

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



MONDAY, JULY 17, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 17, 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 Bob Webb, Rose Hill United Methodist Church, Tomball

3.0 Pledges to U.S. and Texas Flags

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

5.0 Presentations:

- Proclamation – ***“HCA HEALTHCARE – GULF COAST DIVISION and TOMBALL REGIONAL MEDICAL CENTER DAY”***

6.0 Reports and Announcements

- ***Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool*** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 26, 2017 – **Tomball Texas Music Festival**
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of **Tomball Kids Club**

7.0 Approve the Minutes of the July 5, 2017 Regular and Special Tomball City Council Meetings

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2017-20, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding Language to Section 40-65, Streets; Specific Standards, of Article III, Design Standards, of Chapter 40, Subdivisions, Allowing for the Payment of a Fee In Lieu of the Construction of Sidewalks at the City Manager or Designee's Discretion; Providing for an Appeal to the City Council; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters.

9.0 New Business:

- 9.1 Approve Health Insurance Contracts for City Employees
- 9.2 Award Contract for E&P Project Number 2017-10026 for the Development of a Water System Master Plan for the City of Tomball to Freese & Nichols in the Amount of \$74,500.00.
- 9.3 Award Contract for E&P Project Number 2016-10014, City Project No. 2017-01R, Sherwood Forest Drainage Improvements to Site Work Contractors, LLC in the Amount of \$288,671.00.
- 9.4 Consideration to approve **Zoning Case P17-0070**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots

157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P17-0070**
- Adopt, on First Reading, Ordinance No. 2017-21, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13 Acres of Land, Legally Described Lots 157, 161 and Tract 153A Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Single-Family 6 District; Said Property Being Generally Located on the East Side of South Cherry Street North of Justin Court; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

- 9.5 Consideration to approve **Zoning Case P17-0069**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

- Conduct a Public Hearing on **Zoning Case P17-0069**
- Adopt, on First Reading, Ordinance No. 2017-22, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 11.7 Acres Of Land, Legally Described Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Single-Family 9 District To The Single-Family 6 District; Said Property Being Generally Located On The South Side Of East Hufsmith Road West Of Lovett Street; Providing For The Amendment Of The Official Zoning Map Of The City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

- 9.6 Consideration to approve **Zoning Case P17-0068**: Request by Susan Alt for a Conditional Use Permit for an accessory dwelling at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P17-0068**
- Adopt, on First Reading, Ordinance No. 2017-23, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (Cup) to Susan Alt to Operate an "Accessory Dwelling" at 202 Florence Street; Said Property Being Approximately 0.11 Acres, and Being Legally Described as Lot 2 Block 24 Tomball Outlots, Harris County, Texas, Generally Located on the North Side of Florence Street between Cherry Street and Walnut Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to

Exceed \$2,000 for Violations Hereof; and Providing for Severability.

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

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session.

9.8 Void the Awarding of Contract for Bid No. 2017-03, Sale of Improvements Located at 114 Fannin Street, to Rodney K. Hutson, in the Amount of \$100 and Lot 10, Block 5 of Tomball Outlots with Contingencies

9.9 Authorize City Attorney to Proceed with Claim and Possible Litigation Against 20.nine.20 for Failure to Perform Proper Repairs to Fire Department Brush Truck and for Return of Funds Paid by City for Agreed-Upon Repairs

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 12th day of July 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: July 17, 2017

Topic:

- Led by Pastor Bob Webb, Rose Hill United Methodist 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: July 17, 2017

Topic:

- Proclamation – *“HCA HEALTHCARE – GULF COAST DIVISION and TOMBALL REGIONAL MEDICAL CENTER DAY”*

Background:

Origination:

Recommendation:

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

City Secretary

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

ATTACHMENTS:

Proclamation – “HCA HEALTHCARE – GULF COAST DIVISION and TOMBALL REGIONAL MEDICAL CENTER DAY”

Office of the Mayor
Tomball, Texas



Proclamation



- WHEREAS** Tomball Regional Medical Center, a 350-bed hospital, is a landmark in our community and, since 1976, has grown to a 150-acre campus, offering a wide range of inpatient, outpatient and emergency medical services, as well as designated specialty centers such as the Heart Center, the Tomball Regional Medical Center Wound and Hyperbaric Center, and Texas Sports Medicine Center to those who reside in an 11-zip code area; and
- WHEREAS** Tomball Regional Medical Center has earned numerous prestigious awards and recognitions throughout its history, is committed to providing quality healthcare while making a difference in patients' and families' lives, is designated by The Joint Commission as an Advanced Primary Stroke Center, and offers one of the only support groups in the area for patients and their families recovering from stroke; and
- WHEREAS** Tomball Regional Medical Center celebrates the next chapter in its healthcare story by joining **HCA Gulf Coast Division**, a very large provider across the U.S. and London of locally-managed healthcare services, including hospitals, long-term care rehabilitation centers, surgery centers, freestanding ERs, urgent care centers and physician practices; and
- WHEREAS** the **Gulf Coast Division of HCA Healthcare** is based in Houston, Texas, and operates 14 hospitals in Houston, Corpus Christi and South Texas—its many facilities and physicians are based in similar communities across America, operating community-based hospitals—many of which are the sole healthcare provider in their communities or region—knowing that healthcare is local and local people make that care extraordinary; and
- WHEREAS** the City of Tomball wishes to honor the commitment of **HCA Gulf Coast Division** to continue to provide the highest quality, cutting-edge healthcare services possible to the citizens of Tomball and the surrounding community and welcome **HCA Gulf Coast Division** to our community;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim Monday, July 17, 2017, as:

**“HCA HEALTHCARE – GULF COAST DIVISION
and
TOMBALL REGIONAL MEDICAL CENTER DAY.”**

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Attest:

Date:



Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

- ***Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool*** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 26, 2017 – **Tomball Texas Music Festival**
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of **Tomball Kids Club**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

2nd Annual Freight Train Food Truck Festival

Freight Train



FOOD TRUCK

FESTIVAL ★ TOMBALL

10-21-17

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 17, 2017

Topic:
Approve the Minutes of the July 5, 2017 Regular and Special Tomball City Council Meetings

Background:

Origination:
City Secretary

Recommendation:

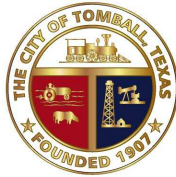
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the July 5, 2017 Regular Tomball City Council Meeting
Draft Minutes of the July 5, 2017 Special Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**WEDNESDAY, JULY 5, 2017
6:00 P.M.**

1.0 Call to Order

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

Councilman Ford
Councilman Stoll
Councilman Townsend

Members absent:

Mayor Fagan - Excused
Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
Community Center Director – Rosalie Dillon
SCO Administrative Assistant – Sasha Robinson
Police Sergeant – Shon Davis

- 2.0 The invocation was given by Pastor Gary Aaron, Victory Baptist Church, Tomball
- 3.0 Pledges to U. S. and Texas Flags were led by Randy Parr
- 4.0 No Public Comments were received.

5.0 Reports and Announcements:

- ***TOMBALL KID'S CLUB*** –July 7, 11, and 14, 2017 - 11:00 a.m.-1:00 p.m., at the Community Center
- ***Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool*** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 26, 2017 – **Tomball Texas Music Festival**
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter reported on the success of the **Tomball July 4th Celebration & Street Festival**

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the June 19, 2017 Regular and Special Tomball City Council Meetings

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-17, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-80 (Planned Development District) in Regards to Patio Home Developments, Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-18, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Hogan Crum LLC to Operate A “Reception Venue” on a Property being Approximately 2.5 Acres, and Being Legally Described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, Harris County, Texas, Generally Located on the North Side of East Hufsmith Road at Lovett Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

- 7.3 Consideration to Adopt, on Second Reading, Ordinance No. 2017-19, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 102 Acres of Land, Legally Described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 41 21 & 22 Abstract 632 C N Pillot and a 63.11-Acre (2,749,160 Square Feet) Parcel, Situated in the Claude N. Pillot Survey, Abstract No. 632, Harris County, Texas, out of the Residue of a Called 111.5632-Acre Tract Conveyed to Kevin Eric Graham by Warranty Deed Recorded under Clerk’s File No. X648265 of the Official Public Records of Harris County, Texas (O.P.R.H.C.T.), within the City of Tomball, Harris County, Texas, from the Commercial District and Agricultural District to the Single-Family 6 District; Said Property Being Generally Located on the South Side of Theis Lane at Commercial Park Road and the North Side of Holderrieth Road between SH 249 and Cherry Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters was postponed to the August 7, 2017 Council meeting, at the Applicant’s request.

No action necessary.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to appoint BDK, LLC as the City of Tomball's Auditors for the Fiscal Years Ending September 30, 2017 through September 30, 2021.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-20 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. 2017-20, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding Language to Section 40-65, Streets; Specific Standards, of Article III, Design Standards, of Chapter 40, Subdivisions, Allowing for the Payment of a Fee In Lieu of the Construction of Sidewalks at the City Manager or Designee's Discretion; Providing for an Appeal to the City Council; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of July 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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

WEDNESDAY, JULY 5, 2017



5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Pro Tem Klein Quinn. Other members present:

Councilman Ford
Councilman Stoll
Councilman Townsend

Members absent:

Mayor Fagan - Excused
Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
IT Manager – Doug Tippey
Director of Community Development – Craig Meyers
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire
SCO Administrative Assistant – Sasha Robinson
Police Sergeant – Shon Davis

2.0 No Public Comments were received.

3.0 Workshop Session:

3.1 The Tomball City Council entered into a Workshop Session regarding the Proposed Fiscal Year 2017-2018 Budget at 5:00 p.m.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of July 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-20, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding Language to Section 40-65, Streets; Specific Standards, of Article III, Design Standards, of Chapter 40, Subdivisions, Allowing for the Payment of a Fee In Lieu of the Construction of Sidewalks at the City Manager or Designee's Discretion; Providing for an Appeal to the City Council; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters.

Background:

On June 5th, City Council was presented a proposed Fee In Lieu of Sidewalk Program where, at the City Manager or designee's discretion, a subdivision development may qualify to pay a fee in lieu of the installation of sidewalks along the frontage of a development project per Section 40-65(i) of the Tomball Municipal Code. After receiving the presentation, City Council directed Community Development Department Staff to prepare an Ordinance for the program's adoption. The attached memorandum summarizes the program.

Origination:

Community Development Department

Recommendation:

Approval

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. 2017-20

Fee In Lieu of Sidewalks Program Memorandum

ORDINANCE NO. 2017-20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING LANGUAGE TO SECTION 40-65, STREETS; SPECIFIC STANDARDS, OF ARTICLE III, DESIGN STANDARDS, OF CHAPTER 40, SUBDIVISIONS, ALLOWING FOR THE PAYMENT OF A FEE IN LIEU OF THE CONSTRUCTION OF SIDEWALKS AT THE CITY MANAGER OR DESIGNEE'S DISCRETION; PROVIDING FOR AN APPEAL TO THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A NEW VIOLATION; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens to amend its subdivision regulations to allow the payment of a fee in lieu of sidewalks at the discretion of the City Manager or designee and to allow an appeal of such decision to the City Council;

WHEREAS, the City Council desires to amend its subdivision regulations in accordance with the terms and provisions of this ordinance; now, therefore,

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

Section 1. The facts and matters set out 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 amending Section 4.-65, Streets; Specific Standards, of Article III, Design Standards, of Chapter 40, Subdivisions, to add the language underscored below and delete the language struck through below:

“Sec. 40-65. - Streets; specific standards.

(a) *Location and alignment.* The location and alignment of public streets proposed to be dedicated and established within a subdivision plat shall be designed in conformance with the standards listed in section 40-63.

(b) *Right-of-way width, widening.* The width of the right-of-way to be dedicated for any street shall be as follows:

(1) *Local streets.* The width of the right-of-way for local streets shall be not less than 80 feet. Provided, however, a right-of-way width of not less than 60 feet may be approved if there is also dedicated a ten-foot-wide drainage and utility easement immediately adjacent to each side of such local street, which, in combination, would total 80 feet in width, and an open ditch drainage system is provided for such street. In those instances where a proposed subdivision is located adjacent to an existing public street with a right-of-way width less than 60 feet, sufficient additional right-of-way shall be dedicated within the subdivision to accommodate the development of the street to a total right-of-way width of not less than 60 feet. Notwithstanding the foregoing, the planning and zoning commission may, on written application, in its discretion authorize a street right-of-way width of not less than 50 feet for a local street where such street cannot reasonably be made to continue or extend onto an existing, approved, proposed, or possible future street, is so located that logically it could not be extended to connect with an existing, approved, or proposed street, there is not a likelihood that it would inhibit the ability of the city to provide emergency services from fire, police, medical, or other rescue personnel, the street provides access to single-family residential properties only, and the total length of such street does not exceed 700 feet.

(2) *Collector streets.* The width of the right-of-way for collector streets shall be not less than 80 feet.

(3) *Arterial streets.* The width of the right-of-way for arterial streets shall be not less than 100 feet.

(c) *Abutments.* All lots shown on the plat shall abut a public street, or abut a private street that shall meet all requirements in this section for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building.

(d) *Curves and intersections.*

(1) *Local, collector, and arterial streets.* The design and construction of all local, collector, and arterial streets shall meet the guidelines set forth in the Policy on Geometric Design of Highways and Streets, fourth edition, 2001, as published by the American Association of State Highway and Transportation Officials (AASHTO), the city's current comprehensive plan, and any other

applicable design and construction standards adopted by the city. Such considerations as adopted by the city shall include, but not be limited to street function, street capacity, service levels, traffic safety, pedestrian safety, and utility facilities and their location, which may effect the minimum requirements. Proposed streets shall meet this criteria and be approved by the city engineer prior to final design.

(2) *Right angle.* The angle of street intersections shall not vary more than ten degrees from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the right-of-way line at the acute corner shall be provided.

(e) *Cul-de-sac right-of-way radii.* The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than 50 feet. The city shall cause to be erected at the entrance of any such street a sign reading "dead-end street," but such sign shall be at the expense of the developer.

(f) *Dead-end streets.* Dead-end streets shall not be approved except in those instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. Such dead-end streets must also comply with section 40-68, which contains the requirements for the dedication of a one-foot reserve.

(g) *Signs and traffic control devices.* The developer shall be responsible for the installation of all required street signs and traffic control devices, as determined by the city engineer or his designee. All such signs and traffic control devices shall be in accordance with the [most recent edition of the Texas Manual on Uniform Traffic Control Devices](#), ~~1980 edition~~, as published by the state department of transportation.

(h) *Street lighting.* The developer shall be responsible for the installation of street lighting in accordance with the City of Tomball Minimum Construction Standards for Community Improvements.

(i) *Sidewalks.* The developer shall be responsible for the installation of sidewalks in all residential and commercial subdivisions, except in residential subdivisions along streets with open ditch drainage. [At the discretion of the City Manager or designee, a developer of a subdivision may be permitted to pay a fee in lieu of the construction of sidewalks in an amount set forth in City of Tomball Master Fee Schedule adopted by the City Council. Any person wishing to appeal the determination of the City Manager or designee may do so by submitting an appeal to the City Council within ten \(10\) days of the City Manager or designee's determination. Such will be heard at the next available City Council meeting.](#) Sidewalks shall be constructed in accordance with the City of Tomball Minimum Construction Standards for Community

Improvements. Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.”

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 4. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. 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 5TH DAY OF JULY 2017.

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

SECOND READING:

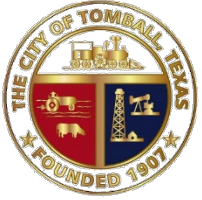
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JULY
2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



City of Tomball

Community Development Department

TO: Mayor & City Council
FROM: Craig T. Meyers, PE
DATE: May 30, 2017
RE: Fee In Lieu Of (FILO) Sidewalks Program

The purpose of this memorandum is to better determine where sidewalks are necessary with development projects. Sidewalk construction is a routine item that is discussed at Pre-Development Meetings and also an item that often causes debate between applicants and City Staff as to whether or not they should be required. Currently, the Tomball Municipal Code requires sidewalks for all development and redevelopment projects in Tomball with the exception of residential developments with open ditch drainage. The Tomball Municipal Code, as stated below, does not permit any flexibility for City Staff to determine where a sidewalk makes sense and where it does not.

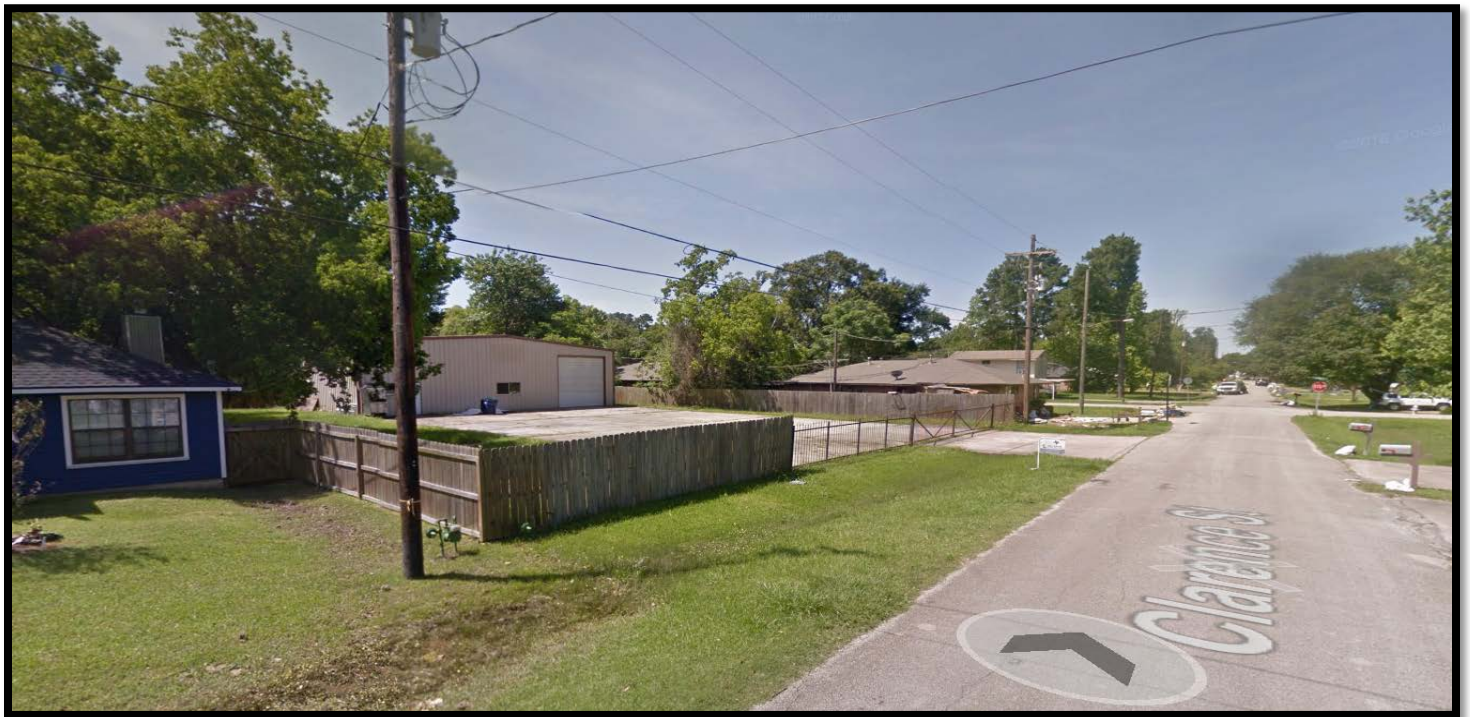
Section 40-65(i) of the Tomball Municipal Code states that “the developer shall be responsible for the installation of sidewalks in all residential and commercial subdivisions, except in residential subdivisions along streets with open ditch drainage. Sidewalks shall be constructed in accordance with the City of Tomball Minimum Construction Standards for Community Improvements. Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.”

This Fee In Lieu Of Sidewalks Plan will allow City Staff to determine where sidewalks are necessary and where they are not. Where sidewalks do not make sense, the Plan allows City Staff to assess a fee so that all development projects are treated equally and Developers would either construct the sidewalk as required by the Tomball Municipal Code or pay a fee for not constructing the sidewalk and allow the City to determine where sidewalk infrastructure is most needed.

Sidewalks are necessary for pedestrian safety along roadways, however with some developments they do not make sense. Areas where the installations of sidewalks do not make sense include along the frontage of new developments or redevelopments where no other sidewalks exist in the area and along the frontage of non-residential developments with open ditch drainage where the drainage capacity of the ditch would be lessened or problematic to be reworked. An example of where sidewalks were recently installed where they made little sense is at Cherry Street Laundry (1525 Cherry Street). Cherry Street Laundry is an expansion of an existing convenient store/gas station where the existing facility did not contain a sidewalk and no other sidewalks exist along Cherry Street. The sidewalk extends from the site's northernmost driveway and dead ends into a wooded area along Cherry Street that fronts an existing residential subdivision as depicted in the images below.



City Staff recently waived sidewalks for three development projects. The first project is the Moffett Productions office redevelopment project at 509 Clarence Street. Moffett Productions is the redevelopment of an existing warehouse that lies midblock in a residential area. All other properties along Clarence Street are developed and no sidewalks exist along the entire street.



Sidewalks were also recently waived at the First Presbyterian Church expansion at 30410 SH 249. Again, no sidewalks exist within the entire Tomball Hills subdivision and are not proposed along the Tomball Tollway expansion project (this project lies between the two). Also, the installation of sidewalks would have possibly compromised the health of the existing mature trees that line the property along both Antonia Lane and Heidi Lane.



The third project where sidewalks were waived is at Brandt Construction at 22110 Hufsmith-Kohrville Road. Again, no other sidewalks exist along the road.



Staff has also waived new sidewalks along FM 2920 between Willow Street and Business 249 since this portion of FM 2920 is soon to be reconstructed with new sidewalks by TxDOT.

Since the City continues to annually invest hundreds of thousands of dollars in sidewalk projects and rather than just waive sidewalks where they are required by Section 40-65(i), I am proposing a program to capture some of the costs of the waived sidewalks so that projects where sidewalks are waived contribute to a fund to assist the City with future sidewalk projects. This program is proposed to be called the Sidewalk Fee In Lieu Of Program or "Sidewalk FILO". Only projects where the installation of sidewalks does not make sense or is problematic due existing site constraints would be eligible for Sidewalk FILO. In all cases, the Developer can install sidewalks as required by the Tomball Municipal Code or request to pay a fee in lieu of their construction. A project's eligibility to pay a fee would be at the discretion of the City Manager or their designee. Any appeal to City Staff's determination would be to the City Council. Providing a FILO sidewalk program keeps a "level playing field" with development projects so that all projects, with the exception of open ditch residential subdivisions, either construct sidewalks along their street frontages or pay into a program for the City fund future sidewalk projects.

Based on cost data from recent City sidewalk projects, I am proposing a Sidewalk FILO of \$30.00 per linear foot where the sidewalk would be required along the site's adjacent roadways. City Staff will annually reevaluate the fee during the Master Fee Schedule update process. Where sidewalks are waived, City Staff will ensure that pedestrian access easements are dedicated where there is not enough room to fit sidewalks within the right-of-way so that in the future the City will not need to acquire land for future sidewalk extensions.

If approved by City Council, an account would need to be created for the collected sidewalk funds so that they are appropriately used for the City's future sidewalk projects.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Approve Health Insurance Contracts for City Employees

Background:

In April of 2017, our insurance brokers, IPS Advisors, informed us that the City was on track to receive a 11.2% increase to premium payments on medical insurance. Our initial renewal offer from Blue Cross Blue Shield (BCBS) was a 9.6% increase. After further negotiations with BCBS we were able to bring the cost down to a 2.17% increase with no plan changes. We will continue to offer a PPO plan and an HSA plan. The estimated cost of medical insurance for the next fiscal year is \$2,785,562.

The City's share will be reduced by the contributions paid by the employees, which will not increase this year. A 2.17% increase was included in the budget for 2017-2018 fiscal year.

We recommend staying with our current dental provider, Aetna, who proposed a 9.9% increase. The estimated cost of dental insurance for the next fiscal year is \$133,207. The City's share will be reduced by the contributions paid by the employees, which will not increase this year. There are sufficient funds in our insurance trust account to cover the estimated \$12,000 increase.

Origination:

Human Resources

Recommendation:

Staff recommends approval of BCBS as our Medical insurance provider and Aetna as our Dental insurance provider.

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

Lisa Coe

ACTION TAKEN

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Award Contract for E&P Project Number 2017-10026 for the Development of a Water System Master Plan for the City of Tomball to Freese & Nichols in the Amount of \$74,500.00.

Background:

The Water System Master Plan that Freese & Nichols will be conducting will update the existing water hydraulic model for the City's distribution system and pumping and storage facilities. The work and information received as part of this plan will be combined with the Wastewater Master Plan that is currently in progress and once combined will be known as the City of Tomball's Water and Wastewater Master Plan Report which will document both the water and wastewater capital improvement recommendations. Staff requested a proposal from Freese and Nichols to including the scope of services which will include projections for population growth and demand, field pressure testing, water model calibration, existing and future water distribution system analyses, and a water system capital improvement plan and report to supplement the Capital Improvement Project (CIP) Plan. The proposal for the scope of services is \$74,500.00.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends awarding contract for E&P Project number 2017-10026 for the development of a Water Master Plan for the City of Tomball to Freese & Nichols in the amount of \$74,500.00.

Funding:

Yes

Account Number:400-613-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

ATTACHMENTS:

Professional Service Agreement

AGREEMENT FOR PROFESSIONAL SERVICES

STATE OF TEXAS §

COUNTY OF TARRANT §

This Agreement is entered into the City of Tomball, Texas hereinafter called "Owner" and Freese and Nichols, Inc., hereinafter called "FNI." In consideration of the Agreements herein, the parties agree as follows:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this Agreement: Owner agrees to employ FNI; FNI agrees to perform professional services in connection with the Project; Owner agrees to pay to FNI compensation. The Project is described as follows: **Water System Master Plan.**
- II. **SCOPE OF SERVICES:** FNI shall render professional services in connection with Project as set forth in Attachment SC - Scope of Services and Responsibilities of Owner which is attached to and made a part of this Agreement.
- III. **COMPENSATION:** Owner agrees to pay FNI for all professional services rendered under this Agreement. FNI shall perform professional services as outlined in the "Scope of Services" for a lump sum fee of \$74,500, in accordance with Attachment CO-Compensation which is attached hereto and made a part of this Agreement.

If FNI's services are delayed or suspended by Owner, or if FNI's services are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised.
- IV. **TERMS AND CONDITIONS OF Agreement:** The Terms and Conditions of Agreement as set forth as Attachment TC shall govern the relationship between the Owner and FNI.

Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than Owner and FNI, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and FNI and not for the benefit of any other party.

This Agreement constitutes the entire Agreement between Owner and FNI and supersedes all prior written or oral understandings.

This contract is executed in two counterparts.

IN TESTIMONY HEREOF, they have executed this Agreement, the ____ day of _____, 2017.

ATTEST:

City of Tomball, Texas
(Owner)

By: _____

Print Name and Title

ATTEST:

Freese and Nichols, Inc.
(FNI)

By: _____

Print Name and Title

Richard Westheby
Associate

Jeff Taylor
Vice President, Jeff Taylor

SCOPE OF SERVICES AND RESPONSIBILITIES OF OWNER

Project Understanding:

It is understood that the City has an existing water hydraulic model of the Tomball distribution system and pumping and storage facilities. This model will be made available to FNI to be updated and calibrated as part of the Water Master Plan. Planning level cost estimates and project descriptions will be developed for capital planning.

FNI is currently conducting the referenced *Wastewater Master Plan* for the City of Tomball. The work performed as part of the Water Master Plan will be combined with the *Wastewater Master Plan* and documented in a combined Water and Wastewater Master Plan Report. The Water and Wastewater Master Plan Report will document both the water and wastewater capital improvement recommendations.

The progress meetings in this Water Master Plan scope are in addition to those in the *Wastewater Master Plan*, with the exception of the City council presentation. It is assumed that FNI will make one (1) presentation to City Council to discuss the findings of both the Water and Wastewater Master Plans.

ARTICLE I

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

TASK A: PROJECT MANAGEMENT

A1. Project Kickoff Meeting

Conduct a project kickoff meeting with the City to review project scope, goals, project team members and schedule. FNI will provide the City with a data request memorandum identifying data needs. The meeting will include discussion of the following:

- Present and discuss methodology and approach
- Scheduling and project coordination
- Information and data needs from the City

A2. Communications Plan

In addition to technical, task-related meetings, the Project Manager will have monthly meetings with the City to review progress, discuss data needs, and any topics of special concern. Monthly Status Reports will also be submitted that summarize progress and document upcoming tasks. The Reports will outline upcoming key decisions which will require input from or discussion with the City.

A3. Data Collection and Review

FNI will compile information from the City on recently completed and planned water infrastructure projects, number of water connections, etc.

TASK B: WATER SYSTEM FIELD PRESSURE TESTING

B1. Identify and Map Pressure Testing Locations

FNI will coordinate with City staff to choose locations for temporary field pressure recorders. Any areas of concern for the City, including existing areas of low pressures, will be identified as potential pressure recorder locations.

B2. Conduct Water System Field Pressure Testing

FNI will perform pressure testing that will consist of utilizing up to eight (8) FNI-furnished digital pressure recorders for a one-week time period. The City will provide available hourly SCADA data, including flows and discharge pressures and pump stations and tank levels, for the duration of the field testing period.

B3. Obtain and Evaluate SCADA Data

Obtain SCADA data for field pressure recorder testing period and two weeks of average day and peak summer usage. SCADA data will be used for development of diurnal curves and model calibration.

B4. Develop Summer Diurnal Demand Curves from SCADA Data

FNI will utilize the SCADA data to develop diurnal curves representing existing 24-hour peak summer usage patterns.

B5. Progress Meeting #1: Review Water Pressure Field Testing Results

FNI will review the water system field pressure testing results with the City. Graphs of the recorded pressures at each of the pressure recorder locations will be presented.

TASK C: WATER MODEL CALIBRATION

C1. Update Existing Water Demand Allocation

Utilizing the utility water billing data provided by the City and geocoded by FNI as part of the *Wastewater Master Plan*, FNI will allocate existing demands throughout the service area in the City's water model. Average day and maximum day demand allocations will be performed.

C2. Conduct EPS Water Model Calibration

FNI will conduct a 24-hour extended period simulation water model calibration by adjusting C-factors, peaking factors, diurnal demand curves, and demand distribution until modeling results match the field pressure measurements and pump/tank operation. FNI will provide comparison graphs and mapping to document model calibration results.

TASK D: POPULATION AND WATER DEMAND PROJECTIONS

D1. Population and Land Use Projections

FNI will utilize the population and land use projections developed as part of the *Wastewater Master Plan* for the 5-Year, 10-Year, and 25-Year planning periods.

D2. Stakeholder Coordination Meeting

FNI will conduct a stakeholder coordination meeting with representatives from the Grand Parkway Development and City staff to discuss population and land use projections. FNI will prepare mapping to show the population and land use projections developed as part of the *Wastewater Master Plan*.

D3. Develop Water Demand Projections

Historical demand data will be analyzed to select a per-capita residential water demand and a non-residential water demand for future demand projections. Utilizing selected design criteria and land use assumptions, FNI will develop projected average day, maximum day, and peak hour demands for the 5-year, 10-year, and 25-Year planning periods. Large water users will be distributed as point loads.

D4. Progress Meeting #2: Review Calibration Results & Population/Demand Projections

FNI will meet with the City to review the results of the hydraulic model calibration. FNI will prepare mapping showing a comparison of water pressure testing results and SCADA data vs. model pressure results for water model calibration. The land use assumptions, population and water demand projections will also be presented and discussed. FNI will solicit comments from City staff and make revisions as necessary.

TASK E: EXISTING AND FUTURE WATER DISTRIBUTION SYSTEM ANALYSES

E1. Perform Maximum Day EPS Water Modeling

FNI will utilize SCADA data from typical maximum day demand system operation to develop an existing and future system maximum day EPS simulation. This scenario will include the maximum hour demand condition. FNI will conduct EPS modeling of the existing and future water system for maximum day operating conditions to evaluate tank cycling, system pressures, and deficiencies within the existing water system. FNI will prepare graphs that document system operations and mapping that documents system pressures.

E2. Conduct Fire Flow Analyses

FNI will utilize the calibrated water system model to conduct fire flow analysis under existing and future maximum day demands to identify areas with less than adequate fire flow capacity. A minimum fire flow of 1,000 gpm will be used for analysis. The City will provide fire flow requirements for customers with required fire flows greater than 2,000 gpm, where available. Mapping of available fire flows will be overlaid on the existing water system.

E3. Evaluate TCEQ Capacity Requirements Compliance

FNI will evaluate the system for compliance with the TCEQ Chapter 290 water system capacity requirements. FNI will analyze well production capacity, pumping capacity, elevated storage capacity, and total storage capacity to determine if any deficiencies exist.

E4. Progress Meeting # 3: Review Existing and Future Distribution System Analyses

FNI will meet with the City to present and discuss results of the water system analyses. Mapping will be prepared showing the results of the distribution system analyses with the projected growth on the existing system.

TASK F: WATER SYSTEM CAPITAL IMPROVEMENTS PLAN AND REPORT

F1. Develop Distribution System Improvements for each Planning Period

FNI will utilize the results of the existing and future model scenario analyses to develop improvements of water system transmission, elevated and ground storage, and pumping facilities needed to serve 25-year demands using the EPS model analyses under average day, maximum day and peak hour demand conditions. Improvements needed to correct existing deficiencies will also be included. Additionally, FNU will utilize model results to develop improvements to serve areas that are currently not developed. Develop mapping showing improvements required for the 5-year, 10-year and 25-year planning periods.

F2. Develop Draft Water Capital Improvements Plan (CIP)

FNI will develop a draft water capital improvements plan consisting of project descriptions, prioritization, justification, phasing, and costs for each proposed project in year 2017 dollars including engineering and contingencies. Large scale citywide maps will be produced showing proposed project locations.

F3. Progress Meeting # 4: Review Draft Water CIP

FNI will meet with the City to discuss the draft water CIP development. FNI will solicit comments.

F4. Prepare Draft Master Plan Report

FNI will add the results of the Water Master Plan to the *Wastewater Master Plan* Report, to create a Draft Master Plan Report. FNI will document the following in the Draft Master Plan Report: descriptions of population and demand projections, hydraulic water model development and calibration, system analyses, results, and CIP development and recommendations from this study. An electronic PDF version of the Draft Master Plan Report will be submitted to the City for review.

F5. Progress Meeting # 5: Review Draft Water Master Plan Report

FNI will meet with the City to discuss the Draft Master Plan Report. FNI will solicit comments for inclusion into the Final Report.

F6. City Council Presentation

FNI will prepare a presentation on the results of the master plan and present to City Council.

F7. Finalize Master Plan Report

FNI will incorporate City comments and submit an electronic PDF Copy and five (5) hard copies of the Final Master Plan Report.

Summary of Progress and Coordination Meetings

- Project Kickoff Meeting
- Progress Meeting #1: Review Water Pressure Field Testing Results and Model Update
- Stakeholder Coordination Meeting: With Grand Parkway Development
- Progress Meeting #2: Review Calibration Results & Population/Demand Projections
- Progress Meeting #3: Review Existing and Future Distribution System Analyses
- Progress Meeting #4: Review Draft Water CIP
- Progress Meeting #5: Review Draft Water Master Plan Report

Summary of Deliverables

- Draft Master Plan Report
- Final Master Plan Report
- Calibrated Water System Model

ARTICLE II

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by Owner, which are not included in the above described basic services, are described as follows:

- A. Field surveying required for the preparation of designs and drawings.
- B. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.
- C. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by Owner.
- D. Providing renderings, model, and mock-ups requested by the Owner.
- E. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by Owner or 2) due to other causes not solely within the control of FNI.
- F. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- G. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- H. Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.

- I. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.
- J. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the Owner.
- K. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services agreement.

ARTICLE III

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services for the Wastewater Master Plan in accordance with the following schedule:

Schedule for Water Master Plan, if authorized

- 1. Progress Meeting # 1: 30 days after NTP
- 2. Progress Meeting # 2: 60 days after NTP
- 3. Progress Meeting # 3: 90 days after NTP
- 4. Progress Meeting # 4: 120 days after NTP
- 5. Progress Meeting # 5: 150 days after NTP
- 6. Final Water Master Plan Report: Within 15 days after receiving City comments

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Owner or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in Attachment CO.

ARTICLE IV

RESPONSIBILITIES OF OWNER: Owner shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as Owner's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret and define Owner's policies and decisions with respect to FNI's services for the Project.
- B. Provide all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which Owner will require to be included in the drawings and specifications.
- C. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.

- D. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- E. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as Owner deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.
- F. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- G. Owner shall make or arrange to have made all subsurface investigations, including but not limited to borings, test pits, soil resistivity surveys, and other subsurface explorations. Owner shall also make or arrange to have made the interpretations of data and reports resulting from such investigations. All costs associated with such investigations shall be paid by Owner.
- H. Give prompt written notice to FNI whenever Owner observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services, or any defect or nonconformance of the work of any Contractor.
- I. Furnish, or direct FNI to provide, Additional Services as stipulated in Attachment SC, Article II of this Agreement or other services as required.
- J. Bear all costs incident to compliance with the requirements of this Article IV.

ARTICLE V

DESIGNATED REPRESENTATIVES: FNI and Owner designate the following representatives:

Owner's Designated Representative: David Esquivel, P.E., Director of Public Works, 501 James Street, Tomball, Texas 77375; Phone: (281) 290-1415; Fax: (281) 351-4735 ; email desquivel@tomballtx.gov

FNI's Designated Representative: Richard Weatherly, P.E., 11200 Broadway Street, Suite 2332, Pearland, Texas 77584; Phone: (713) 600-6824; Fax: (832) 456-4701; email raw@freese.com

FNI's Accounting Representative: Jana Collier, 4055 International Plaza, Suite 200, Fort Worth, Texas 76109; Phone: (817) 735-7354; Fax: (817) 735-7480; email jvc@freese.com

COMPENSATION

Compensation to FNI for Basic Services described in Attachment SC for the Water Master Plan a lump sum fee of Seventy-Four Thousand Five Hundred Dollars (\$74,500). If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the Schedule of Charges.

Task A – Project Management	\$ 2,200
Task B – Water System Field Pressure Testing	\$10,600
Task C – Water Model Calibration	\$ 8,200
Task D – Population and Water Demand Projections	\$ 9,100
Task E – Existing and Future Water Distribution System Analyses	\$17,100
Task F – Water System Capital Improvements Plan and Report	\$27,300

Schedule of Charges:

<u>Position</u>	<u>Rate</u>
Professional - 1	107
Professional - 2	130
Professional - 3	146
Professional - 4	169
Professional - 5	197
Professional - 6	225
Construction Manager - 1	85
Construction Manager - 2	111
Construction Manager - 3	131
Construction Manager - 4	164
CAD Technician/Designer - 1	91
CAD Technician/Designer - 2	117
CAD Technician/Designer - 3	145
Corporate Project Support - 1	87
Corporate Project Support - 2	105
Corporate Project Support - 3	139
Intern/ Coop	53

Rates for In-House Services**Technology Charge**

\$8.50 per hour

Bulk Printing and Reproduction

	<u>B&W</u>	<u>Color</u>
Small Format (per copy)	\$0.10	\$0.25
Large Format (per sq. ft.)		
Bond	\$0.25	\$0.75
Glossy / Mylar	\$0.75	\$1.25
Vinyl / Adhesive	\$1.50	\$2.00
Mounting (per sq. ft.)	\$2.00	
Binding (per binding)	\$0.25	

Travel

Standard IRS Rates

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.15. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members. For Resident Representative services performed by non-FNI employees and CAD services performed in-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These rates are subject to annual adjustment. Last Updated February 2015.

1022015

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Award Contract for E&P Project Number 2016-10014, City Project No. 2017-01R, Sherwood Forest Drainage Improvements to Site Work Contractors, LLC in the Amount of \$288,671.00.

Background:

In an effort to obtain the most favorable pricing, sealed bids were solicited for the completion of drainage improvements at Sherwood Forest located along Zion Road. Bid packets were available electronically from civcast.com; a total of five bids were received. The responsive low bidder has been determined at Site Work Contractors, LLC in the amount of \$288,671.00.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends awarding the contract to Site Work Contractors, LLC for E&P Project Number 2016-10014 – Sherwood Forest Drainage Improvements.

Funding:

Yes

Account Number:400-154-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

ATTACHMENTS:

Bid Tabulation

Engineer Recommendation

	Engineer's Estimate	Average of 3 low bidders	BIDDER No. 1	BIDDER No. 2	BIDDER No. 3	BIDDER No. 4	BIDDER No. 5
B.1 Site Preparation and Earthwork:	\$ 96,257.50	\$ 96,231.77	\$ 96,786.00	\$ 83,561.50	\$ 108,347.80	\$ 141,603.81	\$ 132,571.00
B.2 Roadway and Drives:	\$ 20,982.40	\$ 29,668.83	\$ 32,400.00	\$ 23,731.00	\$ 32,875.50	\$ 37,874.29	\$ 57,709.00
B.3 Utilities & Drainage:	\$ 140,658.00	\$ 166,014.33	\$ 113,005.00	\$ 209,414.00	\$ 175,624.00	\$ 178,844.94	\$ 178,971.00
B.4 Traffic Control:	\$ 4,000.00	\$ 3,566.67	\$ 2,500.00	\$ 1,200.00	\$ 7,000.00	\$ 1,000.00	\$ 7,964.00
B.5 Storm Water Pollution Prevention Plan:	\$ 5,415.00	\$ 4,976.67	\$ 5,830.00	\$ 4,415.00	\$ 4,685.00	\$ 7,829.80	\$ 10,227.00
C. Extra Work Items:	\$ 56,845.00	\$ 40,973.67	\$ 37,650.00	\$ 41,401.00	\$ 43,870.00	\$ 54,053.40	\$ 51,096.00
D. Cash Allowance:	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
TOTAL BID PRICE	\$ 324,657.90	\$ 341,931.93	\$ 288,671.00	\$ 364,222.50	\$ 372,902.30	\$ 421,706.24	\$ 439,038.00

B.1 Site Preparation and Earthwork:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
1	1501	Mobilization Including Performance and Payment Bonds, Insurance and Permits (Max. 2% of Total Base)	LS	1
2	2221	Remove and Dispose of Culverts (Approx. 129 LF), Dual 18" Diameter RCP (Approx. 58 LF), 30" Diameter STM (Approx. 22 LF), and 48" Diameter STM (Approx. 29 LF)	LS	1
3	2221	Remove and Dispose 6' Chain Link Fence	LF	56
4	DWGS	Proposed 6' Chain Link Fence	LF	89
5	DWGS	Proposed 20' Gate at Existing Chain Link Fence	EA	1
6	02221; 02775	Remove and Replace 5' Wide Concrete Sidewalk at Zion Frontage	LF	40
7	02221; 02233	Clearing and Grubbing	ACRE	0.75
8	2314	Swale Grading for Roadside Swales and Drainage Easement Overflow	LF	1890
9	2314	Holding Basin Excavation and Fine Grading; Including Swales, Bottom and Outflow	CY	1700
10	2330	Embankment/Berm Fill (Holding Basin & Existing Detention Bank)	CY	170
11	2922	Sodding Including Holding Basin, Drainage Easement, & Roadside Swale, Complete in Place	SY	5339
TOTAL B.1 BASE UNIT PRICES				
B.2 Roadway and Drives:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
12	2315	Roadway Excavation	CY	41
13	2337	6-Inch Lime-Fly Ash Stabilized Subgrade Preparation, Including Proof Rolling, Mixing, and Compaction to 95% per ASTM D698 for Lift Station Drive, Complete in Place	SY	183
14	2337	Lime (8%)	TON	4
15	2337	Fly Ash (4%)	TON	2
16	2711	6" Hot Mix Asphaltic Concrete Base Course (Black Base) for Lift Station Drive	TON	53
17	2741	2" Hot Mix - Hot Laid Asphaltic Concrete Surfacing for Lift Station Drive	TON	17.7
18	2714	Remove and Replace Existing Gravel Driveway with 8" Thick Flex Base Course Driveway (North Top Bank to Edge Roadway)	SY	43
19	2754	Remove and Replace Existing 6" Thick Reinforced Concrete Driveway Including Sawcut and Subgrade (10ft Wide sawcut)	SY	68
20	DWGS	Remove and Replace Reinforced Concrete Curb	LF	10
21	DWGS	Standard Reflective Type III Permanent Barricade	EA	1
TOTAL B.2 BASE UNIT PRICES				

Engineer's Estimate		Average of 3 low bidders		Site Work Contractors		LN McKean Inc.		Project Storm		VML Construction Services		Solid Bridge Construction	
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 6,800.00	\$ 6,800.00	\$ 10,916.67	\$ 10,916.67	\$ 5,750.00	\$ 5,750.00	\$ 7,000.00	\$ 7,000.00	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00
\$ 3,000.00	\$ 3,000.00	\$ 5,916.67	\$ 5,916.67	\$ 9,250.00	\$ 9,250.00	\$ 3,500.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00	\$ 18,000.00	\$ 18,000.00	\$ 27,850.00	\$ 27,850.00
\$ 25.00	\$ 1,400.00	\$ 21.33	\$ 1,194.67	\$ 25.00	\$ 1,400.00	\$ 14.00	\$ 784.00	\$ 25.00	\$ 1,400.00	\$ 26.78	\$ 1,499.68	\$ 14.00	\$ 784.00
\$ 50.00	\$ 4,450.00	\$ 32.33	\$ 2,877.67	\$ 50.00	\$ 4,450.00	\$ 22.00	\$ 1,958.00	\$ 25.00	\$ 2,225.00	\$ 70.00	\$ 6,230.00	\$ 33.00	\$ 2,937.00
\$ 1,000.00	\$ 1,000.00	\$ 1,983.33	\$ 1,983.33	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 450.00	\$ 450.00	\$ 1,200.00	\$ 1,200.00	\$ 3,780.00	\$ 3,780.00
\$ 21.00	\$ 840.00	\$ 36.00	\$ 1,440.00	\$ 40.00	\$ 1,600.00	\$ 53.00	\$ 2,120.00	\$ 15.00	\$ 600.00	\$ 82.40	\$ 3,296.00	\$ 16.00	\$ 640.00
\$ 1,500.00	\$ 1,125.00	\$ 8,000.00	\$ 6,000.00	\$ 6,000.00	\$ 4,500.00	\$ 12,000.00	\$ 9,000.00	\$ 6,000.00	\$ 4,500.00	\$ 26,666.67	\$ 20,000.00	\$ 12,500.00	\$ 9,375.00
\$ 10.00	\$ 18,900.00	\$ 5.37	\$ 10,143.00	\$ 5.00	\$ 9,450.00	\$ 4.60	\$ 8,694.00	\$ 6.50	\$ 12,285.00	\$ 16.40	\$ 30,996.00	\$ 7.00	\$ 13,230.00
\$ 9.00	\$ 15,300.00	\$ 21.08	\$ 35,836.00	\$ 19.00	\$ 32,300.00	\$ 14.00	\$ 23,800.00	\$ 30.24	\$ 51,408.00	\$ 25.00	\$ 42,500.00	\$ 22.00	\$ 37,400.00
\$ 20.00	\$ 3,400.00	\$ 17.75	\$ 3,016.93	\$ 19.00	\$ 3,230.00	\$ 4.00	\$ 680.00	\$ 30.24	\$ 5,140.80	\$ 26.47	\$ 4,499.90	\$ 14.00	\$ 2,380.00
\$ 7.50	\$ 40,042.50	\$ 3.17	\$ 16,906.83	\$ 4.00	\$ 21,356.00	\$ 4.50	\$ 24,025.50	\$ 1.00	\$ 5,339.00	\$ 1.57	\$ 8,382.23	\$ 5.00	\$ 26,695.00
	\$ 96,257.50		\$ 96,231.77		\$ 96,786.00		\$ 83,561.50		\$ 108,347.80		\$ 141,603.81		\$ 132,571.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 11.50	\$ 471.50	\$ 23.67	\$ 970.33	\$ 50.00	\$ 2,050.00	\$ 14.00	\$ 574.00	\$ 7.00	\$ 287.00	\$ 25.00	\$ 1,025.00	\$ 100.00	\$ 4,100.00
\$ 7.50	\$ 1,372.50	\$ 31.33	\$ 5,734.00	\$ 20.00	\$ 3,660.00	\$ 9.00	\$ 1,647.00	\$ 65.00	\$ 11,895.00	\$ 60.00	\$ 10,980.00	\$ 60.00	\$ 10,980.00
\$ 193.00	\$ 772.00	\$ 416.67	\$ 1,666.67	\$ 600.00	\$ 2,400.00	\$ 400.00	\$ 1,600.00	\$ 250.00	\$ 1,000.00	\$ 180.00	\$ 720.00	\$ 400.00	\$ 1,600.00
\$ 90.00	\$ 180.00	\$ 380.00	\$ 760.00	\$ 700.00	\$ 1,400.00	\$ 340.00	\$ 680.00	\$ 100.00	\$ 200.00	\$ 130.00	\$ 260.00	\$ 400.00	\$ 800.00
\$ 97.00	\$ 5,141.00	\$ 173.33	\$ 9,186.67	\$ 150.00	\$ 7,950.00	\$ 135.00	\$ 7,155.00	\$ 235.00	\$ 12,455.00	\$ 194.33	\$ 10,299.49	\$ 95.00	\$ 5,035.00
\$ 122.00	\$ 2,159.40	\$ 171.67	\$ 3,038.50	\$ 200.00	\$ 3,540.00	\$ 180.00	\$ 3,186.00	\$ 135.00	\$ 2,389.50	\$ 184.75	\$ 3,270.08	\$ 600.00	\$ 10,620.00
\$ 42.00	\$ 1,806.00	\$ 42.67	\$ 1,834.67	\$ 100.00	\$ 4,300.00	\$ 23.00	\$ 989.00	\$ 5.00	\$ 215.00	\$ 83.72	\$ 3,599.96	\$ 78.00	\$ 3,354.00
\$ 110.00	\$ 7,480.00	\$ 77.67	\$ 5,281.33	\$ 75.00	\$ 5,100.00	\$ 95.00	\$ 6,460.00	\$ 63.00	\$ 4,284.00	\$ 73.82	\$ 5,019.76	\$ 265.00	\$ 18,020.00
\$ 10.00	\$ 100.00	\$ 43.67	\$ 436.67	\$ 100.00	\$ 1,000.00	\$ 24.00	\$ 240.00	\$ 7.00	\$ 70.00	\$ 120.00	\$ 1,200.00	\$ 120.00	\$ 1,200.00
\$ 1,500.00	\$ 1,500.00	\$ 760.00	\$ 760.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 80.00	\$ 80.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
	\$ 20,982.40		\$ 29,668.83		\$ 32,400.00		\$ 23,731.00		\$ 32,875.50		\$ 37,874.29		\$ 57,709.00

B.3 Utilities & Drainage:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
22	DWGS	Furnish and Install Plastic Sanitary Sewer MH Inflow Protector, Complete in Place	EA	2
23	02081; 02082	Junction Box	EA	1
24	02081; 02082	Standard Storm MH	EA	2
25	02081; 02082	Standard Storm MH w/ E Inlet Top	EA	1
26	02081; 02082	Large Storm MH w/ E Inlet Top	EA	1
27	02081; 02082	Remove and Replace Exist Large Storm MH at South Row of Zion	EA	1
28	2633	E-Inlet at Holding Basin	EA	1
29	DWGS	5" Thick 12.5' Wide Concrete Pilot Channel	LF	194
30	DWGS	5" Concrete Slope Paving at Existing E-Inlet	SY	7
31	02611; 02631	18" Diameter RCP Driveway Culvert Pipe	LF	120
32	02611; 02631	24" Diameter RCP Driveway Culvert Pipe	LF	29
33	02611; 02631	18" Diameter RCP	LF	12
34	02611; 02631	24" Diameter RCP	LF	111
35	02611; 02631	30" Diameter RCP	LF	180
36	02611; 02631	42" Diameter RCP	LF	275
37	02611; 02631	66" Diameter RCP	LF	26
38	DWGS	18" Diameter Type II Safety End Treatment (4:1 Slopes, Cross Drainage)	EA	3
39	DWGS	24" Diameter Type II Safety End Treatment (3:1 Slopes, Cross Drainage)	EA	2
40	DWGS	24" Diameter Type II Safety End Treatment (6:1 Slopes, Parallel Drainage)	EA	1
41	DWGS	30" Diameter Type II Safety End Treatments (6:1 Slopes, Parallel Drainage)	EA	2
42	DWGS	42" Diameter Type II Safety End Treatment (6:1 Slopes, Parallel; Concrete Lined)	EA	1
TOTAL B.3 BASE UNIT PRICES				
B.4 Traffic Control:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
43	1555	Traffic Control- Furnish, Install, Maintain & Remove Barricades, Barriers, Barrels, Signing, etc.	MO	2
TOTAL B.4 BASE UNIT PRICES				
B.5 Storm Water Pollution Prevention Plan:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
44	1575	Stabilized Construction Access, Complete in Place.	SY	111
45	1573	Filter Fabric Fence, Including Removal, Complete in Place.	LF	100
46	1573	Temporary Erosion Control Logs, Including Removal, Complete in Place.	LF	60
47	01570; 01410	SWPPP Inspection and Maintenance	MO	2
TOTAL B.5 BASE UNIT PRICES				
C.***Extra Work Items:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
48	02221; 02775	Extra Remove and Replace 5' Wide Concrete Sidewalk	LF	200
49	2318	Extra Swale (4:1 SS; Maximum 2.0 ft. depth)	LF	480
50	2318	Extra Hand Excavation	CY	50
51	2318	Extra Machine Excavation	CY	50
52	2318	Extra Bank Sand Backfill	CY	100
53	2321	Extra Cement Stabilized Sand	CY	100
54	2318	Extra Backfill	CY	200
55	02511; 02506	Extra 8" PVC Waterline, Complete In Place	LF	100
56	2922	Extra Sodding, Complete in Place	SY	850
57	DWGS	Extra 6' Chain Link Fence	LF	250
58	DWGS	Extra Remove and Relocate Existing 6' Chain Link Fence	LF	312
59	2685	Adjust and/or Cement Stabilized Sand Backfill 2" Gas Line	LF	30
60	2685	Adjust and/or Cement Stabilized Sand Backfill 3" Gas Line	LF	50
61	DWGS	Extra Remove, Dispose and Plug Abandoned Gas Line, Complete In Place.	LF	60
TOTAL C. BASE UNIT PRICES				
D. Cash Allowance Table:				
Cash Allowance				
No.	Cash Allowance Short Title			
1	Centerpoint Energy Coordination and Anchor for Power Pole			
TOTAL D. CASH ALLOWANCES				

Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 100.00	\$ 200.00	\$ 441.67	\$ 883.33	\$ 750.00	\$ 1,500.00	\$ 275.00	\$ 550.00	\$ 300.00	\$ 600.00	\$ 500.00	\$ 1,000.00	\$ 300.00	\$ 600.00
\$ 4,500.00	\$ 4,500.00	\$ 3,683.33	\$ 3,683.33	\$ 3,000.00	\$ 3,000.00	\$ 5,200.00	\$ 5,200.00	\$ 2,850.00	\$ 2,850.00	\$ 1,000.00	\$ 1,000.00	\$ 4,250.00	\$ 4,250.00
\$ 3,750.00	\$ 7,500.00	\$ 3,133.33	\$ 6,266.67	\$ 2,200.00	\$ 4,400.00	\$ 3,700.00	\$ 7,400.00	\$ 3,500.00	\$ 7,000.00	\$ 1,200.00	\$ 2,400.00	\$ 4,850.00	\$ 9,700.00
\$ 4,500.00	\$ 4,500.00	\$ 4,466.67	\$ 4,466.67	\$ 2,800.00	\$ 2,800.00	\$ 6,600.00	\$ 6,600.00	\$ 4,000.00	\$ 4,000.00	\$ 2,500.00	\$ 2,500.00	\$ 6,000.00	\$ 6,000.00
\$ 6,000.00	\$ 6,000.00	\$ 4,066.67	\$ 4,066.67	\$ 3,500.00	\$ 3,500.00	\$ 3,900.00	\$ 3,900.00	\$ 4,800.00	\$ 4,800.00	\$ 5,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,000.00
\$ 6,000.00	\$ 6,000.00	\$ 4,900.00	\$ 4,900.00	\$ 3,200.00	\$ 3,200.00	\$ 10,000.00	\$ 10,000.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 8,000.00	\$ 8,000.00
\$ 4,000.00	\$ 4,000.00	\$ 3,100.00	\$ 3,100.00	\$ 1,800.00	\$ 1,800.00	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 3,852.00	\$ 3,852.00
\$ 70.00	\$ 13,580.00	\$ 152.00	\$ 29,488.00	\$ 75.00	\$ 14,550.00	\$ 290.00	\$ 56,260.00	\$ 91.00	\$ 17,654.00	\$ 170.00	\$ 32,980.00	\$ 100.00	\$ 19,400.00
\$ 140.00	\$ 980.00	\$ 211.67	\$ 1,481.67	\$ 300.00	\$ 2,100.00	\$ 135.00	\$ 945.00	\$ 200.00	\$ 1,400.00	\$ 171.42	\$ 1,199.94	\$ 200.00	\$ 1,400.00
\$ 50.00	\$ 6,000.00	\$ 76.67	\$ 9,200.00	\$ 55.00	\$ 6,600.00	\$ 77.00	\$ 9,240.00	\$ 98.00	\$ 11,760.00	\$ 149.00	\$ 17,880.00	\$ 87.00	\$ 10,440.00
\$ 60.00	\$ 1,740.00	\$ 111.67	\$ 3,238.33	\$ 150.00	\$ 4,350.00	\$ 82.00	\$ 2,378.00	\$ 103.00	\$ 2,987.00	\$ 127.00	\$ 3,683.00	\$ 98.00	\$ 2,842.00
\$ 60.00	\$ 720.00	\$ 124.00	\$ 1,488.00	\$ 200.00	\$ 2,400.00	\$ 77.00	\$ 924.00	\$ 95.00	\$ 1,140.00	\$ 161.00	\$ 1,932.00	\$ 87.00	\$ 1,044.00
\$ 75.00	\$ 8,325.00	\$ 80.00	\$ 8,880.00	\$ 55.00	\$ 6,105.00	\$ 82.00	\$ 9,102.00	\$ 103.00	\$ 11,433.00	\$ 120.00	\$ 13,320.00	\$ 98.00	\$ 10,878.00
\$ 100.00	\$ 18,000.00	\$ 106.33	\$ 19,140.00	\$ 65.00	\$ 11,700.00	\$ 104.00	\$ 18,720.00	\$ 150.00	\$ 27,000.00	\$ 130.00	\$ 23,400.00	\$ 112.00	\$ 20,160.00
\$ 115.00	\$ 31,625.00	\$ 138.33	\$ 38,041.67	\$ 90.00	\$ 24,750.00	\$ 145.00	\$ 39,875.00	\$ 180.00	\$ 49,500.00	\$ 150.00	\$ 41,250.00	\$ 148.00	\$ 40,700.00
\$ 288.00	\$ 7,488.00	\$ 248.33	\$ 6,456.67	\$ 175.00	\$ 4,550.00	\$ 320.00	\$ 8,320.00	\$ 250.00	\$ 6,500.00	\$ 400.00	\$ 10,400.00	\$ 350.00	\$ 9,100.00
\$ 1,000.00	\$ 3,000.00	\$ 1,566.67	\$ 4,700.00	\$ 1,200.00	\$ 3,600.00	\$ 1,700.00	\$ 5,100.00	\$ 1,800.00	\$ 5,400.00	\$ 1,500.00	\$ 4,500.00	\$ 1,075.00	\$ 3,225.00
\$ 1,800.00	\$ 3,600.00	\$ 1,950.00	\$ 3,900.00	\$ 1,250.00	\$ 2,500.00	\$ 2,100.00	\$ 4,200.00	\$ 2,500.00	\$ 5,000.00	\$ 1,800.00	\$ 3,600.00	\$ 1,650.00	\$ 3,300.00
\$ 2,400.00	\$ 2,400.00	\$ 2,700.00	\$ 2,700.00	\$ 1,900.00	\$ 1,900.00	\$ 3,400.00	\$ 3,400.00	\$ 2,800.00	\$ 2,800.00	\$ 1,800.00	\$ 1,800.00	\$ 1,650.00	\$ 1,650.00
\$ 3,000.00	\$ 6,000.00	\$ 3,000.00	\$ 6,000.00	\$ 2,100.00	\$ 4,200.00	\$ 3,900.00	\$ 7,800.00	\$ 3,000.00	\$ 6,000.00	\$ 2,000.00	\$ 4,000.00	\$ 3,465.00	\$ 6,930.00
\$ 4,500.00	\$ 4,500.00	\$ 3,933.33	\$ 3,933.33	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 3,800.00	\$ 3,800.00	\$ 3,000.00	\$ 3,000.00	\$ 8,500.00	\$ 8,500.00
	\$ 140,658.00		\$ 166,014.33		\$ 113,005.00		\$ 209,414.00		\$ 175,624.00		\$ 178,844.94		\$ 178,971.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 2,000.00	\$ 4,000.00	\$ 1,783.33	\$ 3,566.67	\$ 1,250.00	\$ 2,500.00	\$ 600.00	\$ 1,200.00	\$ 3,500.00	\$ 7,000.00	\$ 500.00	\$ 1,000.00	\$ 3,982.00	\$ 7,964.00
	\$ 4,000.00		\$ 3,566.67		\$ 2,500.00		\$ 1,200.00		\$ 7,000.00		\$ 1,000.00		\$ 7,964.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 15.00	\$ 1,665.00	\$ 30.00	\$ 3,330.00	\$ 30.00	\$ 3,330.00	\$ 25.00	\$ 2,775.00	\$ 35.00	\$ 3,885.00	\$ 30.00	\$ 3,330.00	\$ 72.00	\$ 7,992.00
\$ 1.50	\$ 150.00	\$ 4.33	\$ 433.33	\$ 6.00	\$ 600.00	\$ 4.00	\$ 400.00	\$ 3.00	\$ 300.00	\$ 10.00	\$ 1,000.00	\$ 2.75	\$ 275.00
\$ 10.00	\$ 600.00	\$ 8.00	\$ 480.00	\$ 15.00	\$ 900.00	\$ 4.00	\$ 240.00	\$ 5.00	\$ 300.00	\$ 8.33	\$ 499.80	\$ 6.00	\$ 360.00
\$ 1,500.00	\$ 3,000.00	\$ 366.67	\$ 733.33	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 100.00	\$ 200.00	\$ 1,500.00	\$ 3,000.00	\$ 800.00	\$ 1,600.00
	\$ 5,415.00		\$ 4,976.67		\$ 5,830.00		\$ 4,415.00		\$ 4,685.00		\$ 7,829.80		\$ 10,227.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 20.00	\$ 4,000.00	\$ 26.67	\$ 5,333.33	\$ 35.00	\$ 7,000.00	\$ 30.00	\$ 6,000.00	\$ 15.00	\$ 3,000.00	\$ 81.11	\$ 16,222.00	\$ 40.00	\$ 8,000.00
\$ 10.00	\$ 4,800.00	\$ 6.17	\$ 2,960.00	\$ 7.00	\$ 3,360.00	\$ 5.00	\$ 2,400.00	\$ 6.50	\$ 3,120.00	\$ 12.50	\$ 6,000.00	\$ 7.00	\$ 3,360.00
\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 100.00	\$ 5,000.00
\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00	\$ 30.00	\$ 1,500.00
\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00	\$ 18.00	\$ 1,800.00
\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00	\$ 22.00	\$ 2,200.00
\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00
\$ 50.00	\$ 5,000.00	\$ 31.67	\$ 3,166.67	\$ 25.00	\$ 2,500.00	\$ 45.00	\$ 4,500.00	\$ 25.00	\$ 2,500.00	\$ 47.00	\$ 4,700.00	\$ 28.00	\$ 2,800.00
\$ 7.50	\$ 6,375.00	\$ 7.50	\$ 6,375.00	\$ 4.00	\$ 3,400.00	\$ 5.50	\$ 4,675.00	\$ 13.00	\$ 11,050.00	\$ 1.50	\$ 1,275.00	\$ 5.00	\$ 4,250.00
\$ 50.00	\$ 12,500.00	\$ 20.33	\$ 5,083.33	\$ 20.00	\$ 5,000.00	\$ 16.00	\$ 4,000.00	\$ 25.00	\$ 6,250.00	\$ 20.00	\$ 5,000.00	\$ 33.00	\$ 8,250.00
\$ 35.00	\$ 10,920.00	\$ 22.67	\$ 7,072.00	\$ 20.00	\$ 6,240.00	\$ 23.00	\$ 7,176.00	\$ 25.00	\$ 7,800.00	\$ 10.00	\$ 3,120.00	\$ 28.00	\$ 8,736.00
\$ 50.00	\$ 1,500.00	\$ 20.00	\$ 600.00	\$ 15.00	\$ 450.00	\$ 35.00	\$ 1,050.00	\$ 10.00	\$ 300.00	\$ 93.33	\$ 2,799.90	\$ 30.00	\$ 900.00
\$ 50.00	\$ 2,500.00	\$ 20.67	\$ 1,033.33	\$ 15.00	\$ 750.00	\$ 35.00	\$ 1,750.00	\$ 12.00	\$ 600.00	\$ 93.33	\$ 4,666.50	\$ 30.00	\$ 1,500.00
\$ 25.00	\$ 1,500.00	\$ 26.67	\$ 1,600.00	\$ 20.00	\$ 1,200.00	\$ 35.00	\$ 2,100.00	\$ 25.00	\$ 1,500.00	\$ 42.00	\$ 2,520.00	\$ 30.00	\$ 1,800.00
	\$ 56,845.00		\$ 40,973.67		\$ 37,650.00		\$ 41,401.00		\$ 43,870.00		\$ 54,053.40		\$ 51,096.00
	Cash Allowance in figures		Cash Allowance in figures		Cash Allowance in figures		Cash Allowance in figures		Cash Allowance in figures		Cash Allowance in figures		Cash Allowance in figures
	\$500.00		\$500.00	500	\$500.00		\$500.00		\$500.00		\$500.00		\$500.00
	\$500.00		\$500.00		\$500.00		\$500.00		\$500.00		\$500.00		\$500.00



GUNDA CORPORATION

Engineers, Planners & Managers

June 30, 2017

City of Tomball
Public Works Building
501 James Street
Tomball, TX 77375

Attn: David Esquivel, P.E., Director of Public Works

Re: City of Tomball
Sherwood Forest Drainage Improvements - Rebid
Project Bid No. 2017-01R, E&P Project No. 2016-10014
GUNDA Project No. 16031-00

Tabulation of Bids Received and Recommendation

Dear Mr. Esquivel:

We have reviewed the bid tabulation for bids received for the above referenced project. The bids were tabulated and the bid tab is attached for your review. Based on the unit bid prices, Site Work Contractors, LLC's is the responsive low bidder in the amount \$288,671.00. The bid submitted by Site Work Contractors, LLC shows no signs of imbalance. Therefore, we pose no objection to the recommendation of awarding the construction contract for Sherwood Forest Drainage Improvements – Rebid, Project Bid No. 2017-01R, to Site Work Contractors, LLC as the low bidder.

Below is a summary of our full review of the bids received for the project.

On June 29, 2017, a total of Five (5) bids were received and opened for the proposed project in accordance with the Notice to Bidders. The Total Bid was utilized to establish the order of the bids and identification of apparent low bidder.

Bidders and their Total Bids were:

	Contractor	Bid Submitted
1)	Site Work Contractors, LLC	\$ 288,671.00 *
2)	LN McKean Inc.	\$ 364,222.50
3)	Project Storm	\$ 372,902.30
4)	VML Construction Services	\$ 421,706.24 **
5)	Solid Bridge Construction	\$ 439,038.00 **

* Bid Correction – Total Bid addition error

** Bid Correction – Unit Bid Price & addition error

If you have any questions please do not hesitate to call.

Sincerely,

David Castellano, PE
Project Engineer

Enclosure: Project Bid Tabulation

6161 Savoy, Suite 550 • Houston, Texas 77036
(P) 713.541.3530 • www.gundacorp.com

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Consideration to approve **Zoning Case P17-0070**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P17-0070**
- Adopt, on First Reading, Ordinance No. 2017-21, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13 Acres of Land, Legally Described Lots 157, 161 and Tract 153A Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Single-Family 6 District; Said Property Being Generally Located on the East Side of South Cherry Street North of Justin Court; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On Monday, July 10, after conducting a public hearing, the Planning and Zoning Commission voted to recommend denial of case P17-0070 with two votes Aye and one vote Nay.

Origination:

Community Development Department

Recommendation:

Denial

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

P17-0070 Ordinance

Notice of Public Hearing

Property Owner Notification

Property Owner Response Forms

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 13 ACRES OF LAND, LEGALLY DESCRIBED LOTS 157, 161 AND TRACT 153A TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE SINGLE-FAMILY 6 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CHERRY STREET NORTH OF JUSTIN COURT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Benson Development has requested that approximately 13 acres of land, legally described as Lots 157, 161 and Tract 153A Tomball Outlots, City of Tomball, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Single-Family 6 District; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 20 Estate District to the Single-Family 6 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family 6 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family 6 District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JULY 2017.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF AUGUST 2017.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 10, 2017
&
CITY COUNCIL
JULY 17, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 10, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 17, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0068: Request by Susan Alt for a Conditional Use Permit for an *accessory dwelling* at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

Zoning Case P17-0069: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

Zoning Case P17-0070: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **July 2017** by 5:00 p.m., and remained posted for at least 72 continuous

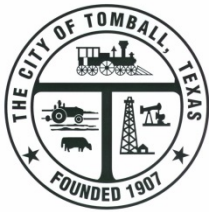
hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P17-0070

APPLICANT/OWNER: Benson Development, LLC

LOCATION: Generally located on the east side of South Cherry Street north of Justin Court

PROPOSAL: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, from the Single-Family 20 Estate District to the Single-Family 6 District.

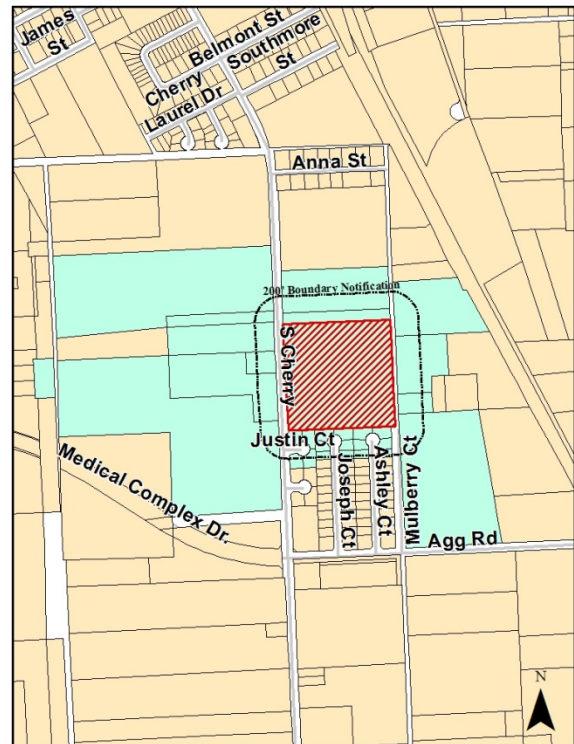
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, July 10, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, July 17, 2017, 6:00 PM**

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

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

Amelia Lindley

From: Mike O'Brien <mob@houstonrvpark.com>
Sent: Monday, July 03, 2017 3:10 PM
To: Amelia Lindley
Subject: Zoning Case P17-0070

to City of Tomball

I received a Public Comment form which I am answering through e-mail

Mike O'Brien

1402 S Cherry

Tomball TX. 77375

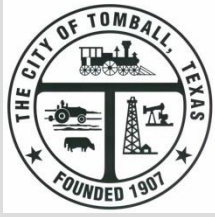
Date: July 3, 2017

I am Against the request Rezoning as explained on the public notice for Zoning Case p17-0070

I am Against the rezoning case P17-0070 I have not seen a good reason for reducing the size of the lots. My first impression is the reason to have low cost/affordable housing. I would reconsider if a minimum of 2500 sq.ft building/housing were required or additional information why we need this type of housing inside the city limits. I am open to change if its going to help City of Tomball.

If I get an undesirable into the Corral RV Park I can and do get rid of them out of the city. if they are in house it's completely different. I feel City of Tomball is growing in a safe and good way. Does this put additional pressure on the police Department verse it going commercial?

Mike O'Brien
713-557-1821



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 10, 2017
City Council Public Hearing Date: July 17, 2017

Rezoning Case: P17-0070
Property Owner(s): Mustafa Mandviwala Profit Sharing Plan T
Applicant(s): Benson Development, LLC
Legal Description: Lots 157, 161 and Tract 153A Tomball Outlots
Location: East side of South Cherry Street north of Justin Court (Exhibit "A")
Area: Approximately 13 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 20 Estate District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone approximately 13 acres from the Single-Family 20 Estate District to the Single-Family 6

Adjacent Zoning & Land Uses:

North: Single-Family 9 District / Step-by-Step Child Care

South: Single-Family 6 District / Single-family residences

West: Light Industrial, Commercial and Single-Family 20 Estate District / Dicar Inc., PIC Chemicals and single-family residences

East: Single-Family 20 Estate District / Undeveloped land and single-family residence

BACKGROUND

City Staff met with the applicant to discuss the development of a single-family residential subdivision. A rezoning application was received in May 2017 for the subject site.

ANALYSIS

The subject site is approximately 13 acres and is currently undeveloped. There are multiple land uses in the area including a single-family subdivision to the south, which is zoned Single-Family 6, a childcare center to the north zoned Single-Family 9, a few single-family residences to the east and west, zoned Single-Family 20 Estate and two commercial businesses to the west, zoned Light Industrial and Commercial.

The Future Land Use Map designates the property as Medium Density Residential which typically includes lots ranging from 6,000 to 20,000 square feet, according to the City's Comprehensive Plan. The proposed rezoning is in accordance with the Future Land Use Map.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Single-Family 6 Zoning District appear to be appropriate with the immediate area. There is a similar residential development in the area as well as multiple commercial uses. The proposed subdivision will create a balance between employment and residential land uses in the area and the City as a whole.

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

Adequate utilities are available to serve this property and the existing arterial street adjacent to the property can accommodate traffic generated by a Single-Family 6 District development. A traffic impact analysis will be required at the time of development which will determine if offsite traffic enhancements are needed for the adjacent roadways.

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

There is very little vacant property in the City that is zoned Single-Family 6. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

The most recent development in the Single-Family 6 District is Pine Meadows, which was completed in 2015. As mentioned, there is not a lot of available land of this size zoned Single-Family 6. Recently, the City has seen multiple rezoning requests for the Single-Family 6 District.

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

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

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

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

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

The Future Land Use Map designates a majority of the property Medium Density Residential, which is intended for lots ranging from 6,000 to 20,000 square feet. The Comprehensive Plan also outlines goals for the need for “a wide variety of housing products” and “higher density residential development adjacent to or in close proximity to high capacity roadways and multimodal facilities”. The request would meet the goals of the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 23, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on June 28, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P17-0070 for the following reasons:

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

EXHIBITS

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

Exhibit "A"
Aerial Photo

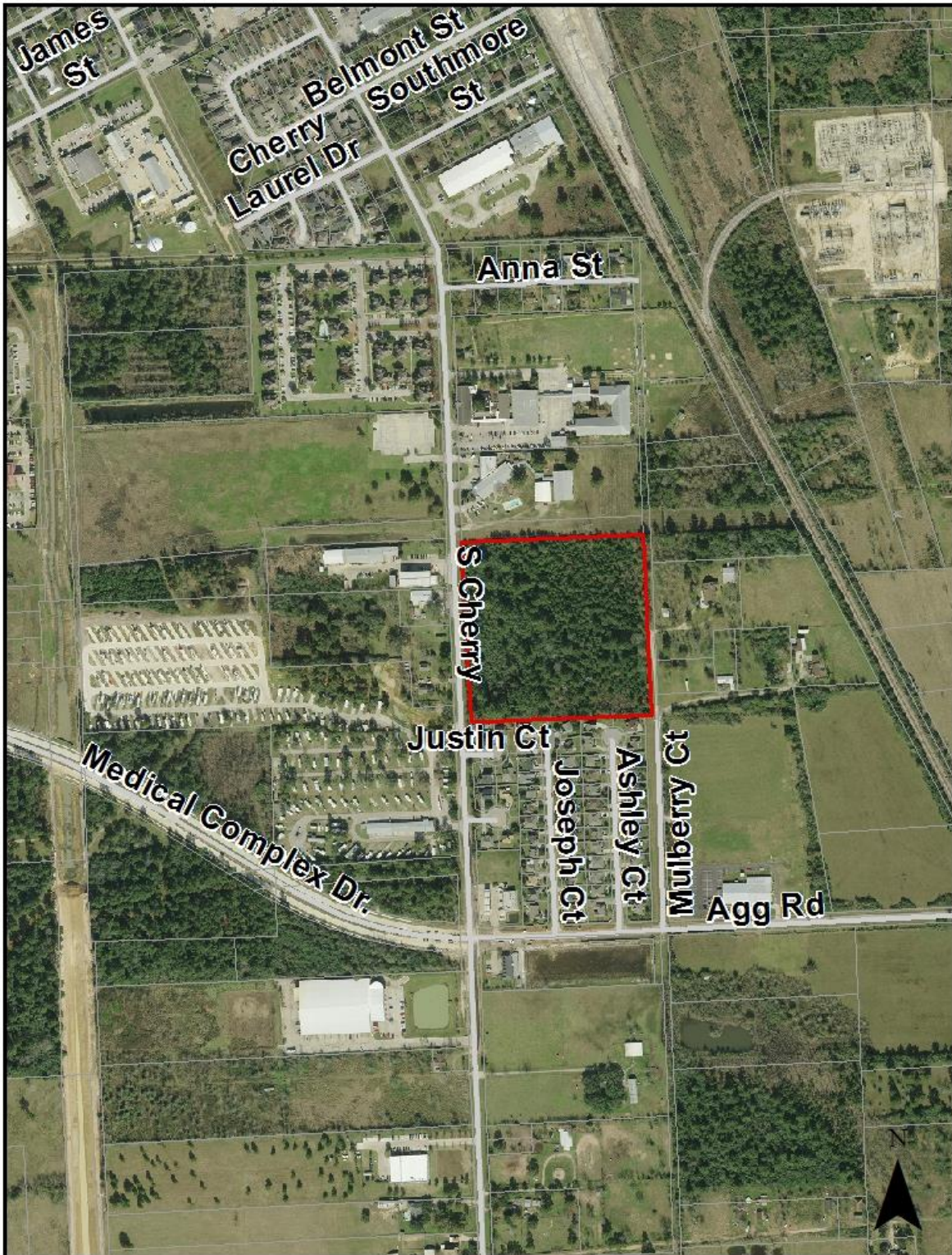


Exhibit "B"
Comprehensive Plan

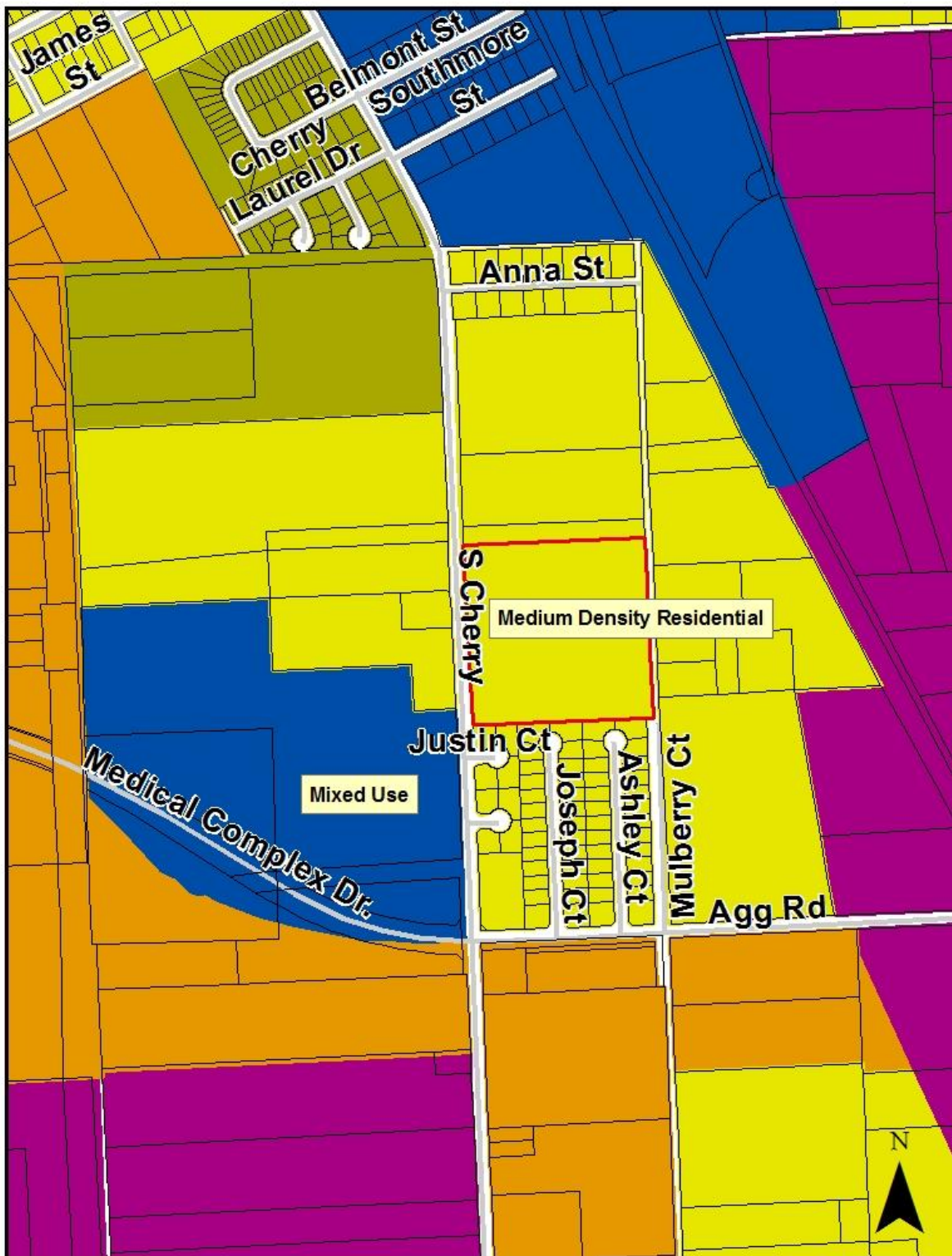


Exhibit "C"
Zoning Map

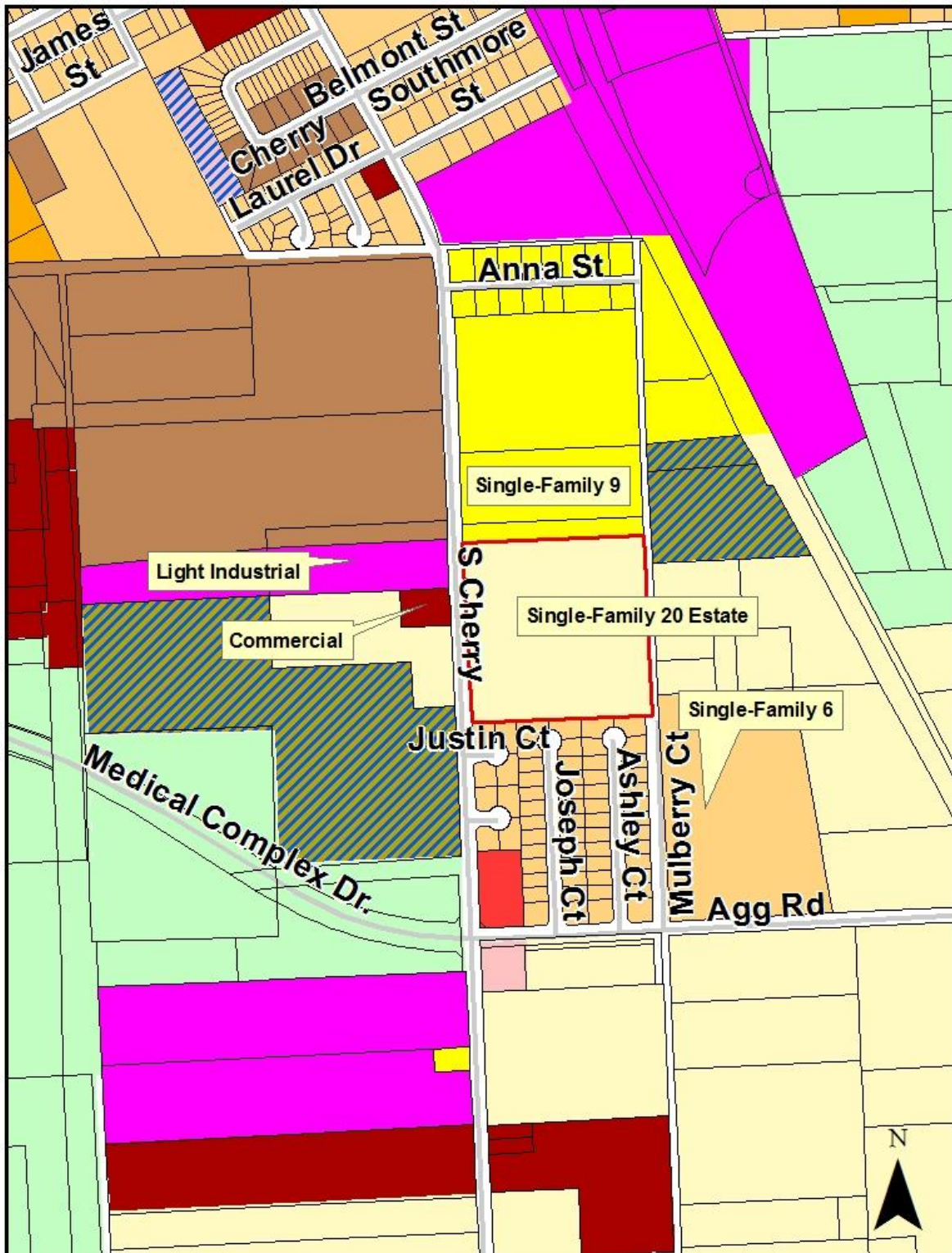


Exhibit “D”
Site Photo



Exhibit "E"
Application



177-0070
APPLICATION FOR REZONING

Community Development Department
Planning Division



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

Applicant

Name: BENSON DEVELOPMENT, LLC Title: PRESIDENT
Mailing Address: P.O. Box 2331 City: Tomball State: Tx
Zip: 77377
Phone: (281) 932-1836 Fax: () _____ Email: will@bensondev.com

Owner

Name: Mustafa Mandiwala Profit Sharing Plan T Title: _____
Mailing Address: 12402 Normont Dr. City: Houston State: Tx
Zip: 77070
Phone: () _____ Fax: () _____ Email: MUSTAF4HRT@aol.com

Engineer/Surveyor (if applicable)

Name: Justin Ring Odyssey Engineering Title: _____
Mailing Address: 2560 Tanglewilde City: Houston State: Tx
Zip: 77063
Phone: (281) 306-0240 Fax: () _____ Email: Jring@odysseyeg.com

Description of Proposed Project: Single Family SF-6

Physical Location of Property: 0 Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 157, 161, & Tract 153A Tomball old lots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20

Current Use of Property: Undeveloped

Proposed Zoning District: SF-6

Proposed Use of Property: Single Family Residential

HCAD Identification Number: _____ **Acreage:** _____

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

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

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

X Mustafa Mandviwala 5-30-2017
Signature of Applicant Date
X Mustafa Mandviwala
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00984732 6/06/2017 4:19 PM
OPER: RP TERM: 005
REF#: M 1029

TRAN: 130.0000 PLANNING AND ZONING
0 cherri st
mustafa mandviwala
100-5441
REZONING APPLICATIO 530.00CR

TENDERED: 530.00 CHECK
APPLIED: 530.00-

CHANGE: 0.00

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

www.tomballtx.gov

BENSON
DEVELOPMENT LLC

May 30, 2017

Mrs. Amelia Lindley
501 James St.
Tomball, TX 77375

RE: +/-13.2 ac on Cherry St. Tomball, TX

Dear Mrs. Lindley;

This zone change request application seeks to re-zone property currently zoned SF-20 for SF-6 use. This request is consistent with the City's Comprehensive Land Use Plan. The proposed use is to build a residential subdivision of approximately 50-56 single family units.

Respectfully,

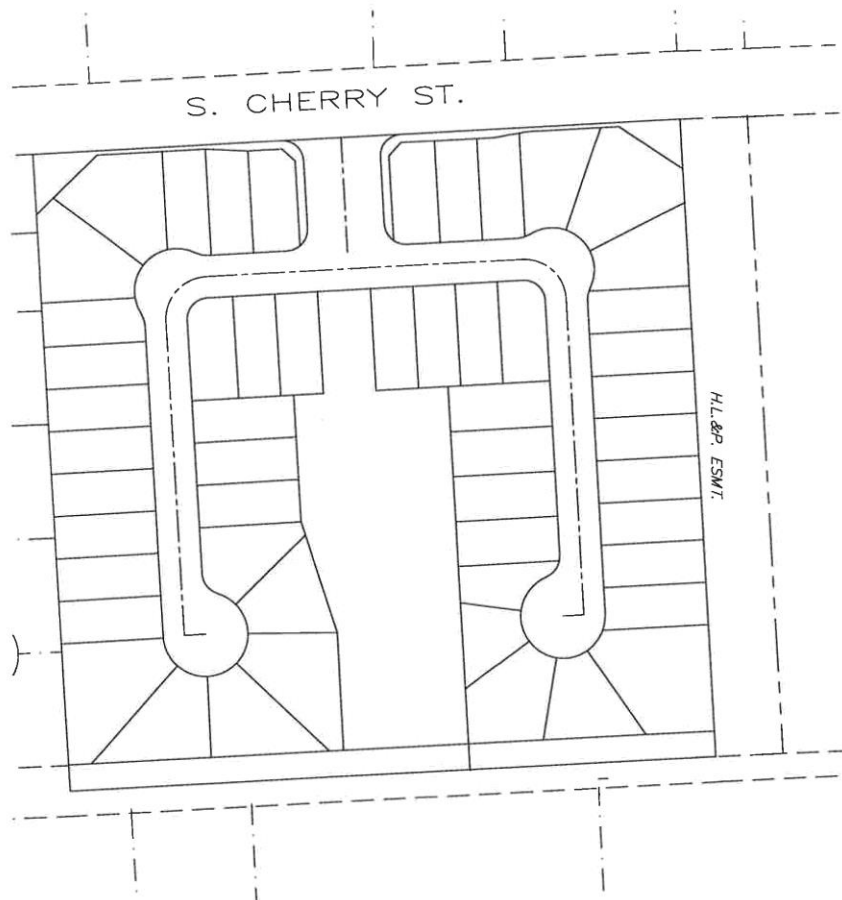


Will Benson
President

Benson Development, LLC

PO BOX 2331, Tomball, TX 77377

(281) 932-7836



Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Consideration to approve **Zoning Case P17-0069**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

- Conduct a Public Hearing on **Zoning Case P17-0069**
- Adopt, on First Reading, Ordinance No. 2017-22, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 11.7 Acres Of Land, Legally Described Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Single-Family 9 District To The Single-Family 6 District; Said Property Being Generally Located On The South Side Of East Hufsmith Road West Of Lovett Street; Providing For The Amendment Of The Official Zoning Map Of The City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On Monday, July 10, after conducting a public hearing, the Planning and Zoning Commission voted to recommend denial of case P17-0069 with one vote Aye and two votes Nay.

Origination:

Community Development Department

Recommendation:

Denial

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

P17-0069 Ordinance
Notice of Public Hearing
Property Owner Notification
Property Owner Response Forms

ORDINANCE NO. 2017-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 11.7 ACRES OF LAND, LEGALLY DESCRIBED TRACTS 71D, 73B, 76B, 80B & 83C TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 9 DISTRICT TO THE SINGLE-FAMILY 6 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HUFSMITH ROAD WEST OF LOVETT STREET; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Benson Development, LLC has requested that approximately 11.7 acres of land, legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road, west of Lovett Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Single-Family 6 District; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 9 District to the Single-Family 6 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family 6 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family 6 District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JULY 2017.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 8TH DAY OF AUGUST 2017.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 10, 2017
&
CITY COUNCIL
JULY 17, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 10, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 17, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0068: Request by Susan Alt for a Conditional Use Permit for an *accessory dwelling* at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

Zoning Case P17-0069: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

Zoning Case P17-0070: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **July 2017** by 5:00 p.m., and remained posted for at least 72 continuous

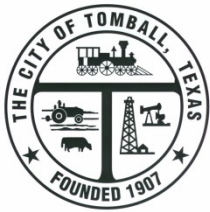
hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P17-0069

APPLICANT/OWNER: Benson Development, LLC

LOCATION: Generally located on the south side of East Hufsmith Road west of Lovett Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, from the Single-Family 9 District to the Single-Family 6 District.

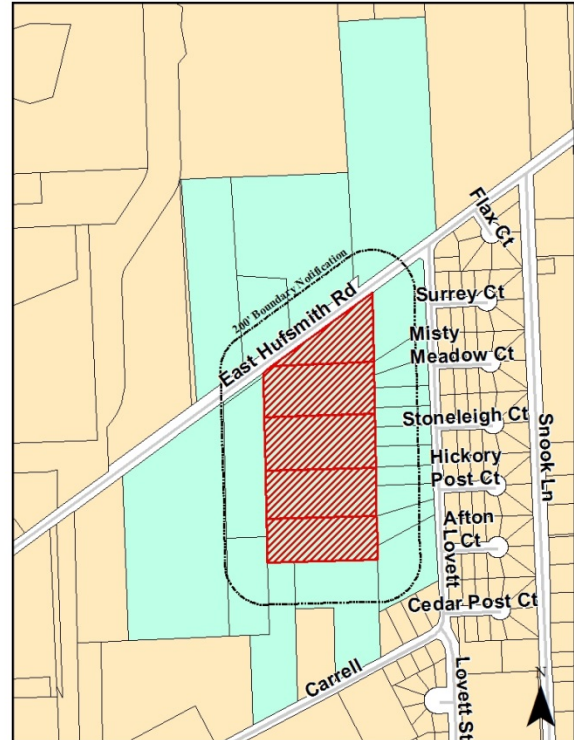
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, July 10, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, July 17, 2017, 6:00 PM**

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

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

Amelia Lindley

From: innkeepers@maplecreekbnb.com
Sent: Tuesday, July 11, 2017 11:15 AM
To: Amelia Lindley
Cc: innkeepers@maplecreekbnb.com
Subject: RE: Case Number: P17-0069 - Rezoning of 11.7 Acres

Amelia;

After reviewing the documents that you provided and having spoken with Mr. Benson, we as the owners of Maple Creek B&B, don't object to the proposed rezoning of the parcels in question as Mr. Benson assured us of the following:

- * That he is the developer of the beautiful Yaupon Trails neighborhood located west of us off of Brown Road;
- * That Mr. Benson intends to develop this new neighborhood in much the same way as Yaupon Trails with a neighborhood park in front of the neighborhood with a wet-bottom detention pond with fountain providing a natural park-like green space along side E Hufsmith Road;
- * That the homes he is working to have built in this neighborhood will be in excess of 1,200 square feet and will be on par with the homes that are in Yaupon Trails;
- * That the starting price on these new homes will be at or around \$260K each.

We, as the owners of Maple Creek Bed & Breakfast, won't be able to make it to the Planning & Zoning meeting this evening, so please accept this email as our voice of support of Mr. Benson in our stead.

Sincerely,

Michael & Rebecca Clark
Samuel & Katelyn Whisler
Maple Creek Bed & Breakfast
519 E Hufsmith
Tomball, Texas 77375
832-248-5232 Mobile

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

From: "Amelia Lindley" <alindley@tomballtx.gov>
Sent: Friday, July 7, 2017 12:50pm
To: "innkeepers@maplecreekbnb.com" <innkeepers@maplecreekbnb.com>
Subject: RE: Case Number: P17-0069 - Rezoning of 11.7 Acres

Please see the attached staff report and proposed property layout.

Thank you,

Amelia Lindley
Planner
Community Development Department

(281) 290-1410

www.tomballtx.gov/cd



From: innkeepers@maplecreekbnb.com [mailto:innkeepers@maplecreekbnb.com]

Sent: Friday, July 07, 2017 11:19 AM

To: Amelia Lindley

Cc: innkeepers@maplecreekbnb.com

Subject: Case Number: P17-0069 - Rezoning of 11.7 Acres

Amelia;

Could you please send us the presentation packet for this case that Benson Development has hopefully provided to the City of Tomball for use at this coming Monday's Planning and Zoning Commission meeting? We would like to review their plans before making a decision as to whether to support or oppose the proposed zoning change.

Thanks in advance for your time!

Michael & Rebecca Clark
Samuel & Katelyn Whisler
Maple Creek Bed & Breakfast
519 E Hufsmith
Tomball, Texas 77375
832-248-5232 Mobile



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

SANDRA METZ-Phillips

1169 Lovett
Tomball, Tx 77375

Sandra Metz-Phillips

7-3-2017

☒

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0069. (Please state reasons below)

☐

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0069. (Please state reasons below)

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

Monday, July 10, 2017 6:00 PM

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

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

Monday, July 17, 2017, 6:00 PM

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

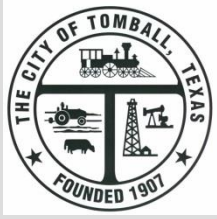
COMMENTS:

Tomball is growing and Taxes may go up.
But we ^{need} more housing for people
to move in.
Tomball is a very good family friendly
town.

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

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 10, 2017
City Council Public Hearing Date: July 17, 2017

Rezoning Case: P17-0069
Property Owner(s): David Smith
Applicant(s): Benson Development, LLC
Legal Description: Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots
Location: South side of East Hufsmith Road west of Lovett Street (Exhibit "A")
Area: Approximately 11.7 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 9 (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone to the Single-Family 6 District

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate / Single-family residences

South: Multi-family / Apartment complex

West: Single-family 9 / Single-family residence and undeveloped land

East: Single-family 9 and Duplex / Single-family and multi-family residences

BACKGROUND

City Staff met with the applicant to discuss the development of a single-family residential subdivision. A rezoning application was received in May 2017 for the subject site.

ANALYSIS

The subject site is approximately 11.7 acres and currently undeveloped. To the north, there are a few single-family residences on large lots. There are multiple single-family and multi-family residences to the south and east. To the west, there is one single-family residence and mostly undeveloped land.

The zoning districts in the area include Single-Family 20 Estate to the north, Single-Family 9 to the west, Single-Family 9 and Duplex to the east and Multi-family to the south.

The Future Land Use Map designates the property as Medium Density Residential which includes lots ranging from 6,000 to 20,000 square feet. Property to the west is also designated Medium Density Residential. Property to the north is Rural Residential, to the south is High Density Residential and to the east is Medium and High Density Residential.

ZONING CONSIDERATIONS

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

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

The uses that are permitted in the Single-Family 6 Zoning District appear to be appropriate with the immediate area. There is a similar residential development on the south side of East Hufsmith Road along Lovett Street and Snook Lane.

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

Adequate utilities are nearby to serve the property and will need to be extended at the developer's expense. The existing arterial street adjacent to the property can accommodate traffic generated by a Single-Family 6 District development. A traffic impact analysis will be required at the time of development which will determine if offsite traffic enhancements are needed for the adjacent roadways.

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

There is very little vacant property in the City that is zoned Single-Family 6, especially considering the size of the proposed development. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

There is not vacant land in the area of the subject site zoned Single-Family 6. There have been recent rezoning requests for the Single-Family 6 District.

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

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

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

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

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

The Future Land Use Map designates a majority of the property Medium Density Residential, which is intended for lots ranging from 6,000 to 20,000 square feet. The Comprehensive Plan also outlines goals for the need for “a wide variety of housing products” and “higher density residential development adjacent to or in close proximity to high capacity roadways and multimodal facilities”. The development will also be located in close proximity to a Broussard Community Park which will encourage pedestrian linkages to public facilities, another goal of the Comprehensive Plan. The request would meet the goals of the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 23, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on June 28, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P17-0069 for the following reasons:

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

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

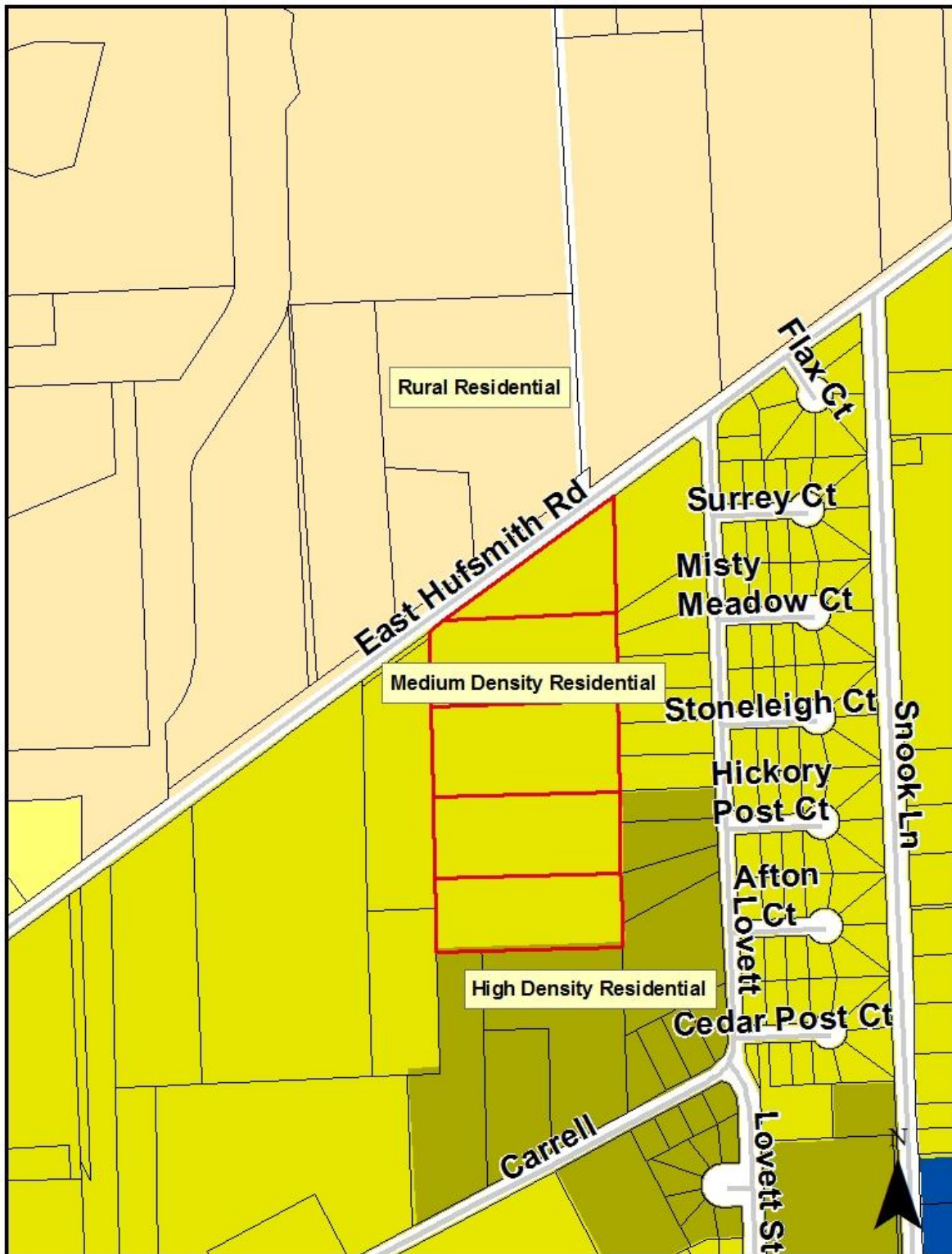
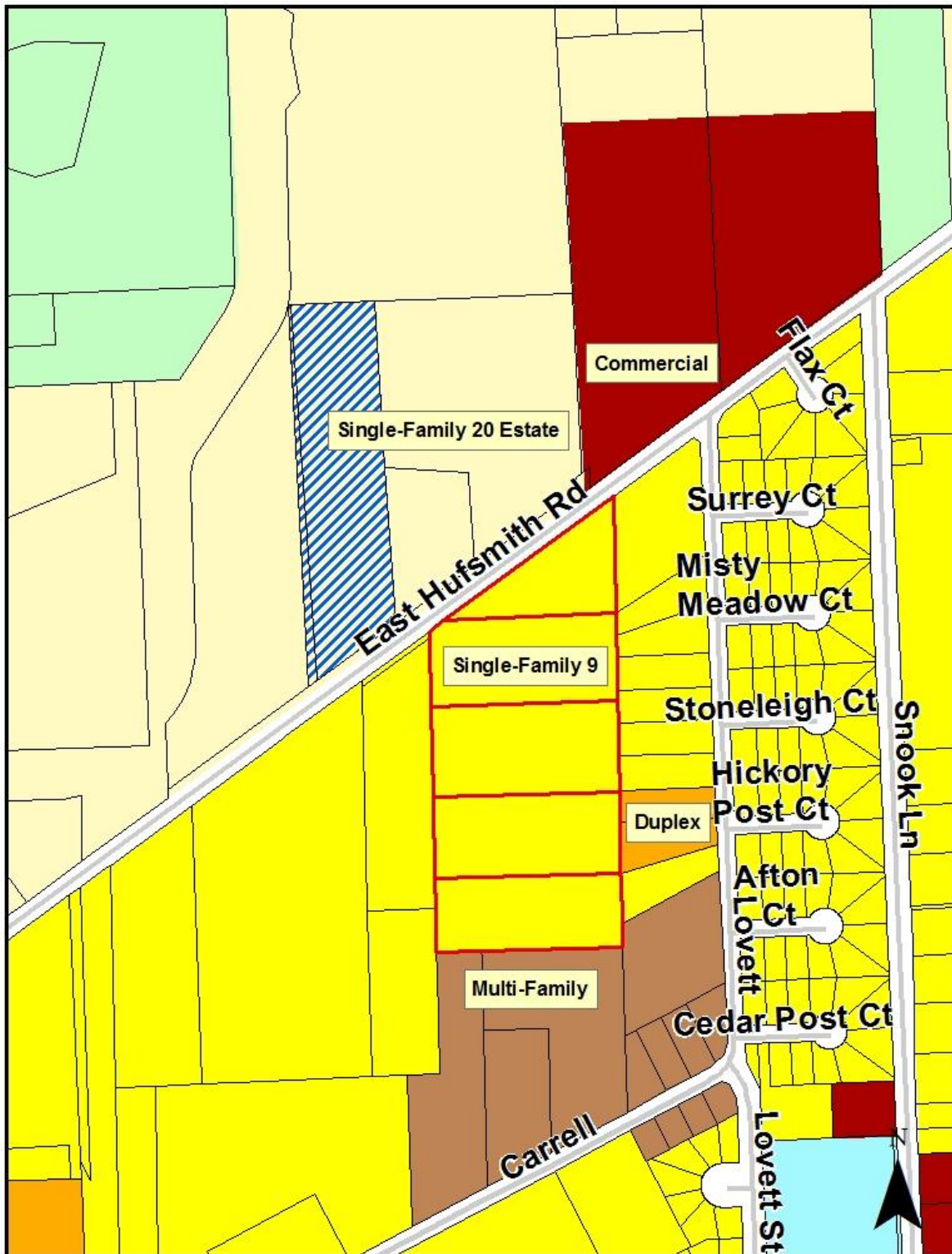


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Application



P17-0069
APPLICATION FOR REZONING
Community Development Department
Planning Division



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

Applicant

Name: Benson Development, LLC Title: _____
Mailing Address: P.O. Box 2331 City: Tomball State: TX
Zip: 77375
Phone: (281) 932-7836 Fax: (____) _____ Email: will@bensondev.com

Owner

Name: David Smith Title: _____
Mailing Address: 6801 Linkway St. City: San Antonio State: TX
Zip: 78240
Phone: (210) 771-7398 Fax: (____) _____ Email: papa.lotedave@sbcglobal.net

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Single Family SF-6

Physical Location of Property: +/- 11.7 Acres located at 818 E. Hufsmith Rd. Tomball, TX

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

Legal Description of Property: Tracts 71D, 73B, 76B, 80B, & 83C Tomball Outlots

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

Current Zoning District: SF-9

Current Use of Property: Undeveloped

Proposed Zoning District: SF-6

Proposed Use of Property: Single Family Residential Subdivision

HCAD Identification Number: See Below Acreage: Total +/- 11.7 acres

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

www.tomballtx.gov

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

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

<u>X</u> 	<u>5.23.2017</u>
Signature of Applicant	Date
<u>X</u> 	<u>5/25/17</u>
Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00984495 6/05/2017 8:47 AM
OPER: LS TERM: 005
REF#: W 1030

TRAN: 130.0000 PLANNING AND ZONING
BENSON DEV. 818 E. HUFSMITH RD
100-5441
REZONING APPLICATIO 510.00CR

TENDERED: 510.00 CHECK
APPLIED: 510.00-

CHANGE: 0.00

BENSON

DEVELOPMENT LLC

May 30, 2017

Mrs. Amelia Lindley
501 James St.
Tomball, TX 77375

RE: +/-11.75 ac on Hufsmith Rd. Tomball, TX

Dear Mrs. Lindley;

This zone change request application seeks to re-zone property currently zoned SF-9 for SF-6 use. This request is consistent with the City's Comprehensive Land Use Plan. The proposed use is to build a residential subdivision of approximately 46-48 single family units.

Respectfully,



Will Benson
President

Benson Development, LLC

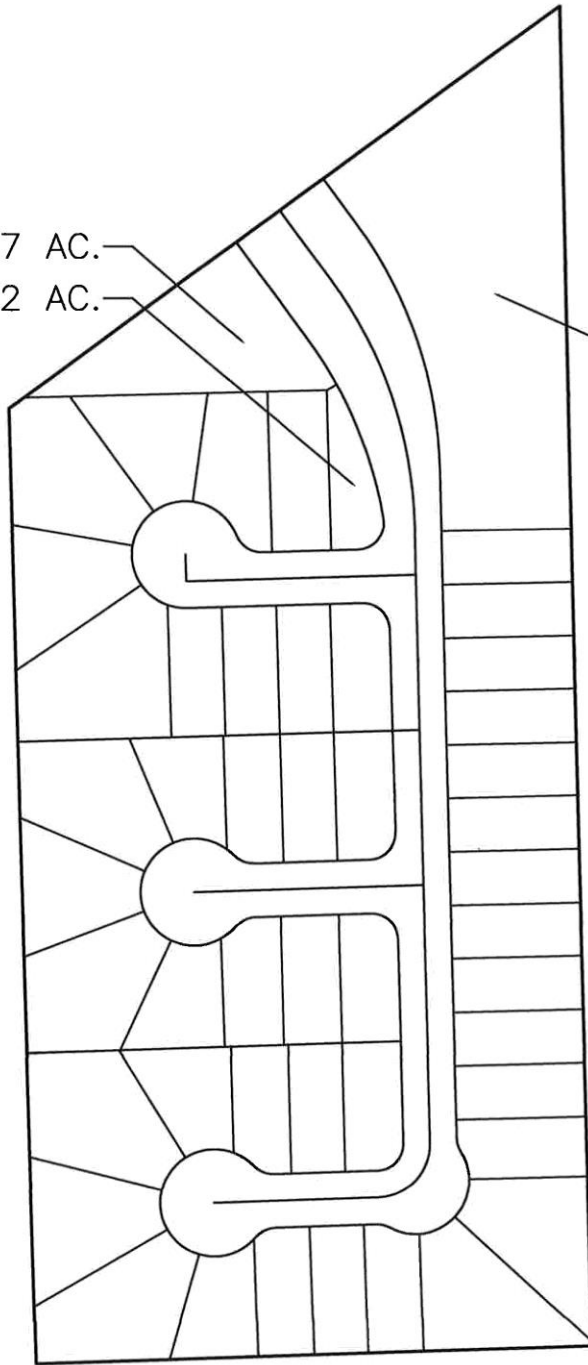
PO BOX 2331, Tomball, TX 77377

(281) 932-7836

0.47 AC.

0.12 AC.

1.53 AC.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Consideration to approve **Zoning Case P17-0068**: Request by Susan Alt for a Conditional Use Permit for an accessory dwelling at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P17-0068**
- Adopt, on First Reading, Ordinance No. 2017-23, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (Cup) to Susan Alt to Operate an "Accessory Dwelling" at 202 Florence Street; Said Property Being Approximately 0.11 Acres, and Being Legally Described as Lot 2 Block 24 Tomball Outlots, Harris County, Texas, Generally Located on the North Side of Florence Street between Cherry Street and Walnut Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability.

Background:

On Monday, July 10, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of case P17-0068.

Origination:

Community Development Department

Recommendation:

Approval

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

Ordinance 2017-23
Notice of Public Hearing
Property Owner Notification
P17-0068 Staff Report

ORDINANCE NO. 2017-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO SUSAN ALT TO OPERATE AN “ACCESSORY DWELLING” AT 202 FLORENCE STREET; SAID PROPERTY BEING APPROXIMATELY 0.11 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 2 BLOCK 24 TOMBALL OUTLOTS, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE NORTH SIDE OF FLORENCE STREET BETWEEN CHERRY STREET AND WALNUT STREET; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Susan Alt has requested a CUP to operate an “accessory dwelling” on approximately 0.11 acres of land, legally described Lot 2 Block 24 Tomball Outlots, Harris County, Texas, generally located on the north side of Florence Street, between Cherry Street and Walnut Street, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

Section 2. A CUP to operate an “accessory dwelling” at the Property and subject to the terms and conditions set forth below is hereby granted to Susan Alt.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

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

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JULY 2017.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF AUGUST 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 10, 2017
&
CITY COUNCIL
JULY 17, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 10, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 17, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0068: Request by Susan Alt for a Conditional Use Permit for an *accessory dwelling* at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

Zoning Case P17-0069: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

Zoning Case P17-0070: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **July 2017** by 5:00 p.m., and remained posted for at least 72 continuous

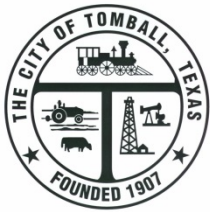
hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P17-0068

APPLICANT/OWNER: Susan Alt

LOCATION: Generally located on the north side of Florence Street between Cherry Street and Walnut Street

PROPOSAL: A Conditional Use Permit for an *accessory dwelling* at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, and is zoned Single-Family 6 District.

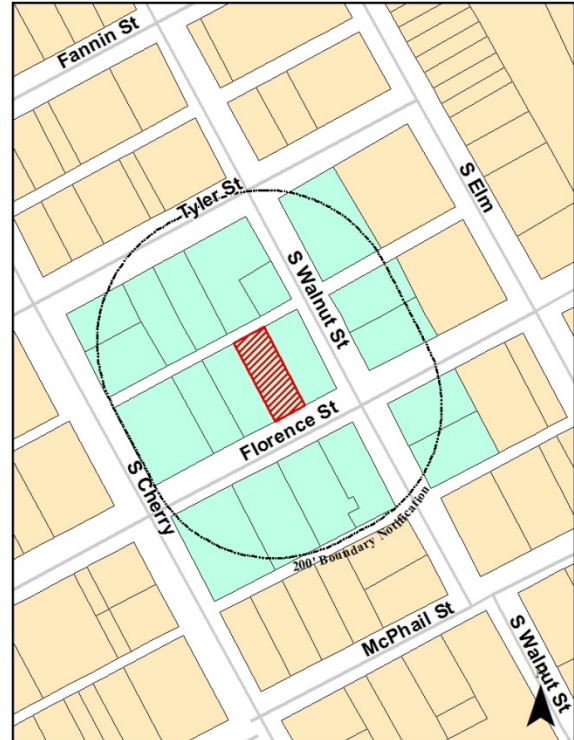
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:**

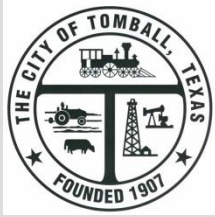
Monday, July 10, 2017, 6:00 PM

City Council Public Hearing:

***Monday, July 17, 2017, 6:00 PM**

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

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



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: July 10, 2017
City Council Public Hearing Date: July 17, 2017

Rezoning Case: P17-0068
Property Owner(s): Nancy Bandy
Applicant(s): Susan Alt
Legal Description: Lot 2 Block 24 Tomball Outlots
Location: North side of Florence Street between Cherry Street and Walnut Street at 202 Florence Street (Exhibit "A")
Area: 0.11 acres (5,000 square feet)
Comp Plan Designation: Old Town Use (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Single-family residence (Exhibit "D")
Proposed Use(s): 288 Square Foot Accessory Dwelling
Request: Conditional Use Permit (CUP) to allow the operation of an *accessory dwelling*

Adjacent Zoning & Land Uses:

North: Single-Family 6 / Single-family residence
South: Single-Family 6 / Single-family residence
West: Single-Family 6 / Single-family residence
East: Single-Family 6 / Single-family residence

BACKGROUND

City Staff met with the applicant in May 2017. The applicant explained the desire for a 288 square foot accessory dwelling on a lot belonging to a family member. Staff explained that a Conditional Use Permit (CUP) would need to be presented to the Planning & Zoning Commission and approved by City Council.

ANALYSIS

Section 50-82(b) (*Use Charts*) allows accessory dwellings by-right in the Agricultural, Single-Family 20 Estate, Single-Family 9 and Old Town & Mixed Use Districts.

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate

the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as Old Town Use. The purpose of Old Town Use is to preserve the eclectic and historic ambiance and charm of Tomball. It is understood that as Tomball continues to evolve, neighborhood revitalization and housing modifications will become more predominate.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

According to Section 50-71, “the Single-Family 6 District is intended to provide for development of primarily low-density detached, single-family residences”. An accessory dwelling may be allowed as a subordinate building to the main structure with the approval of a Conditional Use Permit.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review.

The accessory dwelling must be clearly a subordinate building, detached from the primary structure and may not be used to conduct business. The applicant has proposed a 12’ x 24’ (288 square feet) building (Exhibit “F”). According to Harris County Appraisal District, the primary structure is 896 square feet.

- 4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

The proposed use appears to be compatible with the adjacent developments and will not diminish the unique character of old town Tomball.

- 5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 23, 2017. A sign was placed on the property and Notice of Public Hearing was published in the paper on June 28, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P17-0068.

EXHIBITS

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

Exhibit "A"
Aerial Photo

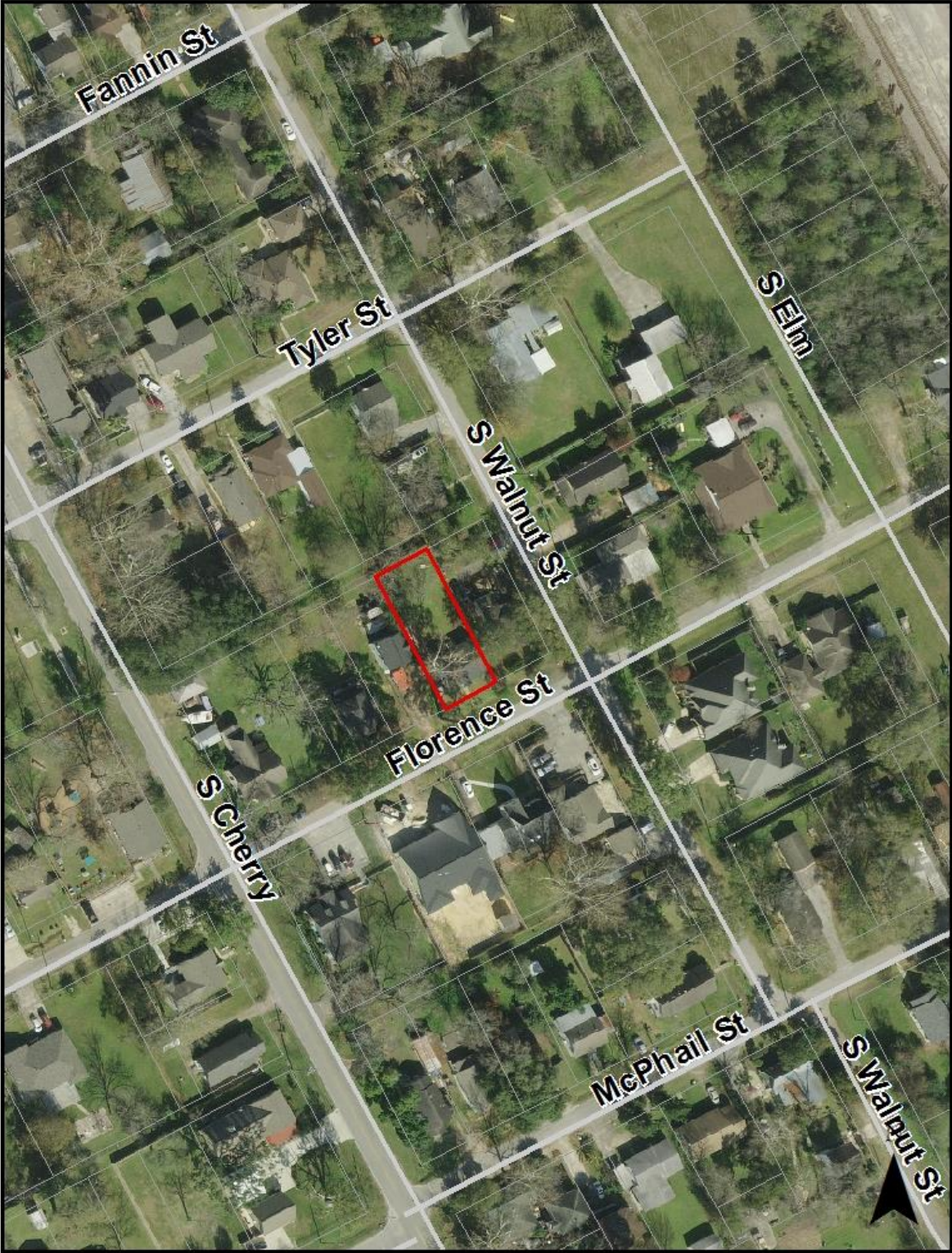
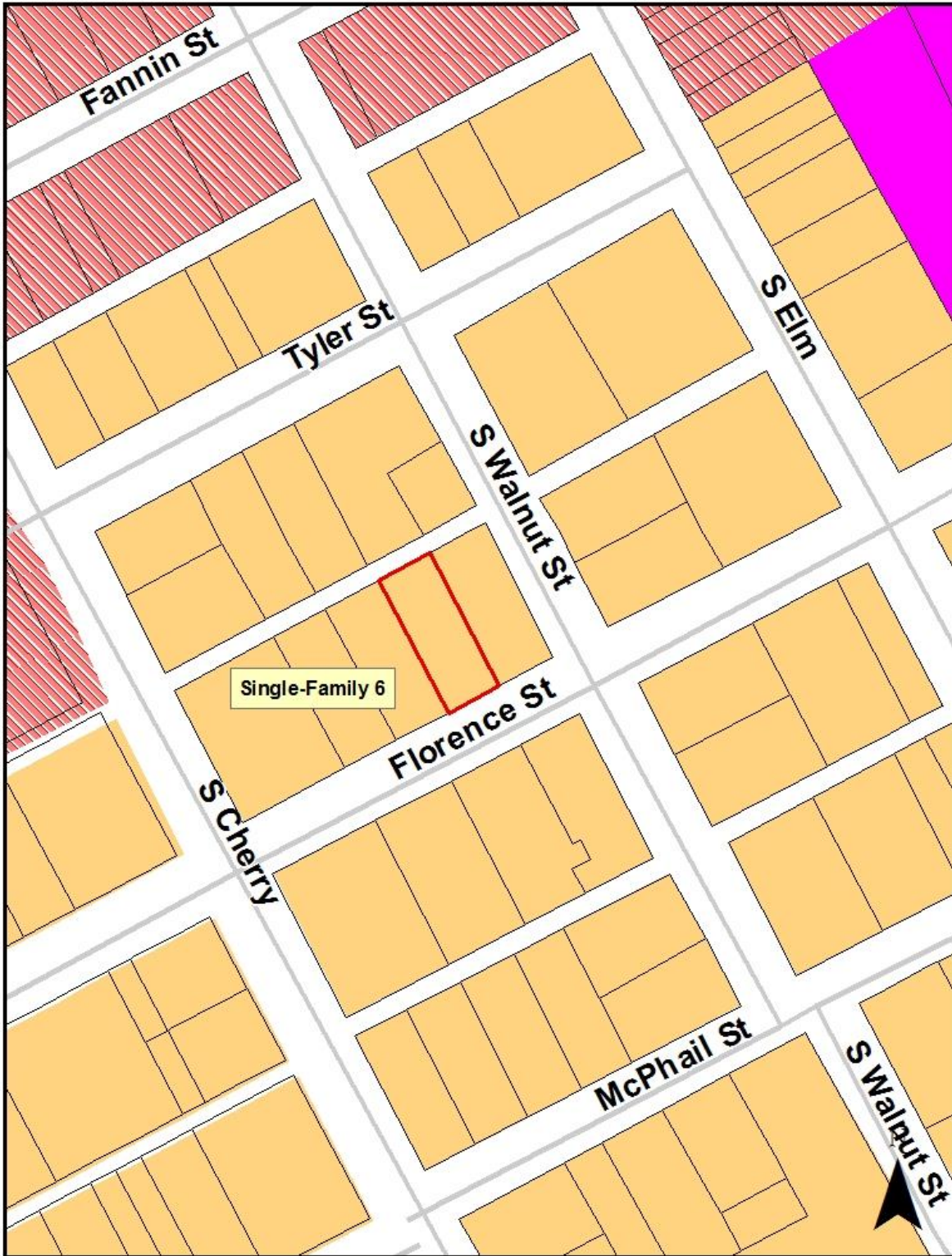


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

Revised 5/19/15



P17-0068
APPLICATION FOR
CONDITIONAL USE PERMIT
Community Development Department
Planning Division



A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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

Applicant

Name: Susan Alt Title: _____
Mailing Address: 554 Maple Street City: Wyandotte State: Mi
Zip: 48192
Phone: (734) 308-4407 Fax: (____) _____ Email: suealtswim@gmail.com

Owner

Name: Nancy Bandy Title: _____
Mailing Address: 205 Florence City: Tomball State: Tx
Zip: 77375
Phone: (310) 827-0173 Fax: (____) _____ Email: nancysnotty@gmail.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: 12x24 Habitable guest space

Physical Location of Property: Florence/Walnut - 50 feet
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 202-0003 see plat map
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: 5000 sf

Current Use of Property: Private Residence single family

Proposed Use of Property: Private Residence single family

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

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

X Susan Alt 5/30/2017
Signature of Applicant Date

X [Signature] 5-30-17
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00984060 5/31/2017 11:11 AM
OPER: RP TERM: 005
REF#: W 447

TRAN: 130.0000 PLANNING AND ZONING
202 FLORANCE
NANCY BANDY
100-5442

City of Tomball, Texas 501

CONDITIONAL USE PER 600.00CR

www.tomballtx.gov

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00

Community Development Department

Planning Division:

I am requesting authorization to build a 12 x 24 foot single level building on the property located at 202 Florence in Tomball. The building will include a laundry, bath and living area and will replace an existing garage and laundry that measures 10 x 23 feet. The existing building is in bad shape and the new building will be designed to match the home and surrounding area.

I wish to use this habitable space as a guest house as I enjoy extended visits with my sister (the property owner, Nancy Bandy). My permanent residence is in Wyandotte, Michigan. The building will not be rented.

Thank you sincerely,

Susan Alt

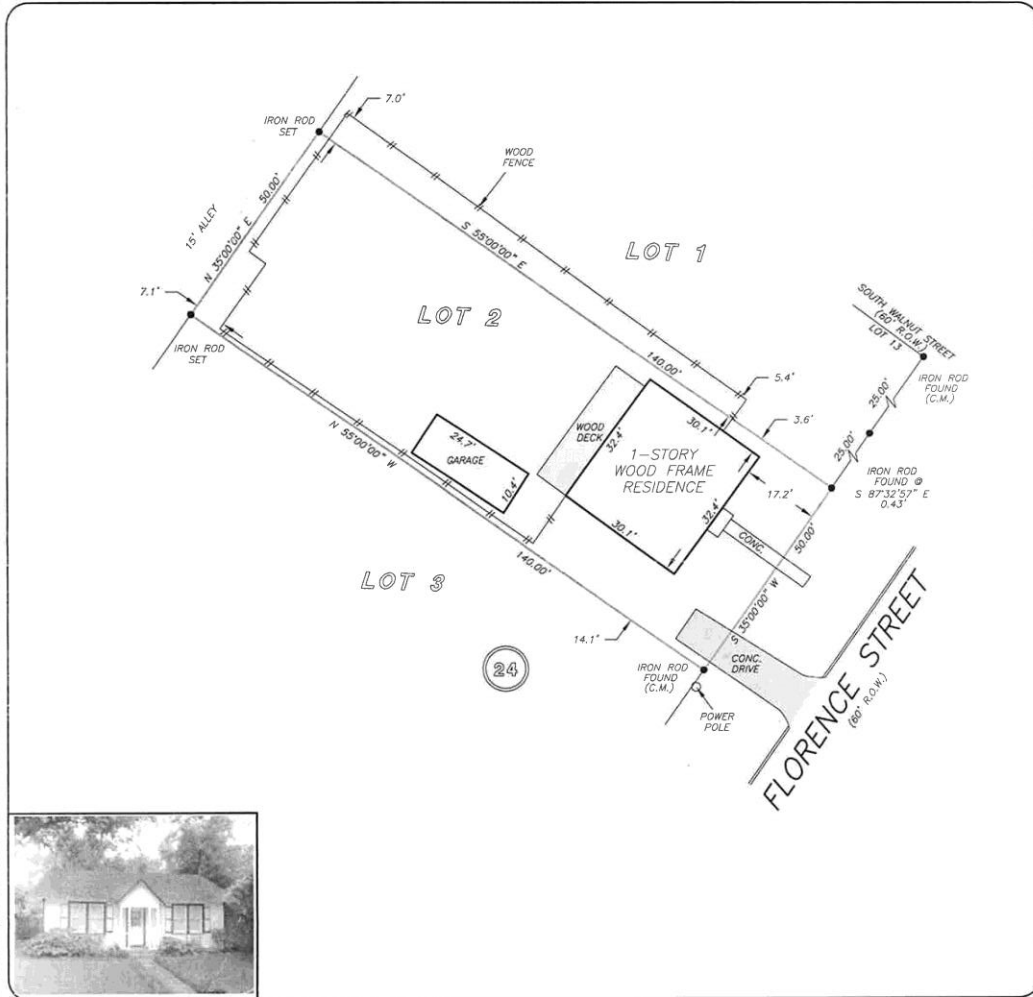
734-308-4407

A handwritten signature in cursive script that reads "Susan alt". The signature is written in black ink and is positioned below the printed name and phone number.

GF NO. 07121130 STEWART TITLE
 ADDRESS: 202 FLORENCE STREET
 TOMBALL, TEXAS 77375
 BORROWER: NANCY BANDY

LOT 2, BLOCK 24 TOMBALL

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 2, PAGE 36 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS



THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 FEMA NO. 48201C 0230 L
 MAP DIVISION, 6/18/2007
 /DNB X
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY

A SURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

RECORD BEARING: ASSUMED BASIS OF BEARINGS

DRAWN BY: AL

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCROACHMENTS APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 CERTIFIED FOR THIS TRANSACTION ONLY AND
 ABSTRACTING PROVIDED IN THE ABOVE
 REFERENCED TITLE COMMITMENT WAS RELIED
 UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH
 PROFESSIONAL LAND SURVEYOR
 NO. 4981
 JOB NO. 07-07781
 JUNE 25, 2007



stewart
 title
 MARY ELLEN LOGSDON
 281-357-8277

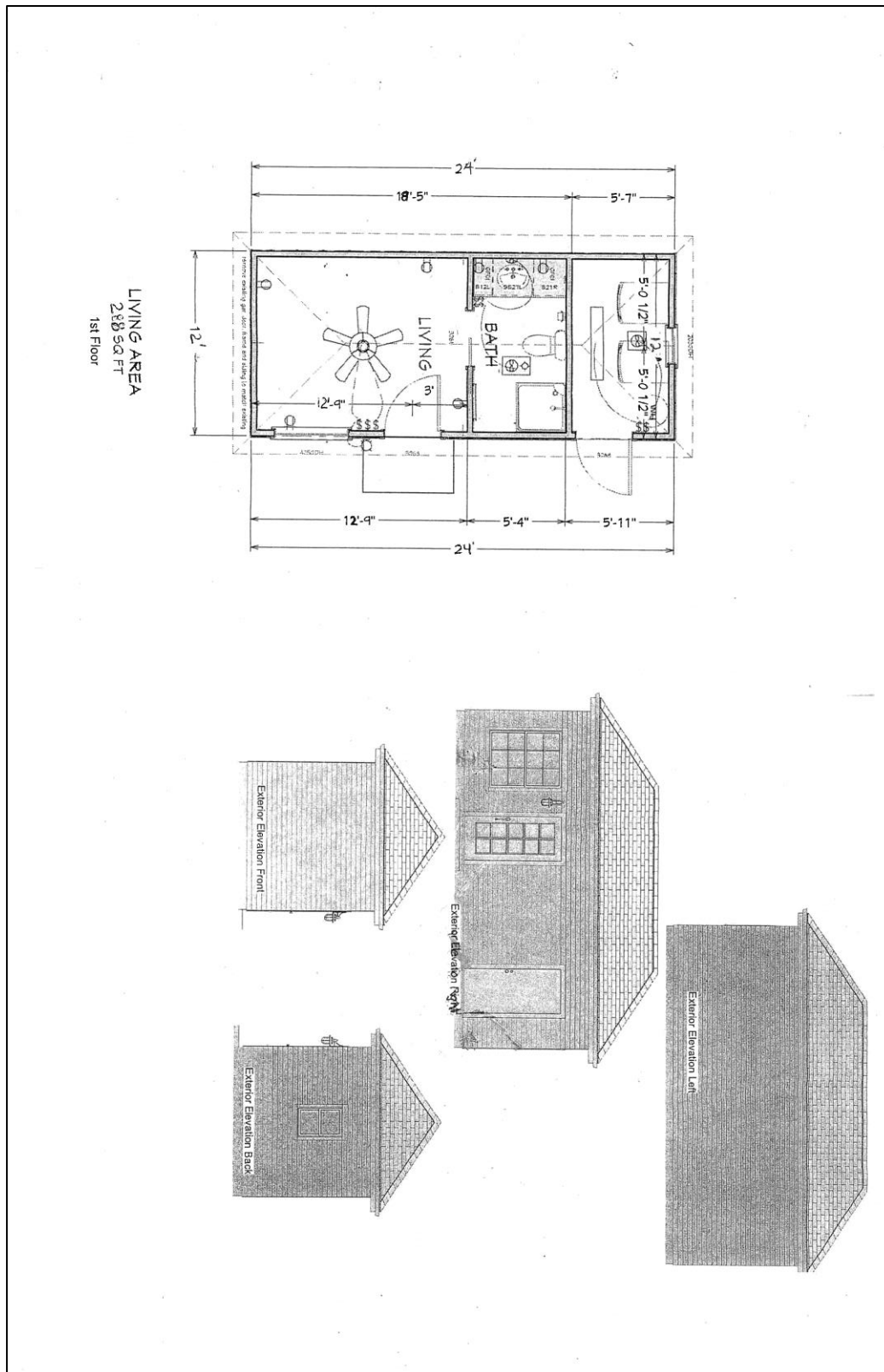


PRECISION SURVEYORS, INC.

1-800-LANDSURVEY 281-496-1586
 1-800-526-3787 FAX 281-496-1867
 14925 MEMORIAL DRIVE SUITE 8100 HOUSTON, TEXAS 77079

FORM 8/2005

Figure "F"
Concept Plan



Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 17, 2017

Topic:

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

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session.

Background:

Origination:

City Manager

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 17, 2017

Topic:

Void the Awarding of Contract for Bid No. 2017-03, Sale of Improvements Located at 114 Fannin Street, to Rodney K. Hutson, in the Amount of \$100 and Lot 10, Block 5 of Tomball Outlots with Contingencies

Background:

In an effort to sell the improvements at 114 Fannin St. and remove them from the property for the expansion of the Railroad Museum, the City solicited bids to secure the most favorable pricing. In addition to standard bid advertising, bid packets were made available at the Public Works Administration Building and one qualified bid was received from Rodney K. Hutson. The qualified bid was for \$100.00 and the property is located at Lot 10, Block 5 of Tomball Outlots on Fannin Street for the house.

The bid received was contingent upon the following items:

- Board of Adjustments granting a variance request to move the house to 121 W. Main Street. If approval is received the house was to be moved within 60 days.

The City would complete the asbestos abatement of the house prior to moving; the window casings would be left and the windows removed. Bidder would be responsible for obtaining all appropriate permits as well as any expenses incurred for the house moving.

Council awarded the contract to Rodney Hutson on November 21, 2016, with the above contingencies. Dr. Hutson has failed to execute a contract with the City for the sale of improvements and has not met the terms and conditions prescribed. Staff's recommendation is that Council void awarding of the contract and authorize City staff to proceed with demolition and removal of the improvements located at 114 Fannin Street.

Origination:

City Manager

Recommendation:

Void awarding of the contract and authorize City staff to proceed with demolition and removal of the improvements located at 114 Fannin Street

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:

Bid Tabulation
Contract
Map and HCAD Information

Bid Number 2017-03 - Sale of Improvements located at 114 Fannin Street

Bid Tabulation

Name:Rodney Hutson

Bid Bond Submitted	Offer Price	Special Notes
Cashier Check	Exchange Lot 10, Block 5 of Fannin Street and \$100	NONE

CONTRACT FOR REMOVAL AND SALE OF STRUCTURE

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF HARRIS §

This Contract For Removal of and Sale of Structure is made and entered into by and between the City of Tomball, Texas, a municipal corporation located in Harris County, hereinafter called "City," acting by and through its duly authorized representative, and **Rodney K. Huston**, hereinafter called "Contractor."

* * * * * * * * * * *

WHEREAS, the City is the owner of a tract of land known as 114 Fannin Street, Tomball, Texas (the "Property"), upon which there exists a residential structure that the City desires to have removed; and

WHEREAS, Contractor desires to move or remove the structure; now, therefore,

For and in consideration of the mutual obligations contained herein, City and Contractor agree as follows:

1. The Contractor shall remove the structure and restore the surface of the Property within 60 days of the effective date of this Contract.
2. Contractor shall pay the City the sum of \$100.00 as well as transfer Lot 10, Block 5 of Fannin Street, for the structure. Contractor shall take the structure "as is"; the City provides no warranties as to the condition or usability of the structure.
3. Contractor agrees to release and hold harmless City its officers, agents and employees, from and against any claim for damage to all or any portion of the Property incident to the removal of the residential structure as set forth herein.

The term of this Contract shall be for a period of one (1) year, commencing on the date of execution hereof, but shall terminate immediately upon completion of the removal process and the restoration of the land. Notwithstanding the foregoing, the provisions of paragraph "3" above shall survive termination of this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract on this the _____ day of _____ 2016, and further state that this Contract constitutes the entire agreement between the parties.

CITY OF TOMBALL, TEXAS:

George Shackelford, City Manager

ATTEST:

Doris Speer, City Secretary

CONTRACTOR:

(Printed Name)



HCAD Parcel Viewer

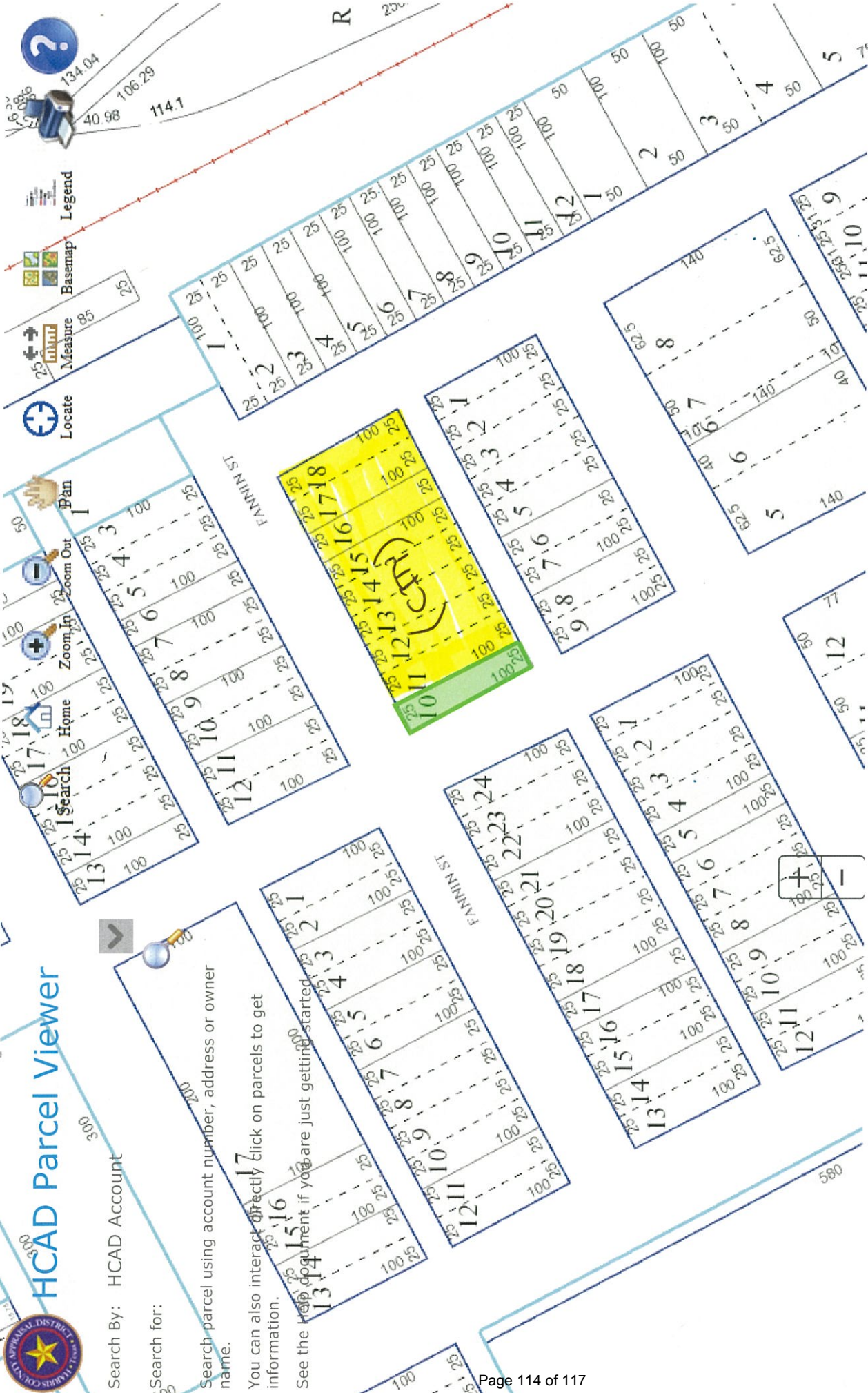
Search By: HCAD Account

Search for:

Search parcel using account number, address or owner name.

You can also interact directly. Click on parcels to get information.

See the Help document if you are just getting started.



Thursday, November 17, 2016

Tax Year: 2016

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352570050010

 **Print**  **E-mail**

Ownership History

Owner and Property Information

Owner Name & Mailing Address: **HUTSON RODNEY K MD PA
PROFIT SHARING TRUST
9431 ROSIE LN STE 100
MAGNOLIA TX 77354-3706**

Legal Description: **LT 10 BLK 5
TOMBALL**

Property Address: **0 FANNIN ST
TOMBALL TX 77375**

State Class Code

C1 -- Real, Vacant Lots/Tracts (In City)

Land Use Code

1000 -- Residential Vacant

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
2,500 SF	0 SF	2593.04	26015	400 -- ISD 26 - Tomball ISD	4771B	288H

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	04/08/2016	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2015 Rate	2016 Rate	Online Tax Bill
None	026	TOMBALL ISD		Supplemental: 11/04/2016	1.340000	1.340000	View
	040	HARRIS COUNTY		Supplemental: 11/04/2016	0.419230	0.416560	View
	041	HARRIS CO FLOOD CNTRL		Supplemental: 11/04/2016	0.027330	0.028290	View
	042	PORT OF HOUSTON AUTHY		Supplemental: 11/04/2016	0.013420	0.013340	View
	043	HARRIS CO HOSP DIST			0.170000	0.171790	View

Thursday, November 17, 2016

044	HARRIS CO EDUC DEPT	Supplemental: 11/04/2016	0.005422	0.005200	View
045	LONE STAR COLLEGE SYS	Supplemental: 11/04/2016	0.107900	0.107800	View
083	CITY OF TOMBALL	Supplemental: 11/04/2016	0.341455	0.341455	View
679	HC EMERG SERV DIST 8	Supplemental: 11/04/2016	0.100000	0.095470	View

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

Valuations				
Value as of January 1, 2015			Value as of January 1, 2016	
	Market	Appraised	Market	Appraised
Land	10,660	Land	10,000	
Improvement	0	Improvement	0	
Total	10,660	10,660 Total	10,000	10,000
5-Year Value History				

Land				
Market Value Land				
Line	Description	Site Code	Unit Type	Units
1	1000 -- Res Vacant Table Value	SF5	SF	2,500
			Size Factor	1.64
			Appr O/R Factor	0.65
			Appr O/R Reason	Shape or Size
			Total Adj Price	1.07 4.00
			Adj Unit Price	4.26 10,660.00
			Value	

Building
Vacant (No Building Data)

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 17, 2017

Topic:

Authorize City Attorney to Proceed with Claim and Possible Litigation Against 20.nine.20 for Failure to Perform Proper Repairs to Fire Department Brush Truck and for Return of Funds Paid by City for Agreed-Upon Repairs

Background:

Origination:

City Manager

Recommendation:

N/A

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

ACTION TAKEN

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