballroom) in *Swan Lake*; Gurn in *La Sylphide*; Aminta and Orion in *Sylvia*; *Tchaikovsky Pas de Deux*; Ferdinand in *The Tempest*; *Thaïs Pas de Deux* and leading roles in *Black Tuesday*, *Brief Fling*, *Dark Elegies*, *Désir*, *Drink To Me Only With Thine Eyes*, *Duets*, *Gong*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Sechs Tänze*, *Seven Sonatas*, *Sinfonietta*, *Some Assembly Required*, *Symphonic Variations*, *Symphony #9*, *Symphony in C*, *Troika* and *workwithinwork*. He created the leading roles in *C. to C. (Close to Chuck)*, *Glow-Stop*, *One of Three* and *Thirteen Diversions*.

Since his arrival at Houston Ballet in June of 2014, Mr. Matthews has distinguished himself in several roles, including Solor in Stanton Welch's *La Bayadère*, Romeo and Mercutio in *Romeo and Juliet*, and the male lead in *Paquita*; the Prince in Ben Stevenson's *The Nutcracker* and Lysander in John Neumeier's *A Midsummer Night's Dream*. His repertoire highlights also include Albrecht and Hilarion in *Giselle*, Camille in *The Merry Widow*, Lensky in *Onegin*, as well as numerous other ballet classics.

As a guest artist, Mr. Matthews has appeared with the Royal Winnipeg Ballet and with both the Noriko Hara Ballet and the Kamakura Ballet Company in Japan. He has toured as a guest artist with Les Ballet GranDiva. He has also appeared in the 2008 Hopes and Prize Gala in Japan. In America, he has danced with Rochester City Ballet, Civic Ballet of Chicago, Houston Repertoire Ballet, New England Dance Ensemble, West Virginia Dance Festival and the 2007 and 2008 Chicago Dancing Festival. Mr. Matthews appeared on So You Think You Can Dance, performing the pas de deux from *Don Quixote*.

Mr. Matthews has taught technique and partnering classes for the David Howard Foundation's A Month of Sundays program, West Virginia Dance Festival, at workshops in Yokohama, Japan and at local dance studios in the United States.

Mr. Matthews joined Houston Ballet as a first soloist in 2014. Mr. Matthews was promoted to the rank of principal dancer after a well-received performance as Lucentio in John Cranko's production of *The Taming of the Shrew* on Saturday, June 20, 2015.

Andrew Taft – Guest Artist, The Nutcracker – Snow King and Russian Ballet Idaho, Principal Dancer

Andrew was born in Miami, Florida where he began his classical training at the age of nine with Ruth Wiesen at the Miami Conservatory. He studied also with Thomas Armour, Robert Pike, Nancy Raffa and other professional guest artists. He trained in both Limon and Graham technique at the New World School of the Arts. His ballet training continued in New York City with private coaching by Johan Renvall and David Howard.

Andrew has danced leading roles with Michael Uthoff Dance Theatre, Miami Ballet, Francis Owen/Cox Dance, Ballet Hawaii and Miami City Ballet. Notable roles include Franz in Coppelia, Soloist in Theme and Variations, Prince Charming in Cinderella and The Bluebird in The Sleeping Beauty. In 2011, Andrew had the honor to perform for Michelle Obama and her daughters in Ballet Hawaii's The Nutcracker. This is Andrew's fifth season with Ballet Idaho and his first as a Principal. He has danced leading roles in Yes, Virginia, Another Piano Ballet, The Nutcracker, Romeo and Juliet, Pulcinella, A Midsummer Night's Dream, Piano Concerto in G, Firebird and many others.

Barbara LeGault - Ballet Mistress

Barbara LeGault HRB's Ballet Mistress is a graduate of Houston's High School for the Performing and Visual Arts. Barbara Le Gault trained under Margo Marshall and was formerly with City Ballet of Houston. Since that time she has danced many leading roles with the Pittsburgh Ballet Theater and the Louisville Ballet. She was directed by Alun Jones and Helen Starr. In 1979 Jones paid Ms. Le Gault the ultimate compliment by creating his Cinderella especially for her. She also danced with Tennessee Festival Ballet directed by David and Anna Marie Holmes, and with the Summer Festival Ballet in Lisbon, Portugal. Her repertoire includes "Don Quixote", "Swan Lake", "Nutcracker", "Sleeping Beauty" and "Raymonda" just to name a few. Other credits include Houston Grand Opera productions of "Mefistofeles" and "Aida". Ms. LeGault was on the teaching staff of American Academy of Dance NHDT headquarters from 1987 to 2006. She has been on the faculty of Ballet Center of Houston since 2008 and is ballet mistress of Houston Repertoire Ballet.

Kristen Newsom – Tomball ISD Mother Ginger Outreach Coordinator and Rehearsal Assistant

Kristen Newsom is an alumna of *Ballet Center of Houston*, receiving her early dance training under the direction of Victoria Vittum de Bethencourt and Barbara LeGault. She was a *Houston Repertoire Ballet* company member from 2004 – 2011. Kristen received her Bachelors of Fine Arts from *Sam Houston State University* studying Ballet, Modern and Aerial Arts as well as serving as Secretary for the University's chapter of *Chi Tau Epsilon*. During her time at Sam Houston, Kristen studied under Jennifer Pontius, Dana Nicolay, Andy Noble, Alicia Carlin and many others. She recently performed works by Gerard Theoret of *Cirque du Soleil* and Dionne Sparkmann Noble of *NobleMotion Dance*, one of Houston's most up and coming modern companies. Since 2009, Kristen has danced with *Burklyn Ballet Theatre (BBT)* as a student and a counselor and is now the Assistant Director for the Intermediate Program of BBT, coaching young students in many dance forms as both a teacher and mentor. She has travelled with BBT to Edinburgh Scotland to dance in the *Edinburgh Fringe Festival* in 2009 and 2013.

In addition to pursuing her dance career, she has also had the opportunity to work behind the scenes doing technical theatre for companies such as *Dominic Walsh Dance Theater*, and has a deep passion for acting and all manner of stagecraft. Her choreography has been showcased in Huntsville, Texas with *Sam Houston State University*; Houston, Texas; and Johnson, Vermont and she was the recipient of the 2011 Choreography Award & Scholarship, hosted by *Burklyn Ballet Theatre*.

Kristy Nilsson – Rehearsal Assistant

Kristy Nilsson began her training with Victoria Vittum de Bethencourt and Gilbert Rome at Ballet Center of Houston. She was a Dance Pedagogy Honors student at University of Oklahoma, and graduated Cum Laude from Houston's High School for the Performing & Visual Arts. She later performed with Jill Eathrone Bahr's Charleston Ballet Theater and Atlanta Ballet under the direction of Joh McFall in over seventy performances.

Ms. Nilsson has choreographed more than 100 concert works (including 9 full-length/narrative ballets) which have been performed by 28 companies in 11 states in the U.S. & Canada. Her choreography has won recognition from Regional Dance America, the Southeastern Regional Ballet Association and Dance Canvas – and she has created 5 works on the professional company, The Georgia Ballet. "Miss Kristy" is a full-time ballet & modern dance instructor and has taught over 5,000 year-round students, with hundreds more at summer intensives and master classes.

Kristy is happily married to dance photographer, Scott Nilsson, a former dancer. She is delighted to be on faculty at Ballet Center of Houston, teaching alongside some of the very instructors who shaped her career and love for dance.

Glyness Lanthier – Cypress Philharmonic Music Director

Music has always been a focal point in Glynnnes Lanthier's life. She followed in the tradition of her mother and grandmother, beginning piano lessons when she was five. Upon entering junior high, she decided to follow in her brother's footsteps and play the violin. She quickly made the switch to cello, where she has happily stayed ever since.

Ms. Lanthier was active in school orchestras through college. After graduation, she played with Pasadena Philharmonic, Rapides Symphony Orchestra, and, most recently, Lake Charles Symphony. Ms. Lanthier also sang in school and college choirs and the Houston Symphony Chorus.

Ms. Lanthier has been teaching music in public schools for over ten years, many of those in Cypress-Fairbanks Independent School District. She currently directs the award-winning Salyards Middle School orchestras. Since the opening of Salyards in 2011, the school orchestras have won top honors at UIL, the Galveston Isle Music Festival, and the Foundation for Music Education's Mark of Excellence contest. Ms. Lanthier has studied conducting at the Conductor's

Institute of South Carolina. Past coaches include Dr. Donald Portnoy (Brevard Philharmonic), Peter Jaffe (Stockton Symphony), Maurice Peress (former Assistant Conductor to Leonard Bernstein; currently faculty at the Aaron Copland School of Music at Queens College, City University of New York), and Paul Vermeil (Northwest Symphony Orchestra).

The City of Tomball
Hotel Occupancy Tax Grant Application
Optional Supporting Documentation
1. Long Range Plan
Houston Repertoire Ballet – *The Nutcracker* 2017

Please find attached the following documents:

*HRB's Long Range Plans

*Mother Ginger Experience –

Copy of Letter to JD Janda

Copy of Letter to 3rd graders and parents

Copy of Mother Ginger Experience Audition Application

*HRB Alumnus

*HRB 2017 Accomplishments

Houston Repertoire Ballet's Long Range Plan

Houston Repertoire Ballet plans to continue their mission of providing excellence in dance training for their company members while providing high quality performance series for northwest Houston communities and community engagement in the arts.

HRB is thankful for their support and reputation in the Tomball community both enriching the artistic element of Tomball and bringing in other community members to enjoy the arts in Tomball.

HRB holds a conservative fiscal position and balances investments in costumes, sets and choreography with the ability to keep ticket prices affordable without sacrificing quality. These goals are made possible with volunteer support and community grants and giving.

In 2017 HRB is initiating their outreach directly to Tomball ISD with plans for the program to grow to enrich more TISD students. Initially the "Mother Ginger Experience" will be offered to students at Tomball Elementary (identified by Tomball Fine Arts Director JD Janda) to perform in the two free Arts & Education performances for TISD 3rd graders.

HRB would also like to extend their outreach to after school dance class opportunities to Tomball ISD elementary school students. This program would be headed by an HRB alum and dance major college graduate.

HRB has also invested in an updated ticketing system, Vendini, with newer technology and patron functionality and looks forwards to implementing this system for *The Nutcracker* as well as future performances.

HRB would also like to add an additional show to their spring performance series, "Celebration of Dance". Specifically, Tomball ISD testing requirements have recently conflicted with outreach to Tomball ISD students and HRB is working with Tomball Fine Arts Director, JD Janda to allow for continued growth and outreach.

HOUSTON REPERTOIRE BALLET ALUMNI

2017: Julia Gundzik	Nutmeg Conservatory
Andreina Hurtado	University of Texas – Dance Major
Kyla Patton	University of Texas – Dance Major
2016: Kendall Jackson	Belhaven University – Dance Program
2015: Emma Biondillo	Sam Houston State Univ – Dance Program
Chelsea Knipp	Tulane – Dance Program
Allison Lohr	Ballet Magnificat! - Trainee Program
Rebecca Webb	University of Utah - Dance Program
2014: Andrew Vecseri	Houston Ballet II
2013: Jessica Lohr	Ballet Magnificat! - Trainee Program
Claire White	Alabama Ballet
2011: Kristen Newsom	Sam Houston State University, Dance Program
Leah Slavens	The Suzanne Farrell Ballet, Grand Rapids Ballet
2010: Melissa Dooley	Pittsburg Ballet Theatre, Alabama Ballet
Kaitlin Mouton	David Taylor Dance Theatre
Amaris Sharrat	Nevada Ballet
2009: Regan Hand	Ballet Magnificat!
Nicole Plunkett	University of Texas - Dance Major
Kate Simpson	Louisville Ballet, Charleston Ballet Theater
2008: Amy Skipton	University of Texas - Dance/Phys. Therapy Major
2007: Morgan Buchanan	Colorado Ballet - Soloist
Emily Dyson	University of Oklahoma- Dance Major,
	Kaleidoscope Dance Company
Allison Wardwell	University of Texas - Dance Major
2006: Evelyn Monzalvo	Disney Productions
2005: Erin Goodman	University of Kansas Dance Company
2003: David Armendariz	David Taylor Dance Theatre, Havana Nights
2002: Emily Rupp	Dallas Contemporary Ballet - Director
2001: Dorothy Carter	Dayton Ballet
Kelly Coleman	Carolina Ballet, Harid Conservatory, Scholarship
Jared Matthews	ABT, Houston Ballet - Principal
Amanda Powell	Carnival Cruise Lines
2000: Catherine Busch	Chara Dance Company, teaches ballet & Pilates
Elizabeth Keller	Miami City Ballet, Ballet Idaho - Principal
Patricia Monzalvo	Universal Studios & Disney Productions
Anysley Stephenson	Pointe Park College, Pittsburg, PA, BFA in Jazz,
	Teaching in Denver, CO
Victoria Wadsworth	Texas Ballet Theatre
1999: Kasha Liggett	Southern Methodist University- Dance/Business
	Major, Pacific Northwest Ballet School
1998: Desiree Rausch	Pussy Cat Dolls, Back up dancer for Michael
	Jackson, Sandra Organ Dance Company
1997: Kristy Dawson-Nilsson	Atlanta Ballet, Charleston Ballet Choreographer
	and teacher.

HRB Company Member – 2017 Accomplishments

Lucy Adams	*Central Pennsylvania Youth Ballet
Diana Basaldua	*Texas Ballet Theater, Bolshoi Ballet, Washington School of Ballet
Layla Behrens	*Joffrey Workshop - TX
Kaitlyn Blake	*Ballet Magnificat!, ABT-California, Kansas City Ballet, Tulsa Ballet, Washington School of Ballet
Lisa Calderon	*Houston Ballet, Washington School of Ballet
Elizabeth Cermak	Burklyn Ballet Theatre, Texas Christian University Dance Program
Sarah Cermak	Burklyn Ballet Theatre, Texas Christian University Dance Program
Isabella DeCandido	*ABT-Austin, Ballet Austin
Henry Ginsburg	*Texas State Musical Theatre Dep't, Baldwin Wallace, Point Park, Manhattan School of Music, Ithaca (Musical Theatre Departments)
Julia Gundzik	*Nutmeg Conservatory, Ballet Arizona, North Carolina School of the Arts Contemporary Program
Paige Hacker	Washington School of Ballet
Andreina Hurtado	*University of Texas Dance Program
Viviane Lovato	*Washington School of Ballet, Atlanta Ballet Professional Intensive, Ballet West
Kelsey Malousek	Joffrey Workshop - TX (partial scholarship), Washington School of Ballet
Catherine McCoy	*ABT-New York, Ballet West, Washington School of Ballet
Aubrey Parks	Burklyn Ballet Theatre (partial scholarship)
Rachel Pastrano	*Texas Ballet Theater, Burklyn Ballet Theatre
Kyla Patton	*Ballet Austin, *University of Texas Dance Department, Kansas City Ballet
Hortense Pelletan	*Paris Opera Ballet, Houston Ballet, Washington School of Ballet
Hannah Pidgeon	ABT, Kansas City Ballet, Orlando Ballet, Washington School of Ballet
Justin Pidgeon	Houston Ballet, Washington School of Ballet
Quinn Price	*Joffrey Ballet (partial scholarship), Ballet Austin
Abby Swearengin	*Ballet Magnificat!, Joffrey Workshop - TX
Camilla Vacek	Ballet Austin
Victoria Vasisko	Joffrey Workshop - TX
Isabella Wallace	Houston Ballet
Reilly Wiggins	*Dance Theatre of Harlem (partial scholarship), ABT-Texas

All were accepted by audition. / *Denotes summer program planning to attend

Congratulations to the **Daisy Rome Scholarship** recipients for 2017:

Catherine McCoy, Kyla Patton, Quinn Price.

Also to the **Kathy & Frank Newsom Scholarship** recipients for 2017:

Paige Hacker, Hannah Pidgeon, Hortense Pelletan.

Dear JD Janda,

HRB is excited to develop a greater partnership in the Tomball community, our goal being to create as much mutually beneficial community involvement as possible between both of our organizations. Our board president Frank Newsom's current stage set construction class at Tomball High School Theatre is a prime example. With increased outreach such as this in mind, we would like to get approval for a new project which we have previously discussed. Please read proposal #1 below and let us know if it adheres to your guidelines. If so, please present it to your current 2nd grade students and families via the attached letter so that they can consider the program and plan for next year, when the students will be in third grade. The letters can be printed two-sided, such that the audition form is on the back side, and handed out to all Tomball ISD elementary schools at the end of April and again when school starts in August.

Proposal#1:

For the 2017 Nutcracker, we would like to partner with Tomball ISD and offer a new, free outreach program to the 3rd graders as they have been designated as having an arts component in their curriculum. We will hold an open audition to choose 24 children to participate in one of our two school show performances of *The Nutcracker* as Mother Ginger Children. The audition will be held at Houston Repertoire Ballet. By holding the audition and rehearsals at HRB, students will be covered under HRB's insurance which will release liability from Tomball ISD.

Audition information:

Location: Houston Repertoire Ballet, 8515-F Jackrabbit Rd, Houston, TX 77095

Date: September 23, 2017

Time: 2.30pm (audition will last approximately 1 hour)

No prior dance experience is required. Students must be enrolled in TISD in the 3rd grade for the 2017-2018 school year. Shorts and t-shirts may be worn for the audition and rehearsals.

Kristen Newsom will be our outreach chairperson and will conduct rehearsals with the children. Rehearsals will take place at Houston Repertoire Ballet on Saturdays from September 30 to November 18, from 1:30-2:30pm. Thanksgiving Saturday will be off, but there will be a studio rehearsal on Sunday November 26, 2017 at 4:00pm. Dress rehearsal and performance times are provided in the attached letter to students and families.

Students who are chosen must attend all rehearsals - no exceptions. There will be no cost to the students for this program - just a commitment to attend rehearsals and be on time. HRB will provide all of the costuming.

Proposal #2:

HRB would love to teach a real dance/ballet program in the school district. This program would need to pay the teacher a minimum of \$50 per hour. There could either be a small charge to the parents to participate (in that case it would have to become an after school program on the campus of the school) or have each school pay the teacher and it could serve as an Arts elective or part of the PE program. We have several qualified teachers available. My top two include Kristen Newsom and Kristy Nilsson. You can find their resumes at BalletCenterofHouston.com. If you have any interest in this proposal, please let me know and I will present you with a lesson plan and description of the program.

Victoria Vittum

Artistic Director, Houston Repertoire Ballet

Dear Tomball ISD 2017-2018 3rd graders and parents,

For the last several years, Houston Repertoire Ballet has been proud to bring free productions of *The Nutcracker* ballet to Tomball ISD students. Our production - starting in 1999 with only the second act, rented sets, make-shift costumes, and taped music - has grown every year to become what it is today. For the past two years, we have presented 7 full-length performances to full houses, with world class guest artists, lavish sets and costumes, and a live orchestra for public performances. The Tomball community has been such a great support system for our organization, and we are always looking for new ways to reach out to the community and give back. As part of that desire to do more, we offer an annual scholarship contest for two Tomball High School theatre students, and our Board President Frank Newsom is currently teaching a stage set construction class at Tomball High School. However, our goal is to create even more mutually beneficial community engagement between both of our organizations. With that in mind, HRB is proud to embark on a new, free outreach program for Tomball ISD grade schoolers.

We will be holding an open audition for 24 children to participate in one of our two school-show performances of the 2017 *Nutcracker* ballet as Mother Ginger Children. Students must be enrolled in Tomball ISD and in 3rd grade for the 2017-2018 school year. Students that would like to participate in this exciting production and be introduced to dance in a fun and engaging way, come audition with us! Ideally we are looking for 12 boys and 12 girls. If you can count to 8, walk, jump, skip, and have a little rhythm you are qualified for our program - no previous ballet experience is necessary to participate!

The audition (approximately 1 hr in length) will be held on September 23, 2017 at 2:30pm at:
Houston Repertoire Ballet
8515 Jackrabbit Rd
Houston, TX 77095

Kristen Newsom, HRB's outreach chairperson for this event, will conduct rehearsals with the children selected. Rehearsals will also take place at Houston Repertoire Ballet, on Saturdays from 1:30-2:30pm from September 30 to November 18. Thanksgiving Saturday will be off, but there will be a studio rehearsal the Sunday after Thanksgiving, November 26, 2017, at 4:00pm. Thus, if your family plans a Thanksgiving trip and you would like to participate, you must make arrangements to be back by Sunday afternoon to attend this mandatory final studio rehearsal.

Dress Rehearsal will be held at Tomball High School Theatre on Wednesday November 29, 2017 at 4:00 pm. Performances are Friday December 1, 2017, at either 9:45am or 12:15pm, depending upon final casting.

Students chosen must commit to attend all rehearsals - no exceptions.

There is no cost for this program - just a commitment, from the student and the family, to attend and be on time. Shorts and t-shirts may be worn for the audition and rehearsals, and HRB will provide all of the costuming.

Attached is the audition form which can be filled out in advance and brought with the student to the audition. More specific performance information will be provided to the students selected by the audition process.

If you have any questions, please contact _____ at _____. We look forward to seeing you and your student in September!

Victoria Vittum, Artistic Director of Houston Repertoire Ballet



Houston Repertoire Ballet
The Nutcracker
Tomball ISD Student Audition

Audition Number:

Audition Form

Student Name: _____ Gender _____

School: _____

Grade: _____ (open to 2017-2018 3rd graders only)

Height(inches) _____

Parent name: _____ Phone #: _____

Parent signature: _____

Email: _____

**The City of Tomball
Hotel Occupancy Tax Grant Application**

**Optional Supporting Documentation
2. “The Nutcracker” 2016 – Performance Video
Houston Repertoire Ballet – *The Nutcracker 2017***

You can access HRB’s 2016 “The Nutcracker” at the following link:

<https://drive.google.com/drive/folders/0B7Ku0MKYPV5QTnlfOFk1ajEzMWc>

**The City of Tomball
Hotel Occupancy Tax Grant Application
Optional Supporting Documentation
3. Publicity & Programs
Houston Repertoire Ballet – *The Nutcracker 2017***

Please see the following:

- *2017 "The Nutcracker" Calendar Listing
- *2016 Publicity Synopsis
- *2016 Flyer and Program

◆◆ CALENDAR LISTING ◆◆ CALENDAR LISTING ◆◆

For More Information:

Eileen Ansel Conery

Eileen.conery@att.net

713-856-8780/832-816-8780

HOUSTON REPERTOIRE BALLET'S 16TH ANNUAL PERFORMANCE OF THE HOLIDAY CLASSIC *THE NUTCRACKER*

***SELL-OUT PERFORMANCES WITH A LIVE MUSICAL ACCOMPANIMENT
BY THE CYPRESS PHILHARMONIC***

WHO: Houston Repertoire Ballet (HRB), Houston's premier pre-professional ballet company, celebrates its 22nd season, beginning with its 16th annual performance series of *The Nutcracker*, featuring professional guest artists Yuriko Kajiya, as the Sugar Plum Fairy, Jared Matthews as the Cavalier, Andrew Taft as the Snow King, and Joe Modlin as Herr Drosselmeyer, with the Cypress Philharmonic directed by Glynneth Lanthier.

WHAT: *The Nutcracker's* brilliant blend of beautiful costumes, lavish sets, and fresh choreography creates a magical storybook world enjoyed by children and adults alike. With a cast of more than 100 HRB dancers and area children, and musical performance by the Cypress Philharmonic, HRB's masterful production is the highlight of the holidays!

WHEN/WHERE: Friday, December 1 at 7 pm – *abbreviated Arts & Education performance perfect for young children – tickets for this performance only are \$12*
Saturday, December 2 at 2 pm & 7 pm
Sunday, December 3 at 1 pm & 4:30 pm

Tomball High School Theatre
30330 Quinn Road
Tomball, Texas 77375

TICKETS: Cost is \$23 for adults, \$18 for students & seniors. For ticket information, call 281-940-HRB1 (4721) or visit www.hrbdance.org.

OUTREACH: HRB dancers are committed to sharing the arts with the community. Community engagement events include costumed appearances at various nursing homes, group events, and at Arts & Education performances. HRB brings two matinee performances to Tomball ISD third grade students, fulfilling the arts component of their curriculum. To request an outreach event for your organization, call 281-940-HRB1 (4721).

GUEST BIOS: ***Yuriko Kajiya – Principal, Houston Ballet***

Born in Aichi, Japan, Yuriko Kajiya began her training at the age of eight. At 10, she moved to China and became one of the first foreign students to study with and graduate from the Shanghai Ballet School on scholarship. During her stay in China, Kajiya performed many times on Chinese national television. In 1997, at age 13, Ms. Kajiya won the Best Performance Award in the senior category at the Tao Li Bei National Ballet Competition. In 1999, she became one of the youngest finalists at the Third International

- more -

Ballet Competition in Nagoya. In January 2000, she won the renowned Prix de Lausanne Scholarship which enabled her to study at the National Ballet of Canada School in Toronto. Ms. Kajiya starred in the 2007 documentary *Passion Across a Continent* in Japan. She also appeared on the Tokyo Talk Show and presented the American Ballet Theatre documentary *Dancers*. She has performed as a guest in Japan dancing Odette in *Swan Lake*, Act II and *A Midsummer Night's Dream*, as well as appearing in galas at the West Virginia Dance Festival, Santa Fe Festival, Chicago Dancing Festival, Hope and Pride Gala of Japan, New National Ballet Gala and Prix de Lausanne. Most recently, she appeared in a 90-minute documentary entitled *Yuriko: Ballerina*. Ms. Kajiya joined American Ballet Theatre's Studio Company in September 2001. She became an apprentice with the main Company in 2002 and was promoted to the corps de ballet in June. She was appointed a soloist with American Ballet Theatre (ABT) in August 2007. Ms. Kajiya joined Houston Ballet as a first soloist in 2014 and was promoted to principal dancer in November 2014 following her performance as the Sugar Plum Fairy in Ben Stevenson's *The Nutcracker*.

Jared Matthews – Principal, Houston Ballet

Jared Matthews was born in Houston and received his early ballet training there under the guidance of Victoria Vittum and Gilbert Rome. He was awarded a full scholarship to study at North Carolina School of the Arts summer program, as well as the School of American Ballet and American Ballet Theatre. While attending American Ballet Theatre's Summer Intensive Program in 2001 as a Coca Cola Scholarship winner, he was invited to join ABT's Studio Company. Mr. Matthews joined American Ballet Theatre (ABT) as an apprentice in 2002 and as a member of the corps de ballet in April 2003. He was appointed a Soloist in August 2007. He created the leading roles in *C. to C. (Close to Chuck)*, *Glow-Stop*, *One of Three* and *Thirteen Diversions*. Since his arrival at Houston Ballet in June of 2014, Mr. Matthews has distinguished himself in several roles, including Solor in Stanton Welch's *La Bayadère*, Romeo and Mercutio in *Romeo and Juliet*, and the male lead in *Paquita*; the Prince in Ben Stevenson's *The Nutcracker* and Lysander in John Neumeier's *A Midsummer Night's Dream*. As a guest artist, Mr. Matthews has appeared with the Royal Winnipeg Ballet and with both the Noriko Hara Ballet and the Kamakura Ballet Company in Japan. He has toured as a guest artist with Les Ballet GrandDiv. He also has appeared in the 2008 Hopes and Prize Gala in Japan. In America, he has danced with Rochester City Ballet, Civic Ballet of Chicago, Houston Repertoire Ballet, New England Dance Ensemble, West Virginia Dance Festival and the 2007 and 2008 Chicago Dancing Festival. Mr. Matthews appeared on So You Think You Can Dance, performing the pas de deux from *Don Quixote*. Mr. Matthews has taught technique and partnering classes for the David Howard Foundation's A Month of Sundays program, West Virginia Dance Festival, at workshops in Yokohama, Japan and at local dance studios in the United States. Mr. Matthews joined Houston Ballet as a first soloist in 2014. Mr. Matthews was promoted to the rank of principal dancer after a well-received performance as Lucentio in John Cranko's production of *The Taming of the Shrew* on Saturday, June 20, 2015.

Andrew Taft – Principal, Ballet Idaho

Andrew was born in Miami, Florida where he began his classical training at the age of nine with Ruth Wiesen at the Miami Conservatory. He also studied with Thomas Armour, Robert Pike, Nancy Raffa and other professional guest artists. He trained in both Limon and Graham technique at the New World School of the Arts. His ballet training continued in New York City with private coaching by Johan Renvall and David Howard. Andrew has danced leading roles with Michael Uthoff Dance Theatre, Miami Ballet, Francis Owen/Cox Dance, Ballet Hawaii, and Miami City Ballet. Notable roles include Franz in *Coppelia*, Soloist in *Theme and Variations*, Prince Charming in *Cinderella* and *The Bluebird* in *The Sleeping Beauty*. In 2011, Andrew had the honor to perform for Michelle Obama and her daughters in Ballet Hawaii's *The Nutcracker*. Andrew joined Ballet Idaho in the 2008 season and has been a principal since 2012. He has danced leading roles in *Yes Virginia*, *Another Piano Ballet*; *The Nutcracker*; *Romeo and Juliet*; *Pulcinella*; *A Midsummer Night's Dream*; *Piano Concerto in G*; *Firebird*; and many others.

Joseph Modlin

In 1993, Joseph Modlin, an Indiana native, began training in classical and modern dance performance at Ball State University and performed with Anderson Young Ballet Theatre, both under the direction of Ms.

LouAnn Young. Joe moved to Houston in 1997, and began a performance and teaching career that has spanned 19 years, seven professional companies, and continues extending to flourish in the Houston community and nationally. Joe has performed/worked with Hope Stone, Inc., Houston Repertoire Ballet, Chrysalis Dance Company, Houston Dance Theater, Allegro Ballet, Freneticore, and Woodlands Dance Company. He has been invited to work as a guest artist with independent choreographers and performance artists such as Leslie Scates, Erin Reck, Amy Ell, Karen Stokes, Lindsey McGill, Toni Valle and Sara Draper.

ABOUT HRB: The Houston Repertoire Ballet (HRB) is a non-profit 501(c)(3), founded by Victoria Vittum and Gilbert Rome, both nationally acclaimed teachers and choreographers who served as its co-artistic directors. Today, Ms. Vittum oversees training and programming with an equal eye to serving the needs of the community. Since 1995, HRB has contributed to the cultural fabric of Harris and Montgomery Counties by providing excellent dance training to the area's young ballet stars and dance educators of tomorrow, while also presenting high-quality productions at affordable prices. *The Nutcracker* in December, and the *Celebration of Dance* in April introduce area children and their families to the world of classical and contemporary ballet. HRB closes its season in May with the *Choreography Project*, a free-admission program initiated to discover, mentor, and give artistic voice to our choreographers of tomorrow. Today, HRB is considered to be the premier pre-professional ballet company in the Houston region, and is recognized for sharing its gifts with the community and beyond. Many of HRB's dancers advance to professional ballet companies throughout the country. HRB graduates have danced with New York City Ballet, American Ballet Theatre, Miami City Ballet, Pacific Northwest Ballet, Atlanta Ballet, Pittsburgh Ballet Theatre, Houston Ballet, and other prestigious companies.

MISSION: HRB's mission is dedicated to providing the finest classical ballet instruction, education and performance experience to local gifted students, and to preparing them for a professional career in the world of dance. HRB is committed to serving the suburban Houston region with high-quality theatre productions that educate, engage, and entertain residents of all ages and perpetuate their appreciation of dance as an art form.

Major funding provided by the City of Tomball and Houston Endowment with additional support provided by Vintage Wellness, and AirInnovations.

#



HRB The Nutcracker

**2016 Media Coverage
as of 11/30/16**

Online:

CultureMap.com: Friday, December 2

<http://houston.culturemap.com/events/?day=2&month=12&year=2016>

CultureMap.com: Saturday, December 3

<http://houston.culturemap.com/events/?day=3&month=12&year=2016>

CultureMap.com: Sunday, December 4

<http://houston.culturemap.com/events/?day=4&month=12&year=2016>

Yelp.com: Friday, December 2

<https://www.yelp.com/events/tomball-houston-repertoire-ballets-the-nutcracker>

Yelp.com: Friday, December 3, 2 pm

<https://www.yelp.com/events/tomball-houston-repertoire-ballets-the-nutcracker-2>

Yelp.com: Friday, December 3, 7 pm

<https://www.yelp.com/events/tomball-houston-repertoire-ballets-the-nutcracker-3>

Yelp.com: Friday, December 4, 1 pm

<https://www.yelp.com/events/tomball-houston-repertoire-ballets-the-nutcracker-4>

Yelp.com: Friday, December 4, 4:30 pm

<https://www.yelp.com/events/tomball-houston-repertoire-ballets-the-nutcracker-5>

Eventful.com, December 2

<http://houston.eventful.com/events/houston-repertoire-ballets-15th-annual-nutcracker-/E0-001-097184784-7?vs=1>

Eventful.com, December 3, 2 pm

<http://houston.eventful.com/events/houston-repertoire-ballets-15th-annual-nutcracker-/E0-001-097185485-6>

HRB THE NUTCRACKER 2016 MEDIA COVERAGE/PAGE 2 OF 6

Eventful.com, December 3, 7 pm

<http://houston.eventful.com/events/houston-repertoire-ballets-15th-annual-nutcracker-/E0-001-097185492-6>

Eventful.com, December 4, 1 pm

<http://houston.eventful.com/events/houston-repertoire-ballets-15th-annual-nutcracker-/E0-001-097185496-2>

Eventful.com, December 4, 4:30 pm

<http://houston.eventful.com/events/houston-repertoire-ballets-15th-annual-nutcracker-/E0-001-097185505-9>

Tomball Chamber of Commerce

<http://www.tomballchamber.org/events/details/houston-repertoire-ballet-s-15th-annual-the-nutcracker-18680>

Tomball Chamber of Commerce

<http://www.tomballchamber.org/events/details/houston-repertoire-ballet-s-15th-annual-the-nutcracker-12-03-2016-18681>

Tomball Chamber of Commerce

<http://www.tomballchamber.org/events/details/houston-repertoire-ballet-s-15th-annual-the-nutcracker-12-04-2016-18682>

KHOU-TV

http://events.khou.com/Houston_Repertoire_Ballet_s_15th_Annual_The_Nutcracker/289543001.html

KHOU-TV

http://events.khou.com/Houston_Repertoire_Ballet_s_15th_Annual_The_Nutcracker/289543003.html

KHOU-TV

http://events.khou.com/Houston_Repertoire_Ballet_s_15th_Annual_The_Nutcracker/289543006.html

KHOU-TV

http://events.khou.com/Houston_Repertoire_Ballet_s_15th_Annual_The_Nutcracker/289543007.html

KHOU-TV

http://events.khou.com/Houston_Repertoire_Ballet_s_15th_Annual_The_Nutcracker/289543012.html

Artshound.com

http://www.artshound.com/event/detail/442000020/The_Nutcracker_Houston_Repertoire_Ballet

Dance Card

<http://dancesourcehouston.org/the-dance-card/>

Tomball Today

<http://www.tomballtoday.com/evps/evprint.cfm?evid=4158>

Stage-Right

http://www.stage-right.org/resources/index.php?option=com_newsfeeds&view=newsfeed&id=58&Itemid=103

Houston Press

<http://www.houstonpress.com/event/houston-repertoire-ballets-15th-annual-performance-of-the-nutcracker-8839713>

Things to do in Houston

http://www.thingstodoinhouston-tx.com/details-E0-001-097186287-3@2016120219/Houston_Repertoire_Ballets_15th_Annual_The_Nutcracker_Houston/

Visit Houston

<https://www.visithoustontexas.com/event/houston-repertoire-ballets-15th-annual-the-nutcracker/43965/>

ACIA Happenings

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611ACIA.pdf>

Ranch Record

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611BK.pdf>

Fairfield

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611FF.pdf>

Lakes on Eldridge North

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611LN.pdf>

Riata Ranch

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611RR.pdf>

Steeplechase

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611SC.pdf>

The Townelake Tribune

<https://662126957de34dbcca7a-fdbcf82d3dfc08785157cf0d6fc8ed50.ssl.cf1.rackcdn.com/1611TWL.pdf>

Aberdeen Green

<http://krenekprinting.com/Aberdeen-Green>

Aberdeen Trails

<http://krenekprinting.com/Aberdeen-Trails>

Barker

<http://krenekprinting.com/Barker>

Bear Creek

<http://krenekprinting.com/Bear-Creek>

Berkshire

<http://krenekprinting.com/Berkshire>

Brenwood II

<http://krenekprinting.com/Brenwood-II>

Concord Bridge

<http://krenekprinting.com/Concord-Bridge>

Connections

<http://krenekprinting.com/Connections>

Copper Grove

<http://krenekprinting.com/Copper-Grove>

Copper Lakes

<http://krenekprinting.com/Copper-Lakes>

Copper Village

<http://krenekprinting.com/Copper-Village>

Copperbrook

<http://krenekprinting.com/Copperbrook>

Copperfield

<http://krenekprinting.com/Copperfield>

Cypress Mill

<http://krenekprinting.com/Cypress-Mill>

Cypress Ridge

<http://krenekprinting.com/Cypress-Ridge>

Cypress South

<http://krenekprinting.com/Cypress-South>

Deerfield

<http://krenekprinting.com/Deerfield>

Eldridge

<http://krenekprinting.com/Eldridge>

Glencairn

<http://krenekprinting.com/Glencairn>

Hearthstone

<http://krenekprinting.com/Hearthstone>

Lakes of Pine Forest

<http://krenekprinting.com/Lakes-of-Pine-Forest>

Lakes of Rosehill

<http://krenekprinting.com/Lakes-of-Rosehill>

Langham

<http://krenekprinting.com/Langham>

Lone Oak

<http://krenekprinting.com/Lone-Oak>

Sheffield

<http://krenekprinting.com/Sheffield>

Stonegate

<http://krenekprinting.com/Stone-Gate>

Sydney Harbour

<http://krenekprinting.com/Sydney-Harbour>

Towne Lake

<http://krenekprinting.com/Towne-Lake>

Twin Lakes

<http://krenekprinting.com/Twin-Lakes>

VCL Lakeside

<http://krenekprinting.com/VCL-Lakeside>

Village News

<http://krenekprinting.com/Village-News>

Villages at Lakepointe

<http://krenekprinting.com/Villages-at-Lakepointe>

Villages of Cypress Lakes

<http://krenekprinting.com/Villages-of-Cypress-Lakes>

Westgate

<http://krenekprinting.com/Westgate>

Westminister Landing

<http://krenekprinting.com/Westminister-Landing>

Westminister Village

<http://krenekprinting.com/Westminister-Village>

Windsong

<http://krenekprinting.com/Windsong>

KTRK-TV

Nutcracker Performances Around Houston

<http://abc13.com/entertainment/where-to-watch-the-nutcracker-in-houston/1631834/>

Print:

Peel Inc.

ACIA Happenings, Ranch Record, Fairfield, Lakes on Eldridge North, Riata Ranch, Steeplechase, The Townelake Triune

Krenek Printing:

Aberdeen Green, Aberdeen Trails, Barker, Bear Creek, Berkshire, Brenwood II, Concord Bridge, Connections, Copper Grove, Copper Lakes, Copper Village, Copperbrook, Copperfield, Cypress Mill, Cypress Ridge, Cypress South, Deerfield, Eldridge, Glencairn, Hearthstone, Lakes of Pine Forrest, Lakes of Rosehill, Langham, Lone Oak, Sheffield, Stonegate, Sydney Harbour, Towne Lake, Twin Lakes, VCL Lakeside, Village News, Villages at Lakepointe, Villages of Cypress Lakes, Westgate, Westminister Landing, Westminister Village, Windsong

Houston Chronicle Here Entertainment

Wednesday, November 2

Houston-area happenings Event Listing

Houston Chronicle Here Entertainment

Wednesday, November 30

Houston-area happenings Event Listing

Houston Chronicle Cypress Creek Mirror

Wednesday, November 23

Event listing with photo tease on front page

Houston Chronicle Cypress Creek Mirror

Wednesday, November 30

Event listing with photo tease on front page

Broadcast:

Thursday, December 1

KTRK-TV

Nutcracker Performances Around Houston

**The City of Tomball
Hotel Occupancy Tax Grant Application
Optional Supporting Documentation
4. Letters of Support
Houston Repertoire Ballet – *The Nutcracker 2017***

Please see the attached testimonial from Jared Matthews, Houston Ballet Principal
Dancer and Houston Repertoire Ballet alumnus, 2001.
Jared Matthews wrote this testimonial in order to be a supporting figure for HRB's
2016-2017 capital campaign.

Jared Matthews is the Cavalier in *The Nutcracker, 2017*.

I have danced with American Ballet Theatre in New York for thirteen years achieving the rank of Soloist. I am currently in my third year as a Principal Dancer with Houston Ballet. Throughout my career I have traveled the world performing in many famous opera houses and theaters. I would not be where I am today without Victoria Vittum and Houston Repertoire Ballet.

Victoria creates an environment where hard work and discipline is the foundation for success. Her eye for detail and solid classical ballet background provide students the opportunity to truly learn and understand the art form. I spent all of my pre professional training with Victoria and HRB. They gave me everything I needed to prepare for a professional career in dance. Under Victoria's guidance I was slowly and methodically challenged year after year in order to further my development. Step by step she taught me classical ballet. Performing with HRB gave me the experience of being on stage in front of an audience and showing all that we had worked on in the studio. These experiences were crucial to me as a young dancer.

Victoria and HRB continue their mission of training young classical dancers. I am proud to call myself an alumnus, and I am forever grateful for all they have given me.

Jared Matthews
Principal Dancer
Houston Ballet

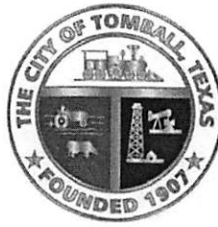


EXHIBIT A

Organization shall procure and maintain for the duration of the grant agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the services performed or to be performed hereunder by the Organization its agents, representatives, employees, volunteers, officers, directors or sub-contractors.

The organization shall maintain insurance with limits not less than \$500,000 per occurrence, \$1,000,000 aggregate and will be as broad as ISO Form Number GL 0002 (Ed 1/72) covering Comprehensive General Liability and ISO Form Number GL 0404 covering Broad Form Comprehensive General Liability, or ISO Commercial General Liability coverage ("occurrence for CG 0001). Coverage will include: A) Premises – Operations; B) Broad Form Contractual Liability, C) Broad Form Property Damage and D) Personal Injury.

The policy will be endorsed to contain the following provisions: The City, its officials, employees, volunteers, Boards and Commissions are to be added as "Additional Insured" in respect to liability arising out of any activities performed by or on behalf of the Organization. The policy shall contain no special limitations to the scope of coverage afforded to the City. The Organization's insurance shall be primary and any insurance or self-insurance shall be in excess of the Organization's insurance and shall not contribute with it. Certificate must include a waiver of subrogation as regards to the workers compensation policy. If your organization has no employees, and therefore does not carry workers compensation insurance, you must provide to the City of Tomball a letter stating that you have no employees and therefore do not carry workers compensation insurance.

Insurance shall be placed with insurers with an A.M. Best rating of no less than A:VI or a Standard & Poor rating of A or better.

The Organization shall furnish the City with a certificate of insurance which shows the coverage provided. The insurance policy will be endorsed to state that coverage shall not be suspended, voided, canceled, non-renewed, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

The City of Tomball
Hotel Occupancy Tax Grant Application
Other Required Documentation
6. Certificate of Insurance
Houston Repertoire Ballet – *The Nutcracker* 2017

Please see the attached.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/27/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Denise Wardwell(1960318) 810 Highway 6 S Ste 230 Houston TX 77079-4027		CONTACT NAME: PHONE (A/C, NO, EXT): 281-589-1348 FAX (A/C, NO): 281-497-7482 E-MAIL ADDRESS: dwardwell@farmersagent.com	
INSURED BALLET CENTER OF HOUSTON INC 8515 JACKRABBIT RD STE A HOUSTON TX 77095		INSURER(S) AFFORDING COVERAGE INSURER A: Truck Insurance Exchange INSURER B: Farmers Insurance Exchange INSURER C: Mid Century Insurance Company INSURER D: INSURER E: INSURER F:	
		NAIC # 21709 21652 21687	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAME ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDTL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
C	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:			606264688	02/23/2017	02/23/2018	EACH OCCURRENCE	\$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea Occurrence)	\$ 75,000					
		MED EXP (Any one person)	\$ 5,000					
		PERSONAL & ADV INJURY	\$ 1,000,000					
		GENERAL AGGREGATE	\$ 2,000,000					
		PRODUCTS - COMP/OP AGG	\$ 1,000,000					
			\$					
C	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			606264688	02/23/2017	02/23/2018	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
		BODILY INJURY (Per person)	\$					
		BODILY INJURY (Per accident)	\$					
		PROPERTY DAMAGE (Per accident)	\$					
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
		AGGREGATE	\$					
			\$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☐ N/A						PER STATUTE OTHER	\$
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Tomball ISD 1110 Baker Dr. Tomball, TX 77375	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE D Wardwell Digitally signed by D Wardwell DN: cn=D Wardwell o, ou=WA, email=dwardwell@farmersagent.com, c=US Date: 2017.02.27 13:24:20 -0600
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Memorandum

TO: Tourism Advisory Committee

FROM: George Shackelford, City Manager

SUBJECT: Houston Ballet hotel/motel request

DATE: October 17, 2017

I'm sorry, but I will not be able to attend the TAC meeting on October 24, 2017, but wanted to give you some information on the request.

The application that the Houston Ballet prepared this year was much more detailed and comprehensive than in years past. It is a very good application.

As far as funding goes, the ballet was awarded \$12,500 out of the hotel/motel tax fund grants budget last year and this year they are requesting a fifty (50%) percent increase to \$18,750. I had previously advised the German Sister City and Tomball Museum system to not request a funding increase this fiscal year, because the overall revenue was substantially less than anticipated. We lowered the grant budget this year and budgeted \$60,000 in the grant account in FY2018. \$30,000 has been previously committed to the Tomball Museum System.

The ending fund balance for FY2018 in the Hotel/Motel Tax Fund is anticipated to be a little under \$200,000 at the end of this current fiscal year which is substantially lower than previous years.

Since our revenues are so much smaller than anticipated, I would not recommend that a fifty (50%) percent increase be approved. Other outside agencies have held the line, and I would recommend that the Houston Ballet do the same.

Respectfully submitted

George T. Shackelford
City Manager
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve and Accept Proposal for Extension of the Depot "Speeder Building" to Accommodate Expansion of Depot Facility and Exhibits

Background:

Over the past few years we have been limited regarding the creation new exhibits inside the historic downtown depot because of the lack of space due to supplies stored there for "2nd Saturday at the Depot". We now have the opportunity to alleviate that challenge, and at the same time establish a new attraction that will add greatly to the depot visitors' experience. The City has been approached by nationally recognized model railroader David George and members of his crew, John and Kathryne Buckley, to bring the Golden-Blackhawk and Central City Railway to Tomball on permanent loan to become a part of our growing tourism experience.

The freight room on the north side of the depot building is the perfect place to house this award-winning "Z" scale display, but before it can be set up, 2nd Saturday materials stored there need to be relocated to make room. Mr. George and the Buckley's have proposed a solution to that problem.

THE TWO-FOLD PLAN: The Buckleys would pay to extend the existing small "speeder building", located just south of the depot, 16-feet to the west. This new space would be used to house climate sensitive equipment and other supplies related to Second Saturday at the Depot.

Once the Second Saturday items have been relocated to the new storage building, the award-winning Golden-Blackhawk & Central City (GBCC) "Z" scale model railway layout will be set up in the freight room of the depot for public viewing at no charge during regular weekend operation and by appointment during the week.

DETAILS: Design and construction costs of the new climate controlled storage expansion is a gift from John and Kathryne Buckley allowing for the GBCC railway to come to Tomball. There would be no substantial cost to the City of Tomball for this project beyond planned expenditures related to exterior painting and roof replacement of the existing "speeder building" structure.

Drawings of the proposed expansion are in the Council packet. Construction will be monitored by the appropriate City department(s) as with any other building project.

City of Tomball would provide a concrete tie-in of the new structure to the existing walkway out of the current facilities budget. HVAC equipment maintenance (and eventual replacement) would be the responsibility of the City of Tomball. The City would add the model railway exhibit, estimated at \$20,000, to its existing insurance policy covering the depot.

A written agreement would be made with David George regarding length of the loan to the depot, insurance, and other elements related to the model railway. Note: The Golden-Blackhawk and Central City Railway is applying for status as a 501(c) non-profit corporation.

Origination:

Mike Baxter

Recommendation:

Approve

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

Mike Baxter

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

ATTACHMENTS:

Depot Storage Proposal
Storage Renderings
GBCC Description

PROPOSAL FOR THE EXTENSION OF THE DEPOT “SPEEDER BUILDING”

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- Drawings of the proposed expansion are in the Council packet. Construction will be monitored by the appropriate City department(s) as with any other building project.
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- The City would add the model railway exhibit, estimated at \$20,000, to its existing insurance policy covering the depot.
- A written agreement would be made with David George regarding length of the loan to the depot, insurance, and other elements related to the model railway.
- Note: The Golden~Blackhawk and Central City Railway is applying for status as a 501(c) non-profit corporation.



DATE:

STORAGE ADDITION
TOMBALL DEPOT

201 S. ELM
TOMBALL, TX 77375

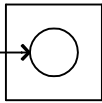
SHEET NUMBER

1

EXISTING METAL FENCE

EXISTING GRAVEL

EXISTING
LIGHT POLE



EXISTING WINDOW
TO REMAIN

EXISTING WINDOW
TO REMAIN

EXISTING
"SPEEDER"
DISPLAY

EXISTING DOORS
TO REMAIN

EXISTING
PATTERNED
CONC RAMP

REMOVE EXISTING
WINDOW & REUSE

NEW
STORAGE

NEW DOORS
SEE ELEVATION

ADDITIONAL
PATTERNED
CONC RAMP

RE-USE
EXISTING WINDOW

EXISTING
VALVE BOX



EXISTING PATTERNED CONC WALK



FLOOR PLAN
1/4" = 1'-0"

EXISTING PATTERNED CONC WALK

EXISTING PLANTER

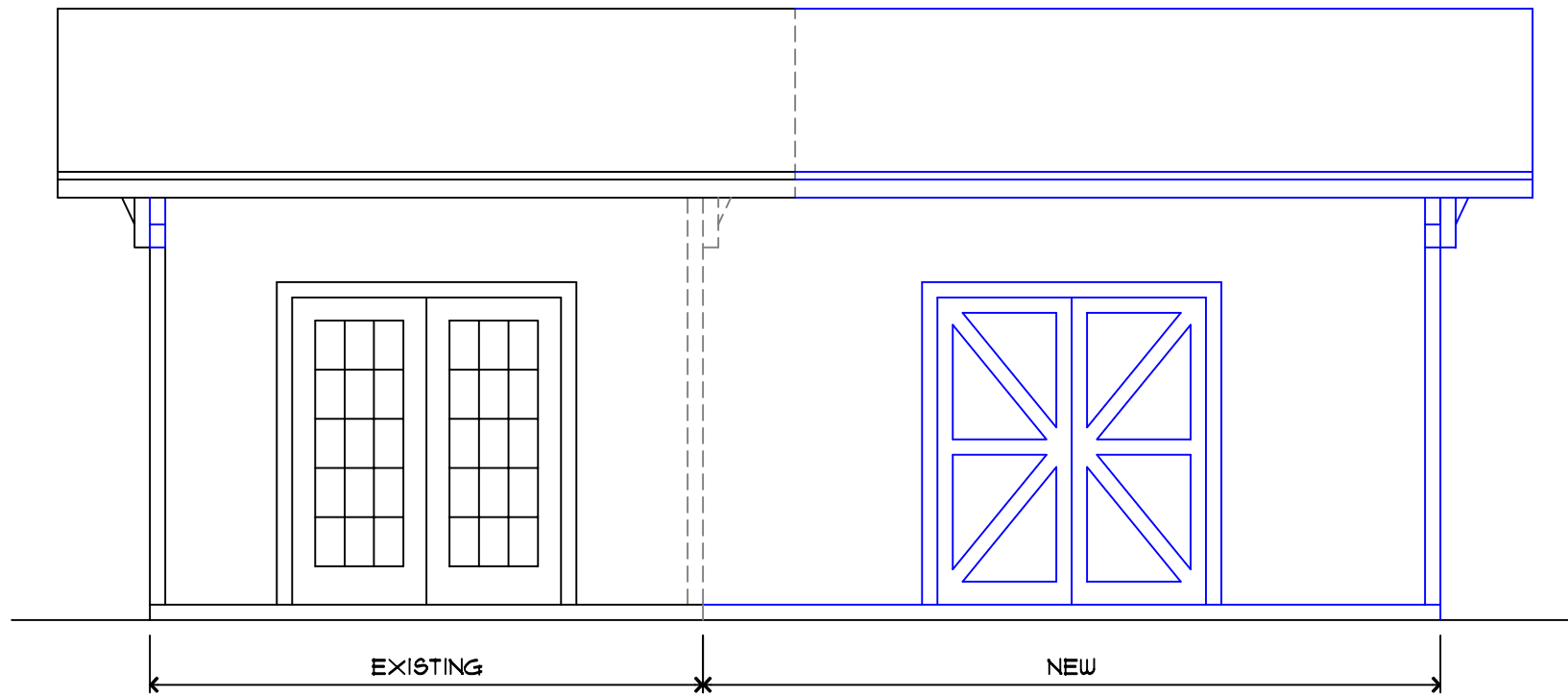
DATE:

STORAGE ADDITION
TOMBALL DEPOT

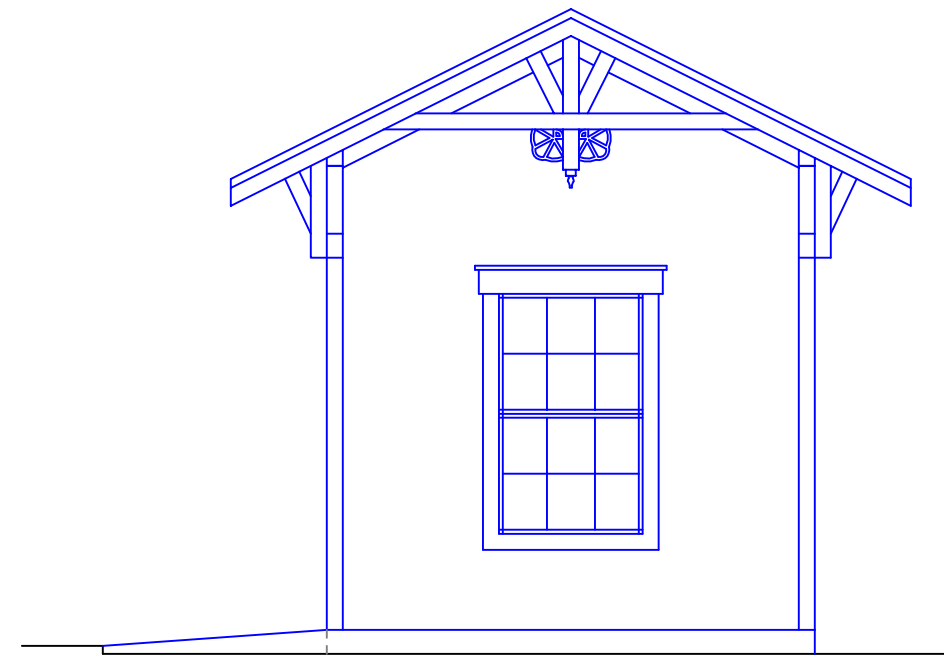
201 S. ELM
TOMBALL, TX 77375

SHEET NUMBER

2

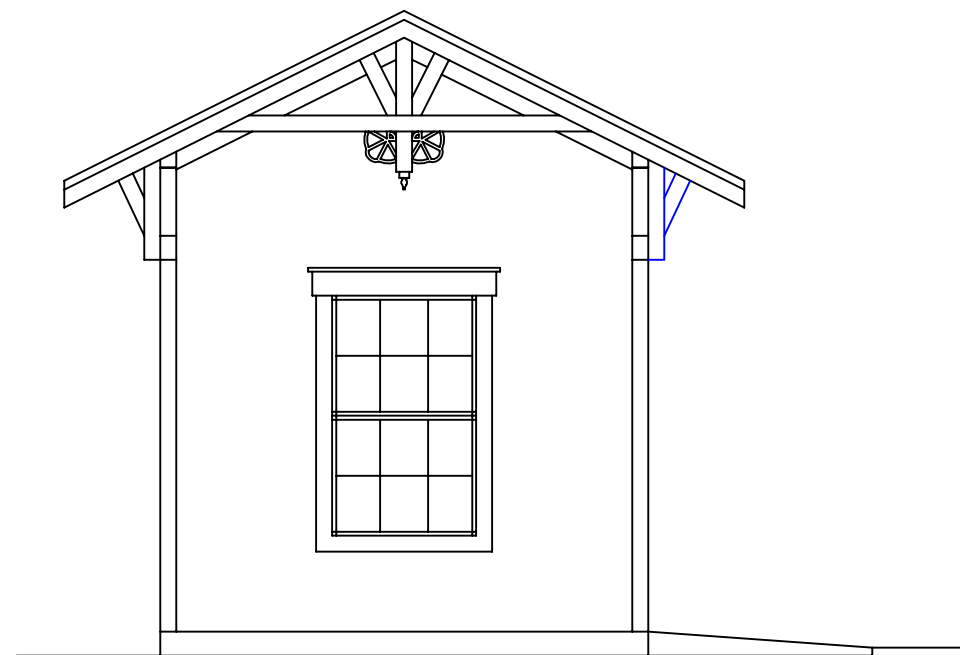


NORTH ELEVATION

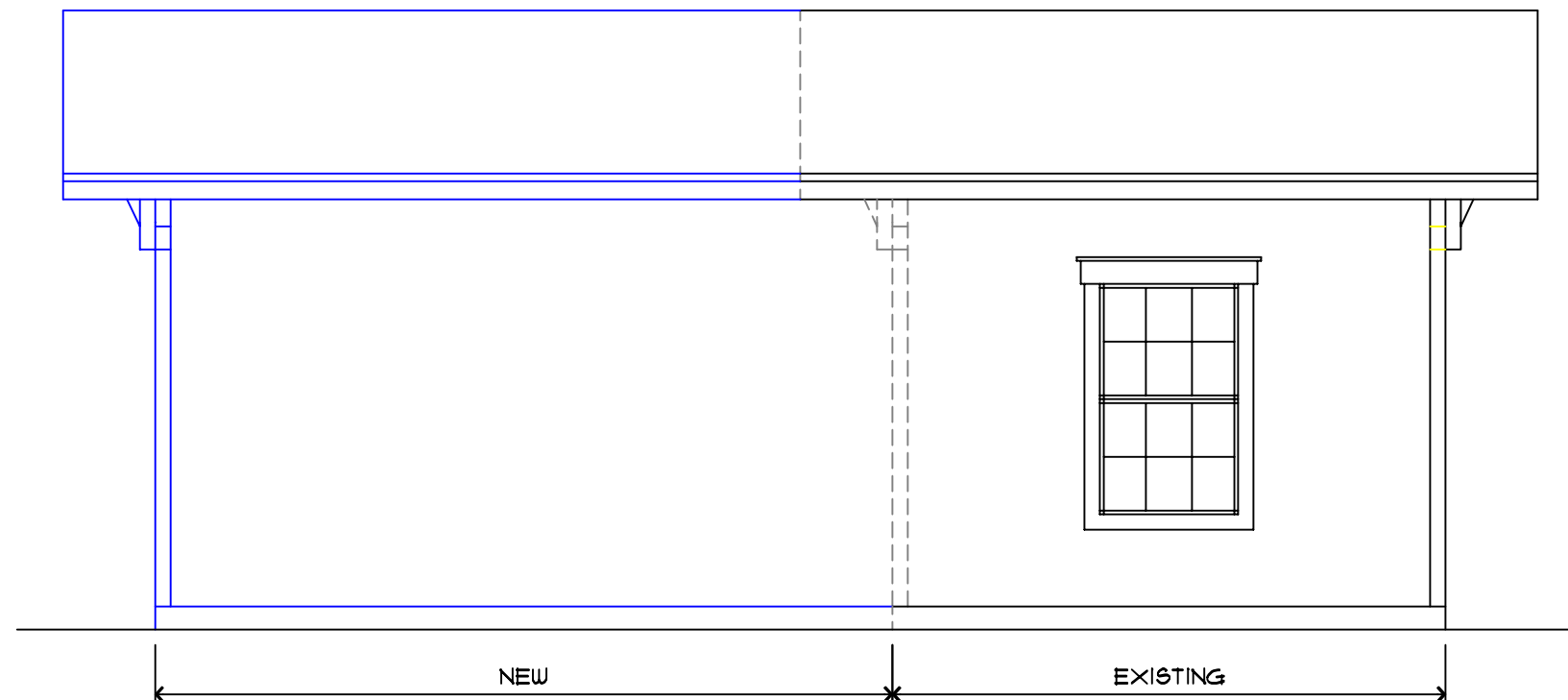


WEST ELEVATION

ELEVATIONS
1/4" = 1'-0"



EAST ELEVATION



SOUTH ELEVATION

DATE:

STORAGE ADDITION
TOMBALL DEPOT

201 S. ELM
TOMBALL, TX 77375

SHEET NUMBER

3

- **Attachment 2: Description of Golden~Blackhawk and Central City model railroad layout**

The award winning Golden~Blackhawk and Central City (GBCC) Model Railroad Layout has been seen and enjoyed by over half a million people in it's sixteen year existence. It is one of the very few large layouts devoted to the small scale "z" size of model trains which make it possible to fully appreciate scenic details of the layout while still enjoying the action of many model trains operating on six different tracks.



Dave George is the creator of the GBCC. He is known all over the world as "Mister Dave", the artist behind this unique and beautiful work of art.



Dave and his crew have attended over 60 train shows with the "Golden ~ Blackhawk & Central City" layout . These include nine shows on the Worlds Greatest Hobby Show circuit which routinely had attendance of 30,000 per show. Also sixteen annual National

Train Shows which are sponsored by the National Model Railroad Association with an average attendance of 20,000 per show and over 30 smaller shows sponsored by various sanctioning organizations which average about 2,500 per show. The total estimated audience who have seen the GBCC is over 500,000 persons.

A list of cities visited (in no particular order):

Houston	New Braunfels	Philadelphia	Seattle	Orlando
San Antonio	Texas City	Hartford	Spring, TX	New Orleans
Grand Rapids	Washington DC	St Louis	Detroit	Atlanta
Milwaukee	Cincinnati	Sacramento	Denver	Louisville
Fort Worth	Temple	Ft Lauderdale	Dallas	Austin
Portland				

The layout is well known in model railroad circles for it's amazing attention to scenic detail and the special "George Gorge" with it's multilayer set of multiple trains, bridges and tunnels set at just the right height for the smallest child. Parents regularly bring their children back to the GBCC with the remark, "they want to see this one again".





The Golden~Blackhawk and Central City has won many awards and honors over the years. Among them are;

1. International Hobby Corporation " PIZZAZ" Award 2002
2. Module Contest -Individual. Second Place. 2002
3. Module Contest - Individual. Third Place. 2002
4. Module Contest - Individual Second Place. 2007
5. Module Contest - BEST OF SHOW. All Modules. 2007
6. Module Contest - BEST OF SHOW. All Modules. 2012
7. Module Contest - Individual First Place. 2012
8. Module Contest - BEST OF SHOW. All Modules. 2013
9. Lane School - THANK YOU PLAQUE ! 2013
10. - Multiple BLUE RIBBONS won at Local Shows. 2004-12



As Dave says, "My Best award is the show crowd thanking me for bringing the "Golden ~ Blackhawk & Central City" layout for them to enjoy"

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Discussion and Possible Action Regarding a Request from Tomball Grand Junction, LLC, for City Assistance to Acquire a Right-of-Way and Utility Easement for Utility Extensions to the Proposed Grand Junction Residential Subdivision

Background:

Grand Junction is a proposed residential subdivision located on the south side of Hufsmith Road between Lovett Street and Hospital Street. In order to serve the property with City utilities, utility extensions are needed from Lovett Street. The utility extensions require acquisition of right-of-way and easement from the property at the southwest corner of Hufsmith Road and Lovett Street.

Will Benson (Tomball Grand Junction, LLC) has offered to purchase the property from the property owner; however, the property owner has been unresponsive. Therefore, Will Benson is requesting assistance from the City and has agreed to reimburse the City all costs associated with the acquisitions.

Origination:

Will Benson, Tomball Grand Junction, LLC

Recommendation:

N/A

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Letter Request

MOU

Tomball Grand Junction Plat

Vicinity Map

October 16, 2017

Mr. Craig T. Meyers, P.E., CFM
City of Tomball
501 James Street
Tomball, Texas 77375

Re: Request for Offsite Water Line Easement
to serve Grand Junction Development
Odyssey Project No. 17-009-00-GEN

Dear Mr. Meyers:

Please let this letter serve as an official request for the City of Tomball's (City) assistance in obtaining a 20' City of Tomball Utility Easement (Easement) adjacent to the south right-of-way of E.Huffsmith Road, from the eastern property line of 818 E.Huffsmith Road (Smith Tract) to the western right-of-way line of Lovett Street. The Easement crosses the property located at 1333 Lovett Street. This request is made so that a public City water line can be extended within a City easement to serve the 12.7ac tract located at 818 E.Huffsmith Road inside the City of Tomball city limits.

To date, the existing property owner, David Smith, and the company interested in acquiring the Smit Tract, Tomball Grand Junction, LLC, have reached out to the owners at 1333 Lovett Street to purchase the Easement, but we have not received any response (favorable or non-favorable) regarding the purchase. Below is a summary of the chain of events that have transpired to date:

- July 2017: initial inquiries and research to determine if there was an existing COT easement. Resulted in determining no easement existed.
- August 16, 2017: After researching current ownership, it was determined that the property owner reflected on the Appraisal District's website had passed away in July 2016. Additional research, showed that he had been survived by this daughter, Belinda.
- Mid August : left voicemail for Belinda. No returned phone call received.
- Late August : left voicemail for Belinda. No returned phone call received.
- August 21, 2017: sent letter to the residence requesting to purchase Easement. A copy of the letter can be found in Exhibit "A". No return contact received.
- September 20, 2017: Visited residence of 1333 Lovett Street. Left business card with occupant requesting the responsible party return contact regarding easement acquisition. Current occupant confirmed he was the grandson of the deceased property owner, and that Belinda was to be the point of contact. No return contact received.



Mr. Craig Meyers, P.E., CFM
October 16, 2017

During this process, it was discovered that the City had previously sought to acquire additional right-of-way and a City Easement through this area, including across the 1333 Lovett Street tract. Please see attached Exhibit "B" which is a copy of the correspondence in reference to the easement acquisition across the requested tract.

Acquisition of the requested 20' Easement, aligns with the City's plans for City utility extensions in the area and will allow for continued development and growth within the City of Tomball. Mr. Smith and Benson Development respectfully request the City's assistance with acquiring the Easement.

If you have any questions or require any additional information, please feel free to contact me at 281-306-0240.

Sincerely,

Megan L. Crutcher, P.E., CFM
Principal

Attachments: Exhibit "A" - Letter dated August 21, 2017
Exhibit "B" - Previous City Correspondence for Easement Acquisition

CC: Mr. David N. Smith - Property Owner, 818 E. Huffsmith Road
Mr. Will Benson - Tomball Grand Junction, LLC

BENSON

DEVELOPMENT LLC

August 21, 2017

Mr. Oliver Suhonen
(Or Current Land Owner of Tracts 71B & 71C of Tomball Outlots)
1333 Lovett St
Tomball, TX 77375

RE: Purchase of a 20' Easement along Hufsmith Rd., from Lovett to northwest property corner.

Dear Mr Suhonen;

The Harris County Appraisal District shows that you are the owner of a certain property known as Tracts 71B & 71C of the Tomball Outlots. I am pursuing plans to develop a residential development to the west, and so I am seeking to acquire a 20' wide easement to access the City of Tomball utilities located near Snook and Hufsmith. Specifically, I am seeking access to the water line.

Therefore, I would like to speak with you about purchasing a 20' wide easement, approximately 275' in length across your northern property line up against the Hufsmith right-of-way, and am willing to pay a non-negotiable, but very fair market price of \$38,500 for this easement.

Please contact me at your earliest convenience to discuss the particulars of this transaction at (281) 932-7836.

Respectfully,



Will Benson
President

October 8, 2010

Mr. Oliver Suhonen
1333 Lovett Street
Tomball, TX 77375

Re: Road Widening and Utility Improvements of Hufsmith Road Tomball, Texas.
(Parcel 11)

Dear Mr. Suhonen:

Cobb, Fendley & Associates, Inc. has been retained by the City of Tomball, Texas, to assist with the acquisition of property for the widening and utility improvements of Hufsmith Road. It will be necessary for The City to purchase a portion of your property and a utility easement from you to facilitate the construction of this project.

Enclosed herewith is the Texas Landowner Bill of Rights w/ acknowledgement, the survey plats and descriptions for the proposed takings, and the appraisal of your property prepared by an independent appraiser. The City of Tomball is offering to pay you **\$12,697.00** for the proposed acquisition.

\$4,042.00 for landscaping
\$4,487.00 for the 4,487 sq. ft. portion for road widening
\$4,168.00 for the 5,954 sq. ft. utility easement acquisition

Please give me a call at your earliest convenience to further discuss this matter at (713) 462-3242.

Sincerely,

David Stewart
Right of Way Agent
Cobb Fendley & Associates Inc.

Enclosures

February 28, 2011

Mr. Oliver Suhonen
1333 Lovett Street
Tomball, TX 77375

FINAL OFFER LETTER

Dear Mr. Suhonen:

In an offer letter to you dated September 28, 2010, you were advised that it will be necessary for the City of Tomball to purchase a portion of land and a utility easement from you for the improvements to East Hufsmith Road. As the negotiations have not been successful to date, a final offer is hereby submitted to you.

Accordingly, a total of **\$12,679.00** is offered for the required property rights, save and except oil, gas and sulphur rights with no right of exploration, subject to clear title being secured.

Should you desire to accept this offer, please contact me at (713) 462-3242 as soon as possible, and we can then arrange for an exchange of the specified compensation for an executed copy of the right of way and easement agreements.

If this offer is not accepted within ten (10) days of your receipt of this letter, the City will assume that you are unable or unwilling to proceed with a sale on these terms. In that event, the City will have no alternative but to avail itself of the judicial processes necessary to acquire the property rights through the exercise of its power of eminent domain. It is our sincere hope that this will not be necessary.

Sincerely,

David Stewart
Right of Way Agent
Cobb Fendley & Associates Inc.

Page 7 of 13



O'Malley Engineers, L.L.P.

Craig Kankel, P.E.
Robert C. Schmidt, P.E.
Ed Addicks, P.E.

EXHIBIT "A"

STATE OF TEXAS)
COUNTY OF HARRIS)

ALL THAT CERTAIN 4487 square foot tract or parcel out of a called 1.95788 acre tract conveyed to Oliver Suhonen, et ux and described in a deed recorded in File No. P738549, Official Public Records Real Property of Harris County, Texas (OPRRPHC), lying and being situated in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas. Said tract being more particularly described as follows;

BEGINNING at a found 5/8 inch iron rod, having surface coordinates X=3042097.04, Y=13967905.28, in the southeast right of way of Hufsmith Road, being the west corner of the flare out of Lovett Street, and being the north corner of said Suhonen tract;

THENCE South 70°43'15" East with the north line of said Suhonen tract and the south line of the flare out of Lovett Street, a distance of 19.06 feet to a set ½ inch iron rod;

THENCE South 53°48'18" West, severing said Suhonen tract, a distance of 284.15 feet to a set ½ inch iron rod in the west line of said Suhonen tract, being the east line of a called Portion of Outlots 71, 73, 76, 80 and 83, Tomball Townsite, conveyed to David Noel Smith, et ux and shown in Volume 2, Page 65 Map Records Harris County (MRHC);

THENCE North 01°21'27" West, with the west line of said Suhonen tract and the east line of said Smith tract, a distance of 20.95 feet to a found 1 inch iron pipe in the southeast right of way line of Hufsmith Road;

THENCE North 54°08'00" East, with the northwest line of said Suhonen tract and the southeast right of way line of Hufsmith Road, a distance of 261.38 feet to the POINT OF BEGINNING and containing 4487 square feet of land.

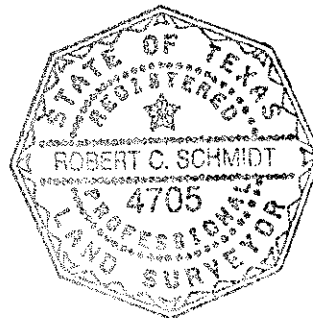
Notes:

1. All bearings, distances and coordinates are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83. All distances and coordinates shown are surface and may be converted to grid by multiplying by a combined scale factor of 0.99995347.
2. This survey is valid only if bears the seal and original signature of the surveyor.
3. This description is accompanied by a plat of even date herewith.

November 10, 2009

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705





O'Malley Engineers, L.L.P.

Craig Kankel, P.E.
Robert C. Schmidt, P.E.
Ed Addicks, P.E.

EXHIBIT "B"

STATE OF TEXAS)
COUNTY OF HARRIS)

ALL THAT CERTAIN 5954 square foot City of Tomball Utility Easement over and across called 1.95788 acre tract conveyed to Oliver Suhonen, et ux and described in a deed recorded in File No. P738549, Official Public Records Real Property of Harris County, Texas (OPRRPHC), lying and being situated in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas. Said easement being more particularly described as follows;

COMMENCING at a found 5/8 inch iron rod, having surface coordinates X=3042097.04, Y=13967905.28, in the southeast right of way of Hufsmith Road, being the west corner of the flare out of Lovett Street, and being the north corner of said Suhonen tract;

THENCE South 70°43'15" East with the north line of said Suhonen tract and the south line of the flare out of Lovett Street, a distance of 19.06 feet to a set ½ inch iron rod for the POINT OF BEGINNING;

THENCE South 70°43'15" East, continuing with the north line of said Suhonen tract and the south line of the flare out of Lovett Street, a distance of 20.86 feet to a point;

THENCE South 02°15'04" East with the east line of said Suhonen tract and the west line of Lovett Street, a distance of 3.41 feet to a point;

THENCE South 53°48'18" West, a distance of 308.00 feet to a point in the west line of said Suhonen tract and the east line of a called Portion of Outlots 71, 73, 76, 80 and 83, Tomball Townsite, conveyed to David Noel Smith, et ux by deed recorded in Volume 7527, Page 356, Film Code 102-36-1392, Deed Records Harris County and shown in Volume 2, Page 65 Map Records Harris County (MRHC);

THENCE North 01°21'27" West, with the west line of said Suhonen tract and the east line of said Smith tract, a distance of 24.37 feet to a set ½ inch iron rod;

THENCE North 53°48'18" East, a distance of 284.15 feet to the POINT OF BEGINNING and containing 5954 square feet of land.

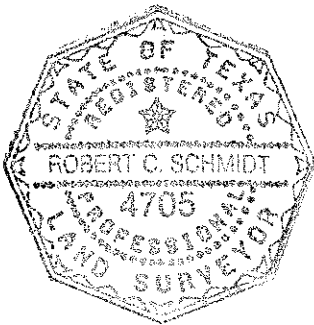
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3. This description is accompanied by a plat of even date herewith.

November 10, 2009

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705



EXECUTED this _____ day of _____ 2017.

City of Tomball

By: _____

Gretchen Fagan
Mayor

ATTEST:

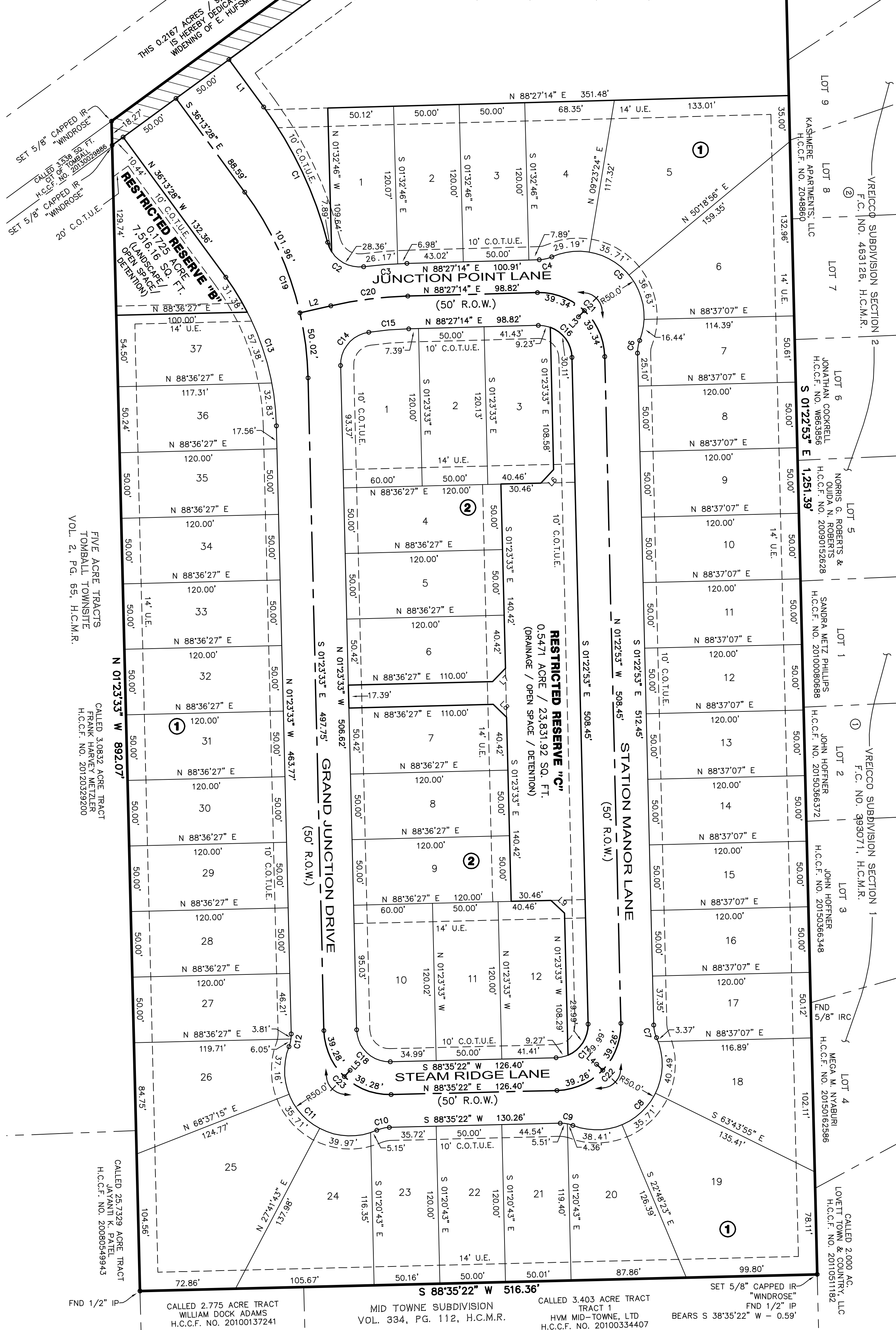
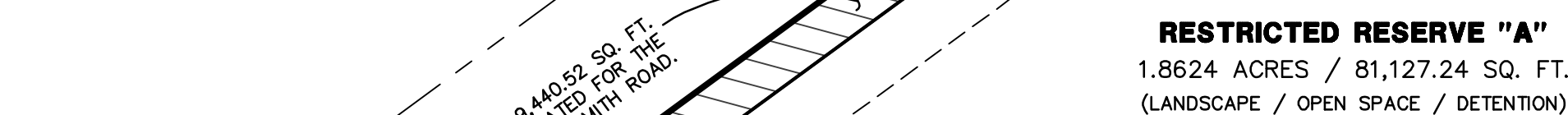
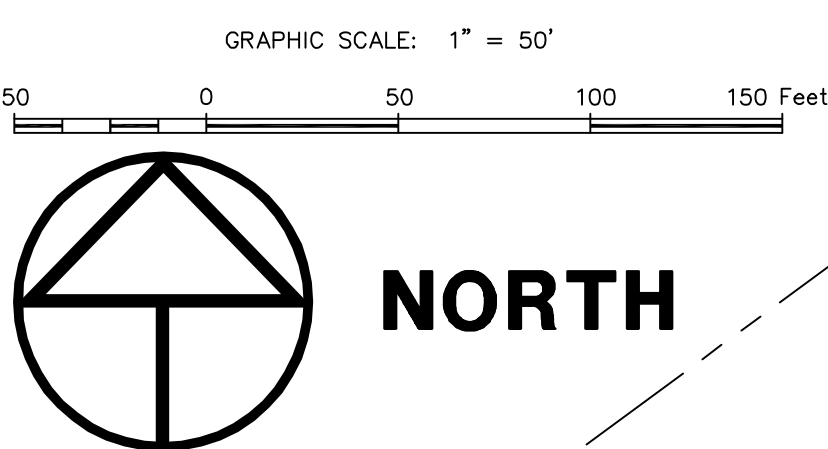
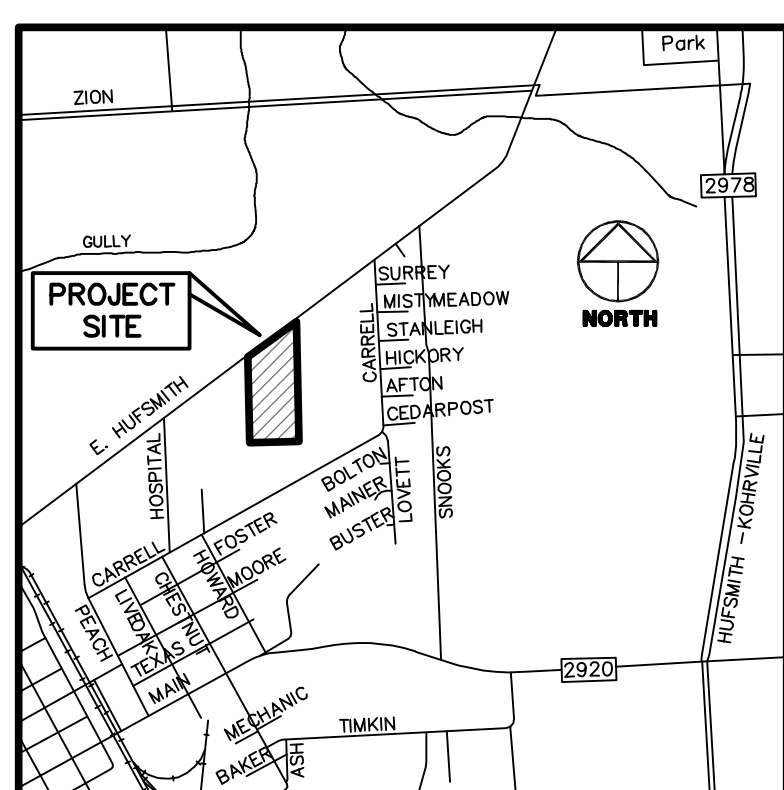
Doris Speer
City Secretary

Tomball Grand Junction, LLC

By: _____

Name: _____

Title: _____



LOT TABLE			
LOT	ACREAGE	SQ. FT.	
BLOCK 1			
1	6,000.00	0.1377	
2	6,000.17	0.1377	
3	6,000.00	0.1377	
4	6,670.05	0.1531	
5	12,988.20	0.2963	
6	10,189.20	0.2339	
7	6,000.00	0.1377	
8	6,000.00	0.1377	
9	6,000.00	0.1377	
10	6,000.00	0.1377	
11	6,000.00	0.1377	
12	6,000.00	0.1377	
13	6,000.00	0.1377	
14	6,000.00	0.1377	
15	6,000.00	0.1377	
16	6,000.00	0.1377	
17	6,000.00	0.1377	
18	8,312.40	0.1908	
19	13,716.55	0.3149	
20	7,539.01	0.1731	
21	6,000.00	0.1377	
22	6,000.00	0.1377	
23	6,000.00	0.1377	
24	13,517.37	0.1955	
25	8,677.72	0.1940	
26	7,379.66	0.1694	
27	6,000.03	0.1377	
28	6,000.00	0.1377	
29	6,000.00	0.1377	
30	6,000.00	0.1377	
31	6,000.00	0.1377	
32	6,000.00	0.1377	
33	6,000.00	0.1377	
34	6,000.00	0.1377	
35	6,000.00	0.1377	
36	6,000.00	0.1377	
37	6,000.01	0.1377	
BLOCK 2			
1	7,010.84	0.1609	
2	6,003.37	0.1378	
3	6,010.74	0.1380	
4	6,000.00	0.1377	
5	6,000.00	0.1377	
6	6,000.00	0.1377	
7	6,000.00	0.1377	
8	6,000.00	0.1377	
9	6,000.00	0.1377	
10	7,067.29	0.1622	
11	6,000.40	0.1378	
12	6,000.11	0.1377	

STATE OF TEXAS
COUNTY OF HARRIS

We, DAVID NOEL SMITH and SUSAN K. SMITH, Owners, hereinafter referred to as Owners (We, one or more) of the 12,7068 sq. tract described in the above and foregoing map (We, one or more) do hereby grant, sell, convey and subdivision of said property to the GRAND JUNCTION CITY, for the use, purposes, intentions, and dedications, and notations on said plot and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plot and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

WITNESS MY HAND in the City of Tomball, Harris County, Texas, this the _____ day of _____, 2017.

By: DAVID NOEL SMITH

By: SUSAN K. SMITH

STATE OF TEXAS

Before me, the undersigned authority, on this day personally appeared DAVID NOEL SMITH and SUSAN K. SMITH, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2017

Notary Public in and for the
State of Texas

My Commission Expires:

By: Barbara Tague
Chairman

By: Darrell Roquemore,
Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for

o'clock____M., and duly recorded on _____, 2017, at _____

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

I, Kevin M. Reidy, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that, except shown, all boundary corners, single lines, double lines, and other points of reference, have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.



KEVIN M. REIDY
Registered Professional Land Surveyor
Texas Registration No. 6450

BLK / LOT	DISTANCE
1 / 4	50.00'
1 / 5	50.00'
1 / 6	50.00'
1 / 18	50.00'
1 / 19	50.00'
1 / 20	50.00'
1 / 24	50.00'
1 / 25	50.00'
1 / 26	50.00'

GENERAL NOTES

1. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER, ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM, AND UPON SAID EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, REPAIR, MAINTENANCE, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF NOTICE TO THE SUBDIVISION. THE CITY OF TOMBALL, AND ANY PUBLIC UTILITY INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY INTERFERE WITH THE CITY OF TOMBALL'S OR ANY PUBLIC UTILITY'S RIGHT TO CONSTRUCT, REPAIR, MAINTENANCE, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
2. ACCORDING TO FEMA FIRM PANEL NO. 4820C0230SL (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN UNSHADED ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
3. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
4. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
5. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES, BUILDING LINES, AND EASEMENTS. BUILDING SETBACKS SHALL BE 15 FEET FOR LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
7. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
8. SUBJECT TO COVENANTS AS RECORDED IN FILM CODE NO. 400005, H.C.M.R.
9. LOTS BACKING OR TOWING TOMBALL--HUFFSMITH RD. ARE HEREBY DEDICATED DIRECT

LINE	BEARING	DISTANCE
L1	S 36°13'28" E	44.82'
L2	N 77°08'37" E	24.19'
L3	N 43°32'11" E	6.50'
L4	S 46°23'46" E	6.50'
L5	N 43°35'54" E	6.50'
L6	S 43°36'27" W	14.14'
L7	S 43°36'27" W	14.14'
L8	S 46°23'33" E	14.14'
L9	S 46°23'33" E	14.14'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	300.00'	21°55'02"	114.76'	S 251°57'52" E	114.06'
C2	25.00'	83°04'57"	36.25'	S 55°05'55" E	33.16'
C3	325.00'	05°50'38"	331.15'	N 85°31'56" E	331.13'
C4	25.00'	22°30'42"	9.82'	N 71°17'53" E	9.76'
C5	50.00'	13°17'11"	117.97'	S 46°27'49" E	92.45'
C6	25.00'	22°30'42"	9.82'	S 09°22'8" W	9.76'
C7	25.00'	22°30'42"	9.82'	S 10°21'08" W	9.81'
C8	50.00'	15°31'20"	117.99'	S 43°36'14" W	92.46'
C9	25.00'	22°36'56"	9.87'	N 80°06'11" W	9.80'
C10	25.00'	22°36'55"	9.86'	S 71°17'39" W	9.79'
C11	50.00'	13°51'54"	117.98'	N 46°24'06" W	92.45'
C12	25.00'	22°35'25"	9.86'	N 50°04'59" E	9.79'
C13	200.00'	34°49'55"	121.59'	N 18°48'31" W	119.72'
C14	25.00'	83°09'22"	36.43'	S 10°21'08" E	33.21'
C15	275.00'	06°21'26"	331.15'	N 85°31'56" E	331.07'
C16	25.00'	83°09'22"	36.34'	S 43°36'14" W	35.41'
C17	25.00'	89°58'15"	39.26'	S 43°36'14" W	35.35'
C18	25.00'	90°01'05"	39.28'	N 46°24'06" W	35.36'
C19	25.00'	34°49'55"	121.59'	S 18°48'31" E	119.65'
C20	300.00'	11°18'38"	59.22'	N 84°27'56" E	59.13'
C21	50.00'	90°01'33"	78.68'	S 46°17'41" W	78.61'
C22	50.00'	90°01'33"	78.61'	S 46°17'41" W	78.69'
C23	50.00'	90°01'05"	78.56'	N 46°24'06" W	78.72'

ABBREVIATIONS

FND - FOUND

H.C.C.F. - HARRIS COUNTY CLERK FILE

H.C.D.R. - HARRIS COUNTY DEED RECORDS

H.C.M.R. - HARRIS COUNTY MAP RECORDS

IP - IRON PIPE

IR - IRON ROD

NO. - NUMBER

PG. - PAGE

R.O.W. - RIGHT-OF-WAY

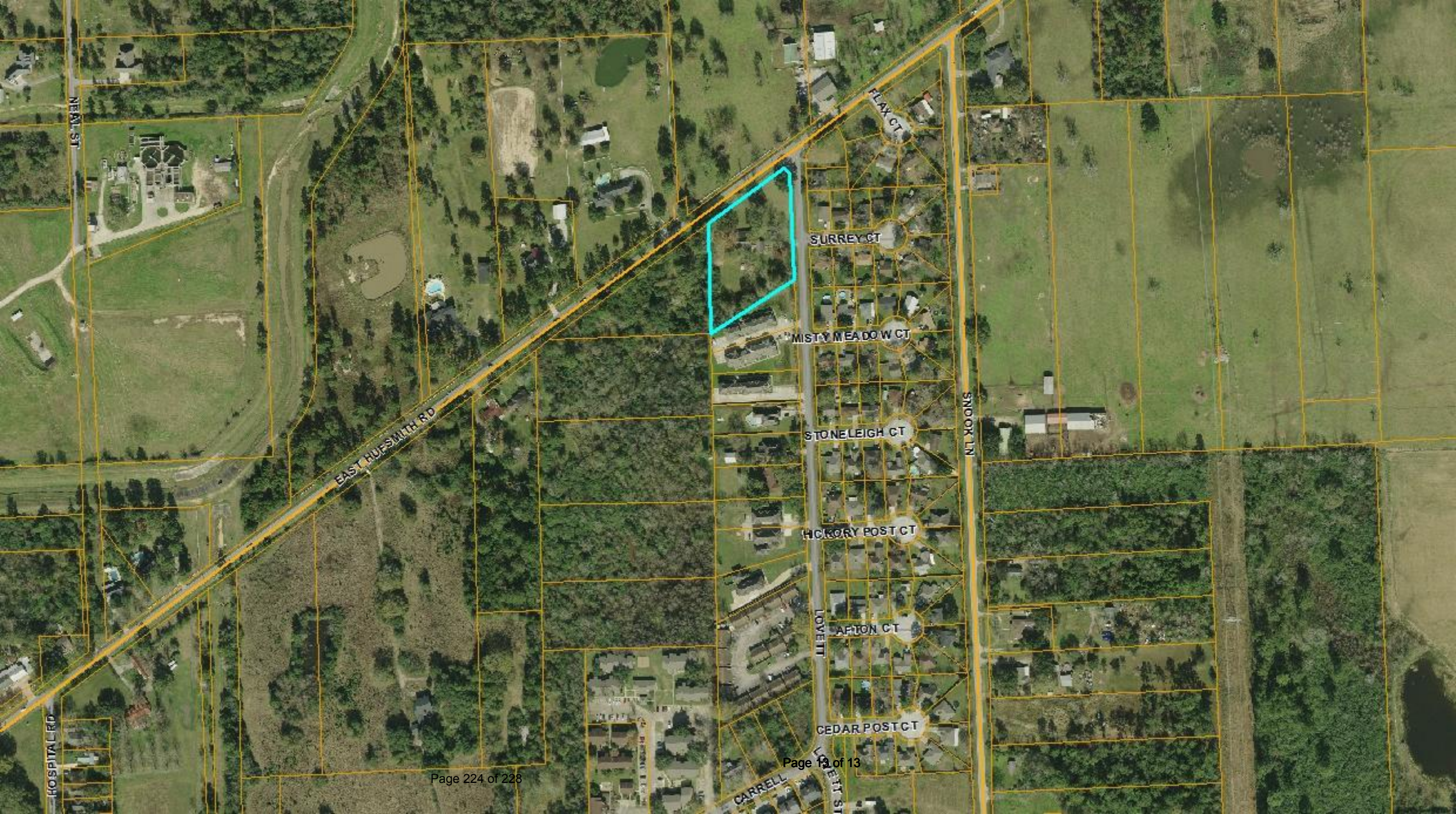
SQ. FT. - SQUARE FEET

VOL. - VOLUME

ESMT. - EASEMENT

C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT

U.E. - UTILITY EASEMENT



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 6, 2017

Topic:

Approve Repairs to the Pine Street Water Well by Weisinger, Inc., for an Amount of \$64,585.00

Background:

The pumps at the Pine Street Water well were continually tripping the breakers to the well; once the problem was identified the Utilities Department requested three quotes from qualified companies to pull the well and the camera the well casings and screens to see if a problem could be detected. Weisinger examined the well casings and screens and suggested the issue could be in the pump. The pump was removed and taken to Weisinger's to be broken down to determine the extent of the repairs needed.

It has been determined by Weisinger that the following repairs need to be made: replacement of pumping equipment due to encrustation on the equipment and the age, wire brushing of the screen, blank liner and casing due to the large scale of encrustation throughout the well casing and liner, and acid and disinfection treatment of the well to lessen the encrustation. A combined total for all these services plus the original fee for surveying the well casings and screen and testing the pump is \$64,585.00.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends approving all recommendations received from Weisinger, Inc in the amount of \$64,585.00, in order to repair the Pine Street Water Well and place it back into service.

Funding:

Yes

Account Number:600-613-6207

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Weisinger, Inc Recommendation

October 19, 2017

City of Tomball
501 James St.
Tomball, TX 77375

Attn: Mr. John Escamilla

Ref: Pine Street Water Well Recommendations
(Revised from recommendations letter dated 10/17/17)

Mr. Escamilla,

We have completed our inspections of the Christensen 8RJLC/3 stage submersible pump and found that all of the bronze bearings are worn .004" - .007" over allowable tolerances. The intermediate bowls are at least 50% plugged up with some sort of iron bacteria as is the suction screen. The existing 50 HP Franklin motor megs to ground on all three legs and the #4/3c cable megged low (red-237, yellow-297, black-250 mega ohms), during the immersion test. The spring is broken on the existing 6" check valve and it is also partially plugged up. Eight (8) joints of the 6" column pipe have severe rust pitting and need to be replaced. The existing discharge head is a converted lineshaft head. The existing hanger flange and drop pipe are severely corroded and cannot be reused. We recommend a new fabricated submersible discharge elbow be installed.

Our recommendations for the pumping equipment are as follows:

- New pump end designed for 500 GPM at 254' TDH.
- New 50 HP submersible motor.
- Eight new joints of 6" x 21' black steel submersible drop pipe.
- 275 ft. of new #4/3 w/ ground submersible power cable.
- New 6" ductile iron check valve.
- 280 ft. of new 1/4" PVC coated stainless steel airline.
- Miscellaneous shop labor and materials to make the pumping equipment operational.
- Re-set and test the repaired/replaced pumping equipment.
- New fabricated submersible discharge head

Total for pumping equipment outlined above..... \$17,538.00

The TV survey performed on 10/11/2017 revealed heavy scale and encrustation throughout the entire well casing and liner. We recommend wire brushing the 8" and 10" blank liner and screen, and the 16" casing, jetting the accumulated debris from the bottom of the well, and performing another TV survey to evaluated conditions in the well after mechanical cleaning.

Estimated total for wire brushing the screen, blank liner, and casing \$14,440.00



October 17,2017
Mr John Escamilla
Pine Street Water Well Recommendations
Page -2-

Based on the magnitude of scale and encrustation observed in the well, we recommend acidizing the well with 1600 gallons of 15% hydrochloric acid with 25 gallons of NW-310 acid enhancer, inserted and agitated directly into the screened areas utilizing a double surge block agitator, to attempt to remove mineral encrustation from the filter gravel pack envelope surrounding the 8” and 10” screen. The acid treatment will be followed with a sodium hypochlorite disinfection treatment. A final TV survey will be performed before setting the permanent pumping equipment.

Estimated total for acid and disinfection treatments as outlined	\$28,107.00
Work performed to date to pull and inspect the pump, and TV survey	\$4,500.00
Estimated Grand Total for all proposed work.....	\$64,585.00

Thank you for the opportunity to offer our services as we await your response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hagen', is written over a light blue horizontal line.

Randy Hagen
Weisinger Incorporated

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 6, 2017

Topic:

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

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

Background:

Origination:

Annual

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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