

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



MONDAY, OCTOBER 2, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 2, 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 Pastor Billy Hines, Affinity Life Giving Church, Tomball

3.0 Pledges to U.S. and Texas Flags

- Led by Arrow of Light Webelos Patrol, the Panthers, Pack 469, Tomball (Lakewood United Methodist Church)

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

5.0 Presentations:

- Certificate of Appreciation – the **Tomball Wild Bunch** – 1st Place Winners at the First Chair Volleyball Competition, Harris County Precinct 4

6.0 Reports and Announcements

- October 3, 2017 – **National Night Out** at the Depot – 6:00 p.m.-8:00 p.m.
- October 9, 2017 – 5:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- October 16, 2017 – 6:00 p.m. – Vote on the Proposed 2017 Tax Rate
- 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the **7th Annual Beetles, Brew & Barbeque Festival**

7.0 Approve the Minutes of the September 18, 2017 Regular Tomball City Council Meeting and the Minutes of the September 25, 2017 Special Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2017-30, an Ordinance Amending Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, to Add Provisions to Support the City’s Compliance with Permitting Requirements for Stormwater System; Allowing an Application for a Site Development Permit as an Alternative to an Erosion and Sediment Control Plan; Adopting Penalties in Accordance with Chapter 54 of the Texas Local Government Code; Adopting a New Article VIII, Illicit Discharge Program, of Chapter 18, Environment, Providing Definitions, Regulation and Enforcement of Illicit Discharges Into the City’s Stormwater System; Adopting a New Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, Establishing Definitions, Regulations, and Enforcement Regarding Discharge of Pollutants in the City’s Stormwater Runoff from New Development and Significant Redevelopment; Adopting a New Article X, Pet Waste Management, to Chapter 18, Environment, to Establish Definitions, Regulations and Enforcement Regarding Discharge of Bacteria in Stormwater Runoff from Pet Waste; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for any Violation of any Provision of this Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for Publication; and Providing for Severability.
- 8.2 Adopt, on Second Reading, Ordinance No. 2017-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting the Word “Burglar” from Section 16-59, False Alarm Notification, of Division 2,

Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services; Providing a Repealer, and Providing for Severability

- 8.3 Adopt, on Second Reading, Ordinance No. 2017-32, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting the Wording "Possibility of Imprisonment for Violation of the International Fire Code" from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection; Providing a Repealer, and Providing for Severability
- 8.4 Adopt, on Second Reading, Ordinance No. 2017-34, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a Penalty Provision to Article VI, Right of Way Management, and Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks and Other Public Places, Providing for Severability, Making Other Findings

9.0 New Business:

- 9.1 Conduct Second Public Hearing regarding 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas
- 9.2 Announce that Voting on the Proposed 2017 Tax Rate will be held at a Special Council Meeting on October 9, 2017 at 5:00 p.m. and at a Regular Council Meeting on October 16, 2017 at 6:00 p.m.
- 9.3 Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Term Expiring September 1, 2019
- 9.4 Adopt, on First 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
- 9.5 Approve Resolution No. 2017-16, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2018 General Assembly

10.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of September 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: October 2, 2017

Topic:

- Led by Pastor Billy Hines, Affinity Life Giving Church, 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: October 2, 2017

Topic:

- Led by Arrow of Light Webelos Patrol, the Panthers, Pack 469, Tomball (Lakewood United Methodist Church)

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: October 2, 2017

Topic:

- Certificate of Appreciation – the **Tomball Wild Bunch** – 1st Place Winners at the First Chair Volleyball Competition, Harris County Precinct 4

Background:

Origination:

Mayor Fagan

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Certificate of Appreciation - the Tomball Wild Bunch

City of Tomball
Certificate of Appreciation

This certificate is awarded to

the members of the
Tomball Wild Bunch

by the City of Tomball, Texas
in recognition of winning 1st Place
at the First Chair Volleyball Competition,
Harris County Precinct 4



Mayor, City of Tomball, Texas

October 2, 2017

Date

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

- October 3, 2017 – **National Night Out** at the Depot – 6:00 p.m.-8:00 p.m.
- October 9, 2017 – 5:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- October 16, 2017 – 6:00 p.m. – Vote on the Proposed 2017 Tax Rate
- 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the **7th Annual Beetles, Brew & Barbeque 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

ATTACHMENTS:

National Night Out at the Depot

Notice of Vote on the Proposed 2017 Tax Rate

7th Annual Beetles, Brew & Barbeque Festival

Tomball Police Department Presents



Tuesday, October 3rd, 2017 6:00pm-8:00pm

@ The Depot 201 S Elm, Tomball

**FOOD, GAMES, PERFORMANCES,
BOUNCE HOUSE, NERF WARS ,
“TEX” THE LONGHORN**

For more information email

Jdavis@tomballtx.gov or call 281-290-1355

NOTICE OF TAX REVENUE INCREASE

The _____
(name of taxing unit)

conducted public hearings on _____ and _____ on a proposal to
(date of first hearing) (date of second hearing)

increase the total tax revenues of the _____ from properties
(name of taxing unit)

on the tax roll in the preceding year by _____ percent.
(percentage by which proposed tax rate exceeds lower of
rollback tax rate or effective tax rate calculated under this chapter)

The total tax revenue proposed to be raised last year at last year's tax rate of _____
(insert tax rate for the preceding year)

for each \$100 of taxable value was _____ .
(insert total amount of taxes imposed in the preceding year)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this
year, is _____ .
(insert amount computed by multiplying proposed tax rate by the difference
between current total value and new property value)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this
year, is _____ .
(insert amount computed by multiplying proposed tax rate by current total value)

The _____ is scheduled to vote on the
(governing body of the taxing unit)

tax rate that will result in that tax increase at a public meeting to be held on _____
(date of meeting)

at _____ .
(location of meeting, including mailing address)

at _____ .
(time of meeting)

The _____ proposes to use the increase in total tax revenue for the purpose of
(governing body of the taxing unit)

_____ .
(description of purpose of increase)



Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 2, 2017

Topic:

Approve the Minutes of the September 18, 2017 Regular Tomball City Council Meeting and the Minutes of the September 25, 2017 Special Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

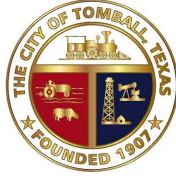
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Draft Minutes of the September 18, 2017 Regular Council Meeting

Draft Minutes of the September 25, 2017 Special Council Meeting

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



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

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
Fire Marshal – Joe Sykora
Police Officer-Investigations – Jason Smith

- 2.0** The invocation was led by Pastor Scott Zbylot - Silver Springs Baptist Church, Magnolia
- 3.0** The pledges to U. S. and Texas Flags were led by Randy Parr.
- 4.0** No public comments were received.

5.0 Reports and Announcements:

- September 25, 2017 – 5:00 p.m. – Public Hearing on the Proposed 2017 Tax Rate
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 2, 2017 – 6:00 p.m. – Public Hearing on the Proposed 2017 Tax Rate
- October 9, 2017 – 5:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- October 16, 2017 – 6:00 p.m. – Vote on the Proposed 2017 Tax Rate
- 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
- Reports by City staff and members of council about items of community interest on which no action will be taken

6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the September 5, 2017 Regular Tomball City Council Meeting

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2017-15, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball’s Investment Policy, as set forth in the City’s Administrative Policy No. 13, entitled “Investment Policy”.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-30 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-30, an Ordinance Amending Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, to Add Provisions to Support the City’s Compliance with Permitting Requirements for Stormwater System; Allowing an Application for a Site Development

Permit as an Alternative to an Erosion and Sediment Control Plan; Adopting Penalties in Accordance with Chapter 54 of the Texas Local Government Code; Adopting a New Article VIII, Illicit Discharge Program, of Chapter 18, Environment, Providing Definitions, Regulation and Enforcement of Illicit Discharges Into the City's Stormwater System; Adopting a New Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, Establishing Definitions, Regulations, and Enforcement Regarding Discharge of Pollutants in the City's Stormwater Runoff from New Development and Significant Redevelopment; Adopting a New Article X, Pet Waste Management, to Chapter 18, Environment, to Establish Definitions, Regulations and Enforcement Regarding Discharge of Bacteria in Stormwater Runoff from Pet Waste; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for any Violation of any Provision of this Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for Publication; and Providing for Severability. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 7.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-31 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. 2017-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting the Word "Burglar" from Section 16-59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services; Providing a Repealer, 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.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-32 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2017-32, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting the Wording "Possibility of Imprisonment for Violation of the International Fire Code" from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection; Providing a Repealer, 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.

- 7.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-34 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-34, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a Penalty Provision to Article VI, Right of Way Management, and Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks and Other Public Places, Providing for Severability, Making Other Findings. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award the Contract for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to JTR Constructors, Inc. in the Amount of

\$4,368,250 and to approve Change Order No. 1, decreasing the contract amount to \$3,612,103.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Ford, second by Councilman Degges, to approve the request by Dana Kelly, Owner of the Empty Glass, for Approval to Stage the 4th Annual Texas Wine Festival at the Depot, to be Held on Saturday, October 7, 2017.

Motion carried unanimously.

- 7.8 Executive Session: The City Council recessed at 6:31 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. 551.071 - Consultation with the City Attorney regarding a matter that the Attorney's duty requires to be discussed in closed session.

Upon reconvening into regular session at 6:50 p.m., no action was taken.

- 8.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:52 p.m.

PASSED AND APPROVED this the 2nd day of October 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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

MONDAY, SEPTEMBER 25, 2017



5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend

Members absent:

Councilman Klein Quinn - Excused

Others present:

Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
Finance Director – Glenn Windsor
Police Officer-Investigations – David White

2.0 No public comments were received.

3.0 New Business:

3.1 Mayor Fagan called the First Public Hearing regarding 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas to order at 5:00 p.m.

Receiving no public comments, Mayor Fagan closed the First Public Hearing regarding 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas at 5:00 p.m.

- 3.2 Mayor Fagan announced that Voting on the Proposed 2017 Tax Rate will be held at a Special Council Meeting on October 9, 2017 at 5:00 p.m. and at a Regular Council Meeting on October 16, 2017 at 6:00 p.m.

No action required.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of October 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-30, an Ordinance Amending Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, to Add Provisions to Support the City's Compliance with Permitting Requirements for Stormwater System; Allowing an Application for a Site Development Permit as an Alternative to an Erosion and Sediment Control Plan; Adopting Penalties in Accordance with Chapter 54 of the Texas Local Government Code; Adopting a New Article VIII, Illicit Discharge Program, of Chapter 18, Environment, Providing Definitions, Regulation and Enforcement of Illicit Discharges Into the City's Stormwater System; Adopting a New Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, Establishing Definitions, Regulations, and Enforcement Regarding Discharge of Pollutants in the City's Stormwater Runoff from New Development and Significant Redevelopment; Adopting a New Article X, Pet Waste Management, to Chapter 18, Environment, to Establish Definitions, Regulations and Enforcement Regarding Discharge of Bacteria in Stormwater Runoff from Pet Waste; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for any Violation of any Provision of this Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for Publication; and Providing for Severability.

Background:

For compliance with the City of Tomball Storm Water Management Program, as mandated by the Texas Commission on Environmental Quality (TCEQ), it is necessary to amend City of Tomball Codes to prohibit the discharge of pollutants into the waters of the United States. Ordinance 2017-30 provides the City of Tomball the ability to assess penalties for discharge violations and establishes a Illicit Discharge Program, Post-Construction Runoff Control Program and Pet Waste Management Program.

The Illicit Discharge Program's purpose is to reduce the discharge of pollutants from illicit discharges to the maximum extent possible. The Program provides authorized employees of the City the ability to enter public or private property to enforce illicit discharges, identifies allowable non-stormwater discharges and specifies maximum penalties for stormwater discharge violations. The Post-Construction Runoff Control Program's purpose is to reduce the discharge of pollutants into stormwater runoff from new development and significant redevelopment. The Program specifies permitting requirements for stormwater quality and enforcement provisions. Lastly, the Pet Waste Management Program establishes provisions to reduce the discharge of bacteria in stormwater runoff from pet waste to the maximum extent practicable.

Origination:

Community Development Department

Recommendation:

Adopt Ordinance No. 2017-30 on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-30

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING ARTICLE VI, EROSION AND SEDIMENT CONTROL, OF CHAPTER 18, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TO ADD PROVISIONS TO SUPPORT THE CITY'S COMPLIANCE WITH PERMITTING REQUIREMENTS FOR STORMWATER SYSTEM; ALLOWING AN APPLICATION FOR A SITE DEVELOPMENT PERMIT AS AN ALTERATIVE TO AN EROSION AND SEDIMENT CONTROL PLAN; ADOPTING PENALTIES IN ACCORDANCE WITH CHAPTER 54 OF THE TEXAS LOCAL GOVERNMENT CODE; ADOPTING A NEW ARTICLE VIII, ILLICIT DISCHARGE PROGRAM, OF CHAPTER 18, ENVIRONMENT, PROVIDING DEFINITIONS, REGULATION AND ENFORCEMENT OF ILLICIT DISCHARGES INTO THE CITY'S STORMWATER SYSTEM; ADOPTING A NEW ARTICLE IX, POST-CONSTRUCTION RUNOFF CONTROL PROGRAM, TO CHAPTER 18, ENVIRONMENT, ESTABLISHING DEFINITIONS, REGULATIONS, AND ENFORCEMENT REGARDING DISCHARGE OF POLLUTANTS IN THE CITY'S STORMWATER RUNOFF FROM NEW DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT; ADOPTING A NEW ARTICLE X, PET WASTE MANAGEMENT, TO CHAPTER 18, ENVIRONMENT, TO ESTABLISH DEFINITIONS, REGULATIONS AND ENFORCEMENT REGARDING DISCHARGE OF BACTERIA IN STORMWATER RUNOFF FROM PET WASTE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Tomball has a received the Texas Pollutant Discharge Elimination System Permit No. TXR040000 for small Municipal Separate Storm Sewer Systems (the "Permit");

WHEREAS, the City Council of the City of Tomball desires to amend its regulations regarding stormwater runoff to support its compliance with the Permit; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its citizens to make the amendments and adopt the regulations contained in this ordinance; now, therefore,

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

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

Section 2. Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, Texas is hereby amended to add the language underscored below and delete the language struck through below:

“ARTICLE VI. - EROSION AND SEDIMENT CONTROL

Sec. 18-254. - Purpose.

The purpose of this article is to reduce erosion during the construction process by implementing and enforcing erosion and sediment control management guidelines. This article supports the City’s compliance with requirements of the Texas Pollutant Discharge Elimination System Permit No. TXR040000 for small Municipal Separate Storm Sewer Systems. The provisions of this article are cumulative and in addition to other regulations or rules of the city that may be applicable to the development of property.

Sec. 18-255. - Definitions.

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

Clearing means any activity which removes the vegetative surface cover.

Drainageway means any channel that conveys stormwater runoff throughout the site.

Erosion and sediment control plan means a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site including, before, during and after construction.

Erosion control means measures that prevent erosion.

Grading means excavation or fill of material, including the resulting conditions thereof.

Perimeter means the area of a lot or tract of land that is 30 feet wide and parallel to and adjacent to the property lines of the lot or tract of land.

Perimeter control means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment control means measures that prevent eroded sediment from leaving the site.

Site means a parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site development permit means a permit issued by the city for which the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of construction means the first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse means any natural or artificial body of surface water, including, but not limited to, bayous, channels, creeks, lakes, ponds, rivers, sloughs and streams defined by a bed and banks.

Waterway means a channel that directs stormwater runoff to a watercourse or to the public storm drain.

Sec. 18-256. - Permit required.

(a) No person shall be granted a site development permit for land disturbing activity that would require the uncovering of 5,000 or more square feet without the approval of an erosion and sediment control plan by the city engineer.

(b) No site development permit is required, however, for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

- (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (3) Any activities on a lot less than one acre in area and used for single-family or two-family residential purposes only.
- (c) Each application shall bear the names, addresses and contact numbers of the owners and developers of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee.
- (d) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan.
- (e) The applicant shall file with city a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the city engineer to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
- (f) As an alternative to an erosion and sediment control plan described in this section, the City will accept applications for site development permit from all small and large construction activities discharging to the small MS4 who have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES Construction General Permit No. TXR150000.

Sec. 18-257. - Review and approval.

- (a) The city engineer will review each application for a site development permit to determine its conformance with the provisions of this article. Within 30 days after receiving an application, the city engineer shall, in writing:
 - (1) Approve the permit application;
 - (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
- (b) Failure of the city engineer to act on original or revised applications within 30 days of receipt shall authorize the applicant to proceed in accordance with

the plans as filed unless such time is extended by agreement between the applicant and the city engineer. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the city engineer.

- (c) Any permit issued under this article shall expire six months following its issuance; provided, however, that the city engineer may extend a permit to complete work substantially completed under that permit.

Sec. 18-258. - Erosion and sediment control plan.

- (a) The erosion and sediment control plan shall include:
 - (1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this Code.
 - (2) The map shall be at a scale no smaller than one inch equals 100 feet.
 - (3) The map of the perimeter of the trees to remain, including a tree survey showing the location, diameter, and name of all trees with eight-inch caliper or more measured three feet from the ground.
 - (4) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
 - (5) All erosion and sediment control measures necessary to meet the objectives of this article throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (6) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (7) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
 - (8) Identification of the representative for site activities.

(b) Modifications to the plan.

(1) Major amendments of the erosion and sediment control plan shall be submitted to the city engineer and shall be processed and approved, or disapproved, in the same manner as the original plans.

(2) Field modifications of a minor nature may be authorized by the city engineer by written authorization to the permittee.

Sec. 18-259. - Design requirements.

(a) *Generally.* Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Stormwater Management Handbook for Construction Activities, City of Houston, Harris County, and HCFCD, 2006 edition, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the city engineer.

(b) *Clearing and grading.*

(1) Clearing and grading of natural resources, such as forests, wetlands and floodplains, shall not be permitted, except when in compliance all other chapters of this Code. These standards are cumulative of other federal, state, and local jurisdictional requirements.

(2) Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the Stormwater Management Handbook for Construction Activities, City of Houston, Harris County, and HCFCD, 2006 edition, shall be used to the satisfaction of city engineer.

(3) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the city engineer.

(4) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(5) Cut and fill slopes shall be no greater than 2:1, except as approved by the city engineer to meet other community or environmental objectives.

(c) *Erosion control.*

(1) Soil must be stabilized within five days of clearing or inactivity in construction.

(2) If vegetative erosion control methods, such as seeding, have not become established within two weeks, the city engineer may require that the site be reseeded, or that a nonvegetative option be employed.

(3) On steep slopes or in drainageways, special techniques that meet the design criteria outlined in the Stormwater Management Handbook for Construction Activities, City of Houston, Harris County, and HCFCD, 2006 edition, shall be used to ensure stabilization.

(4) Soil stockpiles must be stabilized or covered at the end of each work-day.

(5) At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.

(6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(7) Techniques that divert upland runoff past disturbed slopes shall be employed.

(d) *Sediment controls.*

(1) Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.

(2) Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management.

(3) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

(e) *Waterways and watercourses.*

(1) When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided.

(2) When in-channel work is conducted, the channel shall be stabilized before, during and after work.

(3) All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Stormwater Management Handbook for Construction Activities, City of Houston, Harris County, and HCFCD, 2006 edition.

(4) Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.

(f) *Construction site access.*

(1) A temporary access road shall be provided at all sites.

(2) Other measures may be required at the discretion of the city engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Sec. 18-260. - Inspection.

(a) The city engineer or his designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the city engineer shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the city engineer at least two working days before the following:

(1) Start of construction;

(2) Erosion and sediment control measures are in place and stabilized;

(3) Site clearing has been completed;

(4) Rough grading has been completed;

(5) Final grading has been completed;

(6) Close of the construction season; and

(7) Final landscaping .

(b) The permittee or his agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plans. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and submitted to the city engineer at the time interval specified in the approved permit.

- (c) The city engineer or his designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under subsection (b) of this section.

Sec. 18-261. - Enforcement.

(a) *Stop work order; revocation of permit.*

(1) The city engineer may issue a stop work order for any clearing or tree removal activity being conducted without a permit required by this article.

(2) In the event that any person holding a site development permit pursuant to this article violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city engineer may suspend or revoke the site development permit.

(b) *Violation and penalties.*

(1) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this article.

(2) A person commits an offense if the person intentionally or knowingly clears land or removes trees, or causes the clearing of land or removal of trees, without a permit for such clearing of land or removal of trees required by this article.

(3) A person commits an offense if the person intentionally or knowingly clears land or removes trees, or causes the clearing of land or removal of trees, in violation of the terms of a permit issued under this article.

(4) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

(5) Penalties may be imposed at the discretion of the administrator of this Article up to the maximum allowed in Chapter 54 – Enforcement of Municipal Ordinances in the Texas Local Government Code.”

Secs. 18-262—18-285. - Reserved.

Section 3. The Code of Ordinances is further amended by adding a new Article VIII, Illicit Discharge Program, to Chapter 18, Environment, said Article VIII to read as follows:

“ARTICLE VIII –ILLICIT DISCHARGE PROGRAM

Sec. 18-287. Purpose.

The purpose of this article is to reduce the discharge of pollutants from illicit discharges into and from the City’s municipal separate storm sewer system to the maximum extent practicable and to support the City’s compliance with requirements of the Texas Pollutant Discharge Elimination System Permit No. TXR040000.

Sec. 18-288. Definitions.

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

Best Management Practices (BMPs) shall mean the schedules of activities, prohibitions of practices, maintenance procedures, structural controls, non-structural controls, local regulations, and other management practices to prevent or reduce the discharge of pollutants. They also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Household hazardous waste shall mean waste from materials utilized for residential or housekeeping purposes containing regulated substances which either singularly or by its interaction with other wastes or by its accumulation in the municipal separate storm sewer system becomes injurious or potentially injurious to human, plant, or animal life, or property. For purposes of this chapter household hazardous wastes include, but are not limited to, paint, paint thinners, paint solvents, bleaches, drain cleaners, landscaping chemicals, pesticides, herbicides, and automotive fluids.

Illicit Discharge shall mean any discharge to a municipal separate storm sewer that is not composed entirely of storm water except runoff of landscape watering, discharges pursuant to a National Pollutant Discharge Elimination System or Texas Pollutant Discharge Elimination System permit (other than the National Pollutant Discharge Elimination System or Texas Pollutant Discharge Elimination System permit for discharges from the municipal separate storm sewer), allowable non-stormwater discharges specified elsewhere in this Article, and discharges resulting from fire-fighting activities.

Municipal Separate Storm Sewer System (MS4) shall mean the system of conveyances, including but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, man-made channels, or storm drains, which: (1) Provide collection or conveyance of stormwater, rain water, flood water, or other surface water; and (2) Are located on public property; and (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works as defined in Title 40 C.F.R. 122.2.

Outfall shall mean a location where an MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

Pollutant shall mean for the purpose of this ordinance, biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Responsible Party shall mean any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

Storm Water Management Program shall mean the state required plan that defines the City's schedule of BMPs to be implemented to reduce the discharge of pollutants in storm water runoff from the City's MS4 to the maximum extent practicable.

TCEQ shall mean the Texas Commission on Environmental Quality.

Texas Pollutant Discharge Elimination System (TPDES) shall mean a program to issue authorizations to discharge pollutants into waters of the state if certain conditions are met.

Sec. 18-289. Administrator and enforcement.

(a) Administrator. The administrator of this Article shall be the City Manager, or their designee.

(b) Enforcement. This Article shall be enforced by the City Manager, or their designee.

Sec. 18-290. Prohibited discharges into the MS4.

(a) It shall be a violation of this Article for any person to deposit, throw, drain, discharge, cause or allow to be deposited, thrown, drained or discharged, or otherwise cause to be injected into the municipal separate storm sewer system, or any storm sewer manhole, catch basin, private drain, ditch, street, gutter, creek, stream, tributary, or any other drainage device which connects with or drains into the municipal separate storm sewer system, anything not listed in Sec. 18-293.

Sec. 18-291. Reserved.

Sec. 18-292. Right of entry.

(a) Power to enter property draining to the municipal separate storm sewer system.

(1) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property discharging stormwater runoff to the City's municipal separate storm sewer system at any reasonable time for the purpose of enforcing this chapter.

(2) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(3) Duly authorized employees of the City bearing proper credentials and identification are entitled to inspect stormwater discharges, discharge or pollutant sources, and activities generating any pollutant discharges in stormwater runoff.

Sec. 18-293. Allowable non-stormwater discharges.

The following non-stormwater discharges are authorized under this provision:

- (a) Water line flushing (excluding discharges of hyper-chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (b) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- (c) Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
- (d) Diverted stream flows;
- (e) Rising ground waters and springs;
- (f) Uncontaminated ground water infiltration;
- (g) Uncontaminated pumped ground water;
- (h) Foundation and footing drains;
- (i) Air conditioning condensation;
- (j) Water from crawl space pumps;
- (k) Individual residential vehicle washing;
- (l) Flows from wetlands and riparian habitats;
- (m) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
- (n) Street wash water excluding street sweeper waste water;
- (o) Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (p) Other allowable non-stormwater discharges listed in 40 CPR § 122.26(d)(2)(iv)(B)(1);

- (q) Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
- (r) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
- (s) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Sec. 18-294. Penalty.

Penalties may be imposed at the discretion of the administrator of this Article up to the maximum allowed in Chapter 54 – Enforcement of Municipal Ordinances in the Texas Local Government Code.

Sec. 18-295. Conflict and Severability.

- (a) No provision of this Section is intended to, nor shall any part or portion hereof be construed, so as to conflict with the Texas Water Code.
- (b) If any provision of this Section or the application thereof to any person or circumstance shall be held to be void or invalid for any reason, the remainder of this chapter and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this chapter would have been enacted without such invalid provision.”

Section 4. The Code of Ordinances is further amended by adding a new Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, said new Article IX to read as follows:

“ARTICLE IX. – POST-CONSTRUCTION RUNOFF CONTROL PROGRAM

Sec. 18-296. Purpose.

The purpose of this article is to satisfy conditions imposed by the City's Texas Pollutant Discharge Elimination System Permit (TXR040000) and Stormwater Management Program which require the City to develop and implement a Post-Construction Stormwater Management Program to reduce the discharge of pollutants in stormwater runoff from new development and significant

redevelopment to the maximum extent practicable, in order to protect public health, safety and welfare.

Sec. 18-297. Definitions.

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

Certificate of Completion shall mean a form used by the owner or operator of a permitted site to self-certify that the site or facility has been constructed in accordance with the site's Stormwater Quality Permit and SWQMP.

Development shall mean any human-caused change to improved or unimproved real estate including, but not limited to, buildings, process equipment, structures, filling, dredging, mining, grading, paving, excavation, drilling operations, or storage of equipment or materials, and any activity that requires a subdivision plat or that is part of a subdivision plat approved by a county or municipality.

Engineer's As-Built Certification shall mean a form used by a professional engineer retained by the owner or operator of a permitted site to certify that a site with structural controls has been constructed in accordance with the site's construction plans, Stormwater Quality Permit, and SWQMP.

Inspection, Operations, and Maintenance Plan shall mean a document which describes the activities (and the frequency of their occurrence) that must be conducted by the owner or operator of a New Development site or a Significant Redevelopment site to keep site stormwater BMPs functioning as planned, designed, and implemented.

New Development shall mean development after January 1, 2018 of an undeveloped parcel of land one (1) acre or larger without regard to the amount of land that will actually be disturbed, except for: (1) development on an existing undeveloped and undivided parcel of one acre or more of one single-family dwelling unit and one or more accessory structures; however, if the use of the property excluded under the foregoing exception at any time changes to a commercial use, including further subdividing of the property, the owner of the property shall comply with all applicable requirements of these regulations; (2) development of a single-family residential subdivision if: (a) each lot in the subdivision will have no more than 20% impervious cover; (b) no on-site detention for water quantity purposes is required by the City of Tomball, Harris County, the Harris County Drainage District, or by any other special district; and (c) each lot in the subdivision will front on and will take direct access from an existing public road; (3) projects constructed within waters of the United States

and not associated with subdivisions, roads, or other commercial development; and (4) development that results in no impervious surface on the land disturbed.

Non-Structural Controls shall mean a maintenance, educational, or operational practice designed to prevent or reduce the potential for pollutants to be discharged in stormwater runoff.

Permit for Stormwater Quality shall mean a document issued to a particular development site, by the City, indicating that the drainage system; Stormwater Quality Management Plan; Inspection, Operations, and Maintenance Plan; and stormwater quality controls presented in the application have been designed to meet or exceed the provisions of the City's Design Criteria and appear to reduce the discharge of pollutants to the maximum extent practicable.

Pollutant shall mean any substance introduced into the environment that adversely affects a resource. Pollutant includes, but is not limited to, soil, soil material, sediment, human waste, other wastes, and debris generated at construction sites.

Significant Redevelopment shall mean an increase in the total amount of impervious surface on a previously developed one-acre or larger parcel so that the total resulting impervious surface is one acre or larger. Only additions of impervious surface after January 1, 2018 shall be totaled and counted toward the one-acre threshold.

Significantly Amended shall mean a change to a site's engineering design plans pertaining to site activities, final drainage system elements, the site's Stormwater Quality Management Plan, or landscaping that is likely to change the volume of, or pollutant levels in, site runoff to the MS4.

Stormwater Quality Management Plan (SWQMP) shall mean a plan prepared by an engineer licensed in the State of Texas that defines the permanent stormwater quality BMPs to be used at a development or significant redevelopment site to reduce the discharge of pollutants in stormwater runoff to the maximum extent practicable. The plan also describes the operations and maintenance activities required to keep the BMPs functioning properly.

TCEQ shall mean the Texas Commission on Environmental Quality.

Texas Pollutant Discharge Elimination System (TPDES) shall mean a program to issue authorizations to discharge pollutants into waters of the state if certain conditions are met.

Sec. 18-298. Administrator and enforcement.

- (a) Administrator. The administrator of this Article shall be the City Manager, or their designee.
- (b) Enforcement. This Article shall be enforced by the City Manager, or their designee.

Sec. 18-299. Permit required for stormwater quality.

- (a) All new development or significant redevelopment within the City must obtain a *Permit* issued by the City. Nonstructural or structural best management practices (BMPs) or both, shall be required in accordance with this Article, and the latest edition of the City's "Permanent Stormwater Quality Design Criteria Manual."

(b) Application for Permit.

(1) Unless previously approved by the City, an application along with the required plans, documentation, and fee for a Permit shall be submitted in accordance with this Article.

(2) The owner/developer shall submit a Permit application prior to the commencement of construction activities. The application packet shall include:

- a. A completed application form;
- b. Construction plans for the finished facility or project;
- c. Stormwater Quality Management Plan (SWQMP) showing structural and nonstructural BMPs;
- d. *An Inspections, Operations, and Maintenance Plan.*

(3) If structural BMPs are used, the owner/developer shall submit Engineer's As-Built Certificate within sixty (60) days of completion of construction activities. If structural BMPs are not used, the owner/developer shall submit a Certificate of Completion within sixty (60) days of completion of construction activities.

- (c) Duration. Development activity under the Permit must begin within one hundred eighty (180) days from the date of issuance. Extensions to the period of validity of the Permit prior to the start of development activities must be requested by the permittee in writing to the City.

- (d) Amendment required. Approved plans shall not be significantly amended without authorization of the City.

(e) Suspension or revocation. The Permit may be suspended or revoked by the City because of incorrect information supplied or for any violation of the provisions of these Rules.

(f) Exemptions. With the approval of the City, the following activities may be exempted from the provisions of this Article:

(1) Any project that has received an initial construction plan review from the City before the effective date of this Article, provided the project is substantially underway one (1) year from the effective date of this Article.

(2) Any linear projects such as underground pipelines, utilities, or drainage where the resulting impervious surface is limited to less than three thousand six hundred (3,600) square feet. Plans and drawings showing the total resultant impervious surface must be submitted to the City to obtain this exemption. Future extensions or changes to the impervious surface shall be counted toward the three thousand six hundred (3,600) square feet threshold.

(3) Any new development or redevelopment project that has or will have permit coverage under the Texas Pollutant Discharge Elimination System Industrial Stormwater Permit issued by the Texas Commission on Environmental Quality (TCEQ). In lieu of the Stormwater Quality Approval, the owner/developer/operator shall submit one (1) of the following:

a. A copy of the application for an individual permit from the TCEQ or the U.S. Environmental Protection Agency (EPA) for Stormwater Discharges Associated with Industrial activity at the facility;

b. A copy of the permit issued by the TCEQ or EPA for Stormwater Associated Industrial Activity at the facility;

c. A copy of the Notice of Intent (NOI) for coverage under a general permit for Stormwater Discharges Associated with Industrial Activity issued by the TCEQ, or the No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity;

d. A statement of commitment to file an application for an individual permit from the TCEQ for Stormwater Discharges Associated with Industrial Activity at the facility; or

e. A statement of commitment to file an NOI for coverage under a general permit for Stormwater Discharges Associated with Industrial Activity issued by the TCEQ.

(4) Any new development or redevelopment project that drains to a regional detention facility operated by an entity holding a small MS4 permit authorization.

(g) Standards and Evaluation Criteria. The standards for evaluating the applications for Permits will be published by the City from time to time and may be found in the City's "Permanent Stormwater Quality Design Criteria Manual." Design guidelines for nonstructural and structural controls will be published by the City from time to time. Permits will be generally be issued if proposed BMPs and the defined operations and maintenance activities are consistent with City guidance and will result in the reduction in the discharge of pollutants in stormwater runoff to the maximum extent practicable.

(h) Enforcement. The City retains the authority to inspect sites with Permits upon reasonable notice. If sites are found to not be operating in accordance with their Permit or SWQMP or to be violating the provisions of these regulations, the site owner/operator may be held responsible for correcting site deficiencies. Should the site owner/operator fail to cure the deficiencies within a reasonable time period (as determined by the City), the City may, at its sole option, perform the necessary work and invoice the site owner or operator, as applicable, for the full amount of the work performed.

Secs. 18-300 – 18-301. Reserved.

Sec. 18-302. Right of entry.

(a) Power to enter property draining to the municipal separate storm sewer system.

1. Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property discharging stormwater runoff to the City's municipal separate storm sewer system at any reasonable time for the purpose of enforcing this chapter.

2. Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

3. Duly authorized employees of the City bearing proper credentials and identification are entitled to inspect stormwater discharges, pollutant sources, activities generating any pollutant discharges in stormwater runoff, or stormwater quality controls.

Sec. 18-303. Penalty.

Penalties may be imposed at the discretion of the administrator of this Article up to the maximum allowed in Chapter 54 – Enforcement of Municipal Ordinances in the Texas Local Government Code.

Sec. 18-304. Conflict and Severability.

(a) No provision of this Section is intended to, nor shall any part or portion hereof be construed, so as to conflict with the Texas Water Code.

(b) If any provision of this Section or the application thereof to any person or circumstance shall be held to be void or invalid for any reason, the remainder of this chapter and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this chapter would have been enacted without such invalid provision.”

Section 5. The Code of Ordinances is further amended by adding a new Article X, Pet Waste Management, to Chapter 18, Environment, said new Article X to read as follows:

“ARTICLE X. - PET WASTE MANAGEMENT

Sec. 18-305. Purpose

The purpose of this article is to satisfy conditions imposed by the City's Texas Pollutant Discharge Elimination System Permit (TXR040000) and Stormwater Management Program which require the City to develop and implement a Pet Waste Management Program, to reduce the discharge of bacteria in stormwater runoff from pet waste to the maximum extent practicable, in order to protect public health, safety and welfare.

Sec. 18-306. Definitions

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

Pet Owner shall mean any person who possesses, maintains, houses, harbors, or has full time or part time custody of any pet. This definition includes persons who provide caregiving services to pets owned by others.

Pet shall mean a domesticated animal kept for amusement or companionship.

Pet solid waste shall mean waste matter expelled from the bowels of a pet including feces or excrement.

Sec. 18-307. Removal required.

Pet owners and caregivers are required to immediately remove solid pet waste from any public or private property not owned or possessed by that person. Pet waste shall be properly disposed of by placement in a designated waste receptacle or other sealed container and discarded in a garbage or trash receptacle which is regularly emptied, or by placement into a domestic sewage system. Disposal of any pet waste or associated material into a storm drain or stormwater management system is prohibited.

Sec. 18-308. Penalty.

Penalties may be imposed at the discretion of the administrator of this Article up to the maximum allowed in Chapter 54 – Enforcement of Municipal Ordinances in the Texas Local Government Code.”

Section 6. **Penalty.** Any person who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each violation occurrence shall constitute a separate offense.

Section 7. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. **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 9. This Ordinance shall take effect fourteen (14) days from and after 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 18TH DAY OF SEPTEMBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>NAY</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 2ND DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting the Word "Burglar" from Section 16-59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services; Providing a Repealer, and Providing for Severability

Background:

In 2010, the City of Tomball adopted Ordinance No. 2010-06, § 2(26.21). This particular section of the Ordinance relates to the number of false alarm notifications that any system may transmit and the fees that will be imposed beyond three false notifications in a twelve-month period.

The original intent of this Ordinance was to reduce the number of both fire and police responses to false alarms throughout the city. In a recent review of the ordinance, it was noted to state, "If an alarm system transmits more than three false burglar alarms or fire alarm notifications within a 12-month period, the permittee/registration account holder shall pay a service fee for the fourth and each subsequent false burglar alarm notification."

City staff recommends that the word "burglar" be removed from the last sentence. Failure to remove the word "burglar" allows for only false burglar alarms to be billable.

Origination:

Fire Prevention

Recommendation:

Adopt Ordinance No. 2017-31 on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-31

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY DELETING THE WORD “BURGLAR” FROM SECTION 16-59, FALSE ALARM NOTIFICATION, OF DIVISION 2, PERMITS/REGISTRATION ACCOUNTS AND REGISTRATION, OF ARTICLE II, EMERGENCY ALARM SYSTEMS, OF CHAPTER 16, EMERGENCY SERVICES; PROVIDING A REPEALER, AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to apply the service fees for false alarms to all false alarms, not just burglar alarms; and

WHEREAS, the City Council desires to adopt the amendments contained herein; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting from Section 16--59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services, the language underscored below:

“Sec. 16-59. - False alarm notification.

(a) If an alarm system transmits more than three false burglar alarms or fire alarm notifications within a 12-month period, the permittee/registration account holder shall pay a service fee for the fourth and each subsequent false ~~burglar~~ alarm notification.

(1) Residential alarms.

a. For each response for the first through the third—No fee.

- b. For each response after the third through the fifth—\$25.00.
- c. For each response after the fifth through the eighth—\$50.00.
- d. For each response after the eighth—\$100.00.

(2) Commercial alarms.

- a. For each response for the first through the third—No fee.
- b. For each response after the third through the fifth—\$50.00.
- c. For each response after the fifth through the eighth—\$75.00.
- d. For each response after the eighth—\$100.00.

(b) If an alarm system transmits more than two false panic alarm notifications within a 12-month period, the permittee/registration account holder shall pay the maximum service fee permitted by state law, but not more than \$100.00, for the third and each subsequent false panic alarm notification.

(c) A tenant holding an individual alarm permit/registration account shall pay a false alarm notification fee related to a transmission from the alarm system in the tenant's unit.

(d) The permittee/registration account holder holding the master alarm permit/registration account shall pay a false alarm notification fee related to a transmission from an unoccupied unit or a unit for which a tenant has not obtained an individual alarm permit/registration account.

(e) The city manager may investigate and waive payment of a service fee assessed under this section.”

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 fourteen (14) days from and after 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 18TH DAY OF SEPTEMBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGS	<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 2ND DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-32, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting the Wording "Possibility of Imprisonment for Violation of the International Fire Code" from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection; Providing a Repealer, and Providing for Severability

Background:

In 2014 the City of Tomball adopted Ordinance No. 2014-11, § 1(34-71). The section in question, Section 20-28 (C) relates to the penalties for violations of the 2012 International Fire Code. During a recent review of the ordinance, it was found that our City courts could not hear the cases that the Fire Marshal's office would bring to them; rather the cases would need to be heard in a county court due to the possible imposition of imprisonment of up to 20 days.

By not removing the verbiage pertaining to imprisonment we are taking these violations out of the City's hands and placing them and the revenues into that of the county. It is the opinion of the Fire Marshal's office that these penalties should be handled locally, as well as the fines imposed.

Origination:

Fire Marshal

Recommendation:

Adopt Ordinance No. 2017-32 on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-32

ORDINANCE NO. 2017-32

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE POSSIBILITY OF IMPRISONMENT FOR VIOLATION OF THE INTERNATIONAL FIRE CODE FROM SECTION 20-28 (C), AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, OF ARTICLE II, FIRE CODE, OF CHAPTER 20 FIRE PREVENTION AND PROTECTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY, AND MAKING OTHER FINDINGS RELATED THERETO.

* * * * *

WHEREAS, the penalty provisions of the local amendments to the International Fire Code, 2012 Edition, provide for a possible punishment of imprisonment for violations thereof;

WHEREAS, the possibility of an imprisonment punishment for violations of the International Fire Code removes the prosecution of such violations from the City of Tomball City Court; and

WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to allow violations of the International Fire Code to be prosecuted in Tomball Municipal Court; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection, the language struckthrough below:

“(c) Section 109.3 of said code is hereby amended to provide as follows:

109.3 Violation penalties. Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00) ~~or by imprisonment not exceeding twenty (20) days or both such fine and imprisonment~~. Each day that a violation continues shall constitute a separate offense.”

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 fourteen (14) days from and after 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 18TH DAY OF SEPTEMBER 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 2ND DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-34, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a Penalty Provision to Article VI, Right of Way Management, and Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks and Other Public Places, Providing for Severability, Making Other Findings

Background:

Ordinance No. 2017-34 amends Chapter 38 and Ordinance 2017-29 which was recently adopted to regulate wireless facilities installed within City rights-of-way by adding a penalty clause for violations.

Origination:

Community Development Department

Recommendation:

Adopt Ordinance No. 2017-34 on Second Reading

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2017-34

ORDINANCE NO. 2017-34

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY ADDING A PENALTY PROVISION TO ARTICLE VI, RIGHT OF WAY MANAGEMENT, AND ARTICLE VII, TELECOMMUNICATIONS AND WIRELESS FACILITIES, OF CHAPTER 38, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, PROVIDING FOR SEVERABILITY, MAKING OTHER FINDINGS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas adopted Ordinance 2017-29 establishing regulations governing the use of its rights-of-way and regulating the placement of wireless facilities therein;

WHEREAS, the City Council desires to amend Ordinance 2017-29 to add penalty provisions for violation of the provisions of the ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its citizens to add such penalty provisions as set forth in this ordinance; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding a new Section 38-167, Penalty, to Article VI, Right-of-Way Management, of Chapter 38, Streets, Sidewalks and Other Public Places, the new Section 38-167 to read as follows:

“Section 38-167. Penalty.

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in

an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.”

Section 3. The Code of Ordinances is further amended by adding a new Section 38-208, Penalty, to Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks, and Other Public Places, the new Section 38-208 to read as follows:

“Section 38-208. Penalty.

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.”

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 fourteen (14) days from and after 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 18TH DAY OF SEPTEMBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</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 2ND DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Conduct Second Public Hearing regarding 2017 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas

Background:

The proposed tax rate for 2017 is \$0.341455/\$100 of taxable value. The average taxable value of a residential homestead has risen slightly and the City may receive additional revenues due to the addition of new property to the tax roll.

Under Truth-in-Taxation regulations, the City must conduct two public hearings after publishing the notice of the effective and rollback tax rates and announce the dates of the meetings during which Council will vote on the proposed tax rate.

This is the second and final required public hearing.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

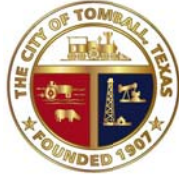
ACTION TAKEN

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

Notice of Public Hearing

**NOTICE OF PUBLIC HEARINGS
ON TAX INCREASE
CITY OF TOMBALL, TEXAS**



**MONDAY, SEPTEMBER 25, 2017
5:00 P.M.
and
MONDAY, OCTOBER 2, 2017
6:00 P.M.**

**Public Hearings on Tax Revenue Increase for Proposed 2017 Tax
Rate of \$0.341455/\$100 Assessed Value for the City of Tomball, Texas.**

The City of Tomball will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 0.26 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on Monday, September 25, 2017
at 5:00 p.m., at City Hall, 401 Market Street.

The second public hearing will be held on Monday, October 2, 2017
at 6:00 p.m., at City Hall, 401 Market Street.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR: Councilmembers Ford, Stoll, Degges, Townsend, and Klein Quinn
AGAINST: None
PRESENT and not voting: None
ABSENT: None

The average taxable value of a residence homestead in Tomball, Texas last year was \$175,597. Based on last year's tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$599.58.

The average taxable value of a residence homestead in Tomball, Texas this year is \$182,646. If the governing body adopts the effective tax rate for this year of \$0.340585 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$622.06.

If the governing body adopts the proposed tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$623.65.

Members of the public are encouraged to attend the hearings and express their views regarding the above-proposed 2017 Tax Rate for the City of Tomball, Texas.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of September 2017 by 4:00 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/MMC

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Announce that Voting on the Proposed 2017 Tax Rate will be held at a Special Council Meeting on October 9, 2017 at 5:00 p.m. and at a Regular Council Meeting on October 16, 2017 at 6:00 p.m.

Background:

The notice of effective tax rate and the notice of public hearings on tax increase have been published in the official newspaper as required (see attached).

Following each public hearing, the Mayor and Council must announce the dates and times at which the vote on the proposed tax rate will take place.

Under the State's Truth-in-Taxation laws (Chapter 26, Tax Code), with each public hearing, the City must announce the date, time and place of the meeting(s) at which it will vote on the tax rate and publish a special notice regarding the vote on the tax rate. The dates approved by Council are October 9, 2017 at 5:00 p.m. and October 16, 2017 at 6:00 p.m., in City Hall, 401 Market Street, Tomball, Texas.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Notice of Vote on 2017 Tax Rate

NOTICE OF TAX REVENUE INCREASE

The _____
(name of taxing unit)

conducted public hearings on _____ and _____ on a proposal to
(date of first hearing) (date of second hearing)

increase the total tax revenues of the _____ from properties
(name of taxing unit)

on the tax roll in the preceding year by _____ percent.
(percentage by which proposed tax rate exceeds lower of
rollback tax rate or effective tax rate calculated under this chapter)

The total tax revenue proposed to be raised last year at last year's tax rate of _____
(insert tax rate for the preceding year)

for each \$100 of taxable value was _____.
(insert total amount of taxes imposed in the preceding year)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this
year, is _____.
(insert amount computed by multiplying proposed tax rate by the difference
between current total value and new property value)

The total tax revenue proposed to be raised this year at the proposed tax rate of _____
(insert proposed tax rate)

for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this
year, is _____.
(insert amount computed by multiplying proposed tax rate by current total value)

The _____ is scheduled to vote on the
(governing body of the taxing unit)

tax rate that will result in that tax increase at a public meeting to be held on _____
(date of meeting)

at _____
(location of meeting, including mailing address)

at _____
(time of meeting)

The _____ proposes to use the increase in total tax revenue for the purpose of
(governing body of the taxing unit)

(description of purpose of increase)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Term Expiring September 1, 2019

Background:

On August 17, 2015, City Council reappointed Latrell Simmons Shannon and Rick Pritchett to their Class A, City-appointed Board of Directors positions on the Tomball Regional Health Foundation.

On December 7, 2015, Council appointed Jim Ross, CFO with TISD, to fill a vacancy on the TRHF resulting when Rick Pritchett moved outside Tomball.

Mrs. Shannon and Mr. Ross have each expressed a desire to continue on the Board of Directors of the Tomball Regional Health Foundation. The City has also received a letter from the Nominating Committee and the Board of Directors of the Tomball Regional Health Foundation recommending the reappointment of Mrs. Shannon and Mr. Ross due to the long orientation, training and educational commitment required of new and current board members to be effective in their positions.

As Mayor, I wish to recommend the reappointment of Latrell Shannon to Position 2 and Jim Ross to Position 4. The training curve to serve effectively on the Foundation is significant; reappointing Latrell Shannon and Jim Ross would be in the best interests of the Foundation and the community.

Copies of applications from citizens who have previously expressed an interest in serving on this Foundation are attached for Council's consideration.

Origination:

Mayor Fagan

Recommendation:

N/A

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Letter from Tomball Hospital Authority re Reappointments
Email - Latrell Shannon



TOMBALL HOSPITAL AUTHORITY

29201 Quinn Road, Suite A.
Tomball, Texas 77375

August 7, 2017

Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, Texas 77375

Dear Mayor Fagan:

The following City of Tomball appointed Authority Board member term(s) will expire in August 2017:

Latrell Shannon
Jim Ross

Position #2
Position #4

The Nominating Committee and the Board of Directors would like to recommend that Latrell Shannon and Jim Ross be reappointed to the board to serve a two-year term beginning September 1, 2017.

Consistency among board members is extremely viable and key to the continued success of Tomball Regional Health Foundation. Orientation, training and education of board members can take a minimum of two years for new members to become knowledgeable and confident in their role as an active member of the Tomball Regional Health Foundation.

As our mission states TRHF exists to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education.

Please consider reappointing Latrell Shannon and Jim Ross to the Tomball Regional Health Foundation Board of Directors.

Sincerely,

Lynn LeBouef
CEO Tomball Hospital Authority

Tomball Hospital Authority
29201 Quinn Rd., Suite A.
Tomball, TX 77375

9/18

From: LATRELL SHANNON <ls0175@swbell.net>
Sent: Tuesday, August 08, 2017 12:21 AM
To: Doris Speer
Subject: Re-Appointment to Tomball Regional Healthcare Foundation Board

August 8, 2017

To: Mayor Gretchen Fagan &
Tomball City Council Members
401 Market
Tomball, Tx. 77375

This letter serves to notify you of my interest and desire to serve an additional term on the board of the Tomball Regional Healthcare Foundation. I feel that I bring a very diverse background to the table for the board. I am highly visible throughout the community, therefore I am able to see first hand some of the healthcare needs and issues that need to be addressed. I am able to offer input into planning and scrutinizing some community benefits, since I see the needs on a first hand basis.

Being one of the longer term holders on this board, I have come to see that longevity and consistency is sometimes good in an organization. When you have a good mix of newcomers and seasoned veterans, it makes for a unique and good well-rounded group. I feel that this is what we have within our existing foundation board.

Therefore, I would like to continue to serve for an additional term. Your consideration would be greatly appreciated.

Thanks,
Latrell Shannon



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type of Print Clearly:

Date: 7/25/2016

Name: William A. Benson Jr.

Phone:

(Home)

Address: 830 Baker Dr

Phone:

(Work)

City/State/Zip Tomball, TX 77375

Cell: 281-932-7836

Email: will@bensondev.com

I have lived in Tomball 3 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Real Estate Development and Oil & Gas Construction

Professional and/or Community Activities: 2013-2014 City of Tomball Charter Review Committee Member

2015 Tomball ISD Strategic Planning Committee Member

2015-Board of Directors Salem Lutheran Church - Tomball

Additional Pertinent Information/References:

Previous employment with
City of Sugar Land - Planning Dept. and City of Pearland
Economic Development dept.

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

7/25/2016
Date

WILLIAM A. BENSON, JR.
Board Member's Printed Name

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Adopt, on First 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

Background:

House Bill 62 was adopted in the 85th session of the Texas Legislature, banning the use of certain wireless communication devices while operating a motor vehicle.

The City of Tomball previously adopted an ordinance, codified in Section 44-67 of its Code of Ordinances, prohibiting the use of certain wireless communication devices while driving; however, the passage of HB 62 preempts municipal regulation.

Staff's recommendation to Council is the adoption of Ordinance No. 2017-35, which will repeal Section 44-67 of the Tomball Code of Ordinances.

Origination:

Robert Hauck, Assistant City Manager

Recommendation:

Adopt Ordinance No. 2017-35 on First Reading.

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-35

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.

* * * * *

WHEREAS, HB 62 was adopted in the 85th session of the Texas Legislature; and

WHEREAS, HB 62 bans the use of certain wireless communication devices while operating a motor vehicle; and

WHEREAS, the City of Tomball had previously adopted an ordinance, codified in Section 44-67 of its Code of Ordinances prohibiting the use of certain wireless communication devices while driving; and

WHEREAS, HB 62 preempts municipal regulation in this area; and

WHEREAS, the City Council of the City of Tomball, Texas desires to repeal Section 44-67 of its Code of Ordinances; now, therefore:

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended 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 in its entirety.

Section 3. **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 4. This Ordinance shall take effect fourteen (14) days from and after 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 2ND DAY OF OCTOBER 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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 16TH DAY OF OCTOBER 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 2, 2017

Topic:

Approve Resolution No. 2017-16, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2018 General Assembly

Background:

The Houston-Galveston Area Council requests this appointment annually. Each member home rule city under 25,000 population as of the most recent Census is entitled to designate one representative and one alternate to the H-GAC General Assembly.

Beginning in 2010, Council has designated Councilman Townsend as the Representative and Councilman Stoll as the Alternate Representative to the H-GAC General Assembly.

In making the motion, the Representative and Alternate Representative must be designated.

H-GAC has requested designation of the City's representatives no later than October 20, 2017.

Origination:

Jack Steele, Executive Director, Houston-Galveston Area Council

Recommendation:

Approve Resolution No. 2017-16, Designating Representative and Alternate Representative for H-GAC 2018 General Assembly

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. 2017-16

H-GAC Request

RESOLUTION NO. 2017-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, FOR THE DESIGNATION OF ITS
REPRESENTATIVE AND ALTERNATE FOR THE
HOUSTON-GALVESTON AREA COUNCIL 2018
GENERAL ASSEMBLY**

* * * * *

BE IT RESOLVED, by the Mayor and City Council of Tomball, Texas, that _____,
Councilman, Position ____, of the City of Tomball, be, and is hereby designated as its
Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the
year 2018.

FURTHER, that the Official Alternative authorized to serve as the voting representative should
the hereinabove named representative is unable to attend, become ineligible, or should he/she
resign, is _____, Councilman, Position ____, of the City of Tomball.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY
COUNCIL HELD ON THE 2ND DAY OF OCTOBER, 2017.**

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

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary



September 20, 2017

Hon. Gretchen Fagan
Mayor
City of Tomball
401 Market St
Tomball, TX 77375

Dear Mayor Fagan:

I am writing regarding the appointment of your city's representative to H-GAC's 2018 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2018.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by fax to 713-993-2414 or email cynthia.jones@h-gac.com.

A dinner meeting of Home Rule city representatives is scheduled for the evening of November 2. At that meeting, your 2017 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2018.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 20. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Steele'.

Jack Steele

JS/cj

Enclosure
cc: City Secretary