

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



WEDNESDAY, JULY 5, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Wednesday, July 5, 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 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 Gary Aaron, Victory Baptist 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 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 – Report on the **Tomball July 4th Celebration & Street Festival**

6.0 Approve the Minutes of the June 19, 2017 Regular Tomball City Council Meeting and the June 19, 2017 Special Tomball City Council Meeting

7.0 Old Business:

7.1 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

7.2 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

7.3 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

8.0 New Business:

- 8.1 Appoint Independent Auditors for the Fiscal Years Ending September 30, 2017 through September 30, 2021.
- 8.2 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.

9.0 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 29th day of June 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 5, 2017

Topic:

- Led by Pastor Gary Aaron, Victory Baptist 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 5, 2017

Topic:

- **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 – Report on the **Tomball July 4th Celebration & Street Festival**

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 5, 2017

Topic:

Approve the Minutes of the June 19, 2017 Regular Tomball City Council Meeting and the June 19, 2017 Special Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

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

City Secretary

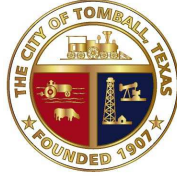
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Draft Minutes of the June 19, 2017 Regular Tomball City Council Meeting

Draft Minutes of the June 19, 2017 Special Tomball City Council Meeting

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



MONDAY, JUNE 19, 2017

6:00 P.M.

1.0 Call to Order

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

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Fire Marshal – Joe Sykora
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
City Engineer – Beth Jones
Executive Director-TEDC – Kelly Violette
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Police Corporal – Brandon Patin

2.0 The invocation was led by Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce.

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

4.0 The following public comments were received:

William A. Roper 912 W. Main, 77375	- Requested consideration to reduce number of times the City cuts grass; to reduce the use of concrete by using iron ore instead; and to repair/rehabilitate the sidewalks down Main Street, with additional ramps, curbs, and crosswalks.
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5.0 Reports and Announcements:

- ***TOMBALL KID'S CLUB*** – June 20, 23, 27 and 30 and 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.
- ***June 22, 2017 – 9th Annual Economic Outlook Luncheon*** – sponsored by the Tomball Economic Development Corporation at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- July 4, 2017 – **Tomball July 4th Celebration & Street Festival**
- August 26, 2017 – **Tomball Texas Music Festival**
- September 23, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - George Shackelford reported that the Finance Department has received the **GFOA Distinguished Budget Award** for the ninth year.
 - Kelly Violette reported that she and Tiffani Wooten have received their **Certified Economic Developer** Certification from the International Economic Development Council and the Tomball Economic Development Corporation has received the 2016 Certificate of Achievement for Economic Excellence, awarded by the Texas Economic Development Council.

6.0 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Minutes of the June 5, 2017 Regular Tomball City Council Meeting and the June 5, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to their respective positions as members of the Tomball Economic Development Corporation, for New Terms Expiring May 31, 2019.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) 2017-2018 Strategic Work Plan.

Motion carried unanimously.

- 7.3 City Council received the Tomball Economic Development Corporation (TEDC) 2016-2017 Annual Report, as presented by Kelly Violette.

No action necessary.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept the donation of a 0.1173-Acre Tract (5,109 Square Feet) of Land via Special Warranty Deed from Lone Oak Holdings, LLC for Zion Road/Hufsmith Road Intersection Access to Broussard Community Park.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Interlocal Agreement between the City of Tomball and Concordia Lutheran High School (CLHS), affording the Tomball Police Department the Ability to Assign One (1) Student Resource Officer (SRO) to CLHS Campus.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Five (5) Student Resource Officers (SROs) to TISD Campuses.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve an Agreement to Provide Water Service and Interconnect between HMW Special Utility District and the City of Tomball for the Red Oak Terrace Subdivision

Motion carried unanimously.

- 7.8 Consideration to Approve **Zoning Case P17-0062**: Request by the City of Tomball to amend Section 50-80 (Planned Development District) of the Tomball Code of Ordinances in regards to patio home developments.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0062** to order at 6:36 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-17 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-17, 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.

- 7.9 Consideration to Approve **Zoning Case P17-0059**: Request by Hogan Crum LLC for a Conditional Use Permit to operate a reception venue on approximately 2.5 acres, legally described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, generally located on the north side of East Hufsmith Road at Lovett Street and is zoned Single-Family 20 Estate District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0059** to order at 6:54 p.m. The following comments were received:

Bill Sumner 12321 Zion Road, 77375	-	Expressed his opposition to the proposed zoning change.
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| Mike Clark
519 E. Hufsmith, 77375 | - | Expressed his support for the proposed zoning change. |
| Paul Garcia
13803 Sherburn, 77429 | - | Expressed his opposition to the proposed zoning change. |
| Dane Dunagin
535 E. Hufsmith, 77375 | - | Expressed his support for the proposed zoning change. |

Receiving no additional comments, Mayor Fagan closed the Public Hearing at 7:04 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-18 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. 2017-18, 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.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll *, to adopt, on First 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, with the additional requirements to the CUP of ten (10) trees being planted instead of five (5) on each side and a 100-ft. setback on the north side. 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, as AMENDED, carried unanimously.

- 7.10 Consideration to Approve **Zoning Case P17-0057**: Request by Rene Rodriguez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6.5 acres of land from the Commercial District to the Single-Family 6 District and approximately 95.7 acres of land from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 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.) generally located on the south side of Theiss Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0057** to order at 7:39 p.m. The following comments were received:

Bill Sumner 12321 Zion Road, 77375	-	Expressed his opposition to the proposed zoning change.
Dennis Faske 12815 Pine Meadows, 77375	-	Expressed his opposition to the proposed zoning change.
Raymond Kocian 2014 Scotch Pine, 77375	-	Expressed his opposition to the proposed zoning change.

Receiving no additional comments, Mayor Fagan closed the Public Hearing at 7:47 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2017-19 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-19, 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 4L 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. 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>Nay</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-12, a Resolution of the City Council of the City of Tomball, Texas, Rescheduling and Setting the Date of the First Regular Council Meeting of July 2017, per Section 2-22 Rules of Procedure, Code of Ordinances, and Section 6.12, Home Rule Charter, and setting Wednesday, July 5, 2017 as the date for the first Council meeting in July 2017.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

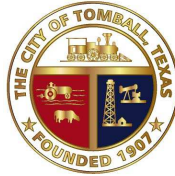
PASSED AND APPROVED this the 5th day of July 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS

MONDAY, JUNE 19, 2017



4:00 P.M.

1.0 Call to Order

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

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Escused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Public Works – David Esquivel
IT Manager – Doug Tippey
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire
Police Corporal – Brandon Patin

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 4:00 p.m.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of July 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 5, 2017

Topic:

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

Background:

On Monday, June 12, 2017, after conducting a public hearing, the Planning and Zoning Commission voted to recommend denial of case P17-0062 with 3 votes Nay and one vote Aye.

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
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ATTACHMENTS:

Ordinance No. 2017-17
P17-0062 Staff Report

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.

* * * * *

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

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

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

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

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

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

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

Section 2. Section 50-80(d)(1) is hereby amended by removing the following:

~~(1) Minimum acreage. The minimum acreage for a planned development request for a patio homes/zero lot line single family residential dwelling unit complex shall be four acres.~~

Section 3. Section 50-80(d)(2)(a) of the Code of Ordinances is hereby amended by the following:

a. Maximum density is ten dwelling units per acre with each having a minimum of ~~1,400~~ 900 square feet of living area.

Section 4. Section 50-80(d)(4) of the Code of Ordinances is hereby amended by the following:

(4) *Maximum height.* Maximum height is two stories, or ~~25-35~~ feet in total height, including gables.

Section 5. Section 50-80(d)(5) of the Code of Ordinances is hereby amended by the following:

(5) *Green space/recreational areas.* A minimum of ~~30~~ 20 percent of the gross platted area shall be open green space. The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained. The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. ~~Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.~~ Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

Section 6. Section 50-80(d)(6) of the Code of Ordinances is hereby amended by removing the following:

~~(6) *Screening requirements.* A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.~~

Section 7. Section 50-80(d)(7) of the Code of Ordinances is hereby amended by removing the following:

~~(7) *Sidewalks.* Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.~~

Section 8. Section 50-80(d)(8) of the Code of Ordinances is hereby amended by removing the following:

~~(8) *Visitor parking.* In addition to the parking required in section 50-112, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.~~

Section 9. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 10. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 11. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 12. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JUNE 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:

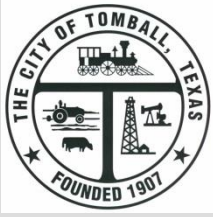
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JULY 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: June 12, 2017

City Council Public Hearing Date: June 19, 2017

ZONING CASE P17-0062: Request by the City of Tomball to amend Section 50-80 (Planned Development District) of the Tomball Code of Ordinances in regards to patio home developments.

BACKGROUND

On Monday, April 3, 2017, City Council gave City Staff direction to amend Section 50-80(d) (*Area and height regulations for patio homes and zero lot line developments*).

PROPOSED AMENDMENTS

1. Section 50-80(d)(1) states *the minimum acreage for a planned development request for a patio home/zero lot line single-family residential dwelling unit complex shall be four acres*. Staff recommends removing this requirement to allow for greater flexibility for future smaller developments.

(d) *Area and height regulations for patio homes and zero lot line developments.*

~~(1) Minimum acreage. The minimum acreage for a planned development request for a patio homes/zero lot line single-family residential dwelling unit complex shall be four acres.~~

2. Section 50-80(d)(2) (a) requires a minimum of 1,400 square feet of living area. The proposed amendment will reduce this to a minimum dwelling unit of 900 square feet which consistent with the Single-Family 6 District, a less dense district.

(2) *Minimum regulations.* Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The following regulations are minimums, but are not limited to, and may be increased or otherwise modified for a particular development:

- a. Maximum density is ten dwelling units per acre with each having a minimum of ~~1,400~~ 900 square feet of living area.

3. Section 50-80(d)(4) states *the maximum height is two stories, or 25 feet in total height, including gables*. All other residential zoning districts allow primary structures to be two stories, or 35 feet. The proposed amendment will allow patio homes to be 35 feet tall, which will be consistent with all other residential zoning districts.

(4) *Maximum height.* Maximum height is two stories, or ~~25-35~~ feet in total height, including gables.

4. Section 50-80(d)(5) details the minimum requirements for open space and recreational amenities. It is important to note that none of the City's residential districts have open

space requirements. Staff believes that decreasing the minimum open green space from 30% to 20% and allowing amenitized detention ponds to be included in the open space calculation which is a more reasonable requirement. Amentized ponds are to include elements such as permanent pools, walking trails, seating and gathering areas, playgrounds, etc.

(5) *Green space/recreational areas.* A minimum of ~~30~~ 20 percent of the gross platted area shall be open green space. The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained. The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. **Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.** Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

5. Section 50-80(d)(6) discusses screening requirements. Patio home developments are required to provide a six to eight foot screening device along most of the perimeter of the development. Again, no residential district is required to do this. The developer may choose to provide screening, however, it will not be required if the proposed amendment is approved.

~~(6) Screening requirements. A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.~~

6. Section 50-80(d)(7) states that sidewalks are required within patio home developments, however, Chapter 40 (Subdivisions) of the Code of Ordinances already establishes requirements for sidewalks. Staff recommends removing this section to avoid any future misunderstanding.

~~(7) Sidewalks. Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.~~

7. Section 50-80(d)(8) requires one visitor parking stall for every two homes in a patio home development. Staff believes this to be a burdensome requirement and therefore recommends it be removed. Visitor parking shall be included at the discretion of the developer. Each lot will be required to accommodate two off-street parking spaces, not including a garage, and two on-street spaces along the frontage of each lot.

~~(8) Visitor parking. In addition to the parking required in section 50-112, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.~~

A complete visual of the proposed amendments is below.

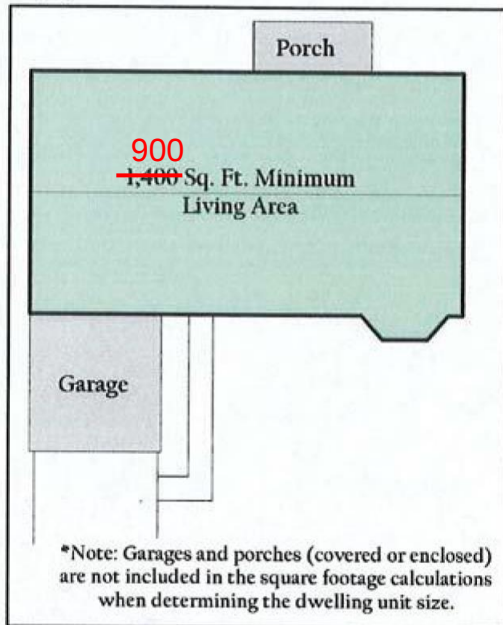
PUBLIC COMMENT

A public hearing notice was published in the Potpourri on May 31, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packet or at the public hearing.

(d) Area and height regulations for patio homes and zero lot line developments.

~~(1) Minimum acreage. The minimum acreage for a planned development request for a patio homes/zero lot line single-family residential dwelling unit complex shall be four acres.~~

Illustration 50-80-1: Floor area for the PD-PH District



(2) *Minimum regulations.* Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. The following regulations are minimums, but are not limited to, and may be increased or otherwise modified for a particular development:

- a. Maximum density is ten dwelling units per acre with each having a minimum of ~~1,400~~ 900 square feet of living area.
- b. Minimum lot requirements.
 1. Lot size: 4,000 square feet.
 2. Width: 40 feet.
 3. Depth: 100 feet.
- c. Minimum required yards and building lines:

Illustration 50-80-2: Lot and yard regulations for the PD-Zero Lot Line District

areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways

within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. **Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.** Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

~~(6) Screening requirements. A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.~~

~~(7) Sidewalks. Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.~~

~~(8) Visitor parking. In addition to the parking required in section 50-112, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.~~

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 5, 2017

Topic:

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

Background:

On Monday, June 12, 2017, after conducting a public hearing, the Planning and Zoning Commission voted to deny the request for Conditional Use Permit P17-0059, with 2 Votes Aye and 1 Vote Nay.

The amendments adopted by Council on June 19 have been incorporated into Ordinance No. 2017-18.

Origination:

Michael Hogan, Hogan Crum, LLC

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2017-18 Amended
Public Comments Received June 20, 2017
P17-0059 Staff Report
Notice of Public Hearing
Property Owner Notification
Public Comment Forms

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.

* * * * *

Whereas, Hogan Crum LLC has requested a CUP to operate a “reception venue” on approximately 2.5 acres of land, 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, 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 deny the requested CUP; and

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

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

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

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

Section 2. A CUP to operate a “reception venue” at the Property and subject to the terms and conditions set forth below is hereby granted to Hogan Crum LLC.

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

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

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

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A”;
- 2) Landscape buffers along all sides that abut residential zoning districts shall not be less than 20 feet;
- 3) A minimum of ten large trees shall be planted along each property line in the landscape buffer;
- 4) An opaque screening fence of not less than eight feet shall be installed along each property line;
- 5) The minimum rear yard setback shall be 100 feet.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JUNE 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 5TH DAY OF JULY 2017.

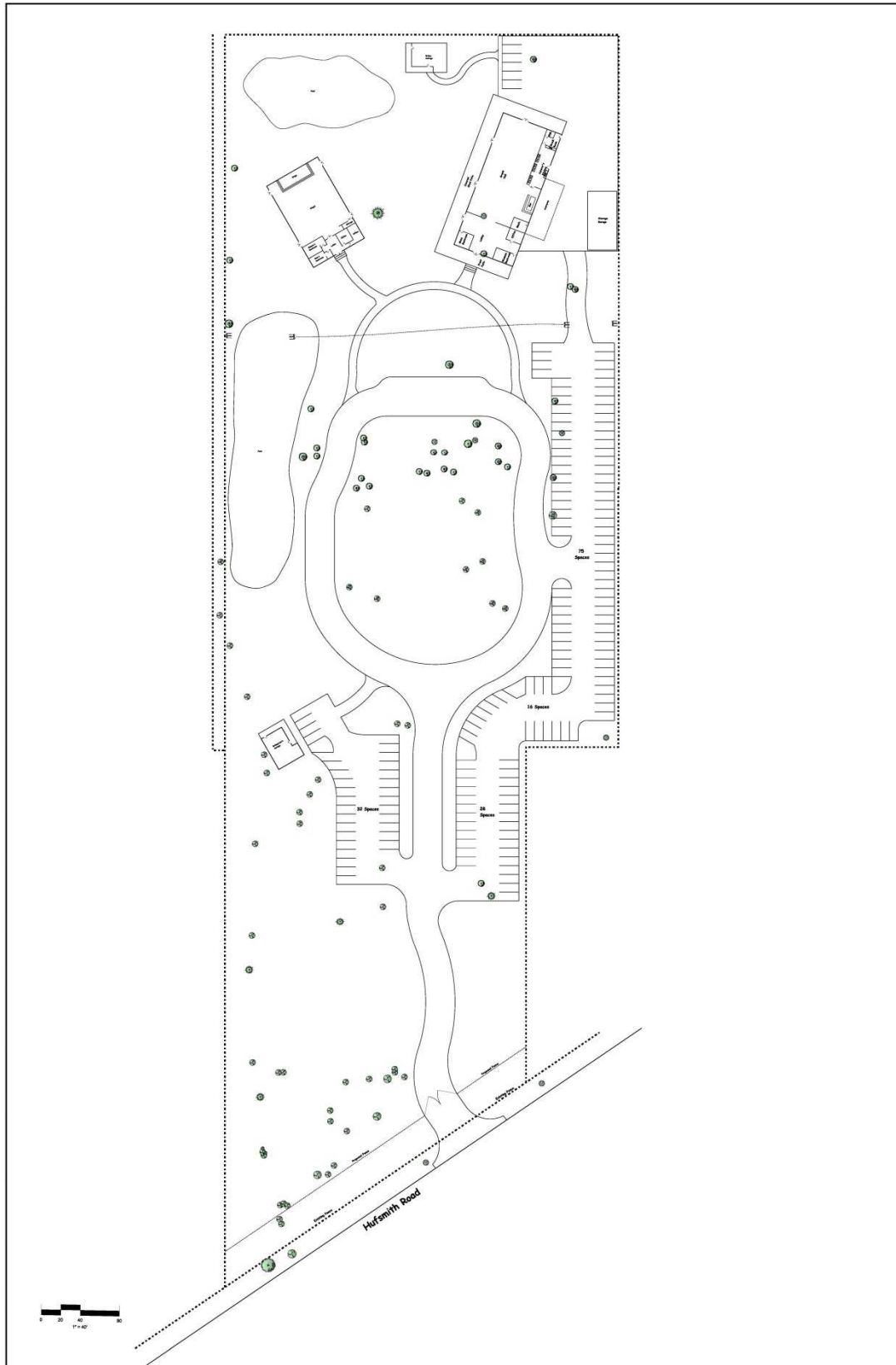
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

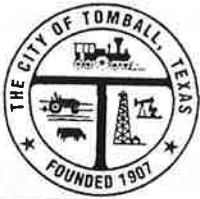
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"





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:

Nikole Birge

(please print)

Address:

12894 Spruce Circle
Tomball, TX 77375

Signature:

Nikole Birge

Date:

6-13-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017, 6:00 PM

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

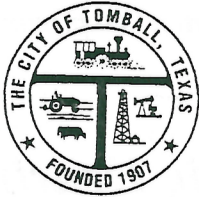
COMMENTS:

A rezoning would cause residents, who are already struggling to pay monthly obligations, to pay higher property taxes, which many cannot afford. It would also require residents to purchase flood insurance, which again, many cannot afford additional obligations on top of what they already have.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Shannette George + William George

12919 Spruce Circle

Tomball TX 77375

Signature:

Date:

Shannette George + William George

☐ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

☒ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017, 6:00 PM

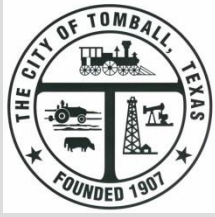
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

Please reference the case number in the subject line.

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



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: June 12, 2017

City Council Public Hearing Date: June 19, 2017

Rezoning Case: P17-0059

Property Owner(s): Michael P. Hogan

Applicant(s): Hogan Crum LLC

Legal Description: (Approximately 2.5 acres out of a 9.8 acre tract) Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road)

Location: North side of East Hufsmith Road at Lovett Street (Exhibit "A")

Area: 2.5 acres

Comp Plan Designation: Rural Residential (Exhibit "B")

Present Zoning and Use: Single-Family 20 Estate District (Exhibit "C") / Undeveloped property (Exhibit "D")

Proposed Use(s): Reception Venue

Request: Conditional Use Permit (CUP) to allow the operation of a *reception venue*

Adjacent Zoning & Land Uses:

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

South: Commercial / Undeveloped property

West: Single-Family 20 Estate / Single-family residence

East: Commercial and Single-Family 20 Estate / Cornerstone Electric Company and undeveloped property

BACKGROUND

In February 2017, City Staff met with the property owner to discuss a proposed reception venue at the subject site. City Staff explained that the majority of the lot was zoned Commercial, and therefore, a reception venue was allowed by-right; however, the northern 2-2.5 acres are zoned Single-Family 20 Estate and would require Conditional Use Permit approval.

ANALYSIS

According to Section 50-81(f) of the Chapter 50 (Zoning), when considering applications for a Conditional Use Permit, 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's Future Land Use Map identifies the subject site as Rural Residential. It does not appear that the request is consistent with the goals of the Future Land Use Map.

- 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."

In December 2015, City Council adopted Ordinance No. 2015-25 (Exhibit "G"). This ordinance was a text amendment to Section 50-82(b) (*Use Charts*) to add a land use and associated regulations for a *reception venue*. The use is permitted by-right in the Light Industrial, Commercial, General Retail and Old Town & Mixed Use Zoning Districts and with a Conditional Use Permit in the Office, Agricultural and Single-Family 20 Estate Districts.

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

Should the Conditional Use Permit application be approved, 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.

- 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 is adjacent to a few large lot residential homes, an electric company and undeveloped property. Chapter 50 (Zoning) has regulations in place to protect the adjacent residential homes; the Code of Ordinances also has noise and nuisance ordinances that would restrict the level of noise allowed from the property. The Conditional Use Permit can place greater restrictions on the development to ensure the preservation of the residences.

- 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.**

The proposed use does not appear to be detrimental to the public health, safety, and welfare. As mentioned, Tomball has ordinances already in place to protect the adjacent properties. Some of these regulations include: landscape buffer, screening requirements, light shielding, and noise and nuisance ordinances.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 26, 2017. A sign was placed on the property and Notice of Public Hearing was published in the paper on May 31, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets of 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 P17-0059.

The Conditional Use Permit process allows the Planning & Zoning Commission and City Council to place conditions on the approval of the request. City Staff recommends the following conditions:

1. Landscape buffers along all sides that abut residential zoning districts shall not be less than 20 feet;
2. A minimum of five large trees shall be planted along each property line in the landscape buffer;
3. An opaque screening fence of not less than eight feet shall be installed along each property line.

Again, it is important to note that these conditions only apply to the 2-2.5 acres that are zoned Single-Family 20 Estate. The remaining acreage zoned Commercial will be developed under the Commercial regulations.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. CUP Application
- F. Concept Plan
- G. Ordinance No. 2015-25

Exhibit "A"
Aerial Photo

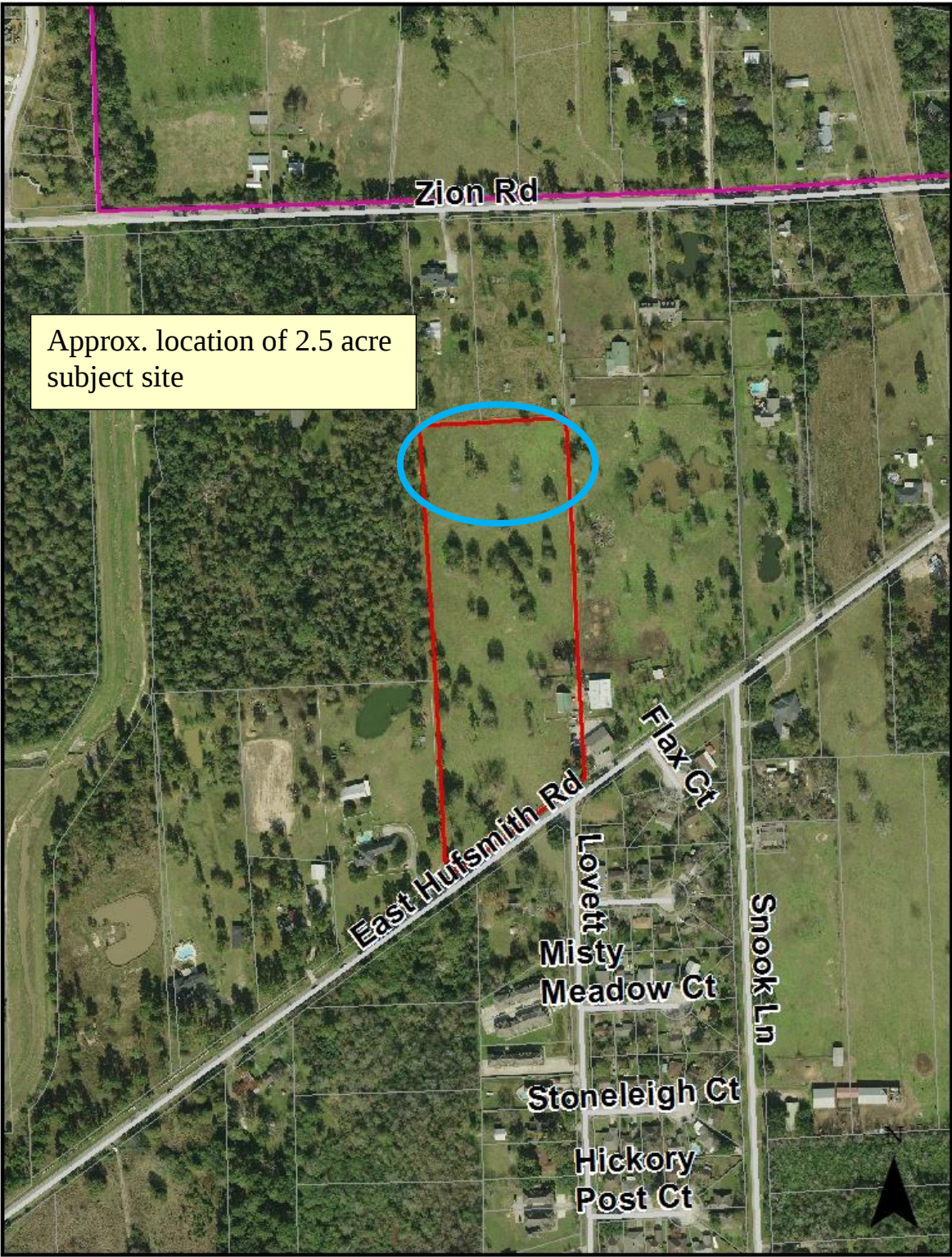


Exhibit "B"
Comprehensive Plan

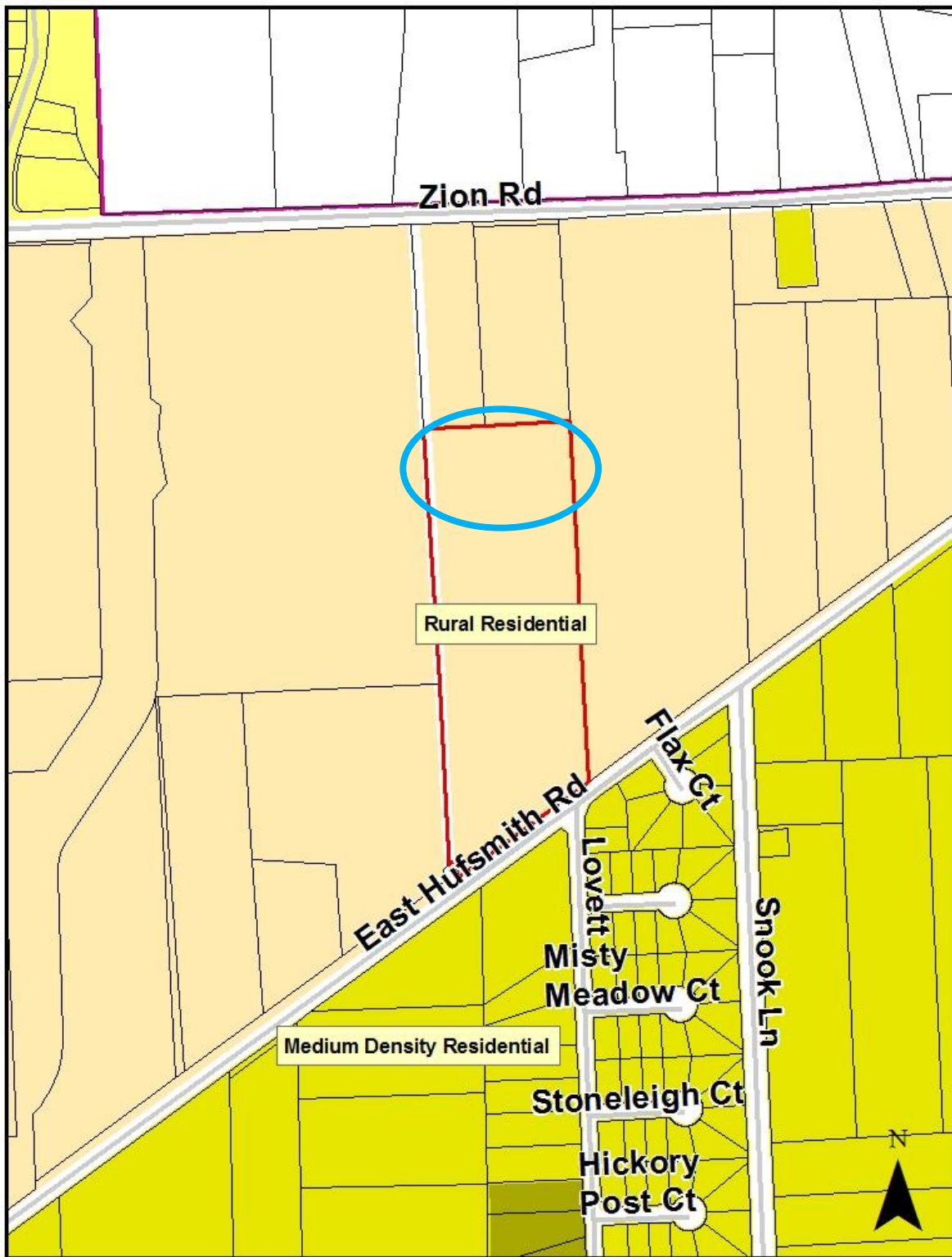
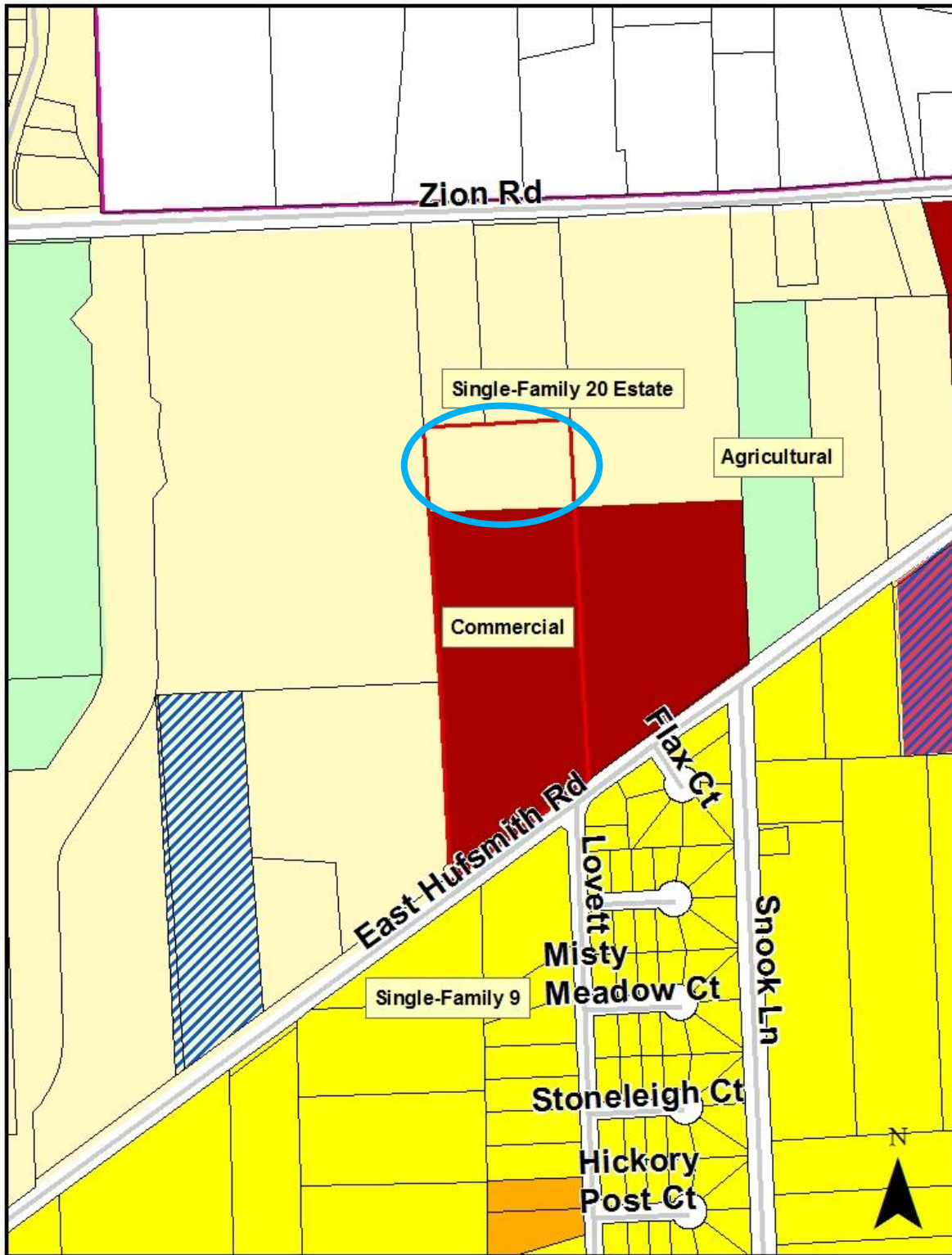


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



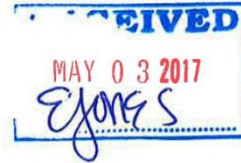
Figure 1: Subject Site

Exhibit "E"
CUP Application

Revised 5/19/15



P17-0059
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: Hogan Crew LLC Title: Manager
Mailing Address: 23 McConnell Place City: Houston State: Tx
Zip: 77070
Phone: (713) 628-9890 Fax: (832) 912-8405 Email: mhogan1017@AOL.com

Owner
Name: Michael P. Hogan Title: Owner
Mailing Address: 23 McConnell Place City: Houston State: Tx
Zip: 77070
Phone: (713) 628-9890 Fax: (832) 912-8405 Email: mhogan1017@AOL.com

Engineer/Surveyor (if applicable)
Name: C+C Surveying Title: Steve Crews
Mailing Address: 7424 FM 1488 City: Magnolia State: Tx
Zip: 77354 Suite A
Phone: (281) 259-4377 Fax: (281) 356-1935 Email: onesurvey@att.net

Description of Proposed Project: Wedding Venue Barn + Chapel

Physical Location of Property: 0 Neal Road Tomball TX 77325
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Abstract No 383 TRS 18, 24, 30, 36, + TRB
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ **Acreage:** 9.792 Abandoned PT of Stanley Road Tomball Outlot

Current Use of Property: Vacant

Proposed Use of Property: Weddings, Church events, Corporate Parties

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.

☒ Michele P Hogan 5-2-17
Signature of Applicant **Date**

☒ Michele P Hogan 5-2-17
Signature of Owner

CITY OF TOMBALL
 281-351-5484

REC#: 00980414 5/03/2017 9:42 AM
 OPER: RP TERM: 005
 REF#: W 1004

TRAN: 130.0000 PLANNING AND ZONING
 HOGAN CRUM
 NEAL RD
 100-5442

City of Tomball, Texas 501 Jan

CONDITIONAL USE PER 600.00CR

www.tomballtx.gov

TENDERED: 600.00 CHECK
 APPLIED: 600.00-

CHANGE: 0.00

P17-0059

To whom it may concern;

I am applying for a Conditional Use Permit to properly design the layout of the property. With a wedding event barn, chapel, two cottages, retention pond, parking, fire lane, all ADA requirements and to keep the property clean, beautiful and picture friendly, it is very challenging project! I am just trying to build a stunning location for people to get married at! At all times with construction and the running of the business keeping our neighbors privacy, concerns, and property at the center of attention with everything we do.

Sincerely,
Michael P Hogan

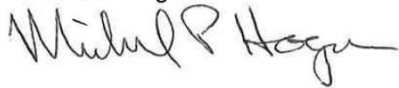
A handwritten signature in black ink that reads "Michael P Hogan". The signature is written in a cursive style with a long horizontal stroke at the end.

Figure "F" Concept Plan

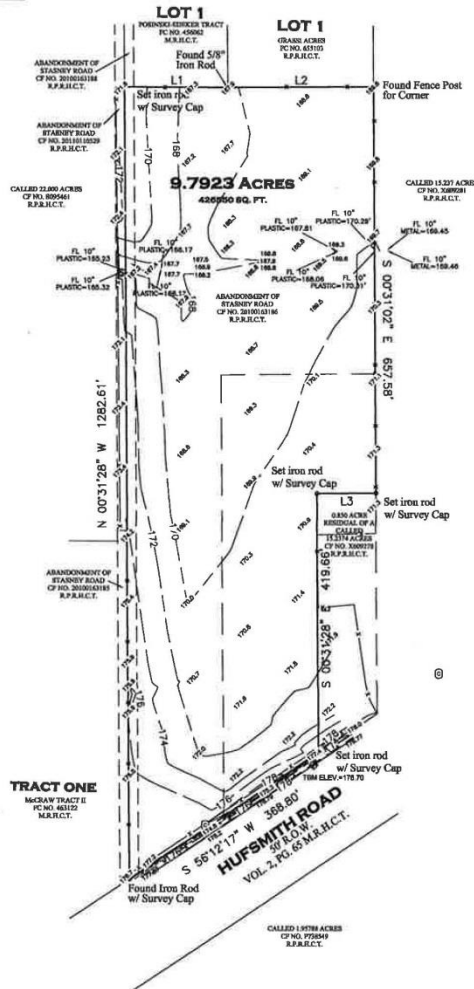
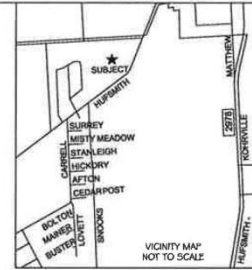
P17-0059

Notes:
1. This drawing is for "Topographic Survey Purposes" only.
2. Elevations are based on Texas South Central State Plane, NAD83, NAVD83, Geoid (5) 2001 Adjusted.
3. TBM is a Nag Nail set in asphalt Elevations: 178.70'

FL = FLOWLINE OF PIPE
S = UNDERGROUND CABLE MARKER
TBM (TEMPORARY BENCHMARK)
X = MIXED WOOD, PLASTIC, AND WIRE FENCE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°48'12" E	166.59'
L2	N 89°42'16" E	237.22'
L3	S 89°28'58" E	95.36'



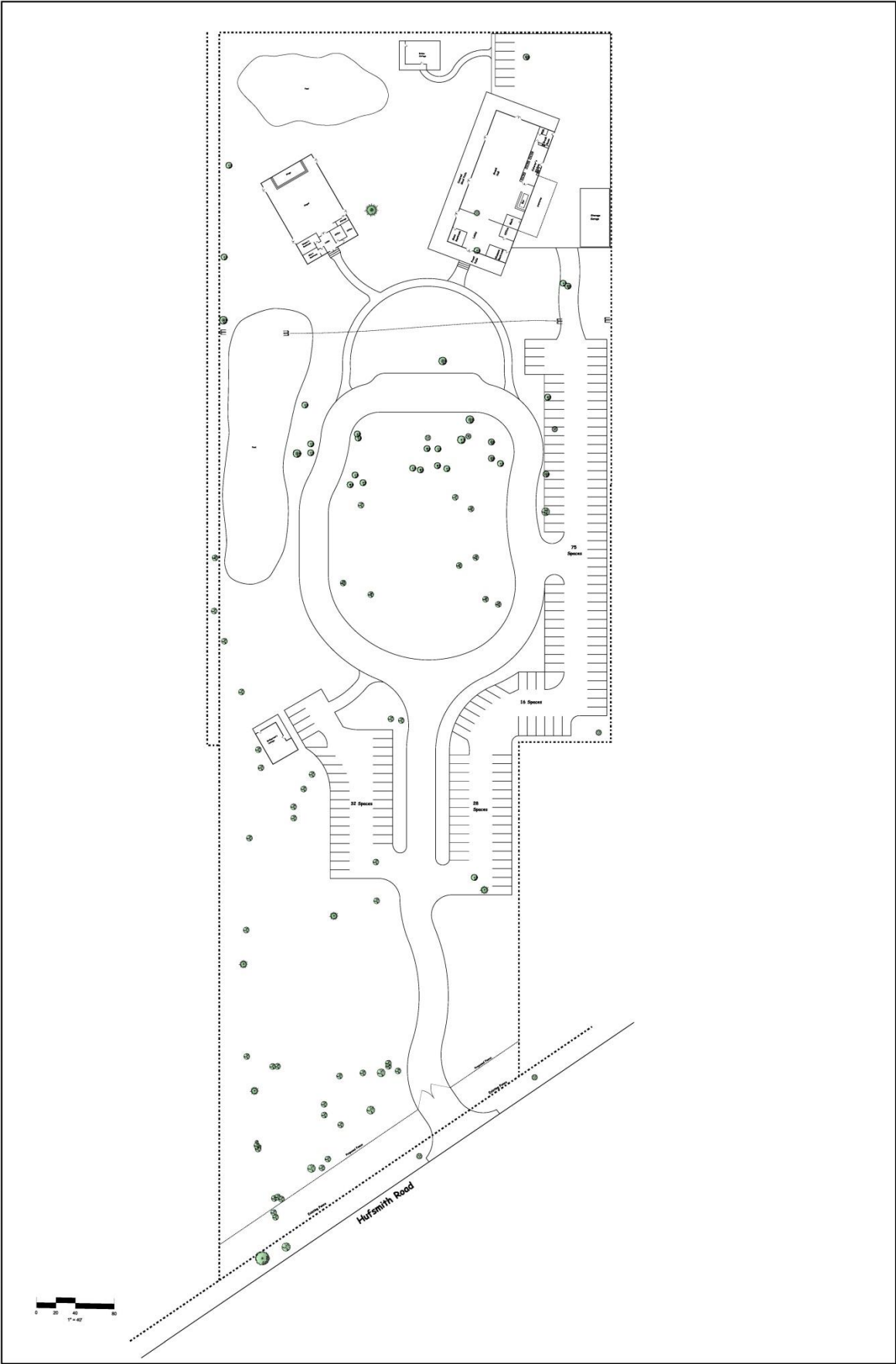
This property lies within Zone 'X' as
SCALED from FEMA Flood Panel Number
4802C0502, dated June 18, 2007.
THIS MEANS THAT THE SUBJECT PROPERTY
DOES NOT SCALE WITHIN THE 100 YEAR
FLOOD PLAIN.
This determination is made strictly
according to the FEMA maps and does
not reflect actual on ground flood
conditions. Furthermore, this company
takes no responsibility for such.

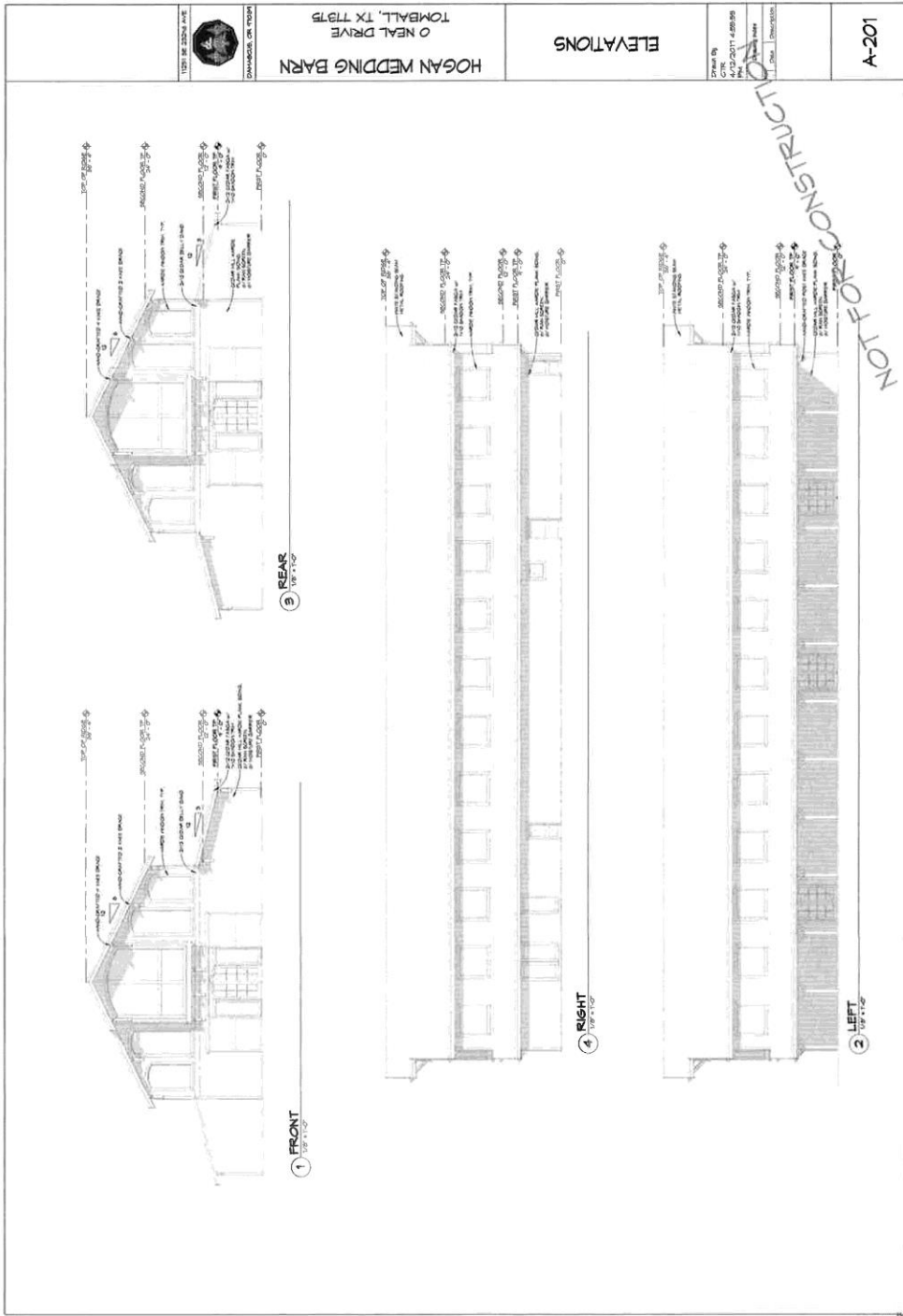


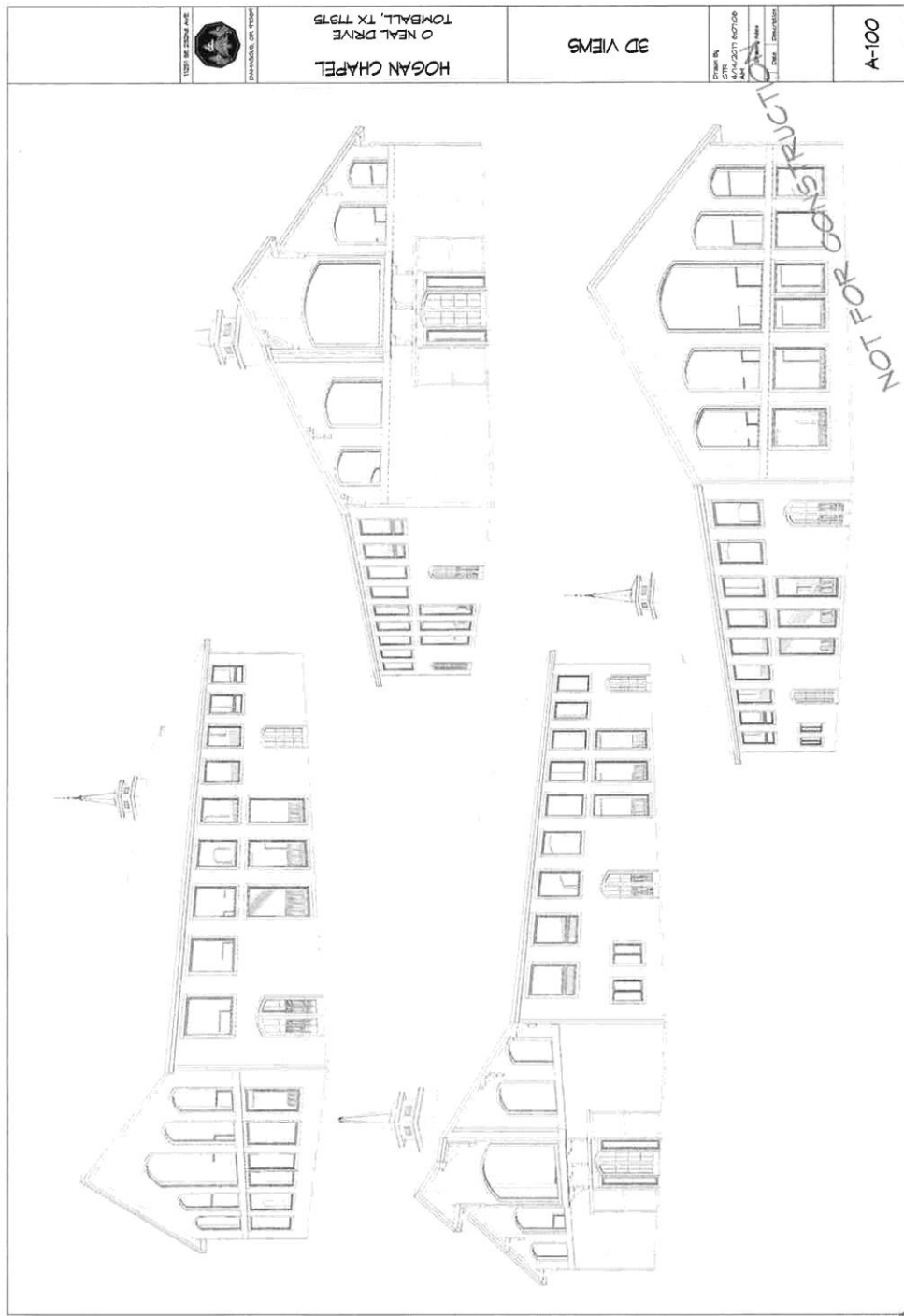
Being a 9.792 acre tract of land in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being out of and part of a called 15.2374 acres as described in deed recorded in Clerk's File Number X609278, of Real Property Records of Harris County, Texas and also including all of that portion of Stanley Road abandoned by the City of Tomball to Daniel Rodano in instrument recorded in Clerk's File Number 20100163186 of said Real Property Records.

Date: March 28, 2017
Job No: 17-0059
Scale: 1" = 100' (14 x 10)
Drawn By: [Signature]
Checked By: [Signature]
C & C Surveying, Inc.
7424 FM 1486, Suite A, Houston, Texas 77054
Phone: 281-258-4377 Fax: 281-258-5172
Email: ccsurveying@att.net Website: www.ccsurveying.com

Certified by: Michael Hayes
Clerk Michael Hayes
I, MICHAEL HAYES, a duly qualified and sworn Surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the person claiming to be the owner of the land surveyed, and that the same is a true and correct copy of the original survey as shown to me by the person claiming to be the owner of the land surveyed.







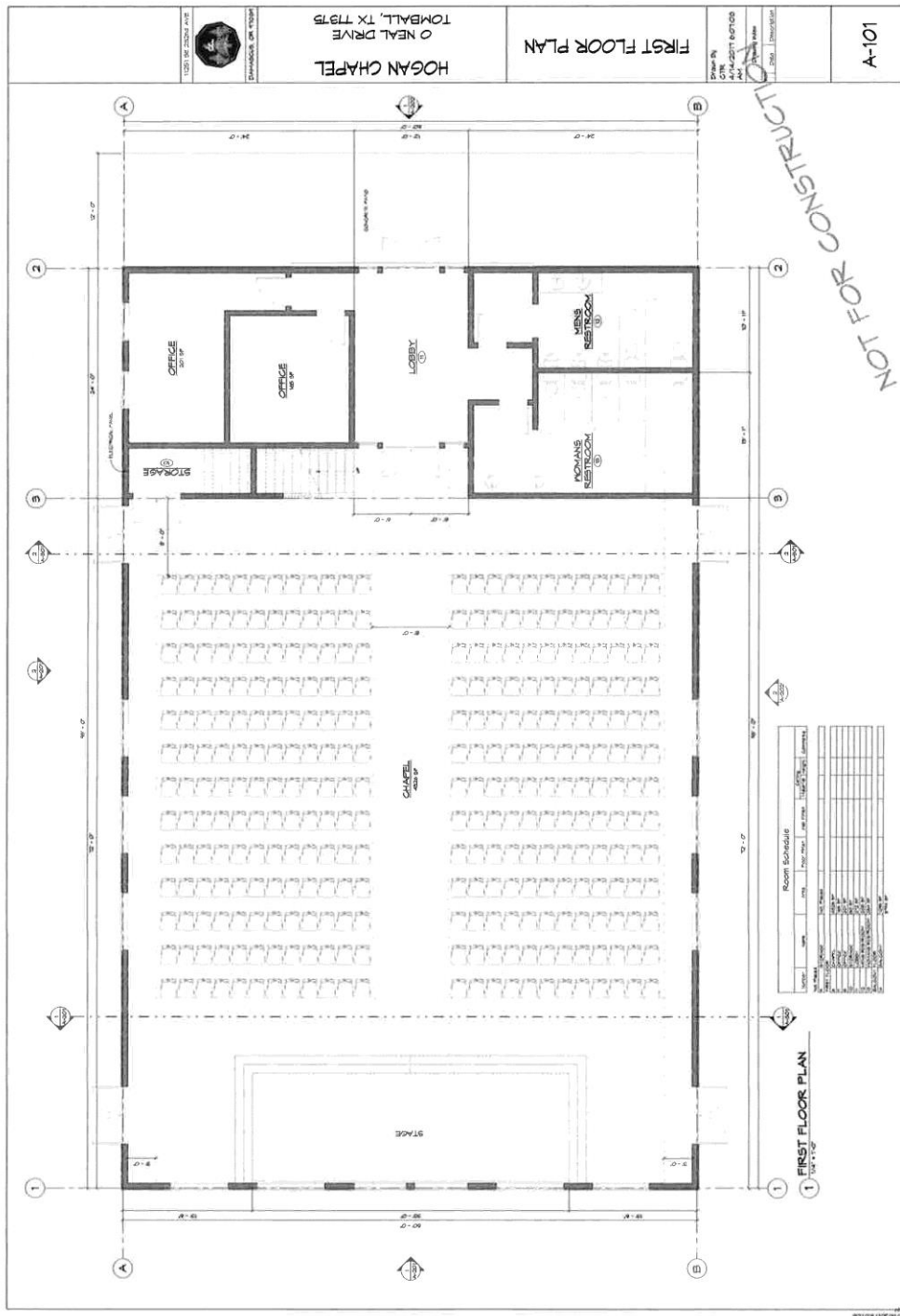
A-100

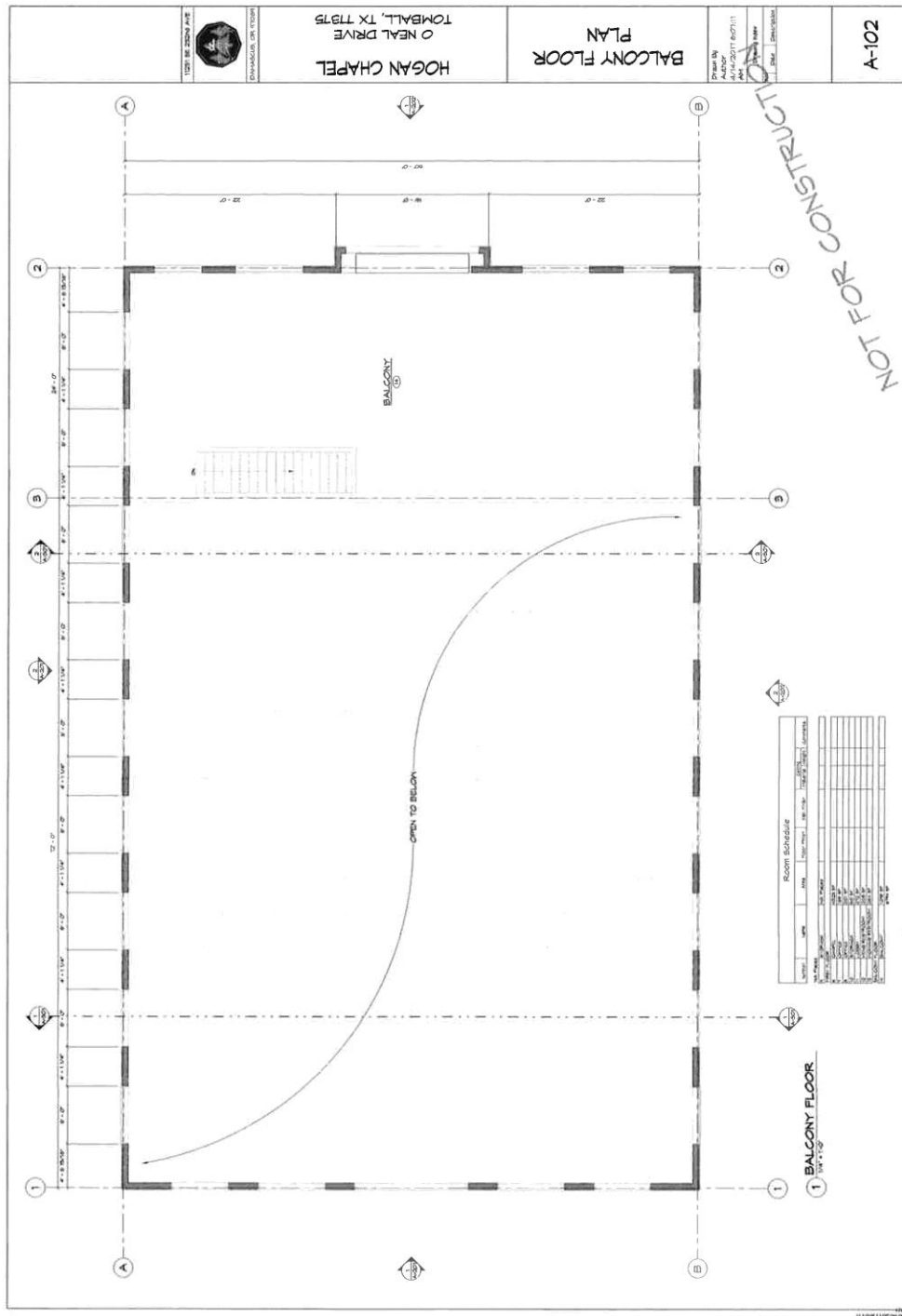
3D VIEWS

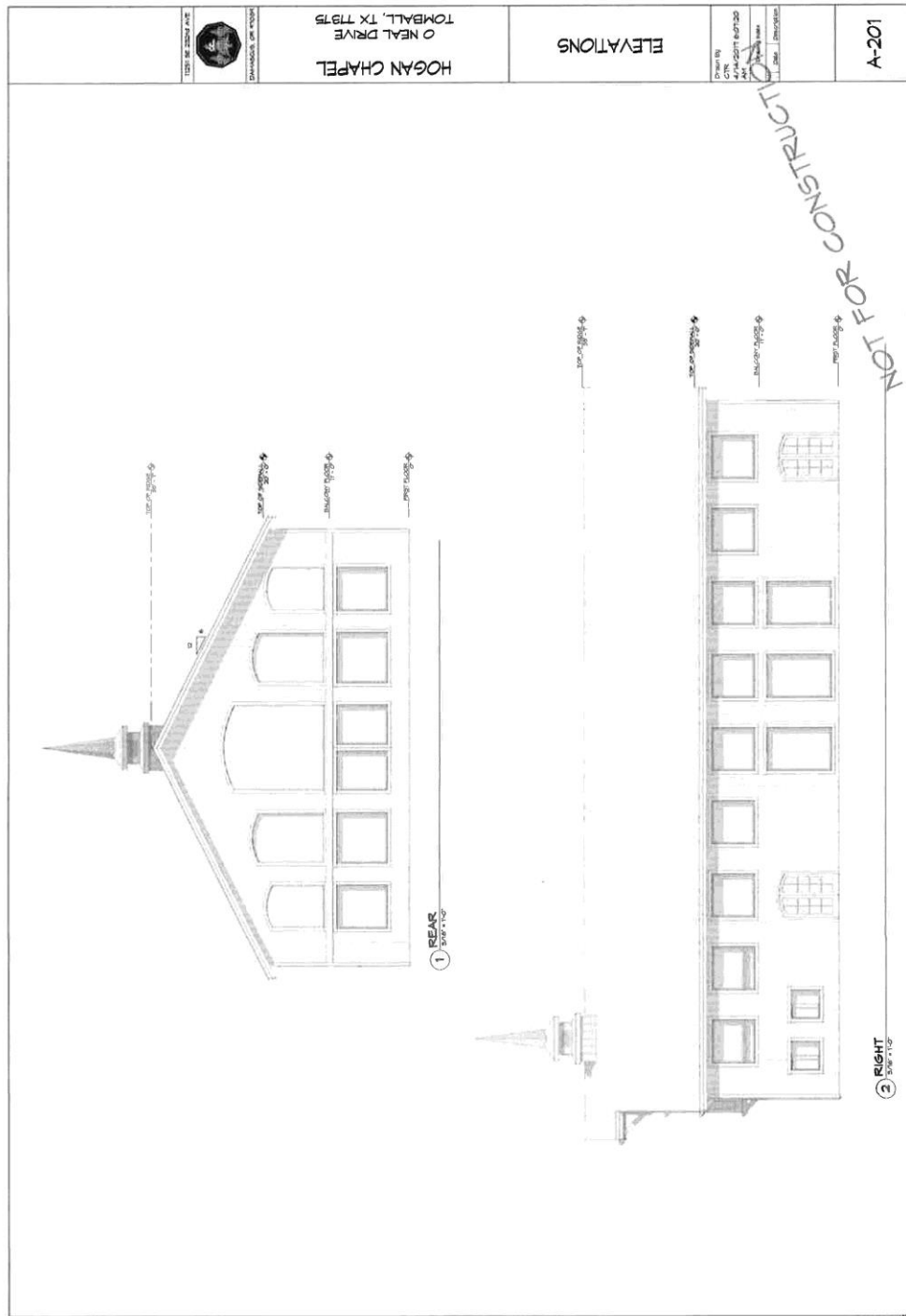
HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375

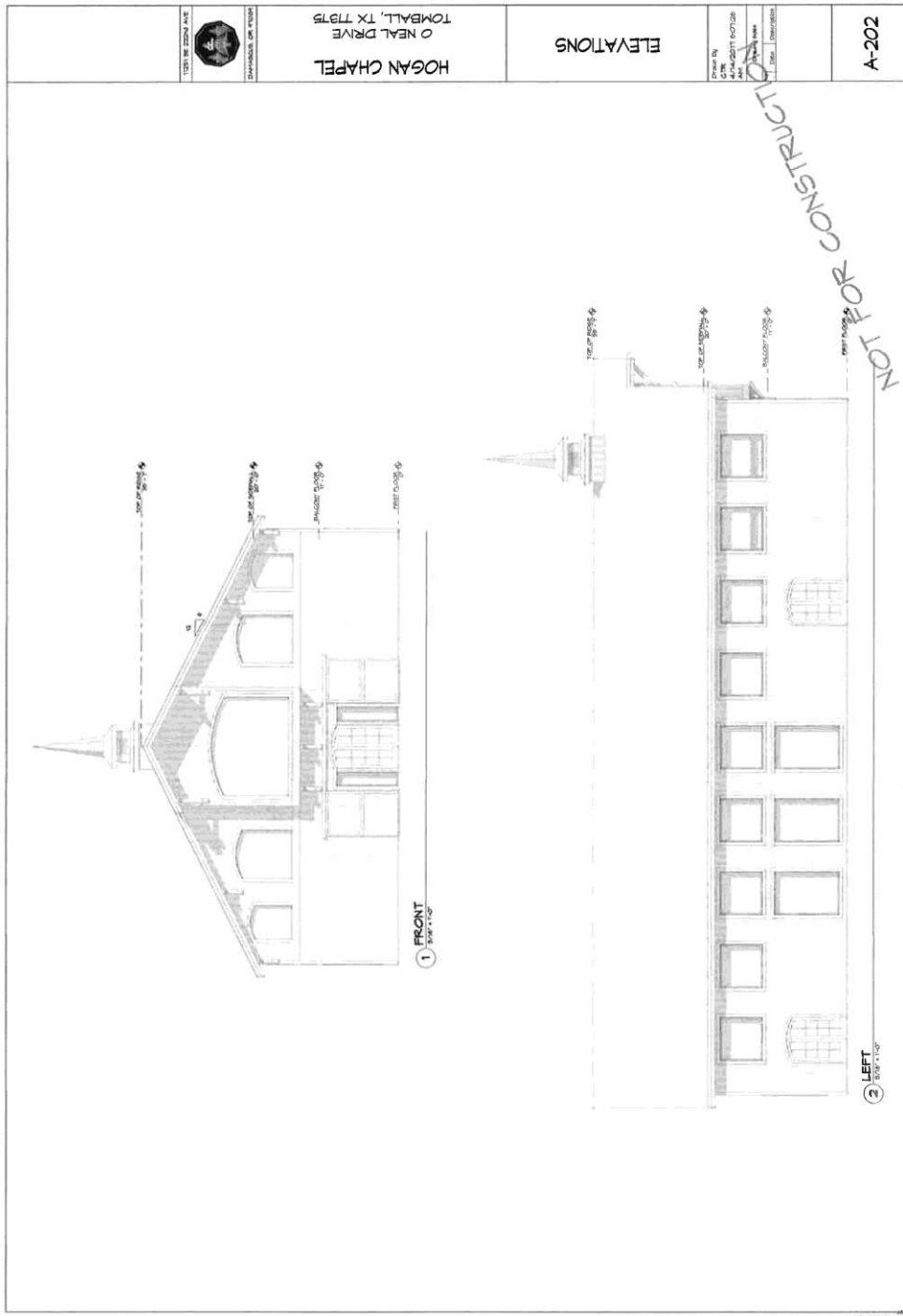


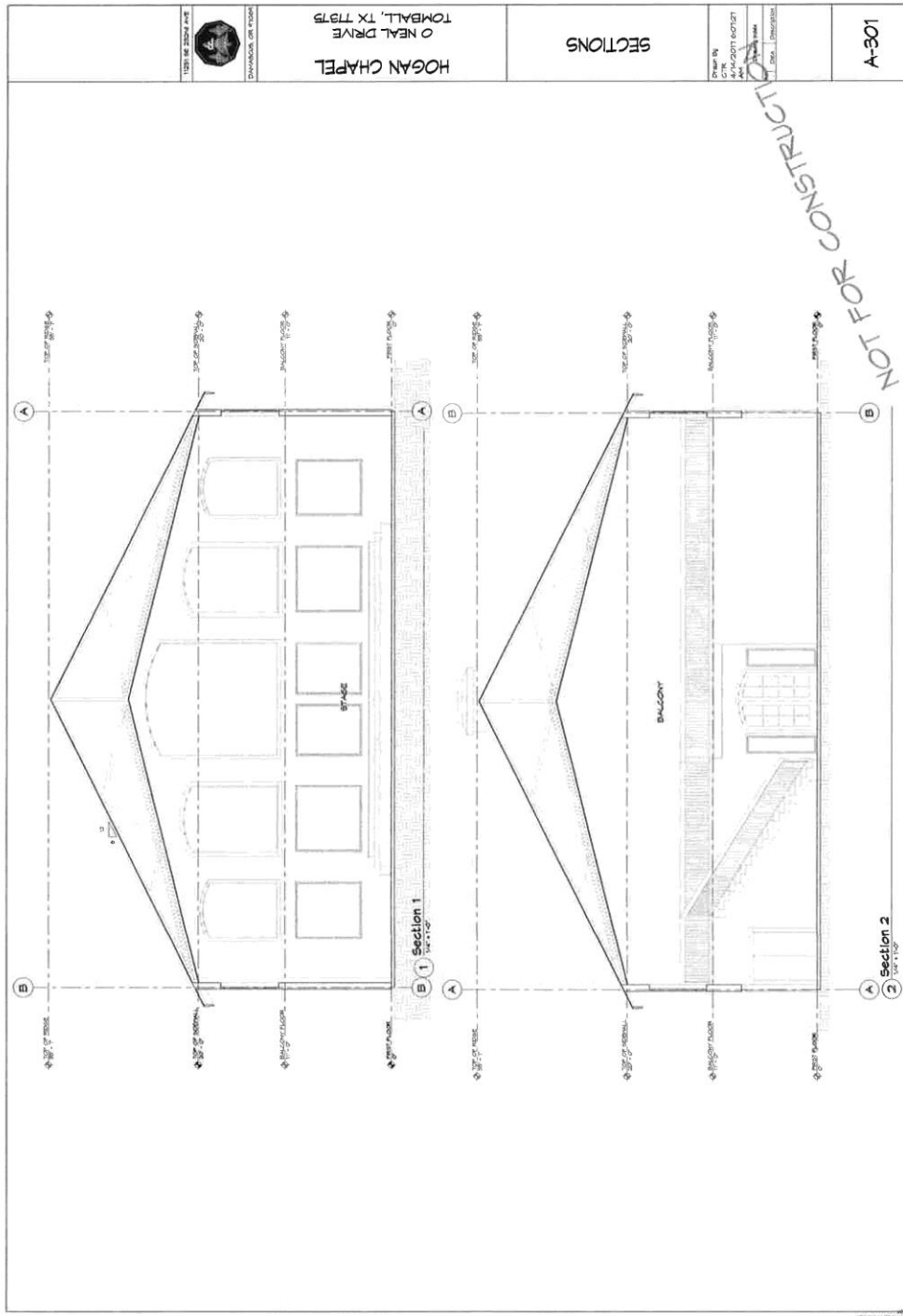
Project No.
CITY
ARCHITECT
DATE
DRAWN BY
DATE

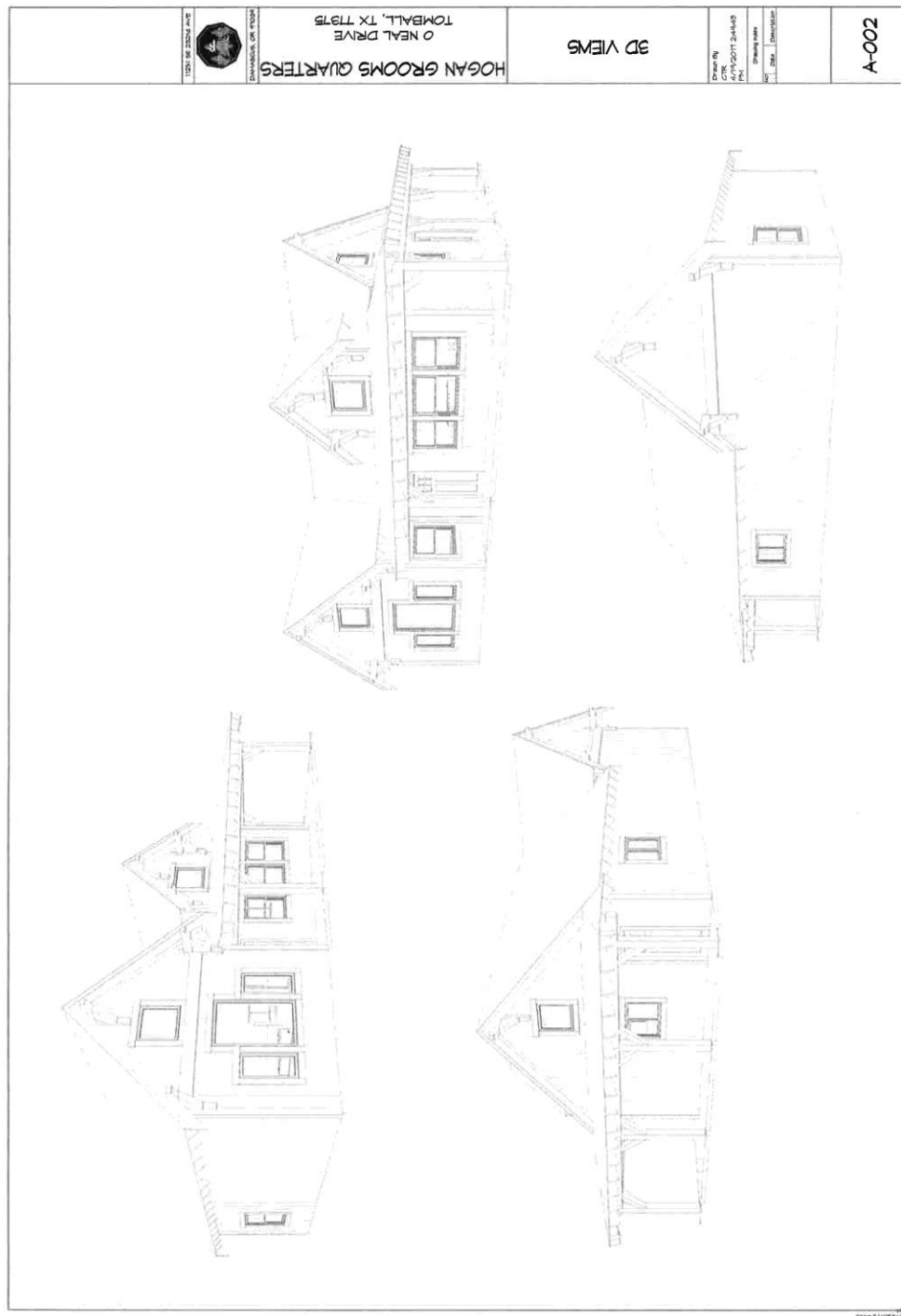


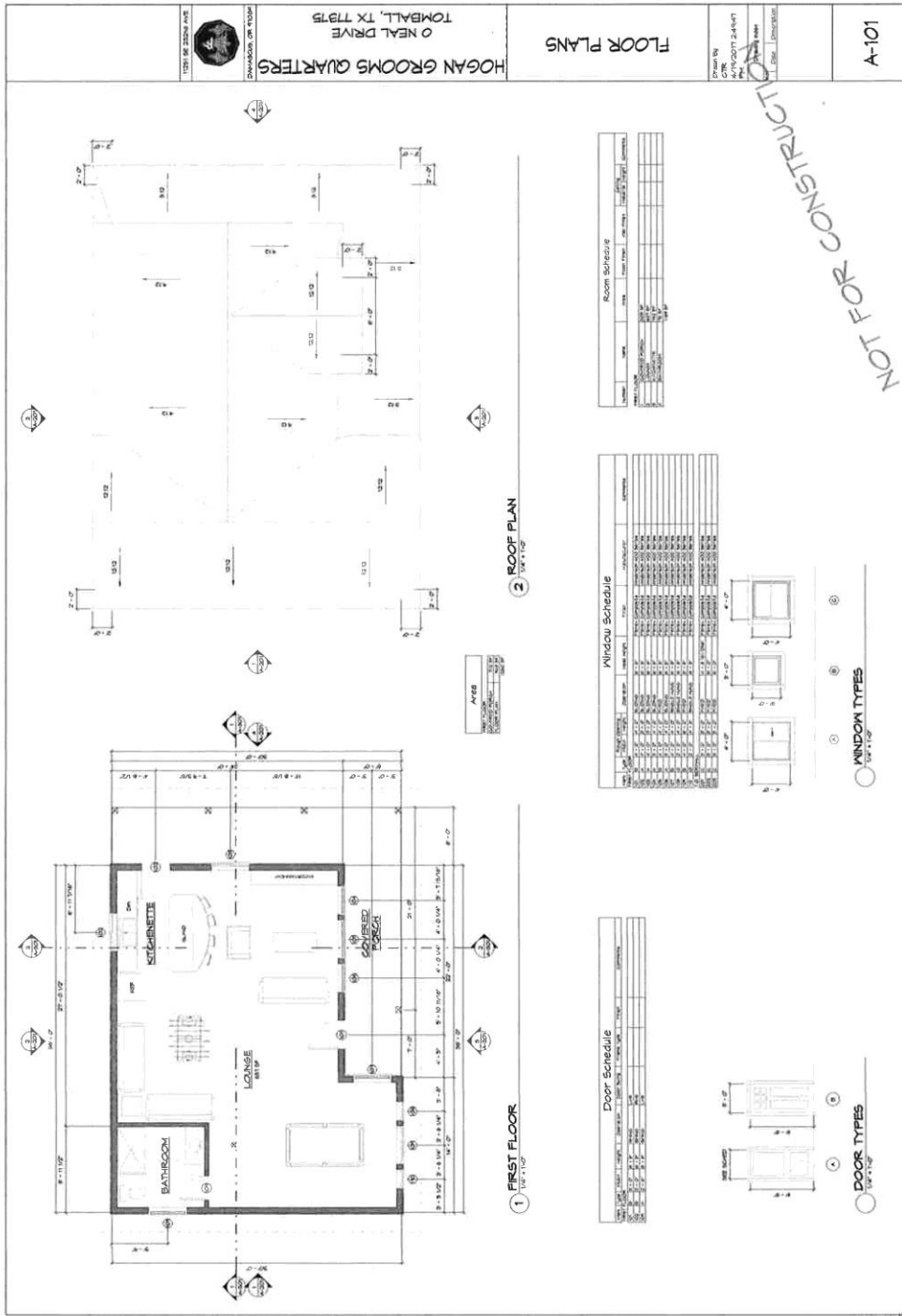


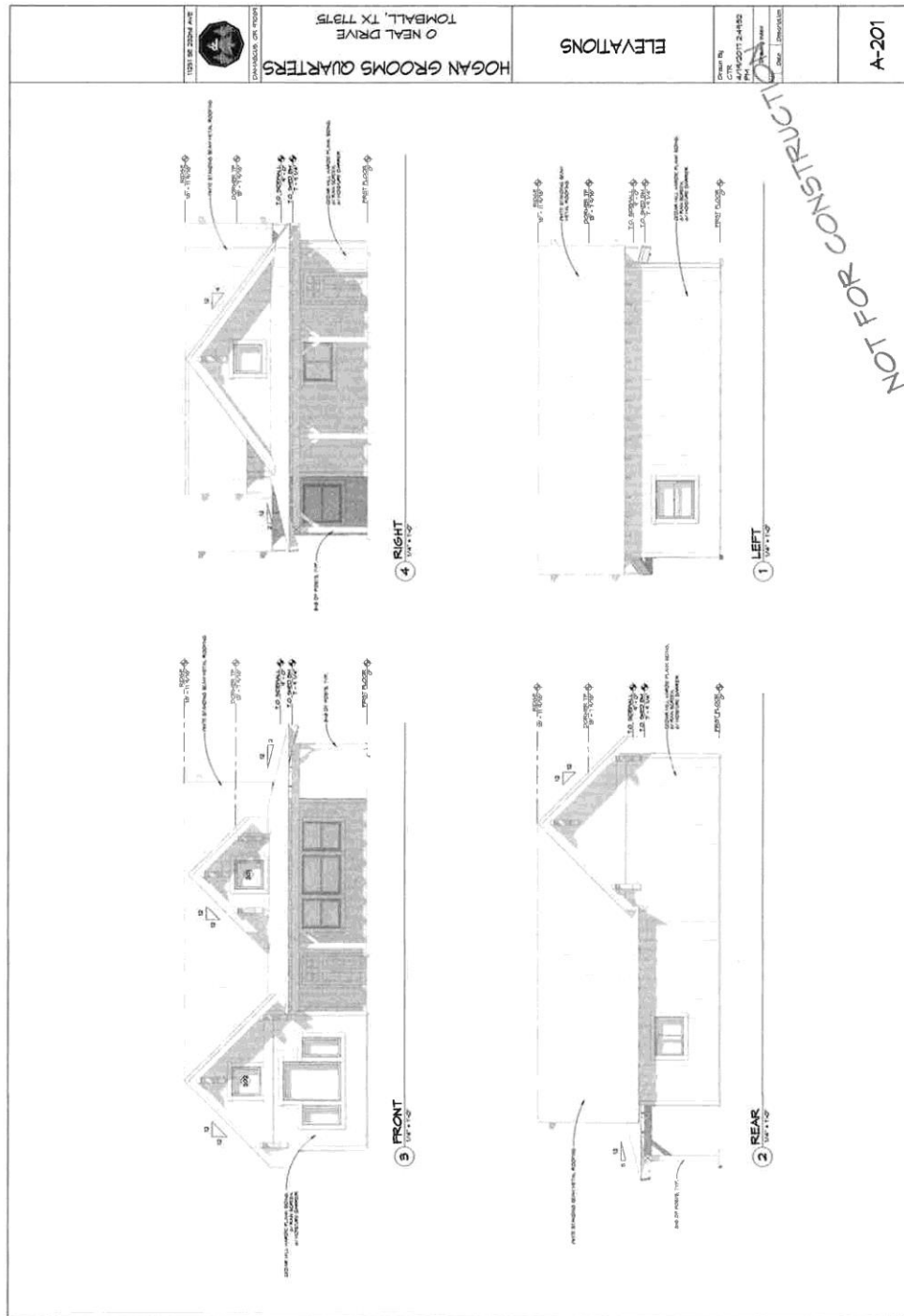


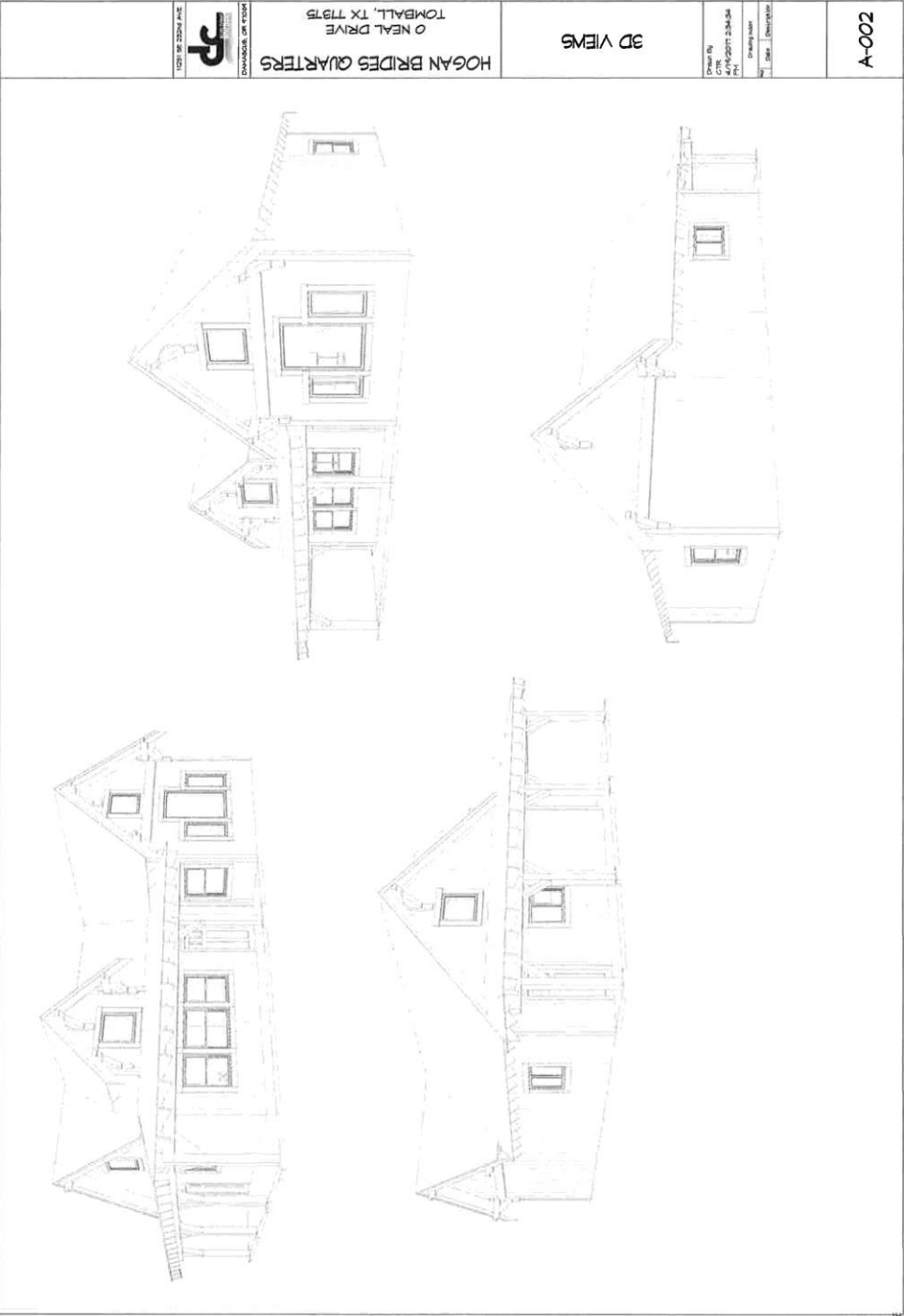












1001 W. 32ND AVE.
P
CONSULTING ARCHITECTS

HOGAN BRIDES QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375

3D VIEWS

Project No.
CITY
DATE
BY
CHECKED BY
DATE

A-002

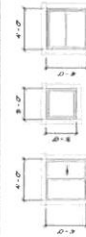
0/0/00000000

NOT FOR CONSTRUCTION

2 ROOF PLAN
1/4" = 1'-0"

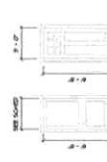
Room Schedule									
Room	No. Seats	Date	Time	Topic		Speaker		Remarks	Comments
				Topic	Speaker				
101	10	10/10/10	10:00-11:00	Math	Dr. Smith	Dr. Jones			
102	10	10/10/10	11:00-12:00	Math	Dr. Smith	Dr. Jones			
103	10	10/10/10	12:00-13:00	Math	Dr. Smith	Dr. Jones			
104	10	10/10/10	13:00-14:00	Math	Dr. Smith	Dr. Jones			
105	10	10/10/10	14:00-15:00	Math	Dr. Smith	Dr. Jones			
106	10	10/10/10	15:00-16:00	Math	Dr. Smith	Dr. Jones			
107	10	10/10/10	16:00-17:00	Math	Dr. Smith	Dr. Jones			
108	10	10/10/10	17:00-18:00	Math	Dr. Smith	Dr. Jones			
109	10	10/10/10	18:00-19:00	Math	Dr. Smith	Dr. Jones			
110	10	10/10/10	19:00-20:00	Math	Dr. Smith	Dr. Jones			
111	10	10/10/10	20:00-21:00	Math	Dr. Smith	Dr. Jones			
112	10	10/10/10	21:00-22:00	Math	Dr. Smith	Dr. Jones			
113	10	10/10/10	22:00-23:00	Math	Dr. Smith	Dr. Jones			
114	10	10/10/10	23:00-24:00	Math	Dr. Smith	Dr. Jones			
115	10	10/10/10	24:00-25:00	Math	Dr. Smith	Dr. Jones			
116	10	10/10/10	25:00-26:00	Math	Dr. Smith	Dr. Jones			
117	10	10/10/10	26:00-27:00	Math	Dr. Smith	Dr. Jones			
118	10	10/10/10	27:00-28:00	Math	Dr. Smith	Dr. Jones			
119	10	10/10/10	28:00-29:00	Math	Dr. Smith	Dr. Jones			
120	10	10/10/10	29:00-30:00	Math	Dr. Smith	Dr. Jones			

Window Schedule		Date		Time		Activity	
Day	Time	Day	Time	Day	Time	Day	Time
1	8:00-9:00	2	8:00-9:00	3	8:00-9:00	4	8:00-9:00
5	8:00-9:00	6	8:00-9:00	7	8:00-9:00	8	8:00-9:00
9	8:00-9:00	10	8:00-9:00	11	8:00-9:00	12	8:00-9:00
13	8:00-9:00	14	8:00-9:00	15	8:00-9:00	16	8:00-9:00
17	8:00-9:00	18	8:00-9:00	19	8:00-9:00	20	8:00-9:00
21	8:00-9:00	22	8:00-9:00	23	8:00-9:00	24	8:00-9:00
25	8:00-9:00	26	8:00-9:00	27	8:00-9:00	28	8:00-9:00
29	8:00-9:00	30	8:00-9:00	31	8:00-9:00	32	8:00-9:00

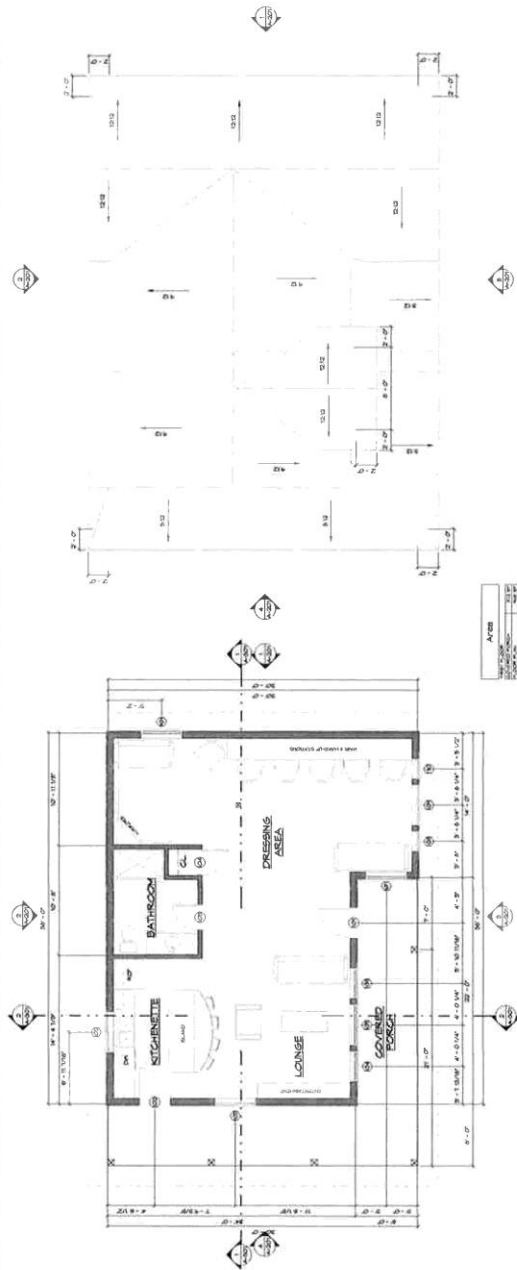


WINDOW TYPES

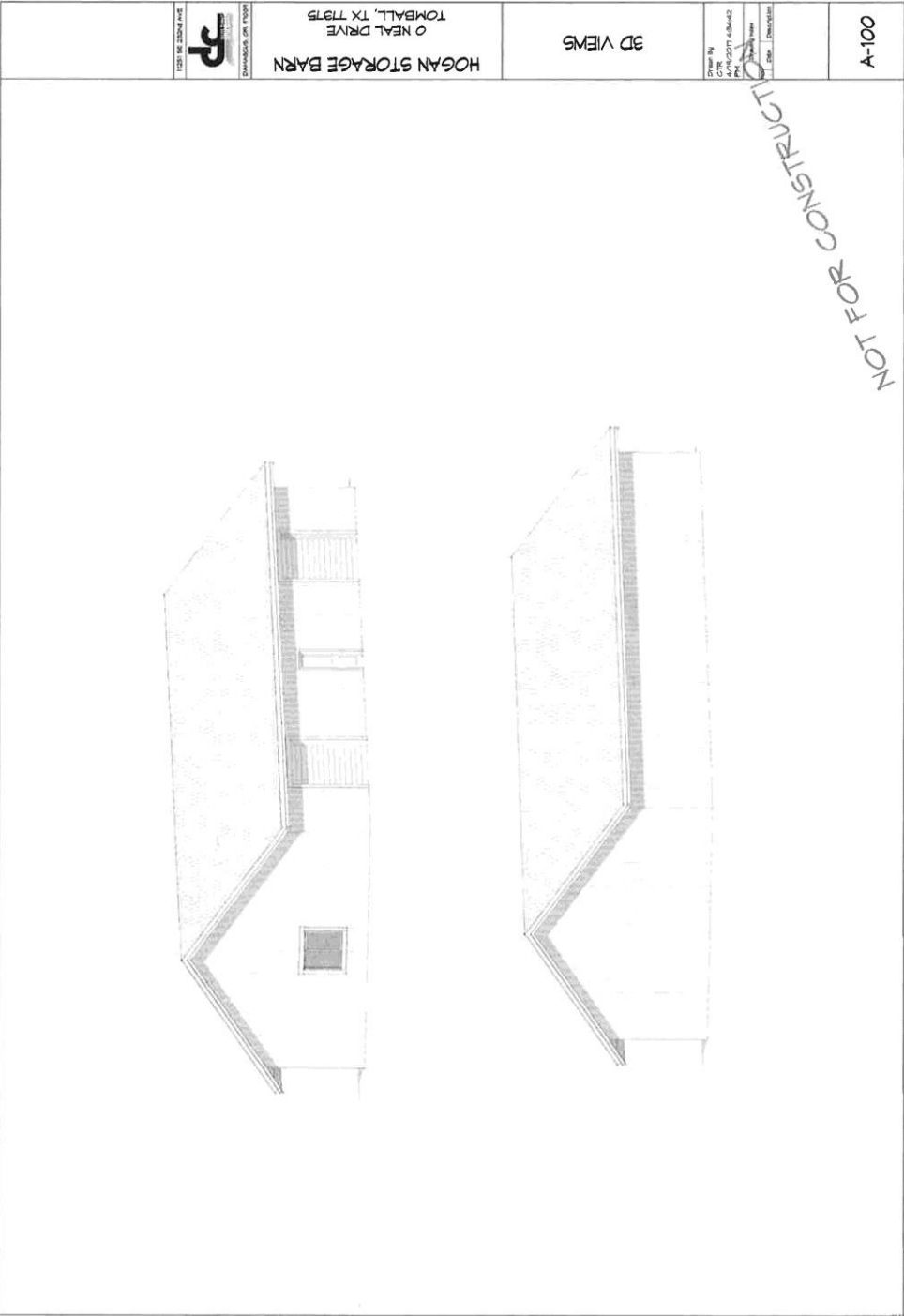
1 FIRST FLOOR

[illegible]

DOOR TYPES



Area	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0
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A-100

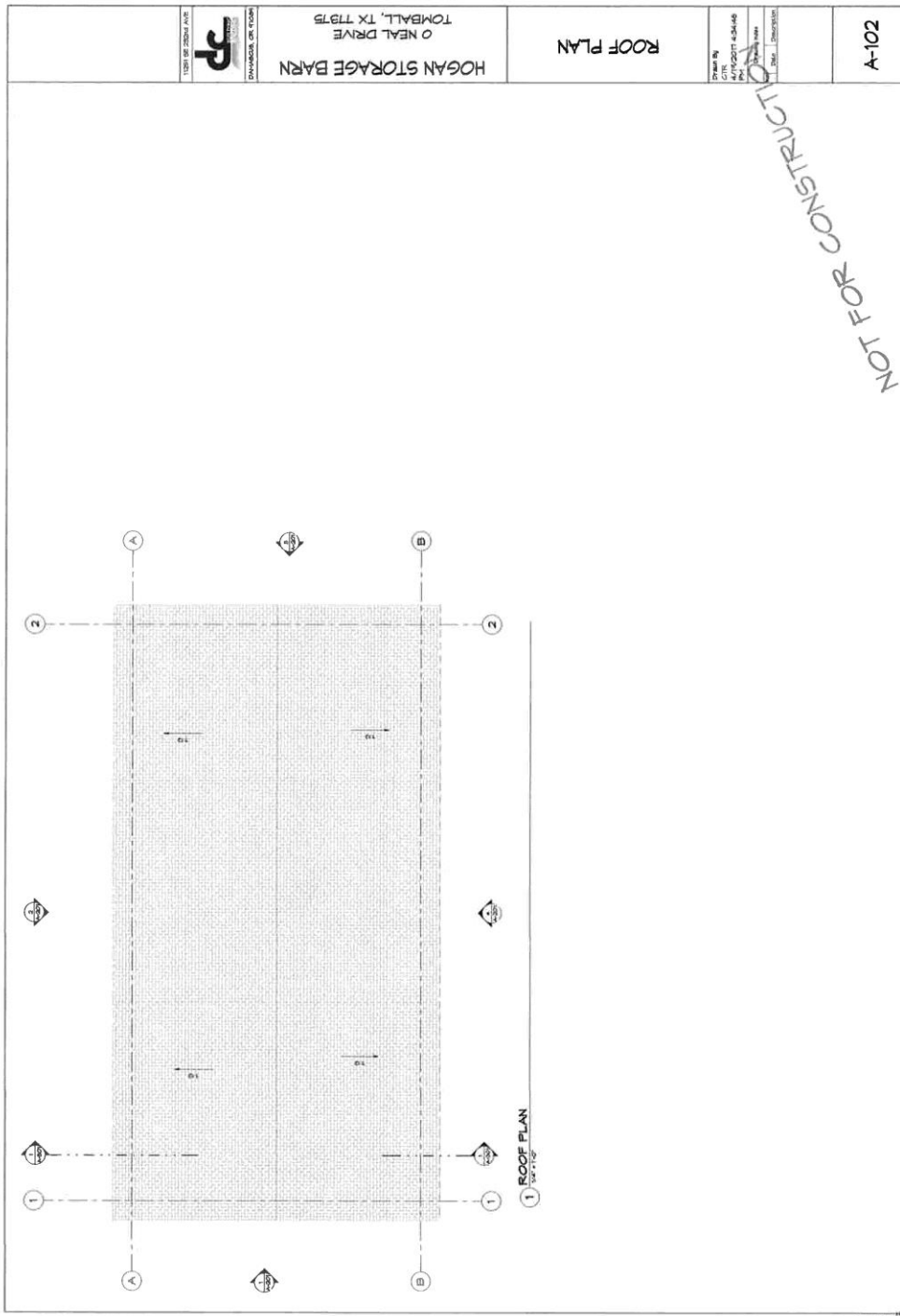
3D VIEWS

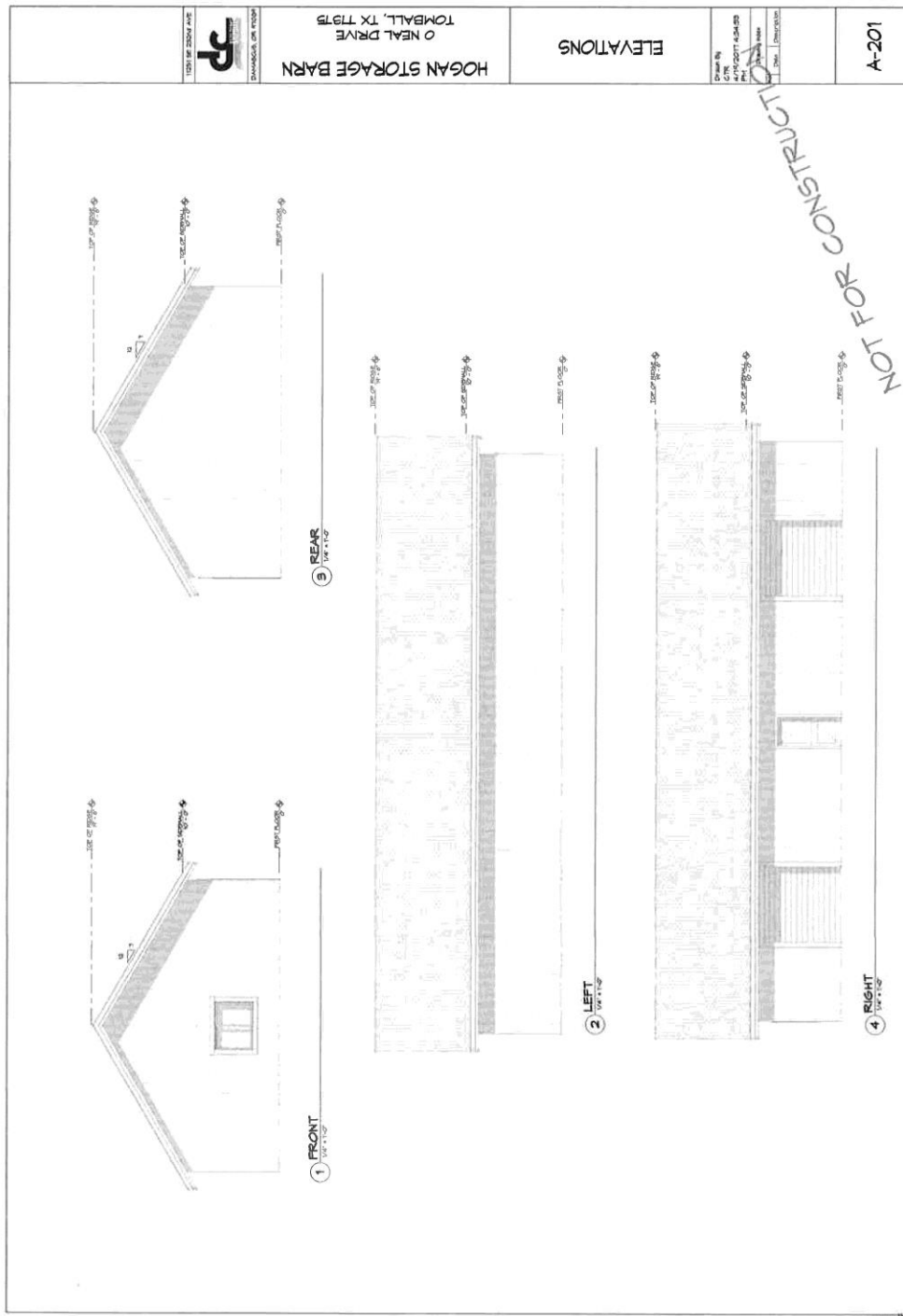
HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375

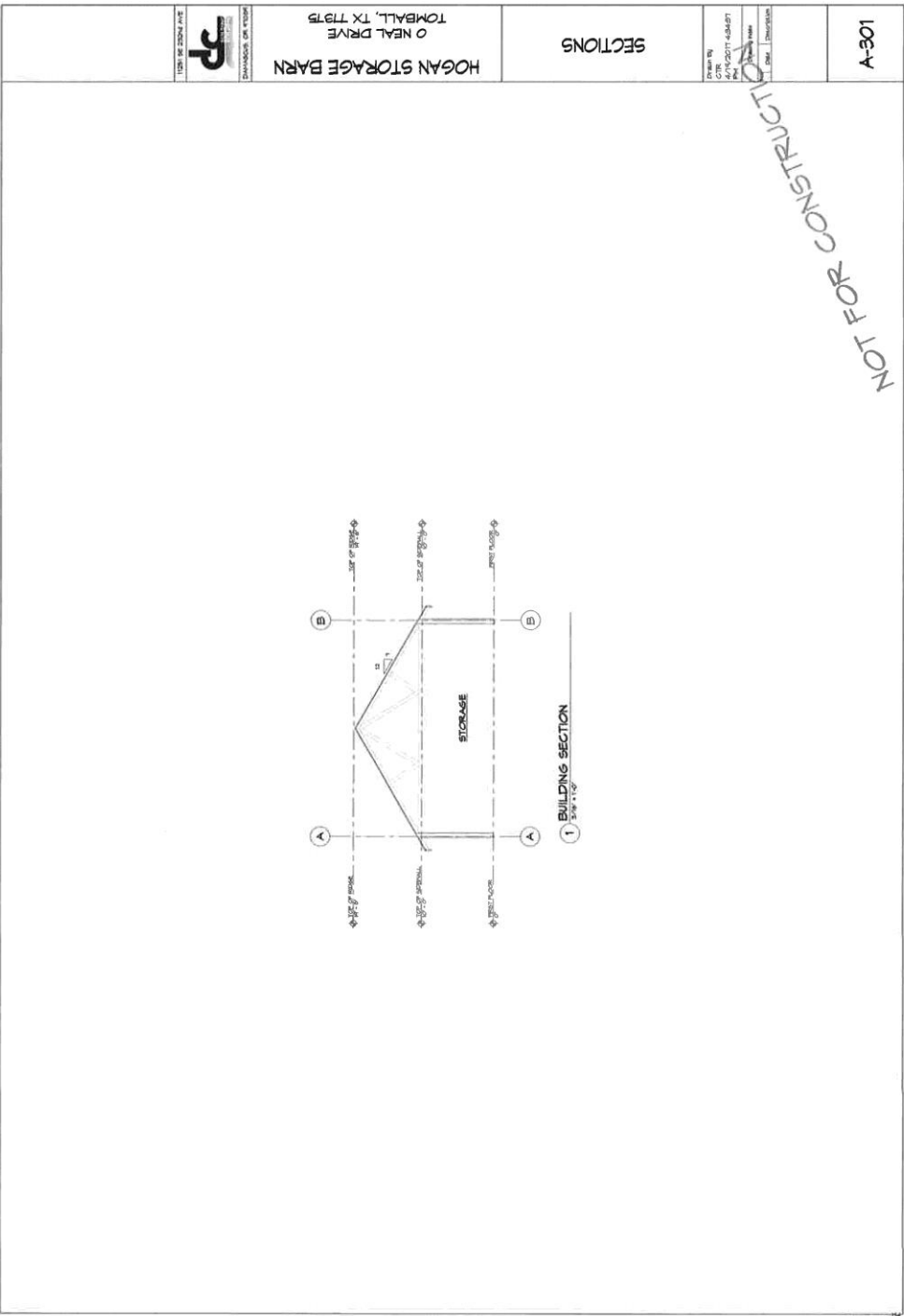
1025 NE 23RD AVE
P
DRAFTER: J. L. HOGAN

DATE: 04/15/2011
BY: J. L. HOGAN
CHECKED: J. L. HOGAN
DATE: 04/15/2011

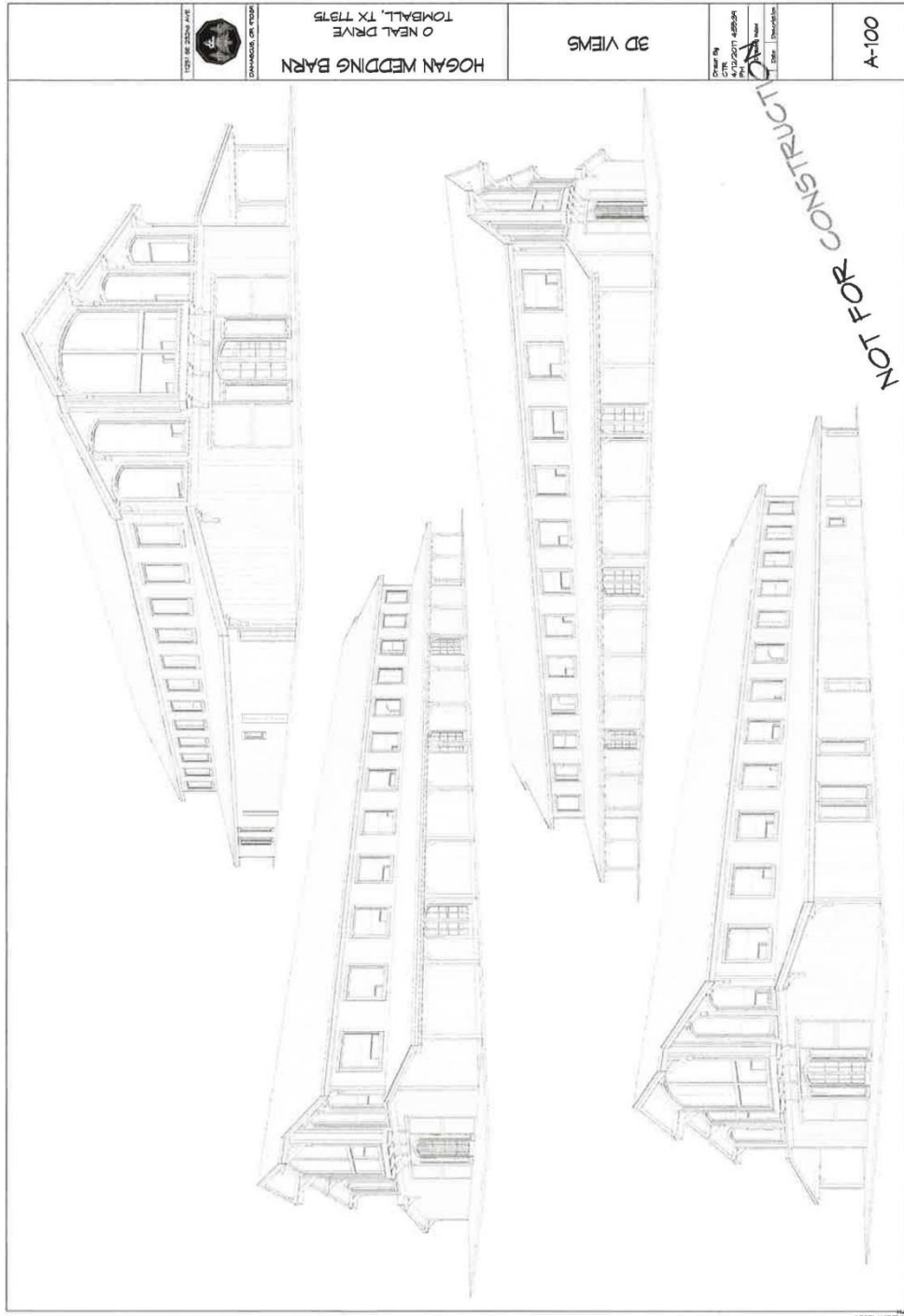
2011-11-15 10:00 AM







P17-0059





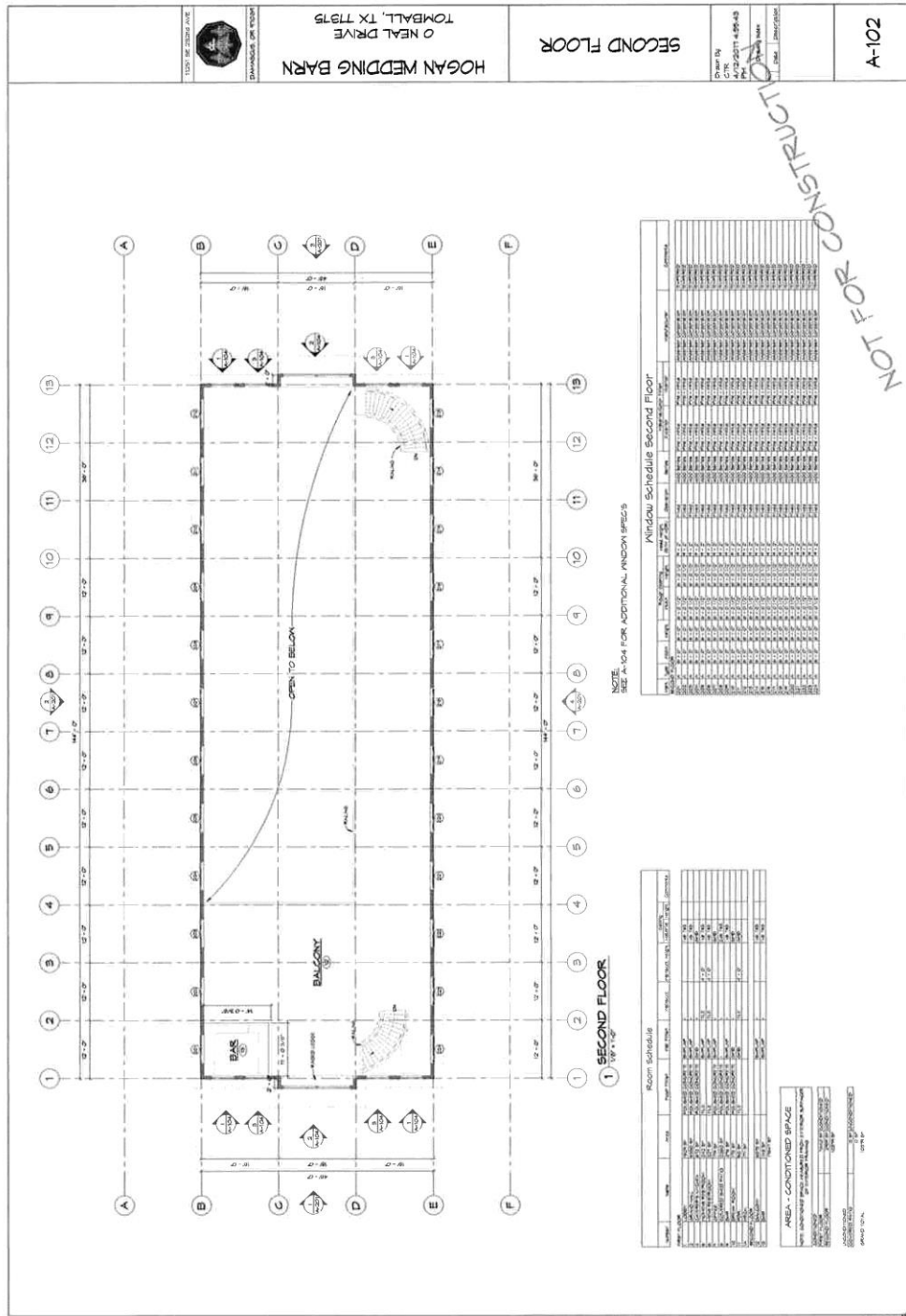


Exhibit “G”
Ordinance No. 2015-25

ORDINANCE NO. 2015-25

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING SECTION 50-82 (B) (“USE CHARTS”) TO ADD A LAND USE AND ASSOCIATED REGULATIONS FOR “RECEPTION VENUE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that Section 50-82(b) (“Use Charts”) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Section 50-82(b) (“Use Charts”) of the Code of Ordinances;

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the amendment to Section 50-82(b) (“Use Charts”) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Section 50-82(b) (“Use Charts”) of the Code of Ordinances.

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

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

Section 2. Section 50-82(b) (“Use Charts”) of the Code of Ordinances is hereby amended by adding the following:

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts				OT&MU	Parking Ratio (Also see Section 50-112)
	AG	SF-20-E	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal & Business													
Reception venue	C	C						C	P	P	P	P	1 space: 4 seats

Section 3. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part 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 21ST DAY OF DECEMBER 2015.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

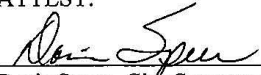
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF JANUARY 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>ABSENT</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>



Gretchen Fagan, Mayor

ATTEST:



Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JUNE 12, 2017
&
CITY COUNCIL
JUNE 19, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 12, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 19, 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 P17-0057: Request by Rene Rodriguez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6.5 acres of land from the Commercial District to the Single-Family 6 District and approximately 95.7 acres of land from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 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.) generally located on the south side of Theiss Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

Zoning Case P17-0059: Request by Hogan Crum LLC for a Conditional Use Permit to operate a *reception venue* on approximately 2.5 acres, legally described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, generally located on the north side of East Hufsmith Road at Lovett Street and is zoned Single-Family 20 Estate District.

Zoning Case P17-0062: Request by the City of Tomball to amend Section 50-80 (Planned Development District) of the Tomball Code of Ordinances in regards to patio home developments.

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

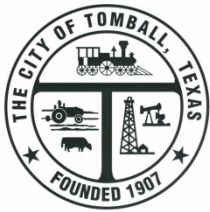
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of **June 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: P17-0059

APPLICANT/OWNER: Request by Hogan Crum LLC

LOCATION: Generally located on the north side of East Hufsmith Road at Lovett Street

PROPOSAL: A Conditional Use Permit to operate a *reception venue* on approximately 2.5 acres, legally described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, currently zoned Single-Family 20 Estate District.

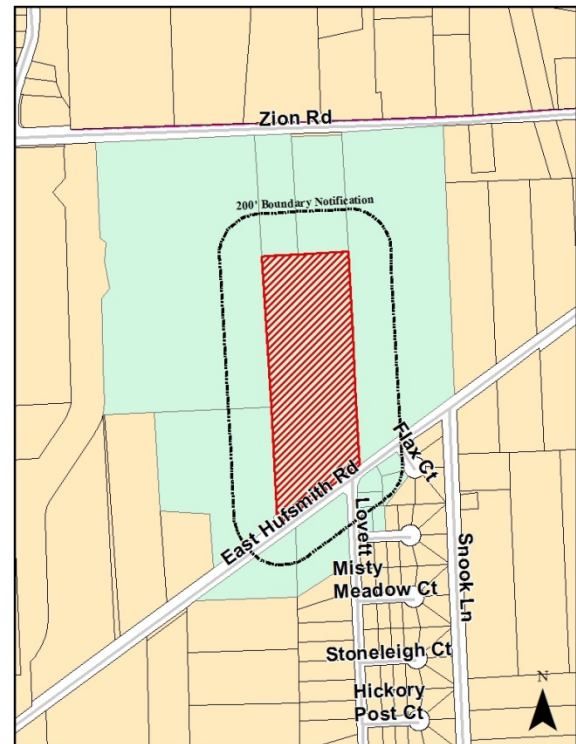
CONTACT: Amelia Lindley

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, June 12, 2017, 6:00 PM

City Council Public Hearing:

***Monday, June 19, 2017, 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Darwin Herring / Kay Herring

24111 Flax Ct

Tomball, TX 77375

Signature:

Date:

Darwin + Kay

6/6/17

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P17-0059. (Please state reasons below)**

✓

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P17-0059. (Please state reasons below)**

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

Monday, June 12, 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, June 19, 2017 6:00 PM

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

COMMENTS:

We live in a residential neighborhood & do not want
the excess noise from loud music, rowdy or intoxicated
patrons late at night

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Daniel Rodano

12125 Lion Rd

Tomball, TX 77375

Signature:

Date:


6/12/2017



I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0059. (Please state reasons below)

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0059. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017 6:00 PM

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

COMMENTS:

I AM THE MAJORITY PROPERTY NEIGHBOR AND ALSO PREVIOUS OWNER OF THIS PROPERTY. I AM VERY FAMILIAR WITH THE PEOPLE AND PLANS OF THIS FACILITY. I HAVE REVIEWED THE PLANS. IT IS A FIRST CLASS FACILITY AND WILL BE AN ASSET TO THE CITY OF TOMBALL AND NEIGHBORS. IT WILL INCREASE ALL PROPERTY VALUES AND BE A GREAT TAX REVENUE TO THE CITY.

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.

FURTHERMORE THE MAJORITY OF THIS ~~TRACT~~ TRACT OF LAND IS ZONED COMMERCIAL AND HAS BEEN SINCE THE CITY ADOPTED ZONING REGULATIONS



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:

Paul Garcia

(please print)

Address:

12211 Lion Road

Tomball Texas 77375

Signature:

Paul Garcia

Date:

June 8, 2017

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0059. (Please state reasons below)

✓

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P17-0059. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017 6:00 PM

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

COMMENTS:

1
This venue will increase noise level especially during evening hours. It will increase traffic and change the character of the residential neighborhood. Property value will decrease and become a deterrent for resale purposes. I believe these nuisances will make it difficult to enjoy my home. SINCE WE ARE THE PROPERTY DIRECTLY BEHIND MINE.

WE WOULD LIKE 1) 20 FOOT SET BACK FROM PROPERTY LINE

2) AT LEAST 10-15 TREES TO SHIELD MY PROPERTY

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

Please reference the case number in the subject line.

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

3) AT LEAST 10 FT FENCE BETWEEN THE PROPERTIES

Page 51 of 51

4) BEST CASE SCENARIO NOT ALLOW TO BUILD ON RESIDUAL ZONED PROPERTY.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 5, 2017

Topic:

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

Background:

On Monday, June 12, 2017, after conducting a public hearing, the Planning and Zoning Commission voted to recommend approval of Zoning Case P17-0057 with 3 votes Aye and one vote Nay.

Origination:

Rene Rodriguez, LJA Engineering

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

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

ATTACHMENTS:

Ordinance No. 2017-19
Notice of Public Hearing
Property Owner Notification
P17-0057 Staff Report
Public Comment Forms

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 TRACTS 198, 202 & 206 TOMBALL OUTLOTS, TRACTS 4L 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.

* * * * *

Whereas, Rene Rodriguez has requested that approximately 102 acres of land, legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 21 & 22 Abstract 632 C N Pillot and a 63.11 acre (2,749,160 square foot) 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.), City of Tomball, Harris County, Texas, 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, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of 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 Commercial District and Agricultural 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 than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JUNE 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>NAY</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 5TH DAY OF JULY 2017.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JUNE 12, 2017
&
CITY COUNCIL
JUNE 19, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 12, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 19, 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 P17-0057: Request by Rene Rodriguez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6.5 acres of land from the Commercial District to the Single-Family 6 District and approximately 95.7 acres of land from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 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.) generally located on the south side of Theiss Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

Zoning Case P17-0059: Request by Hogan Crum LLC for a Conditional Use Permit to operate a *reception venue* on approximately 2.5 acres, legally described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, generally located on the north side of East Hufsmith Road at Lovett Street and is zoned Single-Family 20 Estate District.

Zoning Case P17-0062: Request by the City of Tomball to amend Section 50-80 (Planned Development District) of the Tomball Code of Ordinances in regards to patio home developments.

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

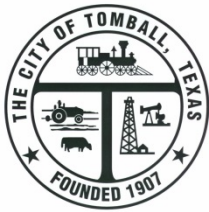
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of **June 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: P17-0057

APPLICANT/OWNER: Request by Rene Rodriguez

LOCATION: Generally located on the south side of Theiss Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street

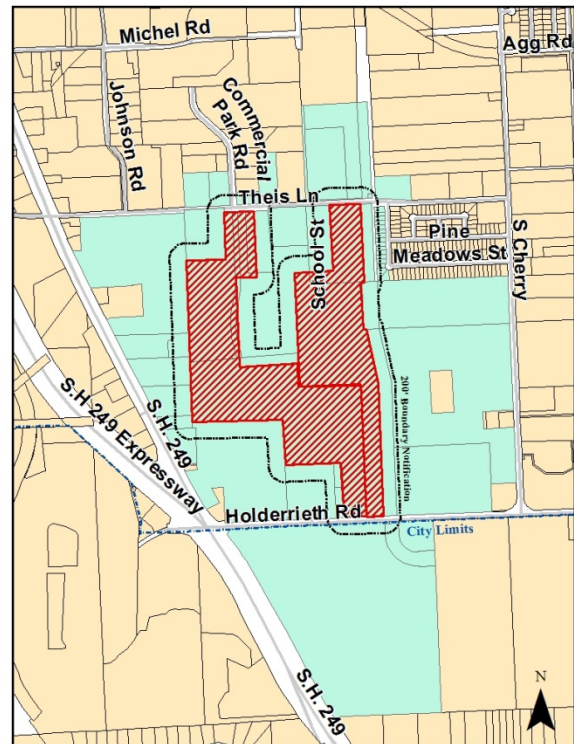
PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6.5 acres of land from the Commercial District to the Single-Family 6 District and approximately 95.7 acres of land from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 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.)

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.

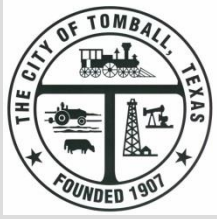


**Planning & Zoning Commission
Public Hearing:
Monday, June 12, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, June 19, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 12, 2017

City Council Public Hearing Date: June 19, 2017

Rezoning Case: P17-0057

Property Owner(s): Tomball 39 Partners and Maritia LP

Applicant(s): Rene Rodriguez

Legal Description: Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 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.)

Location: South side of Theis Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street (Exhibit "A")

Area: Approximately 102 acres

Comp Plan Designation: Medium Density Residential and Employment/Office (Exhibit "B")

Present Zoning and Use: Commercial District (6.5 acres) and Agricultural District (95.7 acres) (Exhibit "C") / Undeveloped land (Exhibit "D")

Request: Rezone approximately 6.5 acres from the Commercial District to the Single-Family 6 and rezoning approximately 95.7 acres from the Agricultural District to the Single-Family 6 District

Adjacent Zoning & Land Uses:

North: Agricultural and Light Industrial District / Commercial business including Inline Services, Dental Frontiers and QTRCO, Inc. and large lot residences

South: Outside City Limits / Undeveloped land

West: Commercial and Planned Development 8 / Walmart, commercial shopping centers, Tractor Supply Co., National Transmission and undeveloped land

East: Agricultural and General Retail / M121 West Drainage Ditch

BACKGROUND

City Staff met with the applicant and other representatives in April 2017 to discuss a proposed single-family development at the subject site. Staff explained that in order to develop a subdivision in this area, a rezoning would be required.

ANALYSIS

The subject site is approximately 102 acres, most of which is zoned Agricultural with a small portion at the southern end on Holderrieth Road zoned Commercial. Because of the size of the proposed project, there are multiple land uses surrounding it. To the north, there are multiple commercial businesses and two large lot residences. The east side of the subject area is separated from Pine Meadows subdivision by a City drainage ditch, M121 West. Land uses to the west include Walmart, commercial shopping centers, Tractor Supply Co., National Transmission and undeveloped land. Property south of the subject site is outside of the City Limits and mostly undeveloped with two large lot residences.

The zoning districts in the area include Light Industrial and Agricultural to the north, Agricultural and General Retail to the east, Commercial and Planned Development 8 to the west and property to the south is outside of the City Limits.

The Future Land Use Map designates most of the property as Medium Density Residential which typically includes lots ranging from 6,000 to 20,000 square feet, according to the City Comprehensive Plan. A small portion at the southern end of the subject site is designated Employment/Office.

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 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 streets 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. School Street, a collector road, will bisect the development and run north/south.

Tomball ISD has been notified of the proposed neighborhood and is able to accommodate the anticipated influx of students.

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.

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.

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 across the street from a City 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 May 25, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on May 31, 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 P17-0057 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

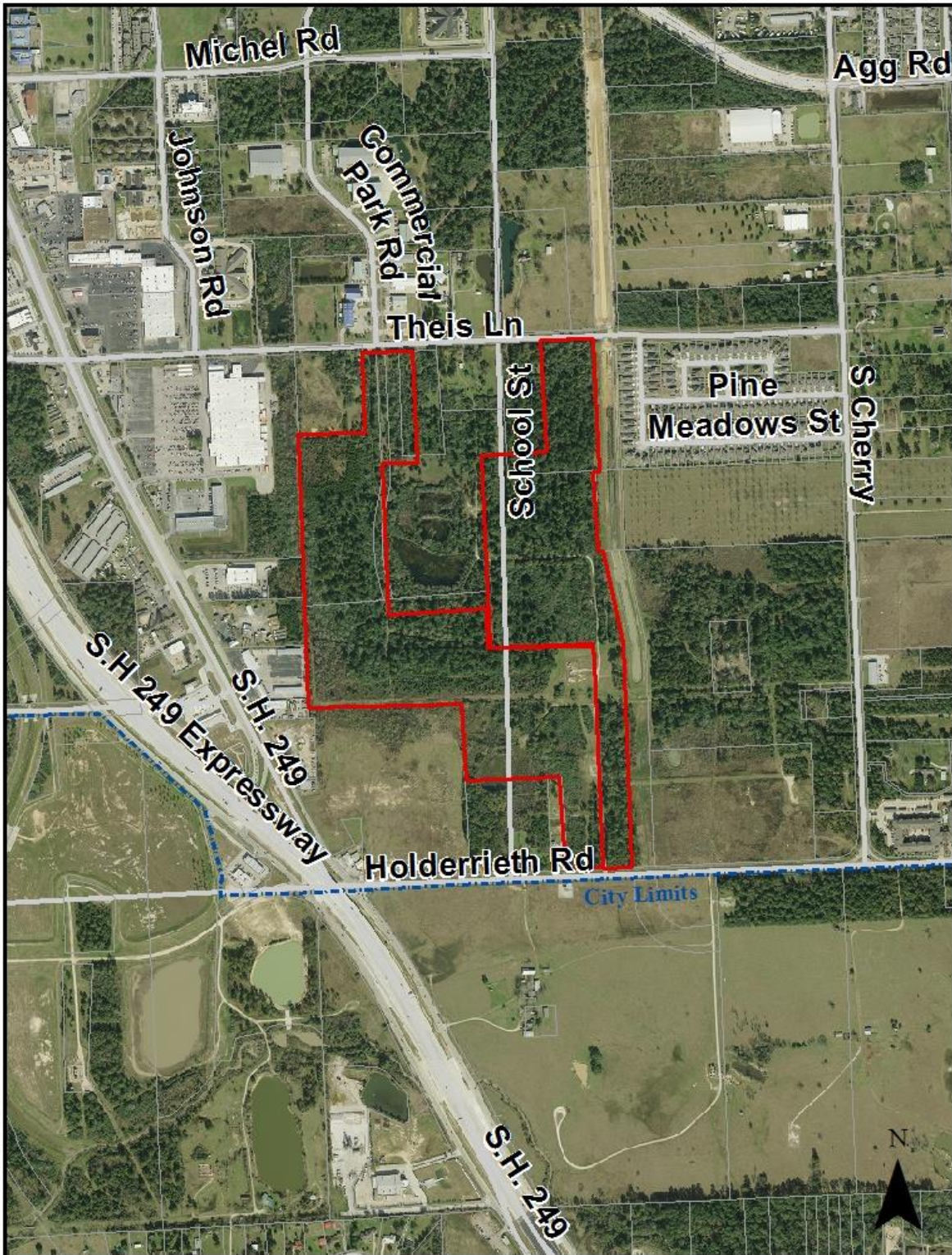


Exhibit "B"
Comprehensive Plan

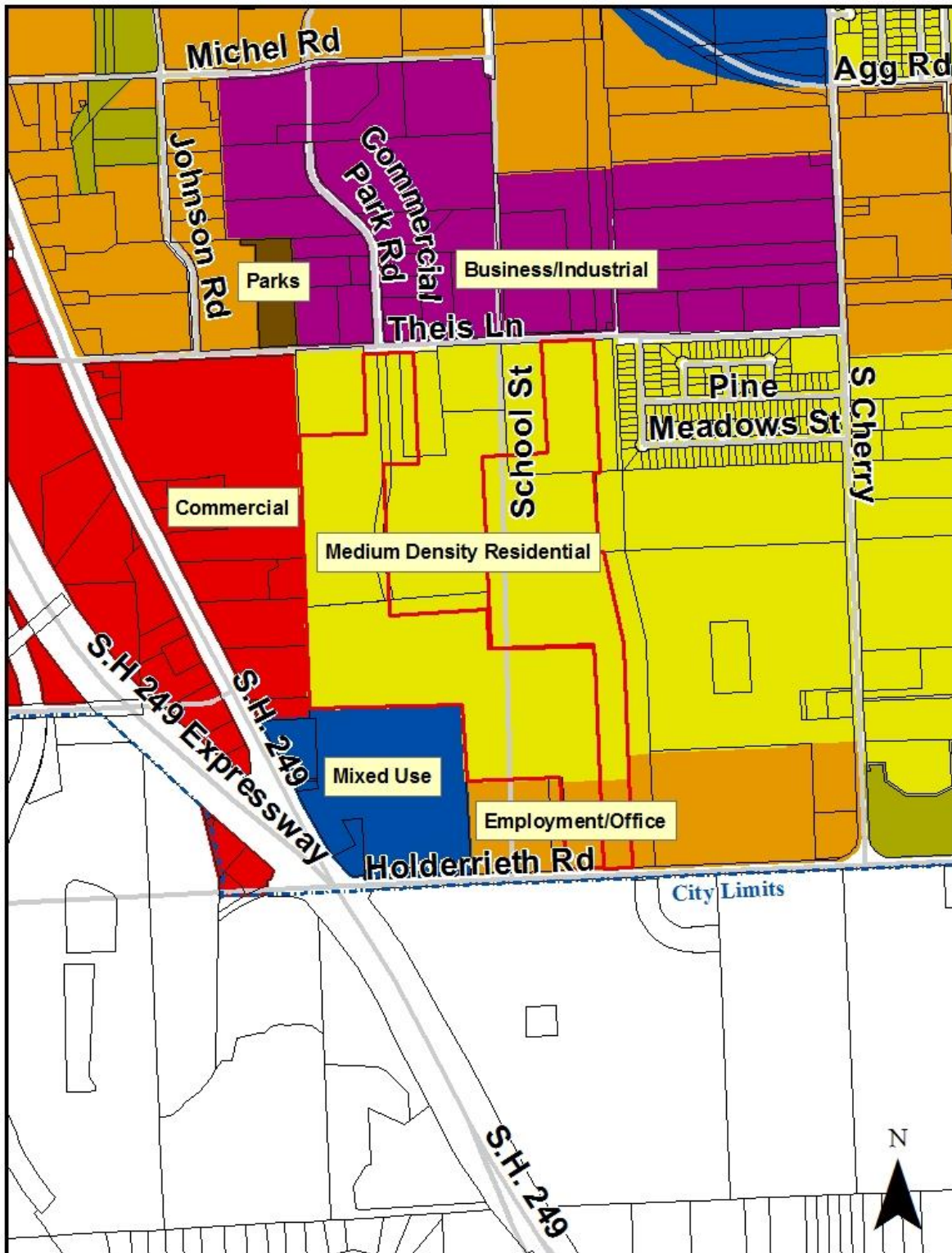
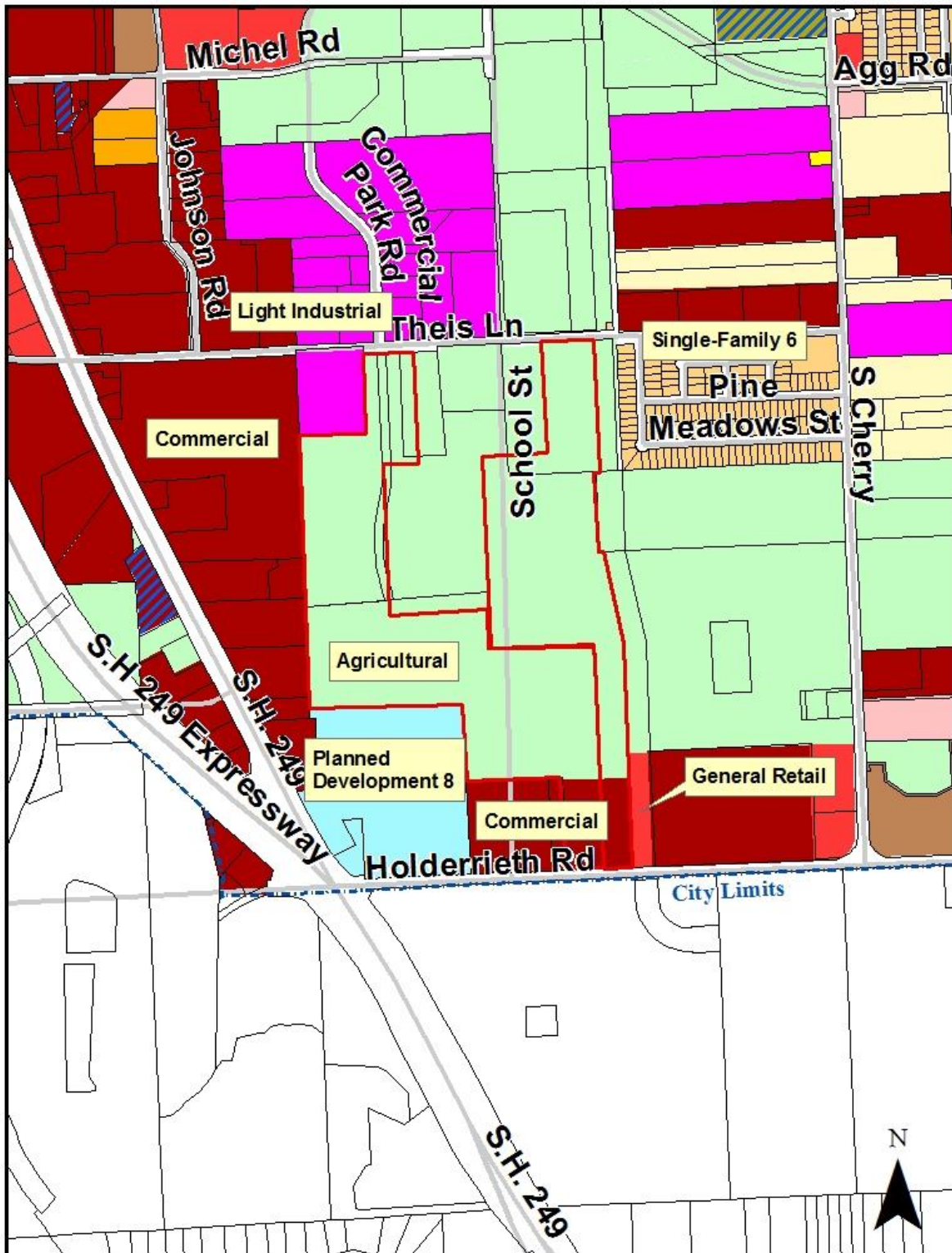


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Subject Site view from Theis Lane



Subject Site view from Holderrieth Road

Exhibit "E"

Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: Rene Rodriguez Title: Platting Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5228 Fax: (713) 953-5026 Email: rerodriguez@lja.com

Owner

Name: Maritta LP Louis H. S. Muldean Title: E.V.P.
Mailing Address: 30 E. Rivercrest Dr City: Houston State: Texas
Zip: 77042
Phone: () Fax: () Email:

Engineer/Surveyor (if applicable)

Name: Alan McKee Title: Sr. Vice President
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5121 Fax: (713) 953-5026 Email: amckee@lja.com

Description of Proposed Project: 63.11 Acres out of the Isaac Mansfield Survey, Abstract 344

Physical Location of Property: E. of SH 249, N. of Holderrieth Rd, S. of Theiss Rd, & W. of S. Cherry

Legal Description of Property: 63.11 Acres of out of the Isaac Mansfield Survey, Abstract 344
[General Location - approximate distance to nearest existing street corner]
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agricultural

Current Use of Property: Vacant

Proposed Zoning District: SF-6 Single Family 6 District

Proposed Use of Property: Single Family Residential

HCAD Identification Number: 044-058-000-0285 Acreage: 63.11

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 
Signature of Applicant

April 26, 2017

Date

X 
Signature of Owner

April 26, 2017

Date

COY'S H. SUGDEN

Revised 5/19/15



APPLICATION FOR REZONING
Community Development Department
Planning Division

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

Applicant

Name: Rene Rodriguez Title: Platting Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5228 Fax: (713) 953-5026 Email: rerodriguez@lja.com

Owner

Name: Tomball 39 Partners LLP Title: _____
Mailing Address: 14015 Park Dr, Suite 101 City: Tomball State: Texas
Zip: 77377
Phone: (____) _____ Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: Alan McKee Title: Sr. Vice President
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5121 Fax: (713) 953-5026 Email: amckee@lja.com

Description of Proposed Project: 39 Acres out of the Isaac Mansfield Survey, Abstract 344

Physical Location of Property: E. of SH 249, N. of Holderlieth Rd, S. of Theiss Rd, & W. of S. Cherry
(General Location - approximate distance to nearest existing street corner)

Legal Description of Property: 39 Acres of out of the Isaac Mansfield Survey, Abstract 344
(Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block)

Current Zoning District: AG - Agricultural

Current Use of Property: Vacant

Proposed Zoning District: SF-8 Single Family 6 District

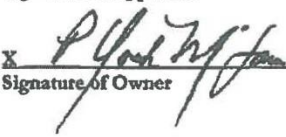
Proposed Use of Property: Single Family Residential

HCAD Identification Number: 035-286-000-0198 Acreage: 39

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 	April 26, 2017
Signature of Applicant	Date
X 	April 26, 2017
Signature of Owner	Date

Amelia Lindley

From: Geneva <neva_darvin2stjohn@yahoo.com>
Sent: Monday, June 12, 2017 5:57 PM
To: Amelia Lindley
Subject: Planning Zoning Commission Case#P17-0057

Attn: Amelia Lindsey,

We are against the Planning and rezoning due to taxes would be increased
More traffic on Theis and South Cherry, the possible new development being considered for low end housing
which would decrease the value of our homes, and flooding issues it would cause.

Sincerely,
Darvin StJohn

Sent from my iPad



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:

LANCE & Tammy Decker

1930 Seotch Pine St

Tomball, TX 77375

Lance & Tammy A Decker

6-3-2017

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

☒

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017, 6:00 PM

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

COMMENTS:

The drainage is terrible in this location. The city needs this area to stay natural to absorb rainfall. Making a residential neighborhood here will exasperate the issues of flooding on Hldcrieth & possibly back up water into pine meadows subdivision. This is a very bad idea!

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

PUNG T. LE
2018 Scotch Pine St.
TOMBALL, TX 77375
Dung Lo
5/30/17

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0057. (Please state reasons below)**

✓

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0057. (Please state reasons below)**

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Monday, June 19, 2017, 6:00 PM

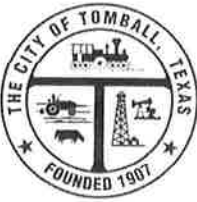
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

EDWARD L. PFENT, JR

(please print)

Address:

12810 PINE MEADOWS ST.
TOMBALL, TX 77375

Signature:

Edward L. Pfent, Jr.

Date:

5-31-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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Monday, June 12, 2017 6:00 PM

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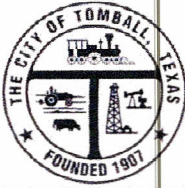
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Jeff STALLONES

46 PALMER CREST

SPRING TX 77381

Signature:

Date:

[Signature]

5-31-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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Monday, June 19, 2017, 6:00 PM

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

COMMENTS:

GREAT FOR TOM BALL !

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.

Amelia Lindley

From: Jon Spears <jspears@tnrg.net>
Sent: Monday, June 12, 2017 4:19 PM
To: Amelia Lindley
Subject: P17-0057

Amelia:

It was a pleasure speaking to you today. Thanks again for getting back to me. As I mentioned, I represent the +/-20 acres on Holderrieth, directly to the east of the subject tract across the proposed drainage channel. I would like to voice my support for the rezoning request to zone the property as Family 6 District. I feel that would be an excellent use for that parcel. My only reservation being that I would hope that the new homes would be priced above the starter home level.

Thank you.

Jon Spears

TNRG | Development

15120 Northwest Freeway, Suite 190

Houston, Texas 77040

P: (713) 744-7415 | F: (713) 856-5100

No warranty or representation, expressed or implied, is made as to the accuracy of the information contained herein and same is submitted subject to errors, omissions, change of price, rental or other conditions. E-mails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor create a binding contract until and unless a written contract is signed by both parties.



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:

Arlene Knobloch

12727 Pine Woods ST.

Tomball, TX 77375

Signature:

Date:

Arlene Knobloch

6-12-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 2017 6:00 PM

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401 Market Street, Tomball, Texas

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Monday, June 19, 2017, 6:00 PM

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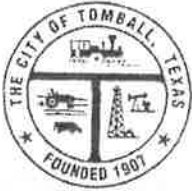
COMMENTS:

The City of Tomball and future developer have not taken in consideration consequences that could fall upon the Pine Meadows neighborhood if proposed zoning is approved. (1) Flooding on Holderreith has not been addressed. If zoning approved and area developed where is the water run off going to go? It has been mentioned that residents should start considering flood insurance. Costly consequence. (2) Higher water bills are already being experienced due to the HCRWA. If area developed and Pine Meadows becomes part of a municipal district (MUD) that leads to a MUD tax and another costly consequence. (3) Increased traffic plus higher taxes and water bills could be detrimental to the Pine Meadows residents. I, myself, moved here because there was no MUD tax and flooding not an issue. Now these are possible issues that could affect future property value.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Shirley McMillian

12919 Pinewoods St.

Signature:

Date:

Shirley McMillian

6/7/17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

✓
I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 2017 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, June 19, 2017, 6:00 PM

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

COMMENTS:

This will just be the beginning of added expense & lowering of property values. If homes are low end, crime will increase. Many homeowners in Pine Meadows are seniors and older and are dealing with health issues. I sincerely hope this does not pass!

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

Michael Bryan Hill

12707 Pine Woods St.
Tomball, TX 77375

Michael Bryan Hill

6/12/17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 2017 6:00 PM

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

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Monday, June 19, 2017, 6:00 PM

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401 Market Street, Tomball, Texas

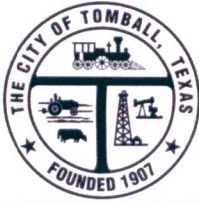
COMMENTS:

- Too much Traffic
- Potential in increased flooding

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: STUART A. RATHE

(please print)

Address: 917 Franklin St. #550
Houston, Tx. 77002

SH 249 & HOLDERREITH
26 ACRES
MAPLE GROUP LTD.

Signature: Stuart A. Rathe

Date: 5/31/17



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

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

Monday, June 19, 2017, 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

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

Name: RAYMOND + Christie KOCIAN
(please print)
Address: 2014 Scotch Pine ST.
TOMBALL, TX 77375
Signature: Raymond + Christie Kocian
Date: 6/8/17

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, June 12, 2017 6:00 PM
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401 Market Street, Tomball, Texas

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Monday, June 19, 2017, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

We, as homeowners and taxpayers are against the requested Rezoning case P17-0057 because of the threat of flooding and higher taxes placed on us. There are many on fixed incomes here and we enjoy the peace and quiet. We love Tomball, but we feel there are drainage issues here that need to be fixed.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Martha M Huebner

(please print)

Address:

14219 Spring Pines Dr
Tomball, TX 77375

Signature:

Martha M. Huebner

Date:

6/9/2017

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

✓

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

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Monday, June 19, 2017, 6:00 PM

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

COMMENTS:

I prefer The property stay commercial. Don't think we need more housing within The City limits. IT puts strain on Schools, Police, Fire Dept Emergency medical services. Also more concrete Adds To flooding To South of Holderrieth And the property I own. Flooding has gotten very serious The last years AS more developement of property & roadways takes place.

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:
(please print)
Address:

Dennis Fiske + Patricia Fiske
12815 Pine Meadows St

Signature:
Date:

Dennis Fiske Patricia Fiske
6-6-17

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 2017 6:00 PM

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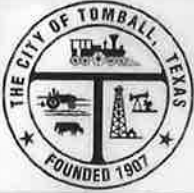
COMMENTS:

1) For the 2 yrs. we have lived here we have had flood issues from the reservoir in back of Pine Meadows + Theiss St during heavy rains (what are the plans to fix) 2) Traffic concerns. we already have vehicles cut thru our small subdivisions to get to Theiss. (any new plans to redirect Traffic)

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

JACQUELINE ANGERO, INDEPENDENT EXECUTRIX OF THE
Estate of LUCILLE RUMFORD,
deceased

13142 Holderneth Rd
Tomball, Tx 77375

Jack Angelo

6/9/2017

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

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401 Market Street, Tomball, Texas

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

COMMENTS:

As a substantial interest property owner and resident of Tomball I am concerned w/ location of plat(s) location and intrusion of my estate's and heirship rights including water and pond Also request obfuscation, Home Charter, FEMA, HCFE, TxDOT, NFIP, SPL Mitigation, as well as monopolizing and expending COT financial resources to overwhelm future development and control interested parties and area. see Memorandum 2013 COT Notified 2014 FEMA MAP 6/18/07

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.

Declared
Presidential Decree No. 4272-6/11/2014

Holderneth Rd
closures
2016
No. 4266-3/19/2016
No. 4269-4/25/2016

Indignantly,
Jack Angelo
Independent Executrix of
the Estate of Lucille Rumford,
deceased

Name: Jacqueline Angelo

Reg. No. 411802754
Disaster No. 4269



Address: 13142 Holderrieth Road

Property Location



Property with FEMA overlay





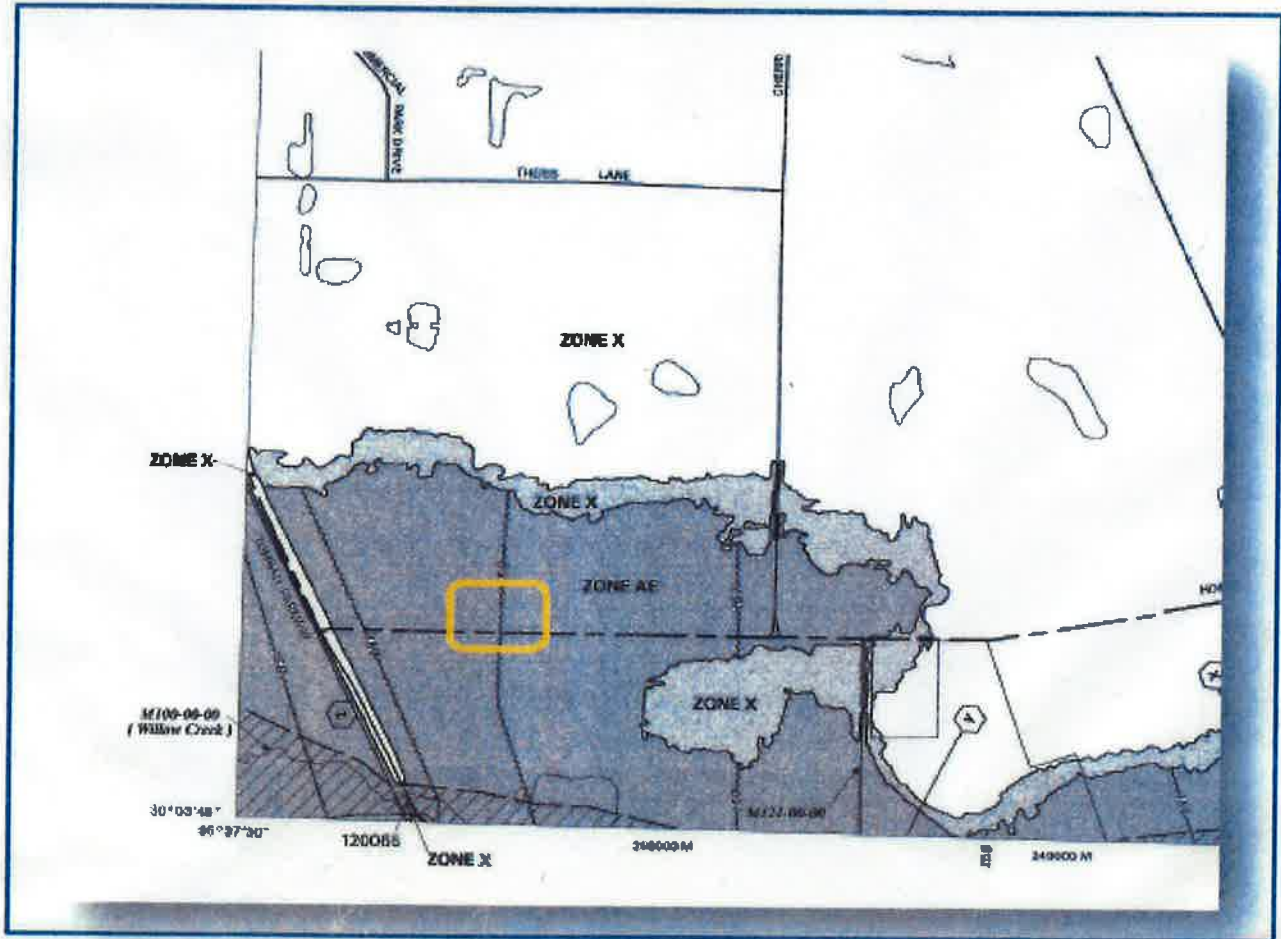
FEMA

Panel: 48201C0230L

Date: 06/18/07

Community: Tomball, City of

Reg. No. 411802754
Disaster No. 4269



You are located in Flood Zone AE

Definition: The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.



**DUE
JAN. 31**

ANNUAL REPORT FOR CALENDAR YEAR 2016

Harris-Galveston Subsidence District

1660 West Bay Area Blvd.

Friendswood, Texas 77546-2640

Phone: (281) 486-1105 Fax: (281) 218-3700

www.subsidence.org



INSTRUCTIONS:

Complete one form for each well covered by a HGSD Water Well Permit in 2016. Where wells have been permitted for aggregate withdrawal, only one form per aggregation need to be completed. Sign form and mail to Harris-Galveston Subsidence District before JANUARY 31, 2017.

1. Well No(s): 5100

2. Name of Well Owner: Angelo, Jacqueline Rumfolo

3. 2016 Groundwater Withdrawal:

(Report the amount of groundwater withdrawn for each month in gallons, not the actual meter readings.)

GALLONS		GALLONS	
JAN		JUL	
FEB		AUG	
MAR		SEP	
APR		OCT	
MAY		NOV	
JUN		DEC	0497020
TOTAL FOR YEAR =			0497020

4. Water Was Used for:

(1) Domestic/Public

(2) Industrial

(3) Irrigation/Acres

(4) Other (Explain)

(Agricultural Users:

Type of Crop:

Pine Trees

Acres Irrigated

3

5. How did you measure the water used in item 3 above?

(1) Water Meter

(2) Multiple Water Meters

(3) Other (Explain)

Residential 3 1/2 acres

*ALSO POND ON BACK OF PROPERTY

6. Is alternate water or groundwater obtained from any other source?

Yes

No

X

If YES, name source

State the annual amount

4 MCL-91

7. Additional comments may be attached.

Water Well is elevated and in covered building

8. NOTICE: Records of monthly meter readings, dates taken, and meter serial numbers must be kept.

THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY ABILITY.

Date:

Feb. 23, 2017

Signature

Jac. Angelo

Telephone No.

281-389-8757

Print Name

Jacqueline Angelo

* Presidential Declared Disaster # 4266- 03/19/2016
 * Presidential Declared Disaster # 4269- 04/25/2016
 * Presidential Declared Disaster # 4272- 06/11/2016

6/9/2017

As a substantial interest property owner I am concerned about the location of this particular plat (s) intrusion on my entities and heirship rights including the water rights for the property known as:

13142 Haldemuth Rd
Tomball, Tx 77375

P17-0057

This applicant/owner request obfuscates Charter, HCFC, FEMA, TxDOT, NFIP, SRL Mitigation, as well as monopolizes and exploits City of Tomball financial resources to overwhelm development and control area indefinitely of any and all interested parties
JACQUELINE ANGELO

Jacqueline Angelo 6/9/17
Independent Executor of the Estate
of Lucille Rumpolo, Deceased

see Memorandum 2013
COT Noticed 2014
Haldemuth Rd Closure 2014
Presidential Declared Disaster
No 4266 - 3/19/16
No 4269 - 4/25/16
No 4272 - 6/11/16
FEMA Map 6/18/07

Sec. 38-27. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve, or deny all applications for development permits required by this chapter.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state natural resources conservation commission, or its successors, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 38-6(b), obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer these provisions.
- (9) When a regulatory floodway has not been designated, require that no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

(Ord. No. 96-18, § 4(B), 11-21-96)



Jacqueline Angelo
#15W083725

City of Tomball
Community Development Department
501 James St
Tomball, Texas 77375

✓
✓
✓
Harris

Memorandum

DATE: December 16, 2013

TO: Jacqueline Angelo

RE: Proposed Comprehensive Plan Amendment & Rezoning

CC: Craig Meyers, Community Development Director
Lori Lakatos, City Engineer
Rebeca Guerra, City Planner
Rodney Schmidt, Assistant City Planner

LOCATION: 13142 Holderrieth Road; Tomball, Texas 77375

FLU: Employment Office

ZONING: Planned Development (Single-Family Residential & Commercial uses)

PROPERTY TO BE PLATTED:

- Create (4) 0.23 acre commercial lots along Holderrieth Road
- Create (1) XX acre single-family residential lot along Holderrieth Road
- Dedicate r-o-w for future School Street
- Dedicate r-o-w and easements for Holderrieth Road
- Single-family residence would remain but would not be consistent with FLU or Zoning
- Per Section 7.2 of Zoning Ordinance, in order for a structure to maintain its nonconforming status, there must not be 50% or more damage &/or improvements needed on the structure AND structure cannot have been vacated for 6 months or more (must be lived in) Proof light bill/garbage/lease
- A Vested Rights Letter is not applicable as progress or improvements to the site/structure must be shown for the specific proposed single-family residential use or commercial

can Board of adjustment appeal

Jacqueline Angelo

Page 2

#15W083725

45 (23)
CA

STAFF RECOMMENDATION OF DENIAL

- Future Land Use (FLU)
 - Existing – Employment Office (extends east to Cherry Street)
 - Immediately to the west out to SR 249 is Mixed Use
 - For uses/rezoning proposed, a Comprehensive Plan Amendment to Mixed Use is advised for the entire property
- Zoning
 - Existing – Commercial (extends west to SR 249)
 - Immediately to the east out to Cherry Street is General Retail
 - ✗ Rezoning to Planned Development (PD) to allow for (1) single-family residence along with (4) commercial lots would not be consistent with the area, is not compatible with the zoning of the area, and would establish a precedent of Spot Zoning which is unconstitutional per Texas & US law

IF APPLICANT WISHED TO PROCEED

- The Concept Plan must be designed by a planning professional, engineer, architect, etc. and signed/sealed by them.
- Adhere to the requirements for a PD and its accompanying Concept Plan per Section 36. **NOT SUBMITTED**
- List the design standards for the single-family residence & the commercial lots.
- Concept Plan should show r-o-w and easement dedications for Holderieth Road and School Street
- ✓ • Commercial tracts need to show how the entire will be laid out with buildings, parking, lighting, landscaping, etc.
- Ordinance language needs to be drafted.
- A Comprehensive Plan Amendment application needs to be filled out requesting a FLU of Mixed Use. Additional information and back-up is also required. No additional fee is needed.
- **Taxes shall be paid by January 31, 2014, and a Tax Certificate shall be provided.**
- School Street alignment needs to be designed by an engineer and requires approval by the City Engineer.

TCB ACOM

MICHAEL T. McCAUL
10TH DISTRICT, TEXAS

COMMITTEE ON
HOMELAND SECURITY
CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT, INVESTIGATIONS AND MANAGEMENT

COMMITTEE ON FOREIGN AFFAIRS
VICE CHAIR, SUBCOMMITTEE ON THE
WESTERN HEMISPHERE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

COMMITTEE ON ETHICS

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-4310

WASHINGTON OFFICE:
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE:
5828 BALCONES DRIVE, SUITE 305
AUSTIN, TX 78731
(512) 473-2357

BRENNHAM OFFICE:
2000 SOUTH MARKET, SUITE 303
BRENNHAM, TX 77833
(979) 830-8497

KATY OFFICE:
1550 FOXLAKE, SUITE 120
HOUSTON, TX 77084
(281) 398-1247

TOMBALL OFFICE:
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
990 VILLAGE SQUARE, SUITE B
TOMBALL, TX 77375
(281) 255-8372

November 6, 2012

Ms. Jacqueline Angelo
13142 Holderrieth Road
Tomball, Texas 77375

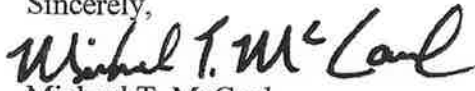
Dear Ms. Angelo:

In response to my inquiry on your behalf, I received correspondence from FEMA.

FEMA indicates after review of my inquiry on your behalf that your case is not in their jurisdiction. FEMA states your property is zoned commercial by the City of Tomball, and the city's codes do not allow substantial improvement of residential structures in commercial zones without a variance or zone change. Only the city can grant a variance or zone change; therefore, FEMA has determined that your issue is outside of FEMA's purview. I regret a more favorable response is not available.

I hope you will not hesitate to contact me in the future should other questions or concerns arise. I appreciate the opportunity to be of service.

Sincerely,


Michael T. McCaul
Member of Congress

MTM:mkm

0440580000235

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)

See The Attached
Instructions

O.M.B. No. 1660-0040
Expires May 30, 2015

SECTION I - LOAN INFORMATION				
1. LENDER NAME AND ADDRESS	2. COLLATERAL (Building/Mobile Home/Property) PROPERTY ADDRESS AND PARCEL NUMBER (See Instructions section for more information) 13142 Holderieth Road Tomball, TX 77375			
3. LENDER ID NO.	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED		
SECTION II				
A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION				
1. NFIP Community Name TOMBALL, CITY OF	2. County(ies) HARRIS	3. State TX	4. NFIP Community Number 480315	
B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME				
1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A") 48201C0230L	2. NFIP Map Panel Effective/ Revised Date 06/18/07	3. LOMA/LOMR Number	4. Flood Zone AE	5. No NFIP Map
C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)				
1. ☒ Federal flood insurance is available (community participates in the NFIP). ☒ Regular Program ☐ Emergency Program of NFIP 2. ☐ Federal flood insurance is not available because community is not participating in the NFIP. 3. ☐ Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available. CBRA/OPA Designation Date: _____				
D. DETERMINATION				
IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")? ☒ YES ☐ NO If yes, flood insurance is required by the Flood Disaster Protection Act of 1973. If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.				
E. COMMENTS (Optional)				
The structure is entirely within the designated FEMA flood zone (Zone AE). This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building/mobile home on the NFIP map.				
F. PREPARER'S INFORMATION				
NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender) Second Look Flood, LLC PO Box 7473 St. Cloud, MN 56302 320-224-4180			DATE OF DETERMINATION 08/17/2013	

OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS
PROBATE COURTS DEPARTMENT

IN MATTERS OF PROBATE

PROBATE COURT NO. 1

HARRIS COUNTY, TEXAS

DOCKET NO. 303,349

ESTATE OF: LUCILLE RUMFOLO
DECEASED

LETTERS TESTAMENTARY

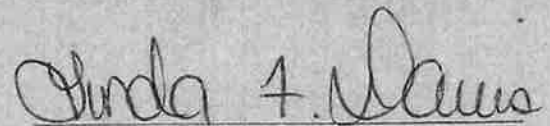
KNOW ALL MEN BY THESE PRESENTS THAT IT IS HEREBY CERTIFIED:

1. ON JANUARY 8, 2002, JACQUELINE ANGELO WAS DULY APPOINTED BY ORDER OF SAID COURT AS INDEPENDENT EXECUTRIX OF THE LAST WILL OF LUCILLE RUMFOLO, DECEASED;
2. ON JANUARY 8, 2002, SAID INDEPENDENT EXECUTRIX QUALIFIED AS THE LAW REQUIRES;
3. INSOFAR AS THE RECORDS IN MY OFFICE SHOW, SAID INDEPENDENT EXECUTRIX IS STILL ACTING IN SAID CAPACITY.

WITNESS MY HAND AND SEAL OF SAID COURT, AT HOUSTON, TEXAS, ON JANUARY 8, 2002.

BEVERLY B. KAUFMAN, CLERK
PROBATE COURT NO. 1
HARRIS COUNTY, TEXAS

(SEAL)



LINDA F. DAVIS
DEPUTY COUNTY CLERK

No. 80549/LFD



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: William G. HIGHTOWER

(please print)

Address: 6015 THEALL

Houston TX 77066

Signature: [Signature]

Date: 05/30/17



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0057. (Please state reasons below)

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

Monday, June 12, 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, June 19, 2017, 6:00 PM

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

COMMENTS:

GOOD PLAN FOR THAT PROPERTY

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

Please reference the case number in the subject line.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 5, 2017

Topic:

Appoint Independent Auditors for the Fiscal Years Ending September 30, 2017 through September 30, 2021.

Background:

We have completed our review of the eight accounting firms that responded to our Request for Qualifications (RFQ) which was approved by the City Council on May 15, 2017. A list of the firms that responded to our RFQ is attached.

It should be noted that all of the responding firms are independent of the City of Tomball and all are qualified to perform the audit. However, based upon our review, it is our opinion that the firm BKD, LLP will best serve the purposes of the audit and be able to provide an opinion on our financial statements in a timely and efficient manner.

BKD, LLC is large enough to offer the resources needed both locally and through a national network of support. The audit will be performed by the Houston office and listing of the engagement team to be assigned begins on page 7 of the RFQ.

At the May 15 meeting, the presentation of the RFQ included a copy of one of the "Best Practices" as set forth by the Government Finance Officers of America (GFOA) regarding Audit Procurement. That statement includes the statement that "ideally, auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of an audit contract, as is often the case in the private sector."

With that best practice in mind, along with the resources available during the audit, we recommend BKD,LLP to perform the audit of the City's financial statements for the fiscal years 2017 through 2021.

Origination:

Glenn Windsor

Recommendation:

N/A

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

Glenn Windsor

ACTION TAKEN

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

Listing of Accounting Firms Responding to City RFQ

Statement of Qualifications for Independent Financial Audit Services- BKD, LLP
GFOA Best Practice, Audit Procurement

CITY OF TOMBALL, TEXAS

LISTING OF ACCOUNTING FIRMS REPONDING TO THE RFQ FOR INDEPENDENT AUDITING SERVICES

FY 2017 THROUGH FY 2021

Belt, Harris, Pechacek, LLLP

Carr, Riggs & Ingram, LLC

BKD, LLP

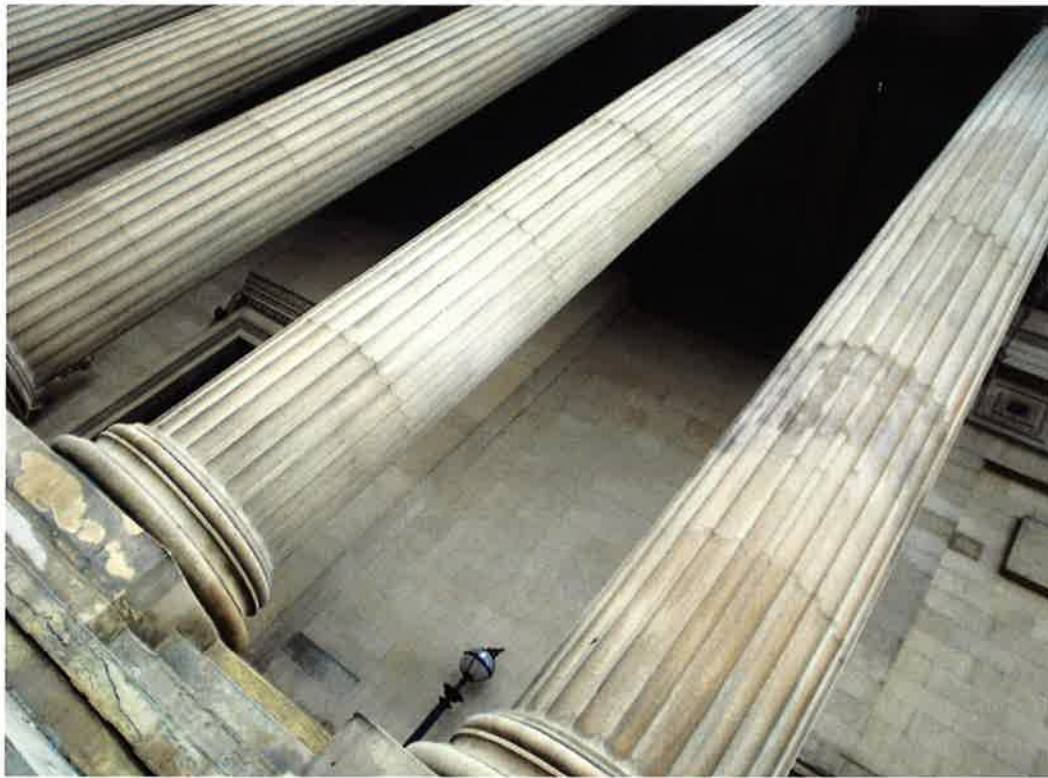
Patillo, Brown, & Hill, LLP

WhitleyPenn

RPC, CPA's, LLP

McConnell & Jones, LLP

Weaver & Tidwell, LLP



STATEMENT OF QUALIFICATIONS FOR INDEPENDENT FINANCIAL AUDIT SERVICES

CITY OF TOMBALL

Submitted by **BKD, LLP**
2800 Post Oak Boulevard // Suite 3200 // Houston, TX 77056
Website: bkd.com
Phone: 713.499.4600
Amanda E. Eaves, CPA // Director // aeaves@bkd.com
June 7, 2017

BKD^{LLP}
CPAs & Advisors

TABLE OF CONTENTS

C. LETTER OF TRANSMITTAL.....	v
D. PROFILE OF THE RESPONDING FIRM.....	1
Firm & Local Office Overview	1
Affiliations & Peer Review	2
E. SUMMARY OF THE RESPONDING FIRM'S QUALIFICATIONS	3
Governmental Audit Experience	3
Your BKD Engagement Team.....	7
Additional Services	11
F. APPROACH TO THE AUDIT	12
Service Approach.....	12
Our Expectations of Your Staff	18
APPENDIX	20
Exceptions to Terms & Conditions	21
Why Choose BKD	22
AICPA Peer Review Letter	25
BKD Peer Review Report	26
BKD Smooth Transition Approach.....	27
BKD Firm Profile	28
Commitment to Professional Development	29
BKD PRIDE Values	30

C. LETTER OF TRANSMITTAL

June 7, 2017

Mr. Glenn Windsor
Director of Finance
City of Tomball
401 Market Street
Tomball, TX 77375

DEAR MR. WINDSOR:

The City of Tomball (the City) is mindful of those you serve—the thousands of residents who live, work and raise families in Tomball. As pressures from maintaining compliance with new accounting standards and rapidly evolving regulatory requirements pose concerns, you recognize the importance of demonstrating your fiscal responsibility through continued transparency and accountability of funds. You need the resources, guidance and expertise of a national CPA and advisory firm that can help you have confidence in your financial statements and demonstrate your effectiveness at providing public services. We believe **BKD, LLP** is that firm.

With BKD, the City can benefit from our experience gained from serving similar-sized cities in Texas and **approximately 500 governmental clients** nationwide. Our commitment to governmental clients includes participating in national and state associations, such as the Government Finance Officers Association (GFOA), Government Finance Officers Association of Texas (GFOAT) and the National League of Cities, as well as supporting the Governmental Accounting Standards Board fellow program. BKD's Texas offices also offer complimentary continuing professional education and lead GFOAT sessions to communicate specific industry developments as part of a shared dialogue between peer entities. In addition, members of your proposed engagement team serve on the Special Review Committee for the GFOA, which affords them specialized knowledge of the governmental accounting and reporting standards affecting you. Through this hands-on industry involvement, the City can be confident we are well equipped to serve you.

We understand the City is seeking a Financial Statement Audit in Accordance with *Government Auditing Standards* and Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, if required, for the years ending September 30, 2017, 2018, 2019, 2020 and 2021. If engaged, we are committed to performing the work within the time periods specified in the City's Request for Qualifications. As a partner of the firm, Gregory Sissel is authorized to make representations for the firm, bind the firm and enter into a contract. His phone and email information is provided below, and his address is located on the letterhead above. BKD is properly licensed to practice public accounting in the state of Texas.

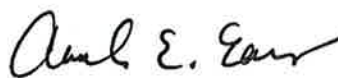
BKD is independent with respect to the City as defined by the Code of Professional Conduct of the American Institute of CPAs and the United States Government Accountability Office's *Government Auditing Standards*. We are not aware of any relationship that would impair our independence.

We believe our proposal will help you select our firm for timely, efficient and objective services delivered by experienced professionals. We will call you soon to answer questions you may have about this proposal, or you may reach us at 713.499.4600 or by email as provided below.

Sincerely,



Gregory S. Sissel, CPA
Partner
gsissel@bkd.com



Amanda E. Eaves, CPA
Director
aeaves@bkd.com

D. PROFILE OF THE RESPONDING FIRM

For the City of Tomball's (the City) convenience, **BKD, LLP** has structured our proposal according to the questions in your Request for Qualifications (RFQ). We believe our proposal will demonstrate our qualifications to serve the City.

INFORMATION CONTAINED IN BKD'S RFP RESPONSE, WHICH IT ASSERTS AS CONFIDENTIAL IS EITHER BUSINESS AND/OR PROPRIETARY TRADE SECRET INFORMATION NOT SUBJECT TO DISCLOSURE AS SET FORTH IN THE TEXAS OPEN RECORDS ACT, IN THIS PROPOSAL SHALL BE DESIGNATED WITH AN ASTERISK (*).

FIRM & LOCAL OFFICE OVERVIEW

1. State whether the firm is local, regional, national, or international.

BKD is a national firm and is one of the largest CPA and advisory firms in the United States.

2. State the location of the office from which work is to be performed and the number of partners, managers, supervisors, seniors, and other professional staff employed at that office.

If engaged, the City's services will be primarily provided by our Houston, Texas, office. As of May 2017, BKD's Houston office has approximately 105 client service personnel and other staff, including the following:

Staff Level	Number
Partner	12
Managing Director, Director	10
Senior Manager, Manager	23
Senior Associate II, Senior Associate	19
Associate	27

3. Describe the local office's capacity to audit information technology systems, including the number and classifications of personnel skilled in computer sciences who will work on the audit.

As the CPA and advisory firm of choice for approximately 120 municipalities, BKD is experienced with a wide variety of accounting software packages and relational database systems. We have IT specialists throughout the firm, including Karen Schultz, an additional resource for the City's proposed engagement team, who can help the audit team review the City's IT controls. In addition, BKD professionals are trained in using computer-assisted auditing techniques (CAAT) to help improve efficiencies. We have significant experience using these state-of-the-art technologies, including ACL data analysis software, to facilitate data transfer, conversion, mining and analysis. We have trained more than 500 professionals throughout our firm as software champions.

AFFILIATIONS & PEER REVIEW

4. List the firm's professional affiliations and the results of the latest peer review.

PROFESSIONAL AFFILIATIONS

As a member of the American Institute of CPAs (AICPA), BKD also is a member of its PCPS (Private Companies Practice Section) Firm Practice Center and its three quality centers: Center for Audit Quality, Governmental Audit Quality Center and Employee Benefit Plan Audit Quality Center. BKD also is registered with the Public Company Accounting Oversight Board (PCAOB), which is required to serve as an independent auditor of public companies.

PEER REVIEW

BKD is committed to providing quality audit services to our clients. We submit our work to external reviewers who challenge our approach and findings. We are proud of the findings from these reviews, which indicate our process works. A copy of our most recent AICPA peer review report is included in the Appendix.

experience
confidence

"The BKD team is very personable, honest and transparent. BKD is willing to research the issues and talk to the client and has a solid working relationship. BKD is also willing to speak with the board of directors, ask them questions and listen to their concerns. Over the years, they have built a great relationship with the board as well and are willing to go the extra mile to listen to their concerns or issues."

Patrick Patton

ADFA – Arkansas Development
Finance Authority
Little Rock, Arkansas

"BKD, LLP demonstrated excellent customer service in meeting our needs. Their technical knowledge was excellent and extremely valuable to our organization. I highly recommend them to any governmental entity."

Clint Mercer

Chief Accountant
City of Norman, Oklahoma

E. SUMMARY OF THE RESPONDING FIRM'S QUALIFICATIONS

GOVERNMENTAL AUDIT EXPERIENCE

1. Describe the firm's most recent auditing experience similar to the type of audit being requested. Include a reference list of local government audit clients and the number of years served for each. Indicate who prepared each entity's CAFR and whether the entity has been awarded any GFOA Certificates of Achievement for Excellence in Financial Reporting.

BKD NATIONAL GOVERNMENTAL GROUP

BKD National Governmental Group works with approximately 500 governmental clients nationwide, including municipalities, counties, federal and state agencies, public utilities, airports and transportation authorities. Our advisors can help the City address the numerous financial considerations of governmental entities, including fiscal accountability and resource management, as well as performance management, budgeting and debt administration.

As part of our commitment to remaining at the forefront of the public sector, leaders across our national government practice created the BKD Center of Excellence for Government. This group of professionals meets regularly to discuss important developments, legislative updates and challenges affecting governmental entities similar to the City.

In addition, our public sector involvement has enabled us to establish connections with numerous regulatory and auditing organizations, including:

- ▶ AICPA Governmental Audit Quality Center, as a member
- ▶ Government Finance Officers Association (GFOA)
- ▶ Governmental Accounting Standards Board (GASB)
- ▶ Office of Management and Budget (OMB)
- ▶ U.S. Government Accountability Office

We look forward to communicating best practices and forward-looking strategies to help the City thoughtfully consider the areas important to fulfilling your fiduciary responsibilities.

TEXAS GOVERNMENTAL EXPERIENCE

Services from BKD's Texas offices compose approximately 17 percent of our firmwide not-for-profit and government industry practice. Professionals in these offices provide audit or other professional services to approximately 15 municipalities and their component units as well as approximately 200 municipal utility districts. This experience, along with our involvement with the Government Finance Officers Association of Texas (GFOAT), means we understand Texas laws and other regulations to which our government clients must adhere, and we can offer the knowledge and resources the City deserves.



Experience insight from a national firm that serves approximately 500 governmental entities.

EXTENSIVE EXPERIENCE WITH THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING PROGRAM

Receiving the GFOA's Certificate of Achievement for Excellence in Financial Reporting (CAFR Program) helps enhance the credibility of a city's financial statements, particularly with rating agencies. This also is key to increasing constituent and user confidence in the City's fiscal management practices and overall financial condition. Whether you currently issue a comprehensive annual financial report (CAFR) in connection with the CAFR Program or intend to do so in the future, BKD can assist you. Hundreds of our clients participate in this program annually, which means we have the practical knowledge and expertise necessary to guide you through the process. Numerous BKD professionals, including Amanda Eaves and Kevin Kemp of your proposed engagement team, also serve on the GFOA's Special Review Committee, providing us with firsthand insight into what GFOA reviewers are looking for when assessing the required reports.

In addition, with the short window for completing annual audits to meet the GFOA's established deadlines, we understand timely and accurate professional services are critical in retaining your certificate. A core standard of BKD's unmatched client service philosophy is Responsive Reliability, which guides our service process from initial planning to issuing our final report. You can expect our reports and communication to be timely and well in advance of GFOA's deadlines.

SIGNIFICANT SINGLE AUDIT EXPERIENCE

Ranked as the sixth-largest Single Audit provider among CPA firms, BKD performs approximately 425 Single Audits annually. With approximately one-third of our not-for-profit and governmental clients receiving federal funding, we are familiar with the requirements for allowability of both direct and indirect costs, as well as the ability for the recipient to charge an administrative cost allowance under many federal programs.

To help streamline the Single Audit process, we use audit programs and checklists designed specifically for the federal programs we audit. Our firm maintains a database of audit programs tailored to the grants and other federal programs commonly found in governmental entities. Our extensive experience providing compliance testing in accordance with OMB requirements can help us properly perform and submit the City's Single Audit on time.

experience professionalism

"Prior to engaging BKD, our Comprehensive Annual Financial Report (CAFR) and Single Audits were consistently untimely filed, which threatened our GFOA Certificate of Achievement and Federal funding. BKD's consultative audit process established a plan to help us return to timely audit filings."

Daniel E. Sellers

Treasurer, Chief Financial Officer
Health and Hospital Corporation
of Marion County
Indianapolis, Indiana

"BKD has been an awesome firm to work with. They have professional know-how and a high level of commitment to deadlines and timelines. Their proactive approach helps facilitate an efficient audit."

Cherie Sanchez

Accounting Manager
City of Westminster, Colorado

PROVEN CLIENT EXPERIENCE

REFERENCES*

Our clients are our best ambassadors, and we encourage you to contact them about their satisfaction with our services. The following clients have consented to discussing BKD's services and service delivery with you at your convenience.

City of Beaumont, Texas

Mr. Todd Simoneaux
Controller
409.880.3789
tsimoneaux@beaumonttexas.gov
Years Served: 2015 to present
CAFR Prepared By: Client
GFOA Award: Yes

City of Kerrville, Texas

Ms. Sandra G. Yarbrough
Director of Finance
830.258.1120
sandra.yarbrough@kerrvilletx.gov
Years Served: 2011 to present
CAFR Prepared By: BKD
GFOA Award: Yes

City of Roanoke, Texas

Ms. Vicki Rodriguez
Director of Fiscal & Administrative Services
817.491.2411
vrodriquez@roanoketexas.com
Years Served: 2014 to present
CAFR Prepared By: BKD
GFOA Award: Yes

Kerrville Public Utility Board

Ms. Jill Sadberry
Chief Financial Officer
830.792.8267
jsadberry@kpub.com
Kerrville, TX
Years Served: 2015 to present
CAFR Prepared By: Client
GFOA Award: Yes

experience direction

"Let's face it. The process of changing audit firms and going through that first audit is not something people look forward to. However, BKD, LLP made our transition go better than our expectations. Their approach to the audit was very professional and efficient and made the process very smooth. They were very thorough and knowledgeable and were of great assistance with our implementation of the new GASB requirements."

Todd Simoneaux, CPA
Controller
City of Beaumont, Texas

REPRESENTATIVE LIST OF CLIENTS*

BKD is proud to work with governmental clients, a sample of which includes:

City of Aurora, Colorado±
 City of Balch Springs, Texas
 City of Bedford, Texas±
 City and County of Denver, Colorado±
 City of El Paso, Texas±
 City of Fort Smith, Arkansas±
 City of Greenville, Texas±
 City of Indianapolis & Marion County, Indiana±
 City of Kansas City, Missouri±
 City of Lancaster, Texas
 City of Lincoln, Nebraska±
 City of Little Rock, Arkansas±
 City of Lubbock, Texas±
 City of McKinney, Texas±
 City of Mesquite, Texas±
 City of North Richland Hills, Texas±
 City of Roanoke, Texas±
 City of Texarkana, Arkansas±
 Town of Addison, Texas±
 Town of Highland Park, Texas±

± Denotes client who received GFOA's CAFR Program

SUCCESS STORIES

- ▶ A municipality faced significant personnel issues and no longer had the capacity to prepare its CAFR. It selected BKD National Governmental Group to help draft the CAFR. As a result, the municipality met its original deadline of presenting the CAFR to the city council.
- ▶ A large municipality with limited internal audit department resources wanted to perform franchise fee audits. The municipality selected BKD National Governmental Group to perform the agreed-upon procedures and report our findings to the city manager and city council. As a result of the initial engagement and subsequent audits, BKD helped identify approximately \$1.5 million in additional franchise fee revenue.
- ▶ A midsize municipality that recently had hired a new director of finance wanted to issue their CAFR within six months of the year-end, which had not been accomplished for several years. The municipality selected BKD National Governmental Group (because of our expertise, local presence and commitment to providing unmatched client service) to issue the financial statements within their desired timeline. Despite the client having several accounting issues and BKD having been engaged relatively close to the client's deadline, we met the deadline and management received much-deserved accolades from the city council. During the audit, BKD also identified several internal control issues and corresponding ideas for improvement, which the client currently is implementing.

YOUR BKD ENGAGEMENT TEAM

2. Identify the partner, audit manager, and supervisors who will work on the audit. Resumes including relevant governmental auditing experience and continuing education for each individual assigned to the audit should be included. (Resumes may be included as an appendix.)

The most critical factor in providing high-quality service is choosing your engagement team. We take team selection seriously and have the appropriate team of advisors to meet your needs.

ENGAGEMENT TEAM EXPERIENCE



Gregory S. Sissel, CPA

Partner

Engagement Role: Client Relationship Partner

Greg has more than 25 years of experience providing audit services to municipalities, counties, special districts and not-for-profit entities. His governmental experience also includes financial statement audits and agreed-upon procedures engagements to approximately 200 municipal utility districts, regional water authorities and other governmental entities.

His not-for-profit experience also includes work with membership organizations and associations, foundations and social health and welfare organizations.

Greg is a member of the American Institute of CPAs and Texas Society of Certified Public Accountants. He also serves as an Advisory Council member to the Association of Water Board Directors – Texas Board of Trustees and has served as vice president of the National Conference of CPA Practitioners, Houston chapter.

He is a 1984 graduate of University of North Dakota, Grand Forks, with a B.B.A. degree in accounting.

As of May 2017, Greg has received approximately 77 continuing professional education (CPE) hours over the last two fiscal years.



Amanda E. Eaves, CPA

Director

Engagement Role: Lead Engagement Director

Amanda leads the government and not-for-profit team in BKD's Houston office. She has 18 years of experience providing audit, consulting and accounting services to Texas clients in a variety of industries. Her emphasis is on governmental and not-for-profit organizations, including Texas municipalities, state agencies and higher education institutions. She has performed audits in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States, Uniform Guidance and the Texas Uniform Grant Management

Standards, as well as agreed-upon procedures in accordance with Texas Commission on Environmental Quality, Texas Higher Education Coordinating Board and Texas Cancer Prevention Institution of Texas and other grantor requirements.

Prior to joining BKD, she spent a year and a half as manager of financial services for a Texas state agency, where she was responsible for managing investments and compliance with the *Texas Public Funds Investment Act*, debt post-issuance compliance, conduit debt obligations, GAAP accounting and financial reporting, preparation of the comprehensive annual financial report (CAFR) and financial reporting to the Texas Commission on Environmental Quality.

As learning and development director for BKD's Houston office, Amanda also is responsible for establishing, communicating and monitoring continuing education for the Houston office personnel. Amanda also leads our **BKD Houston Governmental Seminar**, providing eight hours of complimentary continued professional education for our clients.

She serves on the **Special Review Committee of the Government Finance Officers Association of the United States and Canada**, where she reviews submitted CAFRs for GFOA compliance.

Amanda is a member of the American Institute of CPAs, Texas Society of Certified Public Accountants, Government Treasurers' Organization of Texas, GFOA and Government Finance Officers Association of Texas.

She is a 1994 graduate of Lamar University, Beaumont, Texas, with a B.B.A. degree in accounting.

As of May 2017, Amanda has received approximately 167 CPE hours over the last two fiscal years.



Kevin Kemp, CPA

Partner

Engagement Role: Concurring Reviewer[^]

Kevin is a regional industry leader for BKD National Governmental Group and is a member of the firm's Not-for-Profit & Government Committee. He leads the Dallas office's governmental group, and his team is responsible for providing audit services to approximately 15 municipalities in Texas and Arkansas, including the cities of Mesquite, North Richland Hills and Roanoke, Texas, as well as Little Rock, Arkansas*. In addition, Kevin serves utility clients, including Texas Municipal Power Agency and Brazos Electric Power Cooperative*. Kevin also assists with other large governmental clients across the firm, including Cherokee Nation, Denver International Airport and the City of Indianapolis, Indiana*.

He has more than 23 years of experience providing audit and management consulting services to a client base that includes municipalities and their component units, counties, utilities, state agencies and numerous service-related entities receiving government assistance. His team performs more than 75 Single Audits annually.

Kevin serves clients in obtaining tax-exempt financing, analyzing expansion opportunities and improving internal controls. He has served as primary contact for numerous clients, provided review services for Single Audit engagements and maintained contacts with regulatory agencies. In addition, he has recruitment and training responsibilities.

His professional affiliations include membership in the Government Finance Officers Association (GFOA), Government Finance Officers Association of Texas, American Institute of CPAs and Texas Society of Certified Public Accountants. He is a licensed CPA in Arkansas and Texas and serves on the **Special Review Committee of the GFOA**.

Kevin is a graduate of University of Central Arkansas, Conway, with a B.B.A. degree.

As of May 2017, Kevin has received approximately 134 CPE hours over the last two fiscal years.

[^]Kevin will serve as the concurring reviewer for the City's audit if the City requires only a Financial Statement Audit in Accordance with *Government Auditing Standards*.



Andrew M. Richards, CPA

Partner

Engagement Role: Concurring Reviewer^{^^}

Andy is a member of BKD National Governmental Group. With approximately 20 years of experience at BKD, he provides audit and advisory services to not-for-profit and governmental entities. He also assists BKD's National Office in providing technical support to BKD auditors, developing firm guidance on governmental accounting standards, reviewing governmental audit engagements, developing professional education on government-related topics and performing internal office inspections.

He is the audit partner on numerous state and local governments in Arkansas, including Fort Smith, Texarkana, Conway and Bentonville*. He also is a firmwide resource and serves as concurring reviewer on some of BKD's larger governmental engagements, including City and County of Denver, Colorado, Mississippi Department of Employment Services and Arkansas Development Finance Authority*.

From December 2007 through January 2010, Andy participated in the governmental accounting standards-setting process as a **Practice Fellow with the Governmental Accounting Standards Board (GASB)** in Norwalk, Connecticut. During that time, he acted as a GASB project manager working on the Codification of Pre-November 30, 1989, Financial Accounting Standards Board Pronouncements project, GASB Statement No. 14, *The Financial Reporting Entity*, reexamination project, as well as the GASB Comprehensive Implementation Guide update. He also assisted GASB technical research staff in responding to technical inquiries submitted by their constituency and performed several speaking engagements on behalf of GASB. He was a member of the **GASB Comprehensive Implementation Guide Advisory Committee** from 2012 to 2014.

He is a member of the American Institute of CPAs, where he served on the State & Local Government Expert Panel from 2010 through 2013, and Arkansas Society of Certified Public Accountants. He serves on the board of directors as president of Arkansas Literacy Councils, Inc. and has served as a local board member of the BKD Foundation. He also was named to the **Arkansas Business** “40 Under 40” list in 2015.

Andy is a 1996 graduate of University of Arkansas, Fayetteville, with a B.S. degree in business administration and accounting.

As of May 2017, Andy has received approximately 109 CPE hours over the last two fiscal years.

^^Andy will serve as the concurring reviewer for the City’s audit if the City requires a Financial Statement Audit in Accordance with *Government Auditing Standards* and Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).



Andrew B. Walters, CPA, CFE
Senior Associate II
Engagement Role: Audit In-Charge

Andrew has approximately six years of accounting and auditing experience in the governmental sector, including performing financial and compliance audits of counties, municipalities and school districts. He has performed audits in accordance with *Government Auditing Standards*, including audits of organizations that receive federal and state funding. In addition, he has experience working with law enforcement agencies on fraud-related cases.

As a senior audit associate, he is responsible for engagement planning, risk assessment, audit program development and coordination of the on-site engagement team’s communication, schedule and workflow.

Andrew is a graduate of Arkansas State University, Jonesboro, with a B.S. degree in accounting.

As of May 2017, Andrew has received approximately 112 CPE hours over the last fiscal year, as he was not with BKD before this year.

ADDITIONAL RESOURCES



Karen Schultz, CPA, CISA
Senior Managing Consultant

Karen has 18 years of IT and financial statement audit experience. She has served as the in-charge accountant for financial and information systems audits at a national CPA and advisory firm and as the manager for information systems audits at an international financial services company. In addition, she has network and system administration experience.

She is a member of the American Institute of CPAs, Pennsylvania Society of Tax & Accounting Professionals and the Information Systems Audit and Control Association.

Karen is a graduate of Drexel University, Philadelphia, Pennsylvania, with a B.S. degree in business administration and a 2012 graduate of Palm Beach State College, Lake Worth, Florida, with an A.S. degree in network administration.



Deborah E. Beams, CPA
Director

Deborah, the current assistant accounting and auditing director for the firm's Dallas office, has more than 10 years of accounting and auditing experience working primarily in the not-for-profit and government industries, including performing quality control reviews and assisting audit teams with technical matters. She also has extensive experience with Single Audits. Prior to her employment with BKD, Deborah was an auditor with an international firm. Her clients included public and private institutions of higher education, private schools, municipalities, religious organizations and health and welfare organizations.

She spent three years as a **Practice Fellow at the Governmental Accounting Standards Board (GASB)**. During that time, she worked on projects leading to the issuance of GASB Statements on nonexchange financial guarantees, fair value and external investments pools. She also **originated and led the GASB project on leases**, which involved collaboration with Financial Accounting Standards Board staff and presentations to the Federal Accounting Standards Advisory Board.

Deborah is a member of the American Institute of CPAs and Texas Society of Certified Public Accountants.

She is a *summa cum laude* graduate of University of North Texas, Denton, with a B.S. degree as well as a 2005 graduate with an M.S. degree, where she was named Outstanding Masters Student.



Michael S. Brink
Director

Mike is a member of BKD's Enterprise Risk Solutions division and focuses on operational excellence and data analytics in the public sector. He has approximately 20 years of experience working on public sector issues from positions within government, management consulting and the business process outsourcing industry. He has worked in a range of business transformation roles involving sales, quality, technology implementation, process re-engineering, managed competition, project management and sourcing.

Previously, working as an analyst for a major city, he assisted with implementing and managing a number of the city's competitive government initiatives. In addition, he led management reviews of the city's largest services contracts, developed performance improvement plans and trained teams to conduct management audits.

Mike completed Six Sigma black belt training with a major international manufacturer and led sourcing, business process re-engineering and custom software development projects as a component of the company's Oracle enterprise resources planning (ERP) software implementation initiative. He also helped develop an e-commerce procurement strategy and manage the rollout to hundreds of suppliers. With a different international manufacturer, Mike led the capture team on one of the company's largest state and local industry wins and spearheaded the company's internal pay for performance, best management practices and at-home worker initiatives. As a consultant for six years prior to joining BKD, he has worked with numerous state and local clients, leading projects that have helped clients improve service quality while reducing service cost.

He is a graduate of Truman State University, Kirksville, Missouri, with a B.A. degree and a graduate of Indiana University's School of Public and Environmental Affairs, Bloomington, with an M.P.A. degree. He served for eight years in the U.S. Navy Reserve.

ADDITIONAL SERVICES

3. Indicate the firm's experience in providing any additional services to local governments by listing the name of each entity, the type(s) of service performed, and the year(s) of engagement.

SERVICES

In addition to the audit services that can be provided to the City from BKD's Houston office, we have an extensive list of other resources and services available to the City, many of which are unique to the governmental industry. BKD is a full-service firm that concentrates its efforts in this industry; therefore, special projects or needs that arise for the City can be addressed by BKD, including the following services:

- ▶▶ Forensic investigations, fraud risk assessments and accounting consulting
- ▶▶ Financial and operational risk analysis, assessment and management
- ▶▶ Continuous auditing and analytics
- ▶▶ Data analytics
- ▶▶ Litigation consulting/digital forensics
- ▶▶ Employee compensation and benefits consulting
- ▶▶ IT audit, risk assessment and management
- ▶▶ Cybersecurity
- ▶▶ Arbitrage calculations
- ▶▶ Internal audit
- ▶▶ Agreed-upon procedures
- ▶▶ Regulatory filings and government reports
- ▶▶ Due diligence/special investigations
- ▶▶ Benchmarking and assistance creating dashboard reports
- ▶▶ Process reviews for numerous functional areas, *e.g.*, grant management
- ▶▶ Public sector consulting in areas such as public safety, construction permitting and fleet and facilities management
- ▶▶ Training regarding governmental accounting and reporting topics

SPECIFIC EXPERIENCE*

Examples of other services provided to local governments include:

City of Baytown, Texas

Service: Agreed-upon procedures (AUP) regarding utilities

Years of Engagement: 2015

Kerrville Public Utility Board

Service: AUP regarding *Public Funds Investment Act*

Years of Engagement: 2015 to present

City of Beaumont, Texas

Service: AUP regarding Texas Commission on Environmental Quality financial assurance for landfill

Years of Engagement: 2015 to present

F. APPROACH TO THE AUDIT

SERVICE APPROACH

1. Submit a work plan to accomplish the scope of services required, including an explanation of the audit methodology to be followed. In developing the work plan, reference should be made to sources of information, such as the City's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems. The planned use of any specialists should also be specified.

FINANCIAL STATEMENT AUDIT IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS & UNIFORM GUIDANCE SERVICE DESCRIPTION

BKD's audit approach focuses on areas of higher risk—the unique characteristics of the City's operating environment, the design effectiveness of your internal controls and your financial statement amounts and disclosures. The objective is to express an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.

Our audit will be performed in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States.

These principles make up the foundation of BKD's audit approach:

- ▶▶ The staff working on your engagement have been trained in the governmental industry. You will not have to train our people on fund balance and net position classifications, cash and investment disclosures, debt covenants and arbitrage compliance, net pension liabilities and other post-employment benefit obligations.
- ▶▶ We provide a significant level of engagement executive involvement so you receive high-quality service with little interruption. We recognize we have to be flexible because not all audits go as planned. Because our partners and managers are in the field, we can adapt quickly to circumstances that arise.
- ▶▶ Communicating the results of our audit procedures and sharing ideas to help your accounting processes are integral parts of your engagement. In addition, you will find communication does not end when the audit is completed. We strive to keep in contact with your management team throughout the year. Continued communication means you can receive an efficient and effective audit.

Using our five-phase approach, we will work with you to develop an audit plan tailored to your specific circumstances and risks.

PHASE 1: PLANNING

As required by auditing standards, we will communicate with your city council early in the audit process. Our communication with the city council is a two-way process: we will be informing them of the scope and timing of the audit, but in return we will ask that your city council let us know about any risk issues they have identified, any areas where they would like us to perform additional procedures or anything else material to the audit.

BKD also will work closely with your management team to develop an audit timeline that meets your requirements. For any audit to be successful, teamwork between the auditors and the management team is required. Both parties must set a realistic timeline to meet required deadlines.

As part of the planning meeting, we will identify information you have readily available for the audit and what additional information we will need. We recognize the importance of compliance with professional standards, but we also emphasize the need to be practical. When possible, during our testing of year-end account balances, we will want to use your internal reports and information.

PHASE 2: RISK ASSESSMENT

BKD will follow standards established by the Auditing Standards Board of the AICPA. These auditing standards affect the amount and type of information BKD will gather to perform your audit.

We will:

- ▶ Obtain an understanding of your business and business environment, significant risks you face and how you mitigate those risks. This will include examining how you measure and manage financial performance, as well as your internal controls over financial reporting.
- ▶ Evaluate where your financial statements might be susceptible to material misstatement due to error or fraud.
- ▶ Consider whether internal controls have been implemented and assess the general controls around your IT systems.
- ▶ Assess risks of material misstatement for the most significant financial statement amounts and disclosures.

To help facilitate the testing of internal controls, we use questionnaires specific to the governmental industry, which expedite gathering your control information. Based on the documentation of your controls, we will test the key controls of your organization.

We expect to interview your personnel and review prior city council minutes as part of our information-gathering process.

PHASE 3: FIELDWORK, TESTING & FURTHER AUDIT PROCEDURES

Based on our assessment of risks of material misstatements and determination of further audit procedures to be performed, we will design audit tests that take advantage of strengths in your internal control system.

During fieldwork, we will:

- ▶ Perform substantive tests on material account balances
- ▶ Evaluate significant unusual transactions
- ▶ Ask management to further explore and clarify any identified potential misstatements
- ▶ Evaluate the materiality of those misstatements, if applicable
- ▶ Conclude whether all identified risks of material misstatement have been addressed
- ▶ Hold a formal exit conference with management to share findings and preliminary deliverables

BKD also will perform some tests from the following alternatives:

- ▶ Test key items – Some items within an account may be large enough by themselves to involve significant risk of material misstatement. These key items can be audited individually.
- ▶ Sampling – A detailed audit of representative individual items (a sample) selected from a population.

OUR FIVE-PHASE APPROACH TO FINANCIAL STATEMENT AUDITS

1 » Planning

2 » Risk Assessment

3 » Fieldwork, Testing &
Further Audit Procedures

4 » Report &
Communications Delivery

5 » Presentation

- ▶ Analytical procedures – Taking a closer look at a grouping of information by examining it as it relates to other accounts, historical trends or other measures.
- ▶ CAAT – BKD uses ACL as one of the primary tools to apply CAAT. The use of ACL allows us to analyze data electronically, handle large amounts of data and increase the effectiveness and efficiency of audit procedures.

As needed, our partners across the firm serve as technical resources with expertise to deal with particularly challenging or unique situations that may arise in the course of your audit.

We know a great deal of audit information often comes from third parties. Sometimes information from those parties is not received on time. To keep your report on schedule, we will keep you informed of the status of outstanding items.

PHASE 4: REPORT & COMMUNICATIONS DELIVERY

A cornerstone of the quality of our audits is the use of a concurring reviewer before the issuance of any reports. Another member of our assurance team, who has otherwise not been involved in the engagement, reviews the financial statements and workpapers before issuing the report.

Generally accepted auditing standards establish requirements and provide guidance on our communication with those charged with governance. In addition, if applicable, we will issue a report to management and those charged with governance of any significant deficiencies or material weaknesses identified during the audit.

Our commitment to a smooth engagement also includes the timely delivery of our audit report. A draft of the audit report, management letter and any other deliverables will be provided to you for your review and comments. After completing our fieldwork, we generally deliver our audit report and other communications within two weeks.

PHASE 5: PRESENTATION TO CITY COUNCIL

We welcome the opportunity to formally share your audit results with your city council and management team and answer their questions. We can be available as requested.

TIMING & YOUR BKD TEAM

Overall, we plan to spend about three weeks in your office working, approximately one week on planning/gathering information to design our audit approach and two weeks on final fieldwork at year-end. We will coordinate the scheduling of your audit to both accommodate your schedule and to allow for the timely completion of deliverables.

Your BKD team will include an experienced engagement in-charge and one or two associates, who will be on site performing further audit procedures and gathering the information we need to support our opinion. In addition, your team will be led by a director with experience in the governmental industry, who will direct our staff's audit approach, review their work and communicate audit results.

COMPLIANCE AUDIT IN ACCORDANCE WITH UNIFORM GUIDANCE

BKD performs hundreds of Single Audits annually, focusing on two objectives: first, an audit of your financial statements and reporting on the Schedule of Expenditures of Federal Awards (SEFA) in accordance with *Government Auditing Standards*, and second, a compliance audit for federal awards expended during the fiscal year.

Our Uniform Guidance Audit Approach

During our audit procedures of federal award programs, we do not simply look for findings to report. We look for opportunities to advise you of more efficient ways to comply with federal regulations to reduce the risks of sanctions or reduced funding. BKD has developed contacts at federal agencies and has been able to work cooperatively with these agencies to help clients resolve or avoid issues.

Entities subject to the Uniform Guidance and *Government Auditing Standards* will benefit from BKD's specially designed audit programs, checklists and database of federal audit programs.

Identification and testing of your federal programs will be performed primarily during interim fieldwork, which will typically be performed before your fiscal year-end. We have found this to be the most efficient manner in which to perform our audit services when the additional Uniform Guidance requirements are present.

Training Requirements for Uniform Guidance Auditors

The City can have confidence in BKD auditors' experience in testing federal funding subject to the Uniform Guidance. Our audit professionals are required to receive at least 120 hours of CPE every three years, and for auditors involved with audits performed under *Government Auditing Standards*, this education includes the hours required to comply with *Government Auditing Standards Yellow Book* guidance. Staff members attend a series of core audit and accounting courses over the first four years of their careers. Staff subsequently receive additional training on accounting and auditing for the not-for-profit and government environment.

In addition, proposers are required to provide the following information on their audit approach:

a. Proposed segmentation of the engagement

b. Level of staff and number of hours to be assigned to each proposed segment of the engagement

Phase	Hours	Staff Level
Planning & risk assessment procedures, including review of prior-year workpapers, meetings with officials & staff, preliminary analytics, review minutes & design of audit procedures based on assessed risks	40	All Professionals Senior Associate II/ Associate
Document & evaluate internal controls	40	
Substantive procedures, analytical review techniques & compliance testing under Uniform Guidance, if required	260	All Professionals Director/Senior Associate II
CAFR preparation	40	
Client conferences & meetings to review audit reports	16	Partner/Director
Reporting – report to government & management advisory comments	8	All Professionals

c. Sample sizes and the extent to which statistical sampling is to be used in the engagement

Although it is not possible to set absolute rules for identifying sample sizes, we apply our professional judgment in identifying the appropriate sample size. The objective is to test the population to obtain reasonable confidence that the test objectives have been met. Sample sizes are controlled by the following considerations:

- ▶ Tolerable error (precision) – as the expected monetary conclusion becomes more critical, sample size should increase to tighten the range of the extrapolated estimate
- ▶ Significance of the account to the financial statements – as the significance increases, sample size should increase
- ▶ Assessment of internal control risk – as assessed risk is reduced, sample size for substantive tests should decrease
- ▶ Extent of other substantive audit procedures related to same audit objective (tests of detail, as well as analytical review) – as the extent of other procedures increase, sample size should decrease
- ▶ Frequency and magnitude of expected errors – as the frequency and magnitude of expected errors increase, sample size should increase
- ▶ The size of the population to be sampled and whether a sample is appropriate

We anticipate using certain data extraction tools, such as ACL, in selecting and testing samples or complete populations, where appropriate. These effective tools allow us to efficiently test larger amounts of data.

d. Extent of the use of EDP software in the engagement

BKD consistently evaluates how technology can help improve our audit process now and in the future. This includes continuing to expand the use of technology in our audit approach and increasing our investment in developing effective audit techniques that help to further benefit our objectives. Please see the following examples of how we currently apply technology.

COMPUTER-ASSISTED AUDITING TECHNIQUES

BKD regularly uses CAAT to help improve efficiencies and reduce audit costs. Data for organizations the size of the City is often too voluminous to audit manually. We have found significant value in the use of CAAT, which incorporates paperless audit applications and electronic journal entry testing into our audit approach. In addition, CAAT can help increase the effectiveness of the audit by testing 100 percent of populations and automating some of the more labor-intensive portions of audit procedures.

We also use ACL software, a powerful product that allows our audit team to securely import electronic information in a variety of formats and convert data to perform sophisticated mining and analyses. ACL is a worldwide industry leader in CAAT software. As previously mentioned, we have trained more than 500 professionals throughout our firm as software champions who can work with your IT professionals to coordinate the acquisition and transfer of data sets. Our team's ability to speak the language of data management can help facilitate a smooth process for data identification and extraction.

BKDCONNECT

BKDconnect is an innovative client portal designed to help address the challenges financial engagements present and conveniently connect you with BKD advisors. Prior to the start of your engagement, BKD will post our questionnaires and other related documents on a BKDconnect website, specifically prepared for the City, where requests can be reviewed and completed.

BKDconnect can make it easier to:

- ▶▶ View and manage information about your engagement or project
- ▶▶ Share documents and files with your BKD advisors and project teams
- ▶▶ Organize documents and files for retrieval
- ▶▶ Assign tasks to your team and receive requests for information from BKD
- ▶▶ Track the progress of tasks toward completion
- ▶▶ Access our award-winning, industry-specific articles, webinars, videos and more

BKDconnect

BKDconnect can help improve communication, save time, limit disruptions and keep you connected with BKD advisors.

e. Type and extent of analytical procedures to be used in the engagement

Analytical procedures involve auditing a material assertion or account balance by investigating its relationship to an expectation such as other accounts, historical trends or other related measures. BKD recognizes that stronger analytical procedures can help reduce or eliminate other substantive procedures that are usually more time consuming. We would typically consider:

- ▶▶ Ratio analysis – comparing relationships among account balances, ratios, nonfinancial data, budgets or industry averages
- ▶▶ Reasonableness tests – using financial and/or nonfinancial data to develop an expectation of an account balance

Successfully using analytical procedures requires auditors to ask the questions:

- ▶▶ What is the risk of material misstatement?
- ▶▶ How would we find those misstatements?
- ▶▶ Have I gathered enough audit evidence?

When analytical procedures provide sufficient evidence, other substantive audit procedures should not be necessary. If analytical procedures are not sufficient, some combination of analytical and substantive procedures is likely to be the preferred approach.

f. Approach to be taken to gain and document an understanding of the City's internal control structure

As a component of developing our audit approach, we will spend considerable time documenting and testing the internal control structure used by the City and its related entities. This will include a multiphased approach as follows:

- ▶▶ We will ask the City's staff to complete various industry-specific questionnaires designed to summarize your control structure. We will then scrutinize the changes in your current structure to identify what key controls you have developed for each material control objective. During this process, we will look for gaps in your control structure and summarize recommendations for management and the city council's consideration.
- ▶▶ After identifying all key controls, we will perform walkthroughs of those controls as required by the audit standards. We will search for gaps in the operation of these controls and offer suggestions for improvement that we identify.
- ▶▶ We help you complete detailed duties grids specifically designed for governmental clients and challenge your assignment of various duties for potential segregation conflicts. We will perform additional walkthrough procedures for areas where conflicts may exist but compensating controls have been developed. For unmitigated conflicts, we will summarize the conflict and resulting risk, report our findings to management and help you design control changes that would remove the conflict in a cost-beneficial manner.
- ▶▶ We also will ask the City's staff to complete questionnaires specific to your IT control structure. We will analyze the responses and identify what controls you have implemented to protect the confidentiality, integrity and availability of your critical information assets and whether the controls are operating as intended. This includes performing walkthrough tests of key controls of your IT system security controls, as well as assessing the effectiveness of these controls and security measures.

g. Approach to be taken in determining laws and regulations that will be subject to audit test work

Identification of applicable laws and regulations will begin with an inquiry of the City as to your understanding of applicable laws and regulations. In addition, our reviews of various documents, indentures, agreements, etc., will be designed to further assess that all known laws and regulations are encompassed within the scope of the audit. We are experienced in auditing municipalities in the state of Texas and are familiar with the laws and regulatory environment in which you operate.

h. Approach to be taken in drawing audit samples for purposes of tests of compliance.

The sampling approach anticipated to be used in connection with the various areas of the audit is judgmental in nature. The size and nature of the population being tested, along with the assessed risk of the associated financial statement line item affected, will determine the size and approach for selecting a sample. All sample sizes will be sufficient to meet all requirements of the various state and federal laws and regulations. We anticipate using data extraction tools, such as ACL's data extraction and analysis software, in certain situations in selecting and testing samples or complete populations, where appropriate.

OUR EXPECTATIONS OF YOUR STAFF

2. State the purpose and degree of utilization of City of Tomball personnel.

In working with organizations similar to the City, we have developed an efficient approach that helps avoid wasted effort. We plan our work to facilitate client participation to help control costs, reduce unnecessary disruptions and meet deadlines.

The City plays a major role in timely completion of the audit. We need your staff to maintain records in good condition, provide the necessary schedules and cooperate with our audit team. Most organizations routinely prepare these records and schedules during their normal monthly or annual closing process.

Assistance from your personnel may include:

- ▶▶ Preparing a complete and accurate general ledger trial balance by account, to which very few adjustments are needed
- ▶▶ Preparing accurate audit schedules to support all significant balance sheet and certain other accounts
- ▶▶ Responding to auditor inquiries
- ▶▶ Preparing confirmation and other letters
- ▶▶ Pulling selected invoices and other documents from files
- ▶▶ Helping to resolve any differences or exceptions noted
- ▶▶ Completing documentation of internal controls
- ▶▶ Providing necessary information for CAFR preparation

We will provide a list of the needed schedules well in advance of any deadlines, as well as spreadsheet templates for many of these schedules. We also will meet with your staff, as needed, to help them clearly understand what we need.

experience
clarity

"The BKD team really took the time to understand the City's problems from the viewpoint of our customers, worked with our own personnel, and developed practical and thoughtful solutions that are addressing some of our most pressing needs. It's clear that they really understand operations. We really couldn't have asked for a better relationship and I am excited about the results we are seeing."

Tim Keane

Commissioner
Department of Planning and
Community Development
Atlanta, Georgia

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**“Unmatched client service isn’t
just a slogan at BKD; it’s the
backbone of our culture.”**

Theodore D. Dickman, CPA
Chief Executive Officer | **BKD**, LLP

APPENDIX



EXCEPTIONS TO TERMS & CONDITIONS

Upon being selected as the successful bidder, BKD may require modification to the terms and conditions, as referenced in the RFQ, to comply with professional standards and/or BKD's policies. As BKD has successfully resolved similar terms and conditions with other municipalities, BKD is confident the parties can successfully negotiate a mutually acceptable agreement.

WHY CHOOSE BKD

DELIVERING VALUE

It is important to monitor expenditures and receive exceptional value for your investments. However, informed consumers understand value is about more than just price. Value from a professional CPA and advisory firm is about the quality of the work and the merit of the advice. Expect BKD's work to be accurate and insightful. We stand behind it. Our PCAOB inspections and AICPA peer reviews demonstrate the firm's record of excellence.



As evidenced by our inclusion in the **INSIDE Public Accounting** Best of the Best Firms list for the last six years, we also offer long-term consistency, exceptional performance and a national network of support and resources. BKD is large enough to help the City address a variety of financial issues. At the same time, we pride ourselves on hard work and low overhead, which keep our fees competitive. With our reputation, size, service and experience, you can consider us a good value.

KNOWLEDGE OF GASB REQUIREMENTS

BKD offers a team of professionals who can bring expertise to the City in the application of GASB accounting and reporting requirements relevant to your industry. Your proposed engagement team will include professionals who routinely work with clients who follow GASB standards.

We will work closely with you in evaluating the effect of pending GASB pronouncements on the City. We strive to address these matters well in advance so you have adequate time to prepare for and apply the pronouncements. Our audit approach is based on understanding the requirements of the standards, understanding your application of the requirements and evaluating the results. We commit to a continued dialogue with you on significant pronouncements both prior to and during the implementation process.

A FRESH LOOK FROM AN EXPERIENCED TEAM

Our experienced engagement team will work with the City to identify areas you believe may warrant a fresh look. An essential component of a successful transition is proper planning and communication during the information-gathering process. We will strive to get to know your financial team members as soon as possible with little disruption to your operations. As a result, we can help identify and resolve potential issues before they become critical business concerns.

A SMOOTH TRANSITION

We understand the challenges that can occur with switching to a new firm. The City should expect an efficient move to our firm, which is why we developed BKD Smooth Transition™. Our approach is organized around your specific needs and timeline. Your proposed engagement team is adept at working with incumbent firms and can transfer your important financial data quickly and securely. Our goal is for you to have confidence knowing BKD is committed to designing a plan that helps limit unnecessary interruptions and avoid duplicated effort while aiming to make effective use of your time and resources.

Please see later in the Appendix for more detailed information regarding our nine-step BKD Smooth Transition approach.

experience
guidance

"BKD just completed the first year audit engagement with the City. The transitional year went extremely smooth. BKD's staff did an excellent job working with our staff during the transition. During the engagement, BKD provided knowledgeable support and guidance. The audit was completed on schedule, and BKD always completed their deliverables on time."

Allen Herink
City Comptroller
City of Omaha, Nebraska

TIMELY DELIVERY & CONFIDENCE IN CPA & ADVISORY SERVICES

Receiving professional accounting and advisory services according to your timeline is essential to the City's operations and among the expectations you have of your CPA and advisory firm. When these key items are delivered, confidence is established in the technical ability and professionalism of your service team. Responsive Reliability is one of our client service standards, and meeting your timeline is something you can expect from BKD.

THOUGHT LEADERSHIP

BKD advisors are serious about reinforcing and strengthening their positions as thought leaders in the industries they serve. To help keep you informed about emerging issues in your industry, as well as changes in regulations and accounting and tax methods, we provide **BKD Thoughtware®** webinars, seminars and articles. Many of these are eligible for CPE credit. Topics include:

- ▶ Protecting Your Entity from Ransomware Attacks
- ▶ Lease Accounting for State & Local Government
- ▶ Changes to Government Reporting of Fiduciary Activities
- ▶ New Tax Abatement Disclosure Requirements for State & Local Governments
- ▶ Pursuing Operational Excellence in the Public Sector

In addition, complimentary CPE will be available to your staff at our annual governmental accounting seminar held locally in Houston.

UNMATCHED CLIENT SERVICE

You want trusted advisors who will deliver exceptional client service, focus on your needs and take the time to address your unique challenges. BKD understands. We take our commitment so seriously, we penned five standards of unmatched client service and supporting guidelines in **The BKD Experience: Unmatched Client Service**, a book that articulates the firm's philosophy and sets expectations for serving clients. Our five standards are:

INTEGRITY FIRST

We work hard to do what is right for you. You can rely on us to tell you what you need to hear.

TRUE EXPERTISE

From BKD, you can expect trained, capable staff and a high level of supervision by partners and experienced personnel.

PROFESSIONAL DEMEANOR

You can depend on prepared and attentive advisors to help meet your needs and provide new ideas.

RESPONSIVE RELIABILITY

Accurate and thorough work combined with timely delivery is what you require. At BKD, we do not want it any other way.

PRINCIPLED INNOVATION

We want you to succeed. For the City, that means looking for new ideas to streamline a process, better document work, train your staff and improve your effectiveness.

You can count on BKD's commitment to our 5 standards of unmatched client service:



Integrity First



True Expertise



Professional Demeanor



Responsive Reliability



Principled Innovation

bkd.com/5

SIGNIFICANT GOVERNMENTAL INDUSTRY INVOLVEMENT

To reinforce our commitment to the governmental sector, our advisors routinely attend conferences focused on industry issues and trends. They also receive CPE to stay informed of industry regulatory updates and other general accounting issues, averaging approximately 70 hours of formal training annually.

This dedication also extends to involvement on national industry committees, such as GASB and AICPA.

Mike Wolfe, the firm's chief risk officer, has been appointed to the AICPA Governmental Audit Quality Center Executive Committee. He previously served as BKD's liaison to the center, which helps raise awareness about the importance of improving governmental audit quality for entities receiving federal funding.

Chief Operating Officer Eric Hansen has been selected to serve as chair of the AICPA Board of Directors. He is currently serving a one-year term as vice chair, followed by a year as board chair and then another year as past chair, concluding his three-year rotation on October 31, 2019. Eric began serving a three-year term on the AICPA Board of Directors, effective November 1, 2013. The board acts as the executive committee for the AICPA's Governing Council, which includes elected and appointed members from all 50 states, the District of Columbia and other U.S. territories. Eric previously served on the Governing Council and was a member of the AICPA Task Force on the Future of Learning.

Chris Telli, a partner in our Colorado Springs office, has been appointed as an advisor to the Government Finance Officers Association's Committee on Accounting, Auditing, and Financial Reporting. This committee works closely with GASB, AICPA and other organizations and recommends best practices for effective government finance operations.

Amy Shreck, director in our Omaha office, accepted a Practice Fellowship with GASB. She is serving a two-year term at GASB headquarters as a project manager to help formulate standards and assist with technical inquiries.

Andy Richards, partner in our Little Rock, Arkansas office and a member of the City's proposed engagement team, was a member of GASB's Comprehensive Implementation Guide Advisory Committee from 2012 to 2014. The 11-member committee advises GASB on its Comprehensive Implementation Guide, which helps financial statement preparers apply a number of GASB pronouncements. Andy also was involved with the governmental accounting standards-setting process as a Practice Fellow with GASB in Norwalk, Connecticut. He was a member of the AICPA State & Local Government Expert Panel from October 2010 to October 2013, which identifies state and local government financial reporting and auditing issues and works to achieve resolutions benefiting the public interest.

Jim Brown, retired BKD partner, was appointed January 12, 2012, to the seven-member GASB. He is serving a five-year term on the board that commenced on July 1, 2012. In addition, he was recently elected to a second and final term, which will conclude June 30, 2022. In this capacity, Jim is helping develop and improve the financial accounting and reporting standards used by state and local governments across the country. He specialized in government accounting and auditing for approximately 40 years and served as a BKD partner for more than 25 years before retiring in May 2011. He was responsible for quality control and training for BKD's government and not-for-profit practice and acted as the firm's principal contact with GASB. Since retirement, he has been serving as a CPE instructor for the AICPA. He also has been a member of AICPA's Auditing Standards Board and Board of Examiners.

Mike Engle, a partner in our Kansas City office, has been appointed to the AICPA Exempt Organizations Taxation Technical Resource Panel. This panel identifies issues and develops policies by monitoring legislative activity, suggesting regulatory changes and developing products and services to assist members with their tax practices.

Mike also is one of three new members appointed in May 2017 to a three-year term on the IRS's Advisory Committee on Tax Exempt and Government Entities (ACT), which with its seven returning members will present reports and recommendations to IRS leadership regarding operational policy and procedural improvements affecting tax-exempt and governmental organizations. Specific topics ACT project teams will explore include replacement plan requirements of the Federal Insurance Contributions Act, changes to the ACT and expansion of online accounts.

AICPA PEER REVIEW LETTER



American Institute of CPAs
220 Leigh Farm Road
Durham, NC 27707-8110

November 10, 2014

Theodore D Dickman, CPA
BKD, LLP
910 E Saint Louis St Ste 400
Springfield, MO 65806

Dear Sir/Madam:

It is my pleasure to notify you that on October 31, 2014 the National Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is November 30, 2017. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,

A handwritten signature in black ink that reads "Larry Gray". The signature is written in a cursive style.

Larry Gray
Chair, National Peer Review Committee
nprc@aicpa.org 919 402.4502

cc: Candace E Wright; L Douglas Bennett

Firm Number: 10002800

Review Number 361333

Letter ID: 937515

T: 1.919.402.4502 | F: 1.919.402.4876 | nprc@aicpa.org

BKD PEER REVIEW REPORT



A Professional Accounting Corporation
Associated Offices in Principal Cities of the United States
www.pncpa.com

System Review Report

To the Partners of BKD, LLP
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BKD, LLP (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2014. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*, audits of employee benefit plans, audits performed under FDICIA, audits of carrying broker-dealers, and examinations of service organizations (SOC 1).

In our opinion, the system of quality control for the accounting and auditing practice of BKD, LLP applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2014, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BKD, LLP has received a peer review rating of *pass*.

Postlethwaite & Netterville

Baton Rouge, Louisiana
September 19, 2014

BKD SMOOTH TRANSITION APPROACH

BKD SMOOTH TRANSITION™

Change is good; changing to BKD is even better.

Switching to a new firm that lacks a transparent, well-defined transition process can be challenging. We understand. That's why we developed BKD Smooth Transition™, a clear framework designed to make your move to BKD easy and efficient. Our simple nine-step approach emphasizes collaboration and centers on a tailored transition plan with distinct deadlines. If it's time for a change, make sure it's a smooth transition with BKD.



1 MEET – Our team sits down with your leadership. We get to know each other further and learn more about your business objectives.

2 GREET – We introduce our team to your staff and address their questions about transitioning to BKD.

3 UNDERSTAND – We review prior work and seek out your opinions and observations to better grasp your challenges.

4 COLLABORATE – We meet with your management team to gather the right information from the right people.

5 DELEGATE – Your staff members can be a great asset in terms of efficiency, and we work with you to help determine how they can assist.

6 DEVELOP – Using the information we gather, we devise a tailored approach focused on the needs you identified and prioritized.

7 PLAN – Together we build out a schedule and then communicate key dates tied to performance and delivery.

8 PROTECT – We train you on our secure systems to help safeguard your confidential information from start to finish.

9 DELIVER – We commit to provide the BKD experience of unmatched client service.

BKD FIRM PROFILE

experience **insight** // BKD, LLP, a national CPA and advisory firm, can help individuals and businesses realize their goals. Our dedicated professionals offer audit, tax and consulting services to clients in all 50 states and internationally. BKD and its subsidiaries combine the insight and ideas of multiple disciplines to provide solutions in a wide range of industries.

ABOUT BKD



CLIENT SERVICE

The BKD Experience is a commitment to unmatched client service that is shared by CPAs, advisors and dedicated staff members who take your business personally. We are so dedicated to the idea that we wrote a book—**The BKD Experience: Unmatched Client Service**.



INTERNATIONAL SOLUTIONS

BKD is the largest North American member of Praxity, AISBL*, a global alliance of independent firms serving clients in approximately 100 countries. We offer multinational clients a gateway to the global marketplace with services delivered by alliance firms committed to the highest standards required in international business.



PROFESSIONAL AFFILIATIONS

BKD is a member of the American Institute of CPAs and its three quality centers: Center for Audit Quality, Employee Benefit Plan Audit Quality Center and Governmental Audit Quality Center.

BKD is registered with the Public Company Accounting Oversight Board, which is required to serve as an independent auditor of public companies. BKD audits approximately 80 U.S. Securities and Exchange Commission registrants, including approximately 30 benefit plans.



MISSION STATEMENT

The mission of BKD is to always strive for excellence in providing services to clients, create rewarding career opportunities and maintain sound professional, business and financial standards.



QUICK FACTS

- Clients: Individuals and private and publicly traded businesses in the health care, manufacturing, distribution, financial services, construction and real estate industries, as well as not-for-profit and governmental entities
- Total Personnel: Approximately 2,600[^]
- Partners & Principals: Approximately 270[^]
- Net Revenues: \$550 million[^]
- Fiscal Year-End: May 31
- Founded: 1923
- Locations: 35 offices serving clients in all 50 states and internationally[^]

*Praxity, AISBL is a global alliance of independent firms. Organised as an international not-for-profit entity under Belgium law, Praxity has its executive office in Epsom. Praxity – Global Alliance Limited is a not-for-profit company registered in England and Wales, limited by guarantee, and has its registered office in England. As an Alliance, Praxity does not practice the profession of public accountancy or provide audit, tax, consulting or other professional services of any type to third parties. The Alliance does not constitute a joint venture, partnership or network between participating firms. Because the Alliance firms are independent, Praxity does not guarantee the services or the quality of services provided by participating firms.

[^]As of December 31, 2016

BKD SERVICES

Audit & Assurance

Tax

Business Succession Planning

Employee Benefit Plans

Forensics & Valuation Consulting

Information Technology

Risk Management

State, Local & International Tax

Wealth Management

And more

COMMITMENT TO PROFESSIONAL DEVELOPMENT

BKD is committed to creating rewarding careers and equipping our professionals with the tools they need to serve our clients. We take professional growth and development seriously and offer numerous programs and training so we are prepared to help meet your professional services needs.



AWARD-WINNING TRAINING

BKD's commitment to lifelong learning and professional development is highlighted by our recognition as a top-tier training organization. BKD has earned the distinction of **Training** magazine's Training Top 125 for the past four years. In 2016 and 2014, BKD also earned the **Chief Learning Officer** magazine's LearningElite award.



PROGRESSIVE PROGRAMS & INITIATIVES

BKD is dedicated to creating and implementing programs and initiatives to help our professionals achieve their full potential. Programs include SKY, a firmwide initiative to emphasize and strengthen diversity in our firm. SKY focuses on recruiting, retaining and developing women for the sustainable growth of BKD. Through the collaboration of men and women, BKD aims to foster a culture that recognizes and supports maximizing the potential of all.



REWARDING CAREERS

As part of a recent employee engagement survey, BKD employees ranked us within the 90th percentile of professional services companies, indicating they find BKD to be an exemplary platform from which to serve clients.

BKD PRIDE VALUES

WHAT'S IMPORTANT TO YOU? // A commitment to excellence? Independence and objectivity? A broad skill set? Exceeding expectations? At BKD, these are all essential. That's why every day you can see our partners and employees "living the PRIDE." These values—passion, respect, integrity, discipline and excellence—are the hallmarks of BKD and guide us as we provide solutions for your business and financial needs. Experience what BKD PRIDE values can mean for you.



PASSION

- For service to others
- For making tomorrow better than today

Experience how our dedication and enthusiasm for making tomorrow better than today can help you make informed decisions to help improve business and financial outcomes.

RESPECT

- For the differences that make our team strong
- For our legacy and the benefits of change

Experience how our respect for diversity can provide a variety of skills and talents to meet your needs. Respecting the lessons of our legacy and yours, we can help you capitalize on the opportunities change inevitably offers.

INTEGRITY

- To do the right thing
- To be objective and independent

Experience how our integrity and objectivity can help you make smart business decisions. You want an advisor to tell you what you need to know, not just what you want to hear.

DISCIPLINE

- In process and innovation
- To balance professional and personal commitments

Experience how our well-established protocols and low-risk approaches can help resolve issues and advance your goals.

EXCELLENCE

- In skills and competencies
- In our quest to be the best

Experience how our ambition, knowledge, commitment to lifelong learning and drive to improve technical and analytical skills can work to consistently surpass your expectations.



BKD THOUGHTWARE

BKD's expertise spans a wide variety of industries and subjects, and our professionals share their knowledge in print, online and in person to help advance your organization. Use the QR code below to sign up for **BKD Thoughtware®** emails.



// articles



// emails



// presentations



// videos



// webinars



BKD
LLP
CPAs & Advisors

bkd.com



BEST PRACTICE

Audit Procurement

BACKGROUND:

The Government Finance Officers Association (GFOA) has long recommended that state and local governmental entities obtain independent audits of their financial statements performed in accordance with the appropriate professional auditing standards. Properly performed audits play a vital role in the public sector by helping to preserve the integrity of the public finance functions and by maintaining citizens' confidence in their elected leaders.

RECOMMENDATION:

GFOA makes the following recommendations regarding the selection of auditing services:

- The scope of the independent audit should encompass not only the fair presentation of the basic financial statements, but also the fair presentation of the financial statements of individual funds and component units. The cost of extending full audit coverage to the financial statements of individual funds and component units can be justified by the additional degree of assurance provided. Nevertheless, the selection of the appropriate scope of the independent audit ultimately remains a matter of professional judgment. Accordingly, those responsible for securing independent audits should make their decision concerning the appropriate scope of the audit engagement based upon their particular government's specific needs and circumstances, consistent with applicable legal requirements.
- Governmental entities should require in their audit contracts that the auditors of their financial statements conform to the independence standard promulgated in the General Accounting Office's *Government Auditing Standards* even for audit engagements that are not otherwise subject to generally accepted government auditing standards.
- Governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. Such multiyear agreements can take a variety of different forms (e.g., a series of single-year contracts), consistent with applicable legal requirements. Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year.
- Governmental entities should undertake a full-scale competitive process for the selection of independent auditors at the end of the term of each audit contract, consistent with applicable legal requirements. Ideally, auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of the audit contract, as is often the case in the private sector. Unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. In such cases, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has proven satisfactory. Except in cases where a

multiyear agreement has taken the form of a series of single-year contracts, a contractual provision for the automatic renewal of the audit contract (e.g., an automatic second term for the auditor upon satisfactory performance) is inconsistent with this recommendation.

- Professional standards allow independent auditors to perform certain types of nonaudit services for their audit clients. Any significant nonaudit services should always be approved in advance by a governmental entity's audit committee. Furthermore, governmental entities should routinely explore the possibility of alternative service providers before making a decision to engage their independent auditors to perform significant nonaudit services.
- The audit procurement process should be structured so that the principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. In no case should price be allowed to serve as the sole criterion for the selection of an independent auditor.

References:

- *CPA Audit Quality: A Framework for Procuring Audit Services*, General Accounting Office, August 1987.
- *Audit Management Handbook*, Stephen J. Gauthier, GFOA, 1989.
- *An Elected Official's Guide to Auditing*, Stephen J. Gauthier, GFOA, 1992.
- *Governmental Accounting, Auditing and Financial Reporting (GAAFR)*, Stephen J. Gauthier, GFOA.

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Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 5, 2017

Topic:

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.

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:

Craig T. Meyers, Community Development Director

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

SECOND READING:

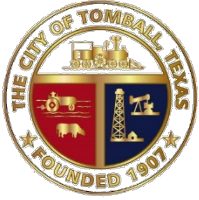
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JULY
2017.

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.

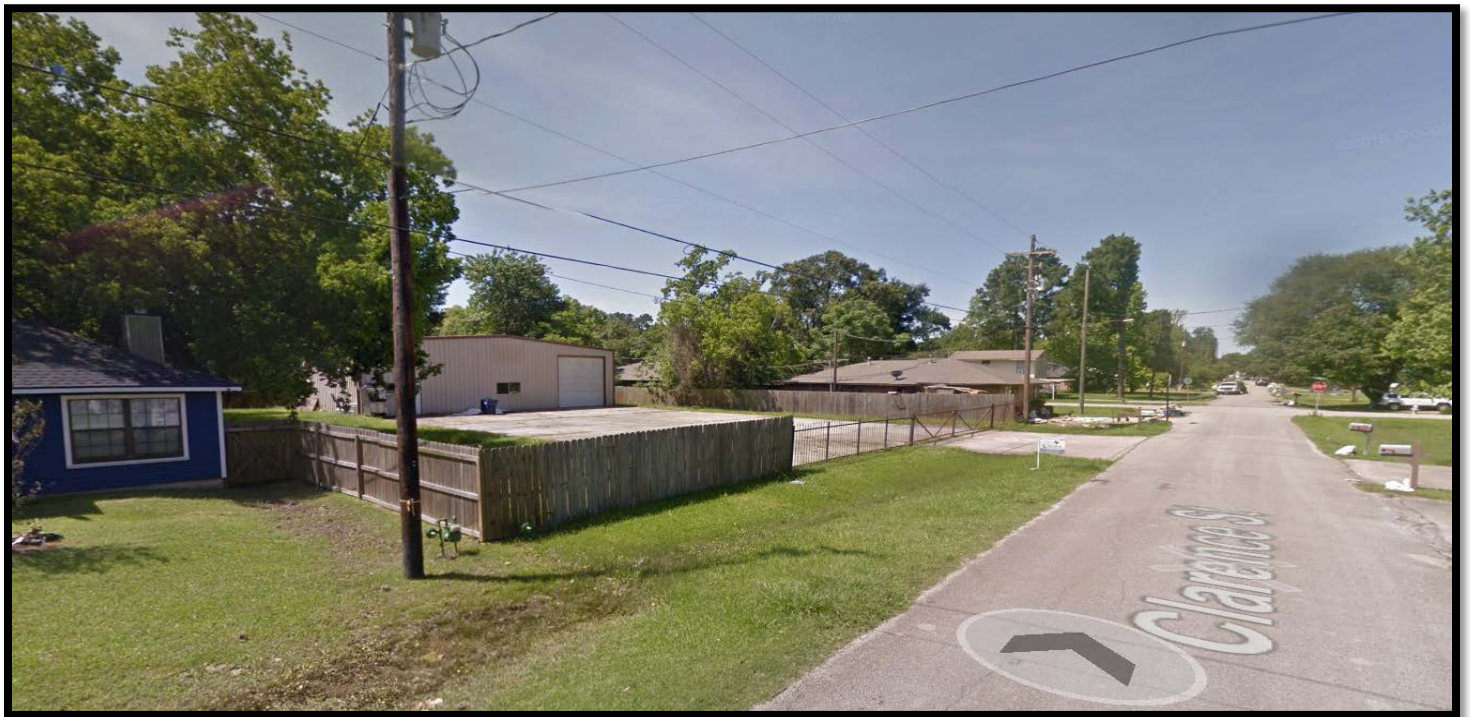
Section 40-65(i) of the Tomball Municipal Code states that "the developer shall be responsible for the installation of sidewalks in all residential and commercial subdivisions, except in residential subdivisions along streets with open ditch drainage. Sidewalks shall be constructed in accordance with 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.