NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, JUNE 19, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 19, 2017 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Tim Niekerk, Salem Lutheran Church

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*** *~~June~~ 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 4, 2017 – **Tomball Night**
- 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 – The Finance Department has received the**GFOA Distinguished Budget Award**
  - Kelly Violette – Kelly Violette and Tiffani McMinn have received**Certified Economic Developer** Certification from the International Economic Development Council

6.0 Approve the Minutes of the June 5, 2017 Regular Tomball City Council Meeting and the June 5, 2017 Special Tomball City Council Meeting

7.0 New Business:

7.1 Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors

7.2 Approve the Tomball Economic Development Corporation (TEDC) 2017-2018 Strategic Work Plan.

7.3 Receive the Tomball Economic Development Corporation (TEDC) 2016-2017 Annual Report.

7.4 Accept 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

7.5 Approve 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

7.6 Approve 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

7.7 Consideration and Possible Action 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

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.

- Conduct Public Hearing on **Zoning Case P17-0062**
- 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

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.

- Conduct Public Hearing on **Zoning Case P17-0059**

- 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

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 Theis Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

- Conduct Public Hearing on **Zoning Case P17-0057**
- 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

7.11 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

8.0 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 15th 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: June 19, 2017

Topic:

- Led by Pastor Tim Niekerk, Salem Lutheran Church

Background:

Origination:

Recommendation:

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:

- ***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 4, 2017 – **Tomball Night**
- 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 – The Finance Department has received the **GFOA Distinguished Budget Award**
    - Kelly Violette – Kelly Violette and Tiffani McMinn have received **Certified Economic Developer** Certification from the International Economic Development Council

Background:

Origination:
Various

Recommendation:
N/A

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

ACTION TAKEN

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

ATTACHMENTS:

9th Annual Economic Outlook Luncheon
July 4, 2017 – Tomball July 4th Celebration & Street Festival


INVITATION
9TH ANNUAL ECONOMIC OUTLOOK LUNCHEON
Lone Star College–Tomball • Beckendorf Conference Center
Thursday, June 22, 2017
11:30 A.M. – 1:30 P.M.
JUNE 22ND
FEATURED SPEAKER
Dr. Ray Perryman
President & CEO, The Perryman Group
SPONSORS
CenterPoint Energy
North Houston Regional Center for Economic Development
RSVP BY JUNE 12TH
twooten@tomballtxedc.org
(281) 401-4086
25 MI. TO BUSH INTERCONTENTIAL AIRPORT
30 MI. TO WORLD-CLASS TEXAS MEDICAL CENTER
17 MI. TO EXXONMOBIL CAMPUS
15 MI. TO GOODMAN GLOBAL
HOME TO BAKER HUGHES
ExxonMobil
Goodman



CONSTITUTING AMERICA

Join Janine and Juliette Turner

along with the winners of Constituting America's
"We The Future" song writers competition,
at the City of Tomball's annual
July 4th Celebration presented by Allied Siding & Windows.

- **Gates open at 5 p.m. – Free admission & parking**
- The Fab 5 perform on the Quick Quack Car Wash Stage
- Kroger Kids Zone
- Giant Fireworks Display at Dark
- Special Salute to Veterans & Active Duty Military
- Food & Drinks
- Sponsored in-part by K-Star 99.7 FM & Holiday Inn Express

Business 249 just north of FM 2920/Main Street

Call 281-351-5494 or visit tomballtx.gov


INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL
The Power of Knowledge and Leadership

INTERNATIONAL
ONOMIC DEVELOPMENT
COUNCIL

734 15th Street NW, Suite 900
Washington, DC 20005
Tel 202.223.7800
Fax 202.223.4745
www.iedconline.org

June 4, 2017

Dear Mrs. Kelly Violette,

Congratulations on successfully passing the Certified Economic Developer (CEcD) exam. You have demonstrated a comprehensive knowledge in the field and have taken an important step in your career. Your personal success is also a success for the economic development profession. By becoming certified you are helping to solidify the field as we work towards developing a specific body of knowledge associated with our industry.

Your well-merited CEcD lapel pin is enclosed. We hope that you wear it with pride at future economic development events.

In the coming weeks you will receive your CEcD identification number and certificate. Once again, I commend you on this accomplishment.

Sincerely,

Emily Bell
Senior Director, Professional Development

IONAL
VELOPMENT
NCIL

June 4, 2017

Dear Ms. Tiffani Wooten,

Congratulations on successfully passing the Certified Economic Developer (CEcD) exam. You have demonstrated a comprehensive knowledge in the field and have taken an important step in your career. Your personal success is also a success for the economic development profession. By becoming certified you are helping to solidify th field as we work towards developing a specific body of knowledge associated with our industry.

Your well-merited CEcD lapel pin is enclosed. We hope that you wear it with pride at future economic development events.

In the coming weeks you will receive your CEcD identification number and certificate. Once again, I commend you on this accomplishment.

Sincerely,

Emily Bell
Senior Director, Professional Development

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Approve the Minutes of the June 5, 2017 Regular Tomball City Council Meeting and the June 5, 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	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

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

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

MONDAY, JUNE 5, 2017

6:00 P.M.

1.0 Call to Order

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

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Councilman Townsend

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
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Police Officer-Investigations – James Harrell
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire
Police Officer-Investigations – James Harrell

2.0 Invocation

- Led by Pastor Stuart Sanders, Tomball Bible Church

3.0 Pledges to U. S. and Texas Flags

- Led by Randy Parr and Robert Hauck

4.0 No Public Comments were received.

5.0 Reports and Announcements:

- ***TOMBALL KID'S CLUB –*** *June 6, 9, 13, 16, 20, 23, 27 and 30 and July 7, 11, and 14, 2017 - 11:00 a.m.-1:00 p.m., at the Community Center*
- ***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.
- October 7, 2017 – ***4th "Annual Paces for Pink"*** **5K Run**
- October 7, 2017 – **"Zomball in Tomball"**
- October 21, 2017– **6th Annual Tomball *Bluegrass 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:
  - Mike Baxter reported on the Success of the ***Tomball Honky Tonk Music Festival*** **and** ***Chili Challenge***

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the May 15, 2017 Regular Tomball City Council Meeting and the May 22, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 11.130 Acres of Land, Legally Described as a Tract or Parcel Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, Being out of a Called 16.4724 Acre

Tract Conveyed to 11311 Holderrieth Limited, L.P. as Recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, within the City of Tomball, Harris County, Texas, to the Light Industrial District; Said Property being generally located at the Southwest Corner of Holderrieth Road and Hufsmith-Kohrville Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.0 New Business:

8.1 Mayor Fagan called the Public Meeting to Review Harris County's Method of Distribution (MOD) for the Community Development Block Grant Disaster Recovery Program funds for the 2016 Flood Events (CDBG-DR16) to order at 6:11 p.m. The U.S. Department of Housing and Urban Development (HUD) Allocated Harris County $61,591,147 in CDBG-DR16 Funding of the $222,264,000 Awarded to the State of Texas through the Texas General Land Office (GLO). Harris County Plans to Submit a MOD to the GLO in June. The City is Seeking Input on the Community Needs Resulting from the 2016 Flood Events and on Harris County's MOD Describing the Distribution of CDBG-DR16 between Housing and Non-Housing Categories and Among Affected Cities within Harris County. The following individuals expressed their support for and need of assistance in disaster recovery through the Community Development Block Grant Disaster Recovery Program:

Jackie Thomas
830 Lizzie Lane
Tomball, TX 77375
Jack195678@yahoo.com
281-224-4480

Paul Belmudez
815 Lizzie Lane
Tomball, TX 77375
paulbelmudez@gmail.com
832-515-2962

Latrell & Sam Shannon
823 Lizzie Lane
Tomball, TX 77375
Ls0175@swbell.net
(H) 281-351-5278
(C) 713-828-2762

Jerry & Catherine Carrington
810 Lizzie Lane
Tomball, TX 77375
Ccarrington61@gmail.com
713-898-5254.

Christy Lambright, Harris County Community Services Department, provided additional information to citizens and Council.

Receiving no further comments, Mayor Fagan closed the Public Meeting at 6:19 p.m.

8.2 Consideration to Reappoint/Appoint Members to Vacancies of Alternate Member Positions 1 and 3 on the Board of Adjustment, for Terms Expiring March 2, 2018, was removed from the agenda by Mayor Fagan.

No action taken.

8.3 Motion was made by Councilman Degges, second by Councilman Stoll, to reappoint Darrell Roquemore and Will Benson to Positions 2 and 5, respectively, on the Planning and Zoning Commission, for New Terms Expiring June 1, 2020.

Motion carried unanimously.

8.4 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Resolution No. 2017-10, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 45th Annual Tomball Night and Parade, to be Held in Tomball on Friday, August 4, 2017.

Motion carried unanimously.

8.5 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Resolution No. 2017-11, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 52nd Annual Tomball Holiday Parade, to be Held in Tomball on Saturday, November 18, 2017 and Approving Requested Street Closures and In-Kind Services

8.6 Motion was made by Councilman Degges, second by Councilman Stoll, to award Project No. 2017-14, Sale of Lot 20 Block 7, to Sole Bidder, William A. Benson, Jr., in the Amount of $3,800.00.

Motion carried unanimously.

8.7 Motion was made by Councilman Degges, second by Councilman Stoll, to award Contract for Project No. 2016-24, for 2016 Asphalt Street Improvements, to Hayden Paving, Inc., in the Amount of $178,173.00.

Motion carried unanimously.

8.8 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to reject All Bids Received for Project No. 2017-01, Sherwood Forest Drainage Improvements, and Authorize Rebidding Project No. 2017-01R.

Motion carried unanimously.

8.9 Discussion was held regarding the Development of a Fee in Lieu of Sidewalks Program. Consensus of Council was unanimous for City staff to prepare an ordinance for Council consideration and action.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of June 2017.

Doris Speer, TRMC, MMC	Gretchen Fagan
City Secretary	Mayor

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

MONDAY, JUNE 5, 2017

4:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 4:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Councilman Townsend

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
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Public Works – David Esquivel
IT Manager – Doug Tippey
Director of Community Development – Craig Meyers
Assistant City Secretary – Tracy Garcia
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire

2.0 No Public Comments were received.

3.0 New Business:

3.1 The Tomball City Council entered into a Workshop Session regarding the Long Range Financial Forecast for Fiscal Years 2018-2022.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of June 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors

Background:
The Tomball Economic Development Corporation terms for Gretchen Fagan, Steven Vaughan, and Chad Degges are due for appointment/reappointment. Each member has indicated his/her desire to continue serving on the TEDC.

Kelly Violette, Executive Director-TEDC, recommends the reappointment of each member in order to maintain the continuity of the Board, especially as the TEDC continues developing the Business and Technology Park.

I would like to recommend the reappointment of myself, Steven Vaughan, and Chad Degges. Nominations will also be accepted at the Council meeting.

Origination:
Mayor Fagan

Recommendation:
N/A

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Approve the Tomball Economic Development Corporation (TEDC) 2017-2018 Strategic Work Plan.

Background:
As stated in the TEDC Bylaws: "The Board of Directors shall direct the Corporation staff to research, develop, prepare and submit to the City Council for its approval an annual work plan which shall set goals and objectives of the Corporation, including but not limited to, short-term and long-term goals for the economic development of the City; goals and objectives for the utilization of funds to promote the expansion and development of a sound economic base for and within the City; and any other similar goals and objectives deemed appropriate by the Board and the City Council. The Board shall review and update the plan each year prior to the submission of the annual budget as required by other provisions of these Bylaws."

The TEDC Board of Directors approved the attached 2017-2018 Strategic Work Plan at the May 16, 2017 Board meeting. This item is now being submitted for consideration by City Council.

Origination:
Tomball Economic Development Corporation Board of Directors.

Recommendation:
Approval of the 2017-2018 Strategic Work Plan

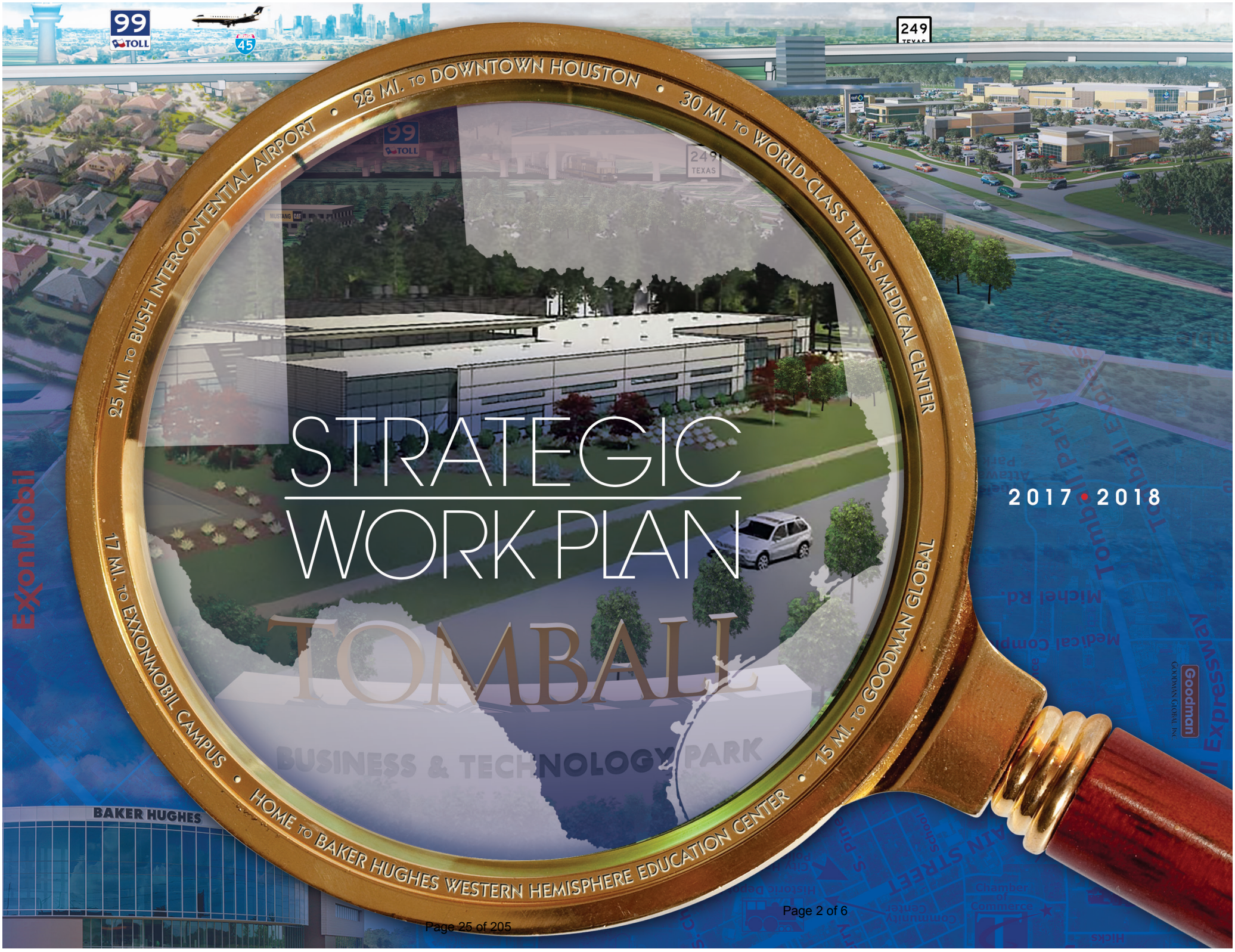
Party(ies) responsible for placing this item on agenda:
Kelly Violette, Executive Director, Tomball Economic Development Corporation.

ACTION TAKEN

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

ATTACHMENTS:

2017-2018 Strategic Work Plan


25 MI. TO BUSH INTERCONTENTIAL AIRPORT • 28 MI. TO DOWNTOWN HOUSTON • 30 MI. TO WORLD-CLASS TEXAS MEDICAL CENTER
17 MI. TO EXXONMOBIL CAMPUS • HOME TO BAKER HUGHES WESTERN HEMISPHERE EDUCATION CENTER • 15 MI. TO GOODMAN GLOBAL
STRATEGIC
WORK PLAN
2017 • 2018
TOMBALL
BUSINESS & TECHNOLOGY PARK
99
TOLL
249
TEXAS
45
ExxonMobil
BAKER HUGHES
Goodman
Tomball Parkway
Medical Comp
Michel Rd.
Chamber of Commerce

2017 2018 STRATEGIC WORK PLAN

ECONOMIC DEVELOPMENT GOALS:

- Promote Business Retention & Expansion.
- Attract New Business & Industry.
- Coordinate Economic Development Efforts in Tomball, the Region, & the State.

MISSION

To promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well-being of the community.

VISION

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

GOAL 1

PROMOTE BUSINESS RETENTION & EXPANSION

Activities

A. Maintain a structured business retention and expansion program:

1) Continue to develop and expand the Business Visitation Program to build relationships with existing businesses and industries to determine present and future needs.

2) Follow up and maintain ongoing contact with existing businesses and industries.

3) Facilitate coordination efforts with the City, County, and State to assist with expansion opportunities.

4) Develop resource material to distribute to area businesses.

B. Partner with post secondary institutions to identify and encourage workforce training opportunities.

C. Facilitate, where applicable, financial incentives to assist with expansion efforts.

D. Maintain and promote the Business Improvement Grant Program to assist businesses with building and/or site improvements and enhance the appearance of Tomball's commercial corridors.



GOAL 2

ATTRACT NEW BUSINESS & INDUSTRY

Activities

A. Work with public and private sectors to encourage the development of sites and buildings needed to accommodate new investment and employment opportunities.
- **1)** Continue to invest in infrastructure improvements that support the Tomball Business and Technology Park.
- **2)** Prioritize infrastructure projects based on which development areas and sites are most suitable for expanding businesses and prospective businesses.

B. Monitor the local and regional business mix to identify gaps and/or opportunities.
- **1)** Conduct a Target Industry Analysis and focus attraction efforts accordingly.

C. Assist with the preparation of an Annexation Plan for the City of Tomball.
- **1)** Consider priority areas that have potential for employment-generating land uses and/or provide access to strategic assets such as transportation corridors.

D. Work with the City of Tomball to review and determine remedies for potential barriers to development: oil & gas issues, infrastructure needs, permitting and land use ordinances, and mobility issues.

E. Maximize the economic benefits from Lone Star College and Tomball's Medical district:
- **1)** Support infrastructure development within these areas.
- **2)** Encourage the development of businesses that promote and support these assets.

F. Continue utilizing a marketing plan to promote a positive and pro-business image of Tomball.
- **1)** Update website on regular and on-going basis.
- **2)** Advertise in business publications and journals of targeted industries/markets.
- **3)** Develop professional collateral materials for targeted market campaigns.



GOAL 3

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, & THE STATE

Activities

A. Maintain and promote coordination/liaison with TEDC allies.

B. Encourage and assist, where possible, the development of additional tourism opportunities in downtown, as well as other appropriate locations in Tomball.

C. Support efforts to develop local entrepreneurs and small businesses:

1) Refer start-up businesses to Small Business Development Center (SBDC) at Lone Star College System.

2) Follow-up and coordinate efforts with SBDC and Service Corps of Retired Executives (SCORE).

D. Partner with utility and other services providers to ensure high quality, sustainable service provision.

E. Administer incentive and infrastructure funding policies.

F. Work with the City of Tomball on implementation of its tax abatement policy, Comprehensive Plan, Strategic Work Plan, and Livable Centers Downtown Plan.



TOMBALL ECONOMIC DEVELOPMENT CORPORATION

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Receive the Tomball Economic Development Corporation (TEDC) 2016-2017 Annual Report.

Background:
The Bylaws of the Tomball Economic Development Corporation (TEDC) require that an annual status report outlining the activities of the Corporation in carrying out its Strategic Work Plan be submitted to City Council for review.

Origination:
Tomball Economic Development Corporation Board of Directors.

Recommendation:
As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

Party(ies) responsible for placing this item on agenda:
Kelly Violette, Executive Director, Tomball Economic Development Corporation.

ACTION TAKEN

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

ATTACHMENTS:

2016-2017 Annual Report


25 MI. TO BUSH INTERCONTENTIAL AIRPORT
28 MI. TO DOWNTOWN HOUSTON
30 MI. TO WORLD-CLASS TEXAS MEDICAL CENTER
17 MI. TO EXXONMOBIL CAMPUS
HOME TO BAKER HUGHES WESTERN HEMISPHERE EDUCATION CENTER
15 MI. TO GOODMAN GLOBAL
TOMBALL
BUSINESS & TECHNOLOGY PARK
ANNUAL REPORT
2016 • 2017
ExxonMobil
BAKER HUGHES
Goodman
TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

GOALS

Promote Business Retention & Expansion

Attract New Business & Industry

Coordinate Economic Development Efforts in Tomball, the Region, and the State

TOMBALL ECONOMIC DEVELOPMENT CORPORATION (TEDC) *is a non-profit Type B Corporation created pursuant to the Texas Development Corporation Act of 1979. The TEDC was formed in November 1994, after the citizens of Tomball voted to pass a one-half cent sales tax dedicated to economic development.*



Gretchen Fagan, *President*
Mayor, City of Tomball



Lori Klein-Quinn, *Vice President*
Tomball City Council



William E. Sumner
Secretary



Richard Bruce
Treasurer



Chad Degges
Mayor Pro Tem, City of Tomball



Steven Vaughan



Tom Crofoot

MISSION

To promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well-being of the community.

VISION

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

OPERATING REVENUES (FY 2017 Adopted)

Beginning Fund Balance
$16,260,593

Interest Income
$100,000

Sales Tax
$3,350,000

Total Available Resources
$19,716,093

EXPENDITURES

Administrative
$384,712

City Debt Service
$1,089,061

Total Expenditures
$4,754,657

Indirect Economic Development Expenses
$480,884

Grants, Loans & Other Expenditures
$2,800,000

Ending Fund Balance
$14,961,436

EXECUTIVE DIRECTOR'S MESSAGE

On behalf of the Board of Directors and staff of the Tomball Economic Development Corporation, it is my pleasure to present our 2016-2017 Annual Report.

The past year has been a rewarding one for the Tomball EDC. Construction wrapped up on the streets and utilities in the Tomball Business & Technology Park and we celebrated the completion of the Park's first building. The opening of the 50,000 square foot Packers Plus Energy Services Rapid Tool Development facility in November 2016 signified how far we have come since May 24, 2011, the day the Tomball EDC approved the designation of the business park project and its land acquisition.

At the time, the population boom of the north Houston region as well as the transportation projects that have undoubtedly changed the area's physical and economic landscape were unforeseen. However, timing of the project couldn't have been more perfect. Within months, ExxonMobil announced its plans to develop a major campus in Spring and Segments F1, F2, and G of the Grand Parkway received approval. As the Tomball Business & Technology Park progressed, so did other mobility improvements that will benefit and enhance Tomball's economic well-being, including the SH 249 extension, Medical Complex Drive and the Hufsmith-Kohrville Road expansion.

As I reflect on the progress our city and our region has made in such a short amount of time I can't help but think of the partnerships that have made this all possible. Our local, regional, and state-level partners are committed to investing in the success of our community. Working together to develop and diversify the area's economic base and ensure that Tomball is a strong economic competitor means a brighter future for us all.

As we move forward, the Tomball EDC remains focused on achieving the goals outlined in our Strategic Work Plan: supporting our existing businesses, promoting new development opportunities, and working with our economic development partners to enhance the business climate and improve the quality of life for our residents.

It is my great pleasure to serve you as the Executive Director and I look forward to working with you to continue to develop Tomball as a great place to do business!

Kelly Violette

Kelly Violette, AICP
Executive Director



Kelly Violette, AICP
Executive Director



Tiffani Wooten
Assistant Director

PROMOTE

BUSINESS RETENTION AND EXPANSION:

Business retention and expansion continues to be a primary focus for the Tomball EDC. Statistics show that existing businesses create as much as 80 percent of all new jobs and capital investment in a community.

When established businesses stagnate, fail, downsize, or relocate elsewhere, communities suffer. Conversely, research shows that a thriving local economy makes a community attractive to new businesses considering relocation. In short, strong retention efforts complement and support attraction efforts.

The TEDC works to build and strengthen positive relationships with Tomball business owners in order to provide resources and support that will contribute to their continued success. By doing so, the TEDC engages in problem solving and partnership building that demonstrates an appreciation for their contribution to Tomball's economy.

In 2016, TEDC staff had face-to-face visits with 35 area businesses to discuss opportunities, challenges, and needs. These visits included discussions on expansion activities, workforce development, and the strengths and weaknesses of Tomball's business climate.



ATTRACT

NEW BUSINESS AND INDUSTRY:

Attracting new businesses to Tomball benefits the community by bringing in new investment, creating jobs, and providing a source of new money to the community through sales and services. The TEDC works to attract new businesses to Tomball by funding targeted infrastructure improvements, providing incentives for relocations,







developing new industrial sites, and maintaining relationships with sources of new business referrals.

In 2016, TEDC staff conducted over 31 prospect meetings to discuss relocation opportunities, incentives, and development procedures. These efforts resulted in the approval of 5 new projects totaling $30.9 million in private capital investment and up to 172 new jobs for the Tomball community.

COORDINATE

ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE:

Successful economic development efforts are the result of many people working together to achieve common goals and desired outcomes. Tomball is fortunate to have a wide variety of economic development and workforce development partners including government sponsored agencies, educational institutions, for-profit, and non-profit organizations. The TEDC works hand-in hand with the City of Tomball, Greater Tomball Area Chamber of Commerce (GTACC), Lone Star College- Tomball, business owners, real estate professionals, and regional and state partners to strengthen and enhance conditions for economic growth and employment generation.

These coordination efforts enable a more focused, results oriented approach to economic development. Over the past year, the TEDC has continued to work with our economic development allies to support activities that enhance economic growth and job creation, and contribute to a higher quality of life for Tomball's residents.

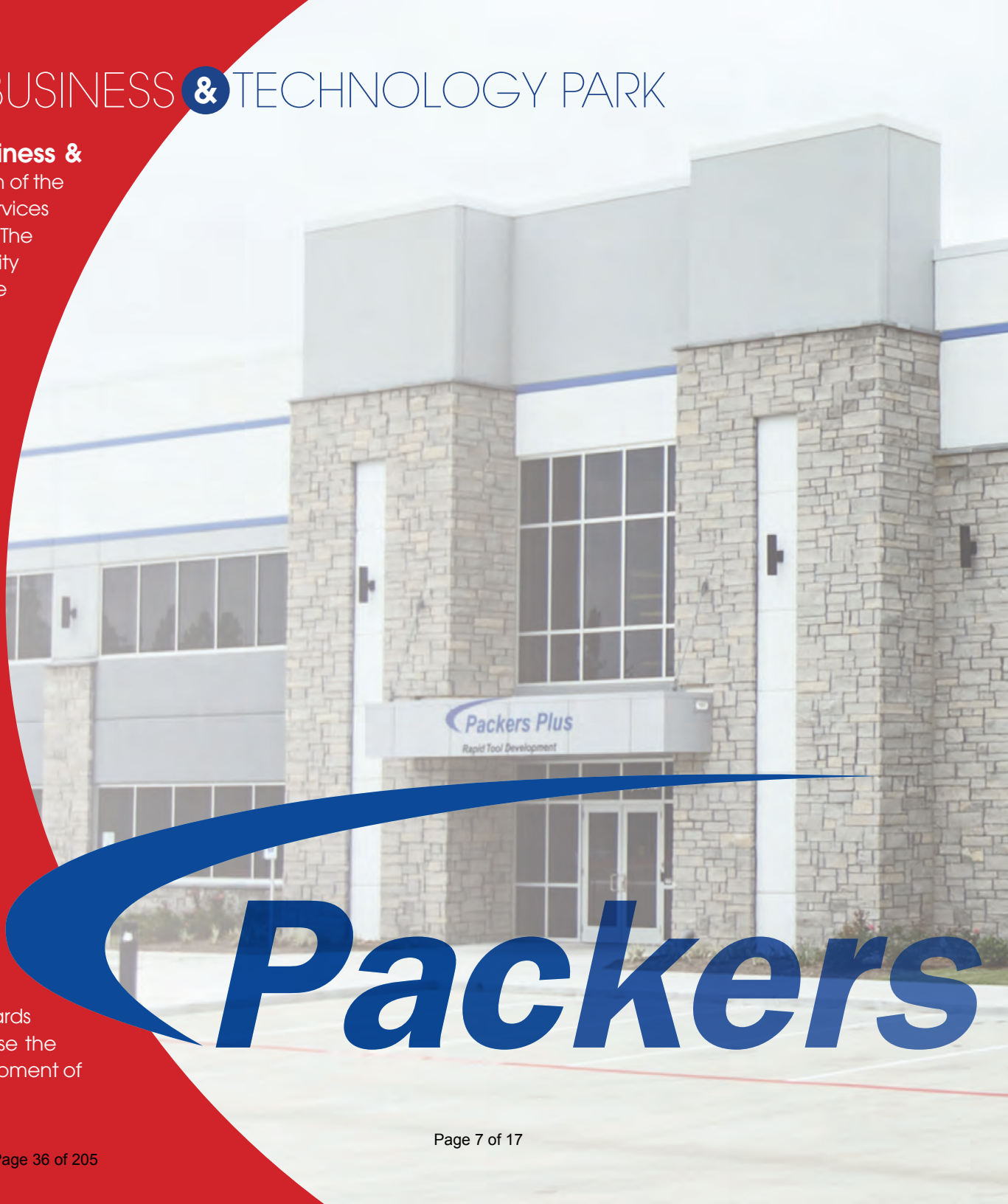
TOMBALL BUSINESS & TECHNOLOGY PARK

This has been a busy year for the **Tomball Business & Technology Park**. In addition to the completion of the Park's onsite infrastructure, Packers Plus Energy Services completed the first of three planned buildings. The 50,000-square foot Rapid Tool Development facility opened in November 2016 and activity levels at the facility have been strong.

Engineering design of the Spell/Hufsmith-Kohrville and Holderrieth/Hufsmith-Kohrville Road intersections were completed and construction is anticipated to begin in June.

The Tomball EDC was successful in working with Genesiss Pipeline Company on the remediation of the crude oil contamination near the Holderrieth entrance. The remediation has satisfied the Railroad Commission of Texas and a "No Further Action" letter was issued. The pipeline has been removed and Genesis has released the 30' pipeline easement. This allows the TEDC to sell 21.5 acres along the west side of South Persimmon Street without a pipeline encumbrance.

In November 2016, the City of Tomball issued approximately $20 million in Certificates of Obligation to fund the design, land acquisition, and construction of Medical Complex Drive Segment 4B and South Persimmon Street from Agg Road to the Tomball Business & Technology Park. In October, the TEDC purchased 18.9 acres to the north of the Business & Technology Park to help facilitate this project. The TEDC also entered into an agreement with the City to fund $4 million towards the South Persimmon Street improvements because the extension will directly benefit the continued development of the Business and Technology Park.





Plus

GE WATER & PROCESS TECHNOLOGIES

TO BREAK GROUND IN THE TOMBALL BUSINESS & TECHNOLOGY PARK





GE Water & Process Technologies plans to move its process laboratories to the Tomball Business and Technology Park in early 2018. The deal was officially announced on August 30, 2016 and GE will be the second tenant to officially break ground in the Business and Technology Park.

The new building, located on 5.5 acres, will consist of a 42,700-square-foot laboratory and office facility expected to house 75 employees. The facility will conduct research and development activities in the oil & gas industry focusing on global upstream and downstream applications as well as the North American customer analytical services laboratory providing industrial water, oil, microbiological, deposit, and metallurgical failure testing. In addition, the site will be a technical training center for GE's engineers and scientists.

On March 8, 2017, GE announced it has signed a definitive agreement to sell its Water & Process Technologies business to SUEZ, a global services and solutions company with operations primarily in water and waste management. The deal remains subject to customary closing conditions such as regulatory approvals and appropriate consultation. With both SUEZ and GE having experience with large transactions of this nature, GE expects a smooth transition with an expected close date in mid-2017.

Despite the pending transaction, the Tomball project is moving forward as planned and is expected to break ground in early to mid-May with project completion in 12 months.

BRINGING NEW BUSINESS TO TOMBALL



PREMIUM INTERESTS, LLC

Premium Interests, LLC is constructing an office / manufacturing facility at 22502 Park Road. The building will house the design, engineering, and manufacturing of "Premium" brand specialty high pressure industrial and subsea valves, principally serving the oil and gas industry. A key product is Premium Subsea's Vent Cap valve, which is used atop foundation suction piles for major E&P companies to facilitate ocean floor anchoring of rigs, pipelines, and other equipment. Premium also produces custom ball valves, filler valves, and material handling equipment for petrochemical , pipe testing, mooring, food processing, mining, and other industries. Premium serves customers world-wide to meet their requirements for safety, reliability, design specifications, budget, and lead time. Premium Interests, LLC will relocate its 6 employees to the site and plans to add 4 new jobs within the five years of operation. The TEDC awarded the company a $19,150.00 grant to assist with the relocation. The estimated capital investment for this project is $1,888,137.00

Premium Subsea Vent Cap valve

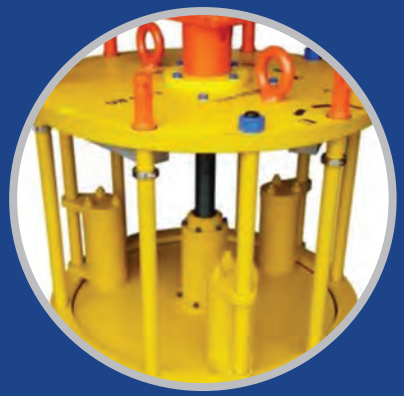




Premium designs & manufactures venting hatch valves for foundation suction piles.



Vent caps installed on top of suction pile of a major E&P company



BUSINESS IMPROVEMENT GRANTS & MARKETING

The **BUSINESS IMPROVEMENT GRANT (BIG) PROGRAM** is designed to help commercial property owners and businesses make high-quality improvements to buildings and property in Tomball. The Program encourages investments that directly relate to improving the aesthetics of the community and increasing commercial property values. The Program supports local businesses through public/private investments in projects in order to revitalize and sustain the economic vitality of the city's commercial areas.

From October 2016 to April 2017, the TEDC has awarded over $273,043 in improvement grants to area businesses, stimulating over $1,533,363 in private investment.

Over the past 6 years, the TEDC has awarded over $1.7 million in Business Improvement Grants to local businesses. That investment has generated over $9.3 million in total project value within the City Limits of Tomball.





$1,533,363
TOTAL PROJECT CAPITAL INVESTMENT

PRIVATE INVESTMENT **$1,533,363**

TEDC INVESTMENT **$273,043**

19
BUSINESSES WERE ASSISTED IN 2016-17

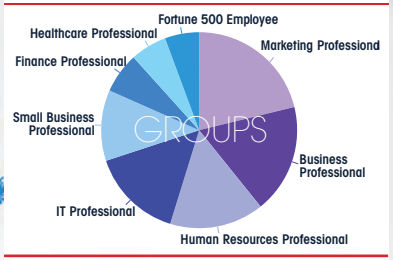
$85,013 PROPERTY

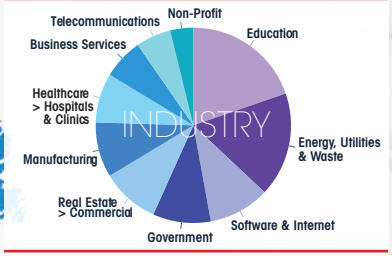
$77,926 FAÇADE

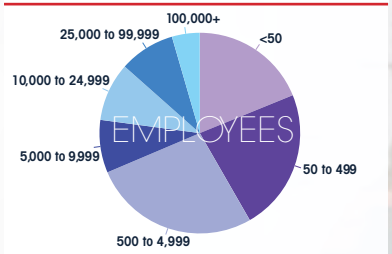
$52,878 LANDSCAPING

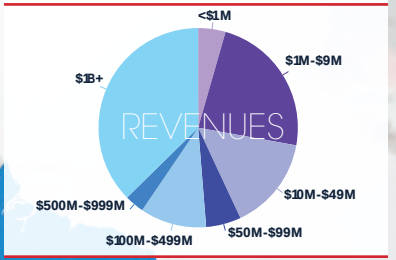
FIRMOGRAPHICS OVERVIEW

Company-level information about the companies that visited TEDC website.











In 2016-2017, the TEDC initiated a new approach to digital marketing called behavioral targeting with Multiview Inc. Behavioral targeting uses information collected from an individual's web-browsing behavior (e.g., the pages that they have visited or searched) to select advertisements to display. Since November 2016, the TEDC's ad has been generated over 351,000 times with over 780 companies "clicking" over to the TEDC website. This technology allows us to know our potential customers better by size of company, employee level, and interest in our incentives and available properties, etc. It also allows us to be more productive with our print advertising because this technology can go as far as showing what publications the subscriber has visited on the web.

$50,000
MEGA GRANT PROJECT

$7,225
SIGNAGE



TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

COORDINATE
ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE



TEDC staff, along with representatives of the Greater Tomball Area Chamber of Commerce and City of Tomball officials, celebrated the opening of the Marriott Residence Inn.

The Tomball EDC received recognition from Carlton Schwab, President/CEO of the Texas Economic Development Council at its annual conference and Community Economic Development Award's luncheon in October 2016.





TEDC Executive Director, Kelly Violette, welcomed attendees to the 8th Annual Economic Outlook Luncheon.



TEDC earned Economic Excellence Recognition for the third year in a row from the Texas Economic Development Council.



TEDC staff attended the Greater Houston Partnership's Houston Region Economic Outlook event on December 9, 2016 and heard from a panel of local business leaders in the energy, health care, real estate, and banking industries regarding the region's economy.



Kelly Violette was a guest on "Real Estate Matters with Stewart Title" Radio Show along with Rene Buckhoff, Broker/Owner of ReMax Elite Properties in Tomball and Patrick Buckhoff, Sr. Commercial Real-Estate Broker & Advisor with Coldwell Banker Commercial. Also pictured (on left), Sandi Reese, Business Development Officer with Stewart Title Tomball.

TEDC staff, Kelly Violette and Tiffani Wooten, at the ICSC Texas Conference and Deal Making Show in October 2016.



Holly Reed from Texas Central Partners, LLC spoke at the North Houston Economic Development Alliance meeting on June 29, 2016.



TEDC partnership meeting with Betty Russo, Community Relations - Office of the Governor, and Bruce Hillegeist, President - Greater Tomball Area Chamber of Commerce.



TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

2016-17
BY THE NUMBERS

It's not just about the numbers.
It's about bringing the right jobs and investment to the city, expanding our base of business, building relationships, and improving the quality of life for those that live, work, and visit Tomball.

5 PROJECTS... The TEDC successfully recruited five new companies to the City of Tomball.

$30.9 MILLION... Investments made or announced by projects supported by the TEDC top $30.9 million.

172 NEW JOBS... Companies assisted by the TEDC will create 172 new jobs.

35 BRE VISITS... The TEDC visited with 35 local companies through its Business Retention and Expansion Program (BRE).

31 PROSPECT VISITS... The TEDC conducted 31 prospect meetings to discuss relocation opportunities, incentives, and development regulations.

$1.5 MILLION IN IMPROVEMENTS... The TEDC awarded over $273,043 in Business Improvement Grants to area businesses resulting in over $1.5 million in project improvements.

15,280 WEBSITE VISITS... tomballtxedc.org was visited 15,280 times from 98 countries around the world.



TOMBALL ECONOMIC DEVELOPMENT CORPORATION

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Accept 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

Background:
Over the last several months, City Staff has coordinated with Lone Oak Holdings, LLC in an effort to acquire land to construct the future access point for Broussard Park that connects with the existing Zion Road/Hufsmith Road intersection. This Special Warranty Deed dedicates the property to the City of Tomball for the future driveway construction. The property to be acquired is at the southwest corner of the DPIS Engineering, LLC facility.

Origination:
Craig T. Meyers, Community Development Director

Recommendation:
Approval

Party(ies) responsible for placing this item on agenda:
Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Special Warranty Deed
Broussard Community Park Master Plan

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

SPECIAL WARRANTY DEED

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

THAT Lone Oak Holdings, LLC, a Texas Limited Liability Company ("Grantor") in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to Grantor in hand paid by THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, a Texas home-rule municipality ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED unto Grantee, all that certain property situated in the County of Harris, City of Tomball, State of Texas, described as follows:

BEING a 0.1173 acre tract (5,109 Sq. Ft.) of land situated in the J. Miller Survey, Abstract No. 50, Harris County, Texas, and being part of and out of the certain called 9.663 acre described in deed to Lone Oak Holdings, LLC, as recorded under Harris County Clerk's File (H.C.C.F.) Number W039500, said 0.1173 acre tract being more particularly described by field notes on the Exhibit "A" attached hereto and made a part hereof.

This conveyance is made by Grantor and is accepted subject to all liens, easements, and encumbrances filed of public record.

TO HAVE AND TO HOLD, the said Property, together with all rights, and appurtenances lawfully accompanying it, belonging unto Grantee, and Grantee's successors, heirs, and assigns forever. Grantor does hereby bind itself, its successors, heirs, executors, administrators, and legal representatives to WARRANT AND FOREVER DEFEND the title to the Property unto Grantee, its successors, heirs, assigns, and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor, but not otherwise.

By accepting this Special Warranty Deed, Grantee acknowledges that THE PROPERTY IS CONVEYED TO AND ACCEPTED BY GRANTEE IN ITS PRESENT CONDITION, AS IS, WHERE IS, WITH ALL FAULTS, AND WITHOUT ANY WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, EXCEPT FOR ANY WARRANTY OF TITLE EXPRESSLY PROVIDED FOR IN THIS SPECIAL WARRANTY DEED.

EXECUTED this the 1 day of JUNE, 2017.

GRANTOR:

Lone Oak Holdings, LLC

By: _____
Dale Phillips, Member

By: _____
Neal Patrick, Member

By: _____
Joe Broadus, Member

By: _____
Brannon King, Member

Attachments: Exhibit "A" legal description

AFTER RECORDING RETURN TO:

Loren B. Smith
Olson & Olson, LLP
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Dale Phillips, Member of Lone Oak Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and in his capacity therein, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5 day of June, 2017.

RHONDA VERNAE MCPHERSON
Notary Public, State of Texas
Comm. Expires 03-24-2021
Notary ID 131058825

Rhonda McPherson
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Neal Patrick, Member of Lone Oak Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and in his capacity therein, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5 day of June, 2017.

RHONDA VERNAE MCPHERSON
Notary Public, State of Texas
Comm. Expires 03-24-2021
Notary ID 131058825

Rhonda McPherson
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Joe Broadus, Member of Lone Oak Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and in his capacity therein, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5 day of June, 2017.

RHONDA VERNAE MCPHERSON
Notary Public, State of Texas
Comm. Expires 03-24-2021
Notary ID 131058825

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Brannon King, Member of Lone Oak Holdings, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and in his capacity therein, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5 day of June, 2017.

RHONDA VERNAE MCPHERSON
Notary Public, State of Texas
Comm. Expires 03-24-2021
Notary ID 131058825

NOTARY PUBLIC, STATE OF TEXAS

WINDROSE
LAND SURVEYING | PLATTING

DESCRIPTION OF
0.1173 ACRES OR 5,109 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.1173 ACRES OR 5,109 SQUARE FEET OF LAND BEING A PORTION OF A CALLED 9.663 ACRE TRACT CONVEYED TO LONE OAK HOLDINGS LLC, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. W039500 (H.C.C.F.) SITUATED IN THE J. MILLER SURVEY, ABSTRACT NO. 50, HARRIS COUNTY, TEXAS, WITH SAID 0.1173 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE WEST LINE OF A CALLED 3.563 ACRE TRACT OF LAND CONVEYED TO SUBURBAN RANCHERS RCI, AS RECORDED UNDER H.C.C.F. NO. C687507 FOR THE NORTHEAST CORNER OF CALLED 16.6372 ACRE TRACT, FINAL PLAT BROUSSARD COMMUNITY PARK, MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 679632, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND THE SOUTHEAST CORNER OF A CALLED 6.000 ACRE TRACT CONVEYED TO COUNTY OF HARRIS AS RECORDED UNDER H.C.C.F. NO. G917446;

THENCE, SOUTH 87 DEG. 23 MIN. 50 SEC. WEST, ALONG THE COMMON LINE OF SAID CALLED 16.6372 ACRE TRACT AND SAID CALLED 6.00 TRACT, A DISTANCE OF 803.52 FEET TO A POINT ON THE SOUTH LINE OF SAID 9.663 ACRE TRACT AND THE NORTH LINE OF SAID CALLED 16.6372 ACRE TRACT FOR THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 23 MIN. 50 SEC. WEST, ALONG THE COMMON LINE OF SAID CALLED 9.663 ACRE TRACT AND SAID CALLED 16.6372 ACRE TRACT, A DISTANCE OF 318.20 FEET TO A POINT ON THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF HUFSMITH ROAD, (WIDTH VARIES) FOR THE NORTHWEST CORNER OF CALLED 16.6372 ACRE TRACT, THE SOUTHWEST CORNER OF SAID CALLED 9.663 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 21 DEG. 28 MIN. 55 SEC. EAST, ALONG THE EAST R.O.W. LINE OF SAID HUFSMITH ROAD AND THE WEST LINE OF SAID CALLED 9.663 ACRE TRACT, A DISTANCE OF 36.78 FEET TO A POINT FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A CAPPED 5/8 IRON ROD STAMPED "EIC" BEARS FOR REFERENCE NORTH 21 DEG. 28 MIN. 55 SEC. EAST – 704.26 FEET;

THENCE, OVER AND ACROSS SAID CALLED 9.663 ACRE TRACT, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 82 DEG. 17 MIN. 21 SEC., AN ARC LENGTH OF 14.36 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 51 DEG. 27 MIN. 29 SEC. EAST – 13.16 FEET TO A POINT OF TANGENCY;

NORTH 87 DEG. 23 MIN. 50 SEC. EAST, A DISTANCE OF 71.12 FEET TO A POINT OF CURVATURE;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 11 DEG. 00 MIN. 26 SEC., AN ARC LENGTH OF 98.94 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87 DEG. 05 MIN. 57 SEC. EAST – 98.79 FEET TO A POINT OF TANGENCY;

SOUTH 81 DEG. 35 MIN. 44 SEC. EAST, A DISTANCE OF 36.48 FEET TO A POINT OF CURVATURE;

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 461.00 FEET, A CENTRAL ANGLE OF 11 DEG. 00 MIN. 26 SEC., AN ARC LENGTH OF 88.56 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87 DEG. 05 MIN. 57 SEC. EAST – 88.43 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.1173 ACRES OR 5,109 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53611-ESMT, PREPARED BY WINDROSE LAND SERVICES.

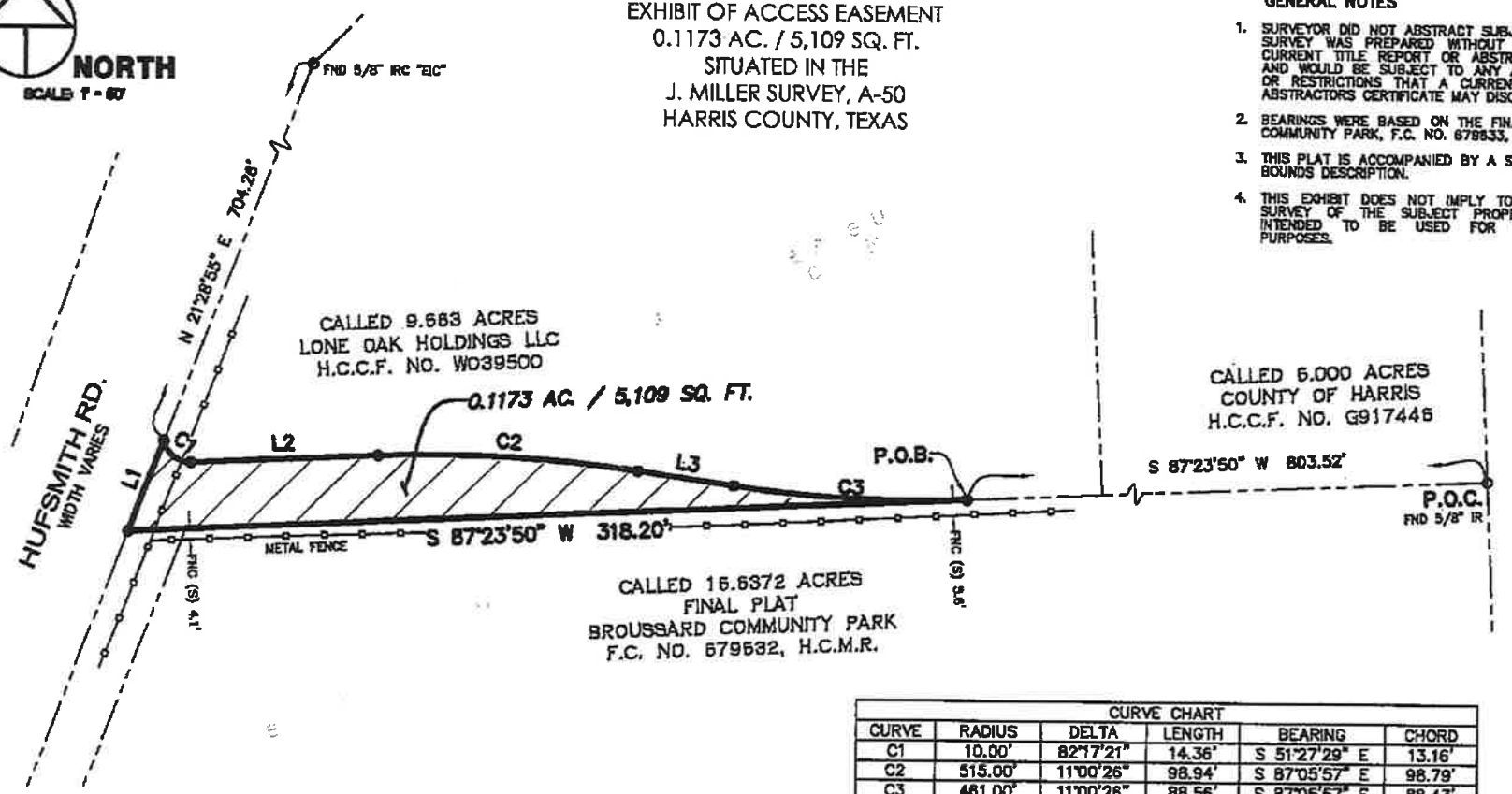
STATE OF TEXAS
REGISTERED
PAUL A. JURICA, JR.
4264
PROFESSIONAL
LAND SURVEYOR

PAUL A. JURICA JR.
R.P.L.S. NO. 4264
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800

04-20-17
DATE:

EXHIBIT OF ACCESS EASEMENT
0.1173 AC. / 5,109 SQ. FT.
SITUATED IN THE
J. MILLER SURVEY, A-50
HARRIS COUNTY, TEXAS

NORTH
SCALE: 1" = 60'



GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE FINAL PLAT BROUSSARD COMMUNITY PARK, F.C. NO. 679533, H.C.M.R.
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	10.00'	82°17'21"	14.36'	S 51°27'29" E	13.16'
C2	515.00'	11°00'26"	98.94'	S 87°05'57" E	98.79'
C3	461.00'	11°00'26"	88.56'	S 87°05'57" E	88.43'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°28'55" E	36.78'
L2	N 87°23'50" E	71.12'
L3	S 81°35'44" E	36.48'

FIELDED BY: -	DATE: 04-19-17
DRAWN BY: LH	REV:
CHECKED BY: PJ	REV:
JOB NO. 53611-ESMT	REV:
SHEET 1 OF 2	REV:

WINDROSE
LAND SURVEYING | PLATTING
3200 WILCREST, SUITE 325 | HOUSTON, TX 77042 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



CITY OF TOMBALL, HARRIS COUNTY, TEXAS

VICINITY MAP

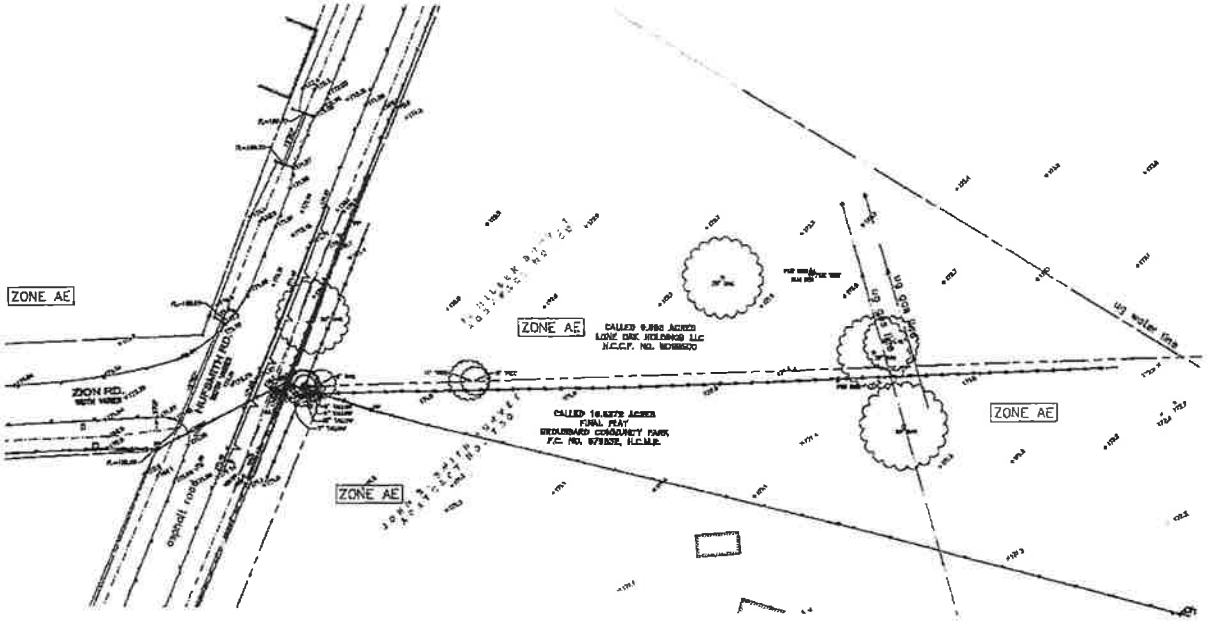
SCALE: 1" = 2000'

BENCHMARK PUBLISHED ELEVATION = 172.09

LEGEND

* SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY





NORTH

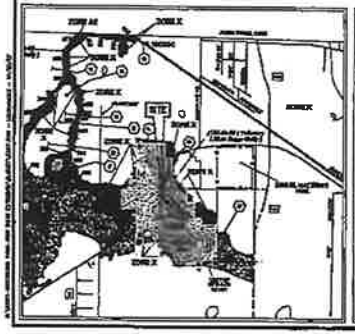
GRAPHIC SCALE: 1" = 30'

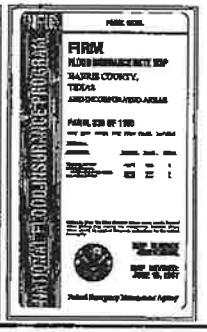
30 0 30 60 90 Feet

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. SAID SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTION CERTIFICATE, AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OF EVIDENCE THAT A CURRENT TITLE REPORT OR ABSTRACTION CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE PLAT OF BROUSSARD COMMUNITY PARK AS RECORDED UNDER F.C. NO. 679332, H.C.M.R.
3. ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FLOOD BOUNDARY MAP (FBM) FOR HARRIS COUNTY, TEXAS, AND INCORPORATED AREAS, PANEL 335 OF 1150, MAP NUMBER 48201C0335L, EFFECTIVE DATE JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO LIE WITHIN ZONE AE, ZONE X, AND ZONE X SHADED. THE ZONE AE IS DEFINED AS AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT (100 YEAR FLOOD). THE ZONE X SHADED IS DEFINED AS AREAS OF THE 0.2% ANNUAL CHANCE FLOOD (500 YEAR FLOOD), AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. ZONE X IS DEFINED AS AREAS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN. THE ABOVE STATEMENT MAY NOT BE CONSTRUED AS A GUARANTEE OR WARRANTY THAT THE SUBJECT PROPERTY WILL OR WILL NOT FLOOD IN THE FUTURE. REFERENCE IS MADE TO NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS. NO LIABILITY ON THE PART OF WINDROSE LAND SURVEYING.
4. DEVELOPMENT OF THIS TRACT IS SUBJECT TO REQUIREMENTS PER CITY OF HOUSTON ORDINANCE NO. 2013-530 WHICH ESTABLISH FLOOD PLAIN MANAGEMENT REGULATIONS AND REQUIREMENTS FOR DEVELOPMENT WITHIN FLOOD PLAIN AREAS. SECTION 42-156 OF THE ORDINANCE STATES THAT NO BUILDING SHALL BE CONSTRUCTED WITHIN THE 100 YEAR FLOOD PLAIN UNLESS THE FINISHED FLOOR ELEVATION IS AT LEAST 1 FOOT ABOVE THE 100 YEAR FLOOD PLAIN ELEVATION. ADDITIONALLY, SECTION 42-157 STATES THAT NO BUILDING SHALL BE CONSTRUCTED WITHIN 30 FEET OF ANY BAYOU, CREEK, OR DRAINAGE EASEMENT WHICH IS LOCATED ON THE PROPERTY. THE FINISHED FLOOR ELEVATION AS A CONDITION FOR ISSUING BUILDING PERMITS.
5. NEARBY UTILITY IMPROVEMENTS AND UTILITIES WERE LOCATED WITH THIS SURVEY. NO UNDERGROUND UTILITIES INVESTIGATION OR EXCAVATION WAS PERFORMED BY WINDROSE LAND SERVICES.
6. ENVIRONMENTAL AND DRAINAGE ISSUES ARE BEYOND THE SCOPE OF THIS SURVEY.
7. THE BOUNDARY AND CONTROLLING MONUMENTS ARE SHOWN ON THE ACCOMPANYING SURVEY PLAT. THE DISTANCES AND DIRECTIONS OF ALL LINES ARE AS RECORDED, OR AS MEASURED, AND ARE MATHEMATICALLY BALANCED. THE FENCE MAY DEVIATE BETWEEN MONUMENTED LOCATIONS. ACCURACY IS TO THE ACCEPTED MINIMUM STANDARD.
8. FENCES WITHIN MINOR ORNAMENTAL TRIM ARE GENERALLY TAKEN AT THE CENTERLINE. THE FENCE MAY DEVIATE BETWEEN MONUMENTED LOCATIONS.
9. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
10. DEVIATIONS SHOWN TO THE NEAREST TENTH ARE HISTORICAL CALLINGS RECORDED IN THE PLAT AND DEEDS. ANGLES AND BEARINGS SHOWN TO THE NEAREST SECOND ARE FIELD SURVEY ELEVATIONS.
11. TOPOGRAPHIC SURVEY BY OTHERS SUPERIMPOSED ON THIS TOPOGRAPHIC SURVEY.

FLOOD INFORMATION





SURVEYOR'S CERTIFICATION

TO: GUADA CORPORATION

I DO HEREBY CERTIFY TO THE ABOVE LISTED THAT THIS SURVEY WAS DULY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THE PLAT HEREON CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SAID SURVEY. THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON. THIS SURVEY IS NOT TO BE USED OR VIEWED OR RELIED UPON FOR ANY PURPOSE OR BY ANY PERSON OTHER THAN THOSE NAMED HEREON. THIS SURVEY IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR A CATEGORY 1A CONDITION II SURVEY, TO THE BEST OF MY KNOWLEDGE.

STATE OF TEXAS
REGISTERED
PAUL A. ZERDA JR.
4256
PROFESSIONAL LAND SURVEYOR

04-20-17

PAUL A. ZERDA JR.
Registered Professional Land Surveyor
Texas Registration No. 4256

WINDROSE
LAND SURVEYING | PLATTING

STANDARD LAND SURVEY OF
BROUSSARD PARK-ZION
PARK EXTENSION
SITUATED IN THE
J. MILLER SURVEY
ABSTRACT NO. 50
HARRIS COUNTY, TEXAS

REVISIONS		
DATE	REASON	BY

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FIELD BY:	JC	CHECKED BY: PJ	JOB NO. 53911
DRAWN BY:	JF/JH	DATE: APRIL 2017	SHEET NO. 1 OF 1

PROPERTY REQUESTED BY
CITY OF TOMBALL
5106.6871 SF
OR 0.1172 ACRES

ZION ROAD

20' C.O.T. UTILITY ESMT.

DETENTION POND

14' CENTERPOINT ESMT

ENTRANCE ROAD

OPTIONAL PARKING

64 PARKING SPACES

77 PARKING SPACES

TEE BOX

PICNIC SHELTER

VOLLEYBALL COURT

PICNIC SHELTER

PICNIC SHELTER

WORKOUT STATION

PHASE 1 ENTRANCE

U12 SOCCER 8vs8 FIELD

U10 SOCCER 6vs6 FIELD

U10 SOCCER 6vs6 FIELD

PAVILLION

PERGOLA

SENSORY GARDEN

ADA PLAYGROUND

U12 & UP SOCCER 11vs11 FIELD

WORKOUT STATION

TEE BOX

PICNIC SHELTER

PICNIC SHELTER

WORKOUT STATION

TEE BOX

TEE BOX

ZONE AE

1 inch = 40 ft.
GRAPHIC SCALE

BROUSSARD PARK EXHIBIT

CREATED FOR

CITY OF TOMBALL

GUNDA CORPORATION
Engineering • Surveying • Landscape Architecture
Houston, Texas 77055
713.850.3500 www.gundacorp.com
TBPE Registration Number F-3551

DATE: FEB. 3, 2017
SCALE: 1" = 40'
PM: KAB
DRAWN BY: FWL

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Approve 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

Background:
The purpose of this Interlocal Agreement is to ensure that adequate services are provided to Concordia High School as well as to define the scope of the duties and responsibilities of all interested parties. The officer assigned to Concordia High School under this agreement will function as SRO at the High School.

This agreement covers the 2017-2018 school year and will be renegotiated each year thereafter. The costs associated with this School Resource Officer position are reimbursed to the City as a 70% work equivalent (177 days) to cover the regular school year. Total payment to City of Tomball from Concordia for the year will be $71,920.00. This is a renewal of the 2017-2018 agreement.

It is recommended that the City of Tomball enter into this Interlocal Agreement with the Tomball Independent School District.

Origination:
Billy Tidwell, Chief of Police

Recommendation:
Approval of Interlocal Agreement for the 2017-2018 school year.

Party(ies) responsible for placing this item on agenda:
Billy Tidwell, Chief of Police

ACTION TAKEN

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

ATTACHMENTS:

Interlocal Agreement - City of Tomball and Concordia Lutheran High School

INTERLOCAL AGREEMENT

(Student Resource Officer)

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and CONCORDIA LUTHERAN HIGH SCHOOL ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct one (1) law enforcement officers to each devote 177 days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officer."

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2017, and ends on July 31, 2018, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 177 days of his/her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of SEVENTY ONE THOUSAND NINE HUNDRED AND TWENTY DOLLARS ($71,920.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 177 days beginning the 1st day of August, 2017. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

> Nine (9) payments of $7,991.11, due on the 20th of each month, first payment due September 20, 2017.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 177 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

> Tomball Police Department
> Attn: Chief of Police
> 400 Fannin Street
> Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Concordia Lutheran High School
Attn: Joel Bode
700 East Main Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _____day of _____ 2017.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

_____ _____

By: By:
Doris Speer Gretchen Fagan
City Secretary Mayor

Tomball Independent School District

ATTEST:

_____

By:
Joel Bode
Principal

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Approve 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

Background:
The purpose of this Interlocal Agreement is to ensure that adequate services are provided to TISD as well as to define the scope of the duties and responsibilities of all interested parties. The officers assigned to TISD under this agreement will function as SRO's at the High Schools and Junior High Schools, as well as teach a drug prevention program to students at the intermediate level. The agreement covers the 2017-2018 school year and will be renegotiated each year thereafter.

The costs associated with these School Resource Officer positions are reimbursed to the City as a 70% work equivalent (177 days) to cover the regular school year. Total payment to City of Tomball from TISD for the year will be $359,683.00. This is a renewal of the 2016-2017 agreement.

It is recommended that the City of Tomball enter into this Interlocal Agreement with the Tomball Independent School District.

Origination:
Billy Tidwell, Chief of Police

Recommendation:
Approval of the Interlocal Agreement for the 2017-2018 school year.

Party(ies) responsible for placing this item on agenda:
Billy Tidwell, Chief of Police

ACTION TAKEN

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

ATTACHMENTS:

Interlocal Agreement - City of Tomball and TISD

INTERLOCAL AGREEMENT
(Student Resource Officer)
AMENDMENT

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct five (5) law enforcement officers to each devote 187 days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officers" whether one or more.

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2017, and ends on July 31, 2018, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 187 days of his/her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of THREE HUNDRED AND FIFTY NINE THOUSAND SIX HUNDRED AND EIGHTY THREE DOLLARS ($359,683.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 187 days beginning the 20th day of August, 2017. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

> Nine (9) payments of $39,964.78, due on the 20th of each month, first payment due September 20, 2017.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 187 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

> Tomball Police Department
> Attn: Chief of Police
> 400 Fannin Street
> Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _____day of _____ 2017.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

_____	_____
By: Doris Speer City Secretary	By: Gretchen Fagan Mayor

Tomball Independent School District

ATTEST:

_____	_____
By: Chris Trotter Assistant Superintendent	By: Martha Salazar-Zamora Superintendent

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:
Consideration and Possible Action 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

Background:
In February 2017, HMW Special Utility District approached the City about the possibility of installing an interconnect with the City of Tomball water system to provide water to the Red Oak Terrace and McKinney Place Subdivisions. The HMW water system infrastructure in these areas are approximately 20 years old and an interconnect with the City is the quickest and most economical option to provide safe and adequate water service. HMW is required by the TCEQ to either replace or decommission their existing infrastructure. Within this proposal HMW will bear all of the costs associated with the interconnect and perform all the necessary work. The rate proposed rate for the sale of wholesale water is $3.56 per thousand gallons. The average monthly consumption per connection is approximately 6,000 gallons.

Origination:
Public Works

Recommendation:
Staff recommends approving the request to execute an agreement.

Party(ies) responsible for placing this item on agenda:
David Esquivel, P.E., Public Works Director

ACTION TAKEN

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

ATTACHMENTS:

HMW presentation of request
Backflow preventer exhibit
Meter detail
Meter location exhibit
COT and HMW Agreement - Final

HMW Special Utility District

Red Oak Terrace

Presentation to Tomball City Council

March 6, 2017

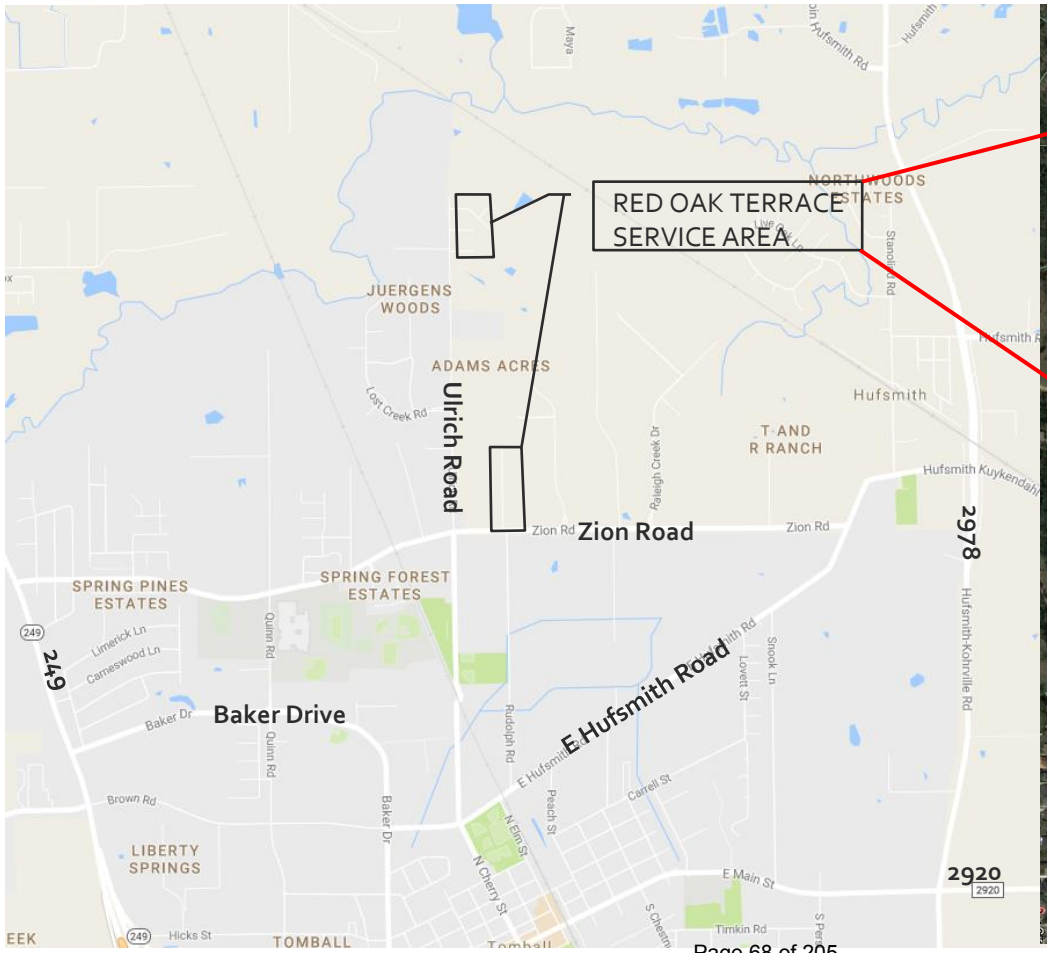
HMW Special Utility District

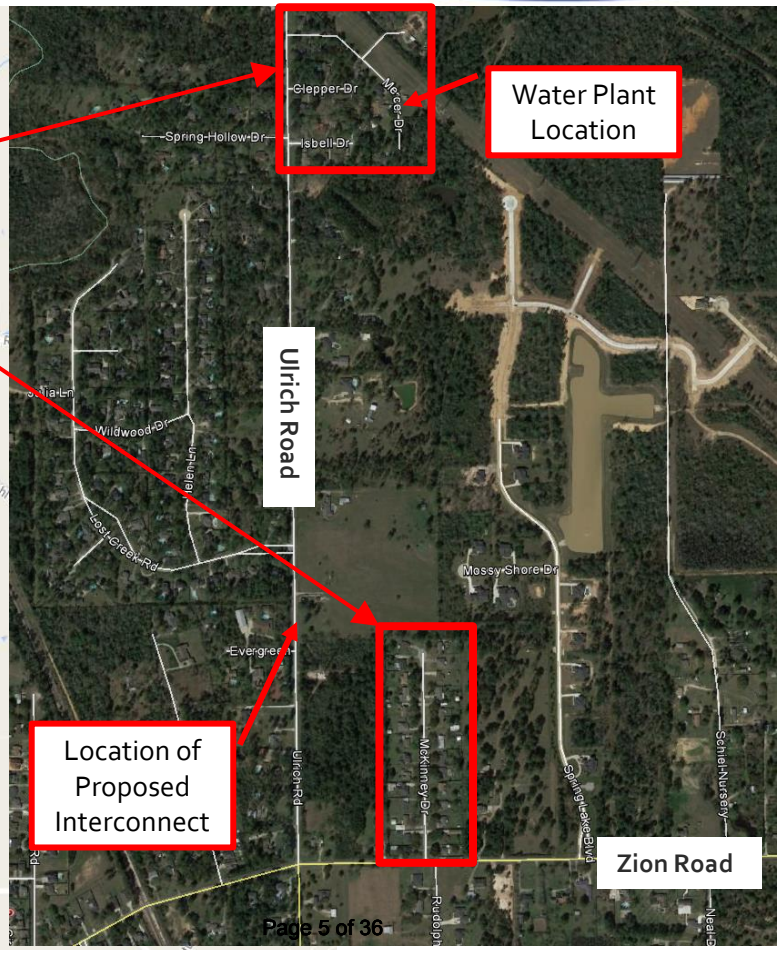
- Not for Profit Water Provider
- Elected Board of Directors
- 34 Water Systems
- 41 Water Plants
- 3 Interconnects
- 2880 Connections in Montgomery County
- 1440 Connections in Harris County
- Water plants and systems are operated and maintained by HMW staff who are TCEQ certified operators

Interconnect Proposal

- What: HMW SUD would like to have an interconnect with the City of Tomball to provide residential water service to the Red Oak Terrace and McKinney Place Subdivisions.
- Why: HMW's Red Oak Terrace water system infrastructure is ~20 years old. An interconnect is a faster and more cost effective option than replacement.
- When: The infrastructure will need to be replaced or decommissioned within 4-6 months.
- How: HMW would pay for and manage construction and maintenance.
- Advantages: Long term source of revenue for the City of Tomball at an agreed rate per 1,000 gallons with no obligation beyond the connection point; local community goodwill.

Red Oak Terrace



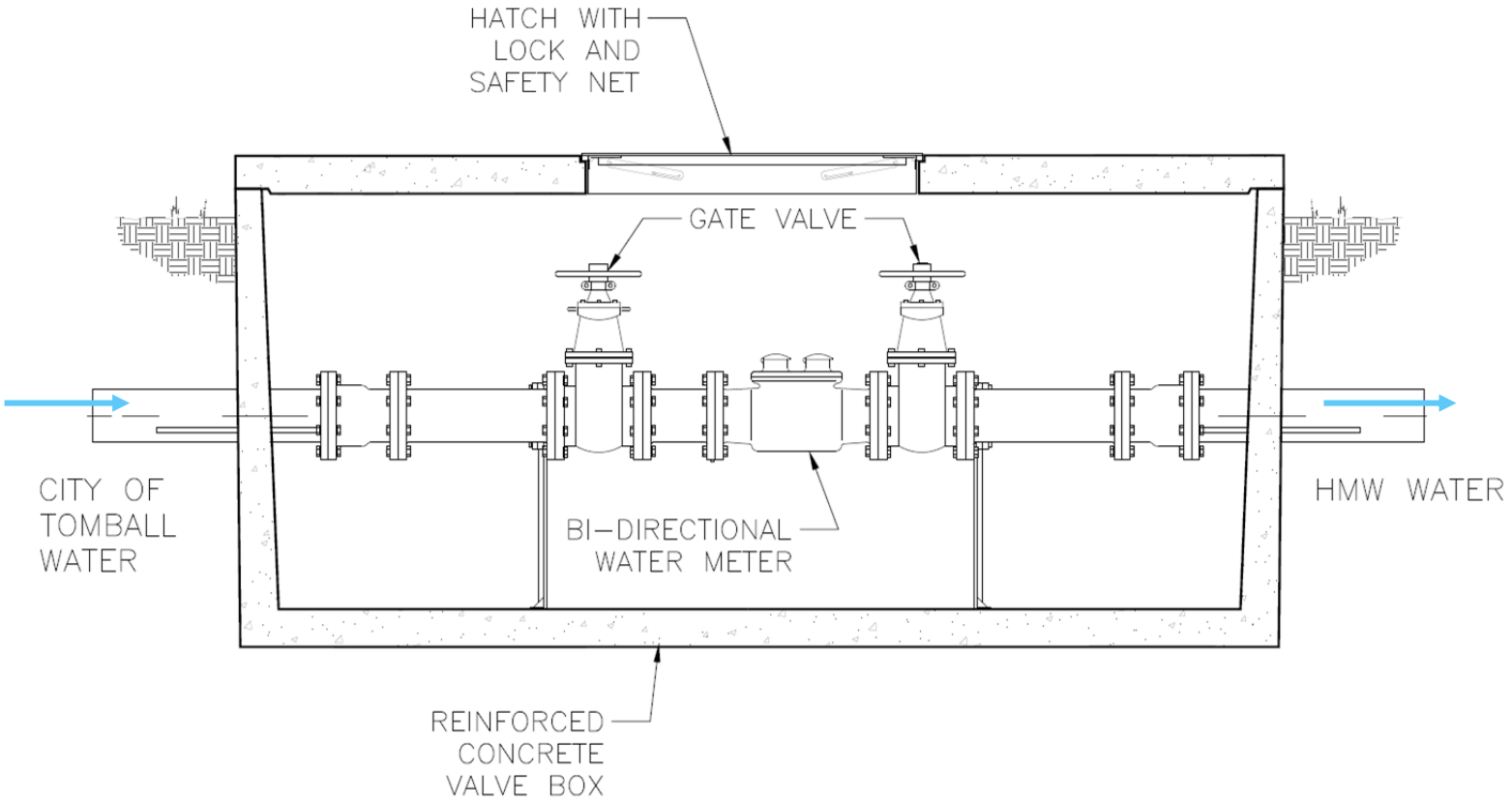


North ↑ 2000 ft



- Water System Components: Water well, ground storage tank, chlorine building, pump house, pressure tank, water lines, interconnect; ability to serve 94 equivalent single family connections at 85% capacity
- Interconnect: Connection between two water systems

Interconnect Components



Interconnect Components: One-way flow of water; Gate valves on both sides of the meter; Reinforced Concrete Valve Box; Lockable Hatch; Water Meter and Backflow Preventer to City Standards

Red Oak Terrace Water System

By the Numbers

- Current Service Connections:
  - 5/8-inch connections: 53
  - 1-inch connections: 2
- 2016 Pumpage: 3,794,000 gallons
  - Average of 5,750 gal/month/connection
- 2015 Pumpage: 4,159,000 gallons
  - Average of 6,301 gal/month/connection

Other Considerations

- Source of revenue for the City of Tomball at an agreed rate per 1,000 gallons
- TCEQ encourages interconnects to reduce the number of groundwater wells
- Residents use less water than the average consumer
- Local community goodwill with residents who go to Tomball schools and churches and shop in the City of Tomball

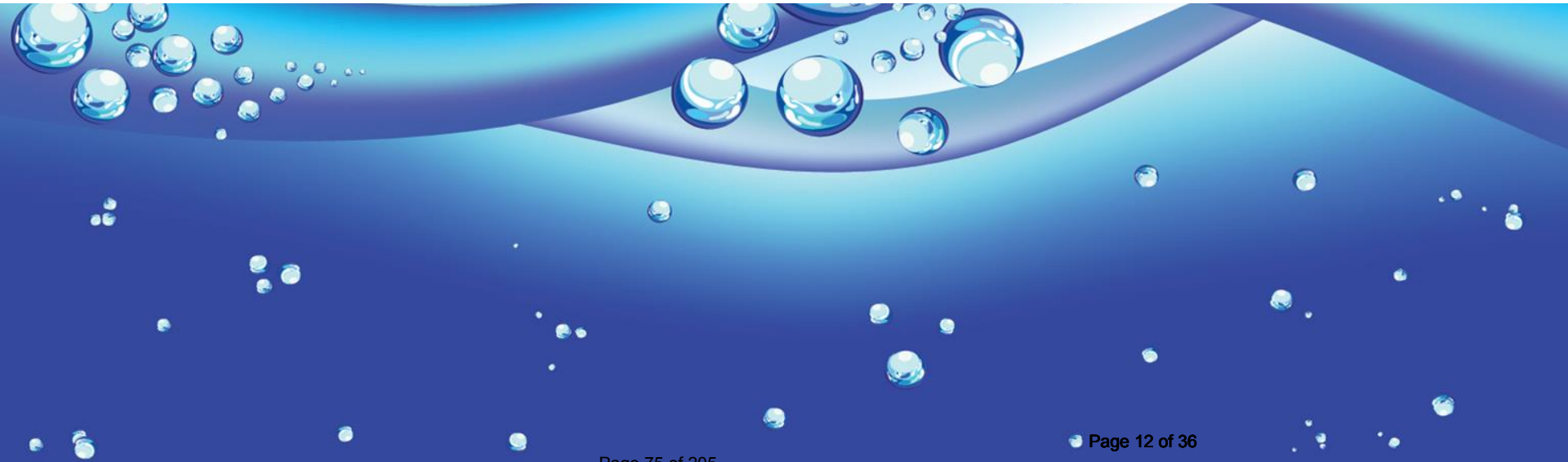
Discussions with City Staff

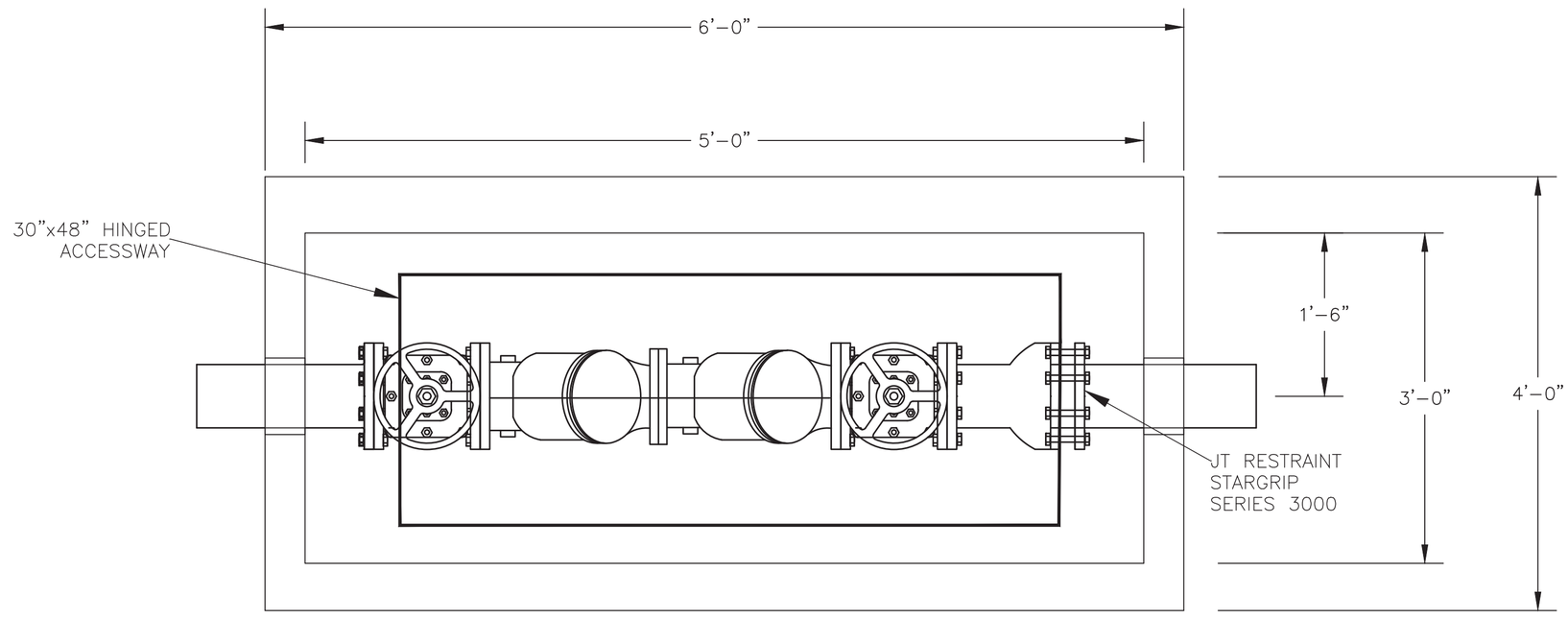
- Plenty of City system capacity for the need
- The meter vault would contain a backflow preventer and be constructed to City specifications
- No City obligation beyond the meter
- HMW will perform annual Lead and Copper testing per City SOP
- Communication between operations staff will be maintained to ensure system standards
- If approved, further discussion with City Staff will occur to finalize details

Moving Forward with HMW

- HMW seeks a water purchase agreement that includes:
  - Agreed, renewable terms that establish a long term business relationship
  - City approval of plans for the interconnect structure
  - HMW's payment for the new facilities
  - Agreement to assign areas of maintenance responsibility for each party
  - Compliance with all state and local requirements
  - Agreed pricing that benefits both parties

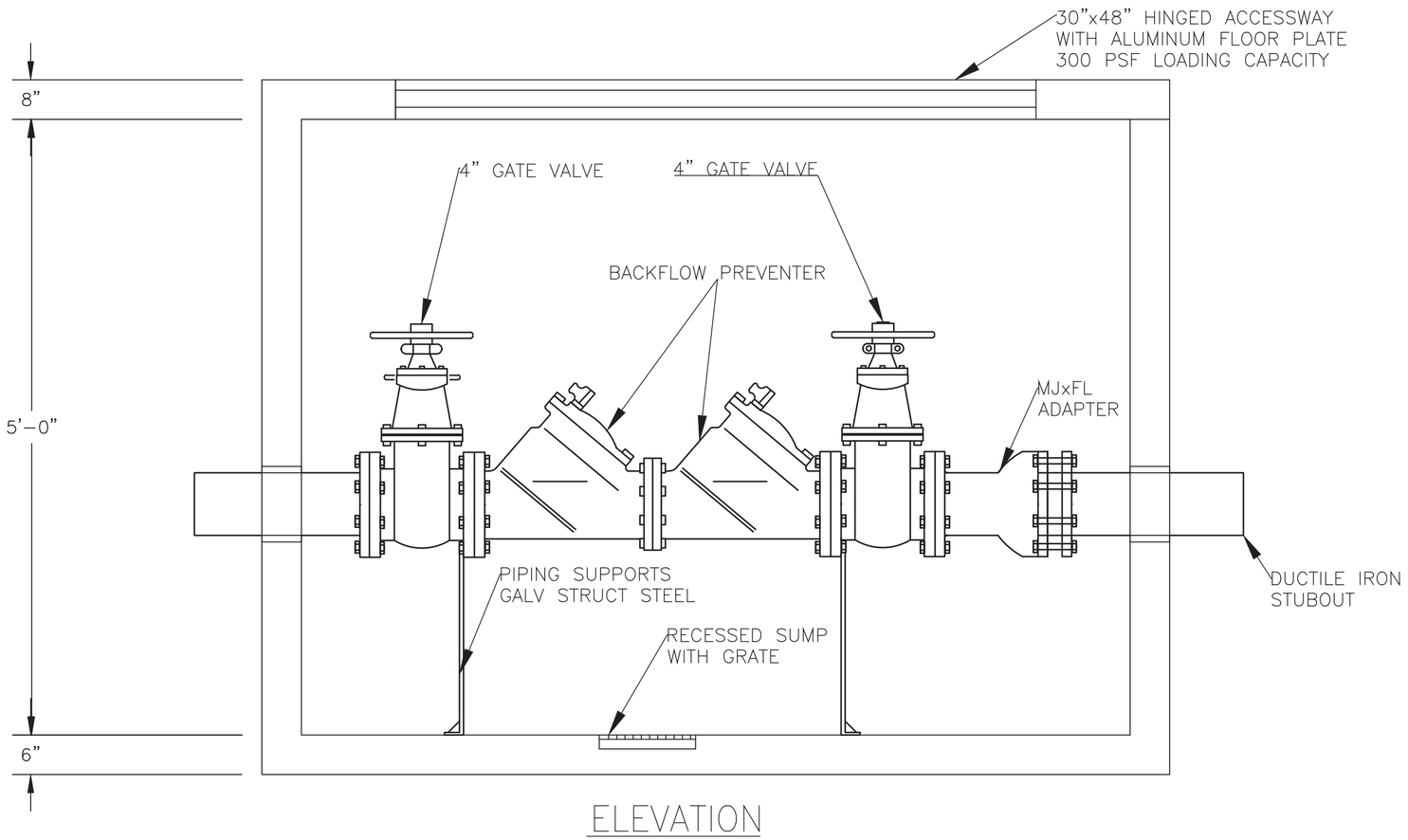
Thank You





APPROXIMATE WEIGHT
INCLUDING VAULT = 13,000 LBS

PLAN VIEW



ELEVATION

CONCRETE DESIGN STRENGTH OF 4500 PSI AT 28 DAYS.
CLASS 1 CONCRETE

REINFORCING ASTM A615, GRADE 60

DEVICE IS SHOP ASSEMBLED AND HYDROSTATICALLY TESTED AND PLACED IN VAULT PRIOR TO SHIPPING

SITE PREPARATION, EXCAVATION, BEDDING, AND BACKFILL BY CONTRACTOR

AquaVault,Ltd.

WATER CONTROL & CONTAINMENT SOLUTIONS

Ph: (979) 478–6303
FAX: (979) 478–6708

4" DOUBLE CHECK BACKFLOW PREVENTER

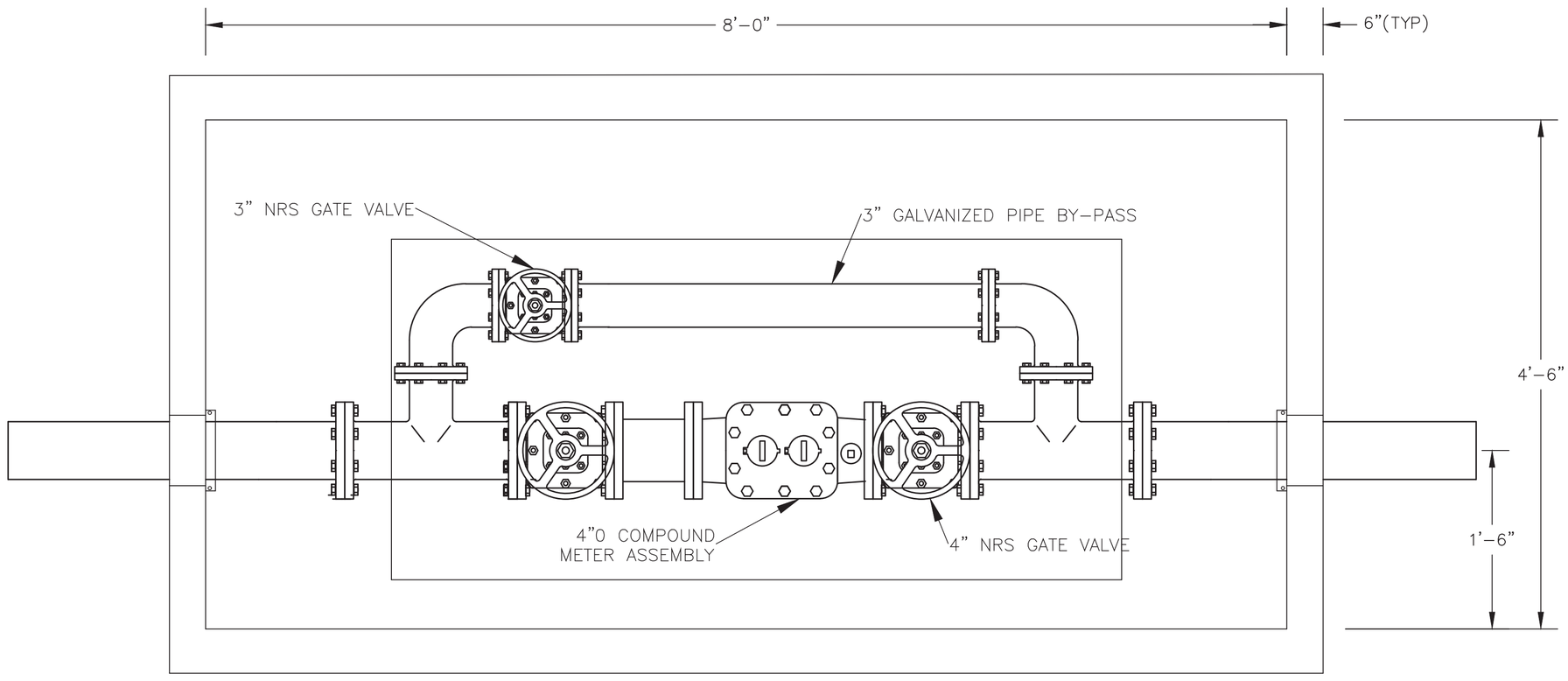
SCALE	NONE	DWG. NO.
DATE	06–07–17	

CobbFendley
Texas Registration No. 274
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262
www.cobbfendley.com

JOB No:1312–014

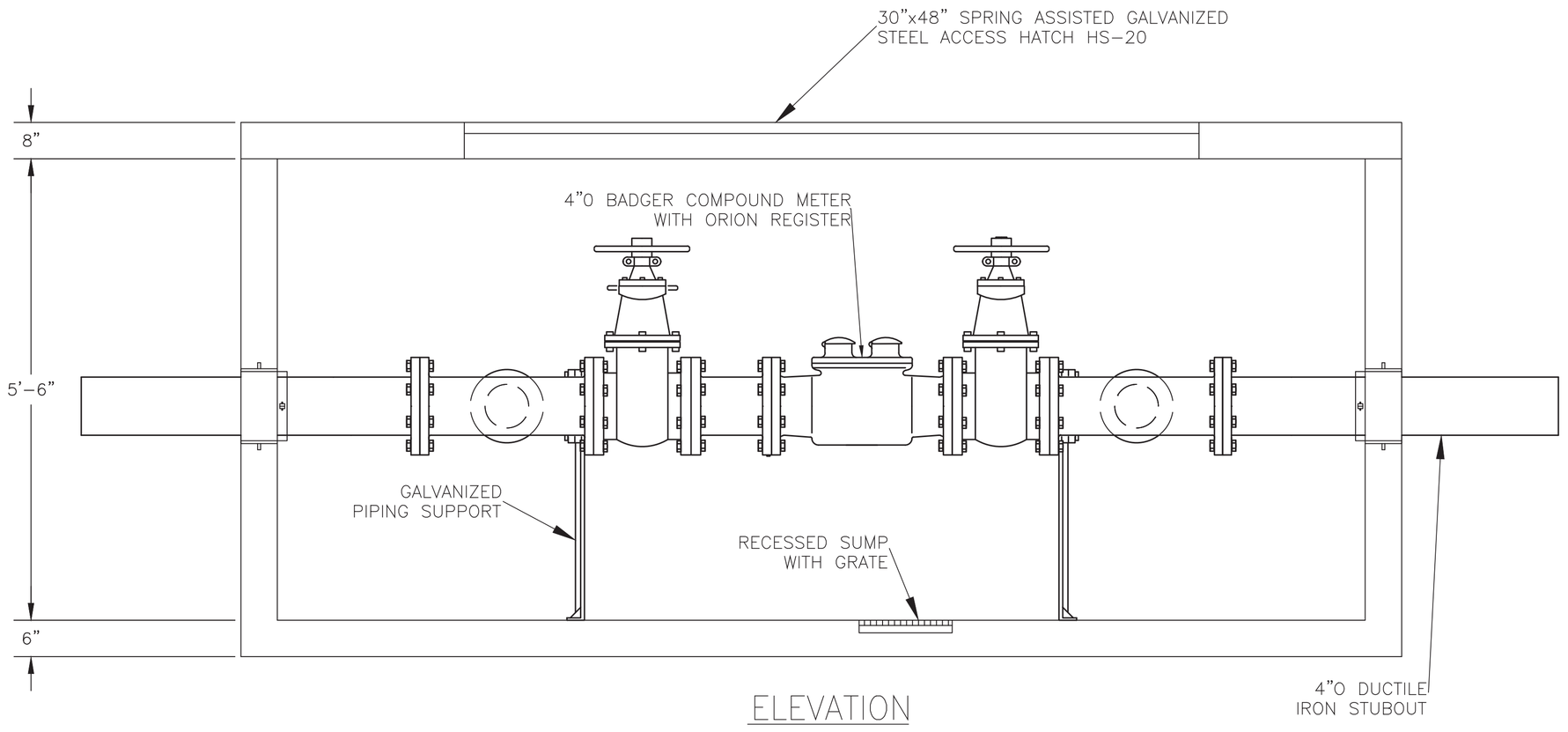
HMW
SPECIAL UTILITY DISTRICT

RED OAK TERRACE
BACKFLOW PREVENTER



APPROXIMATE WEIGHT
INCLUDING VAULT = 20,000 LBS

PLAN VIEW



ELEVATION

CONCRETE DESIGN STRENGTH OF 4500 PSI AT 28 DAYS.
CLASS 1 CONCRETE

REINFORCING ASTM A615, GRADE 60

DEVICE IS SHOP ASSEMBLED AND HYDROSTATICALLY TESTED AND PLACED IN VAULT PRIOR TO SHIPPING

SITE PREPARATION, EXCAVATION, BEDDING, AND BACKFILL BY CONTRACTOR

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Ph: (979) 478–6303
FAX: (979) 478–6708

4"0 DOMESTIC SERVICE COMPOUND WATER METER ASSEMBLY

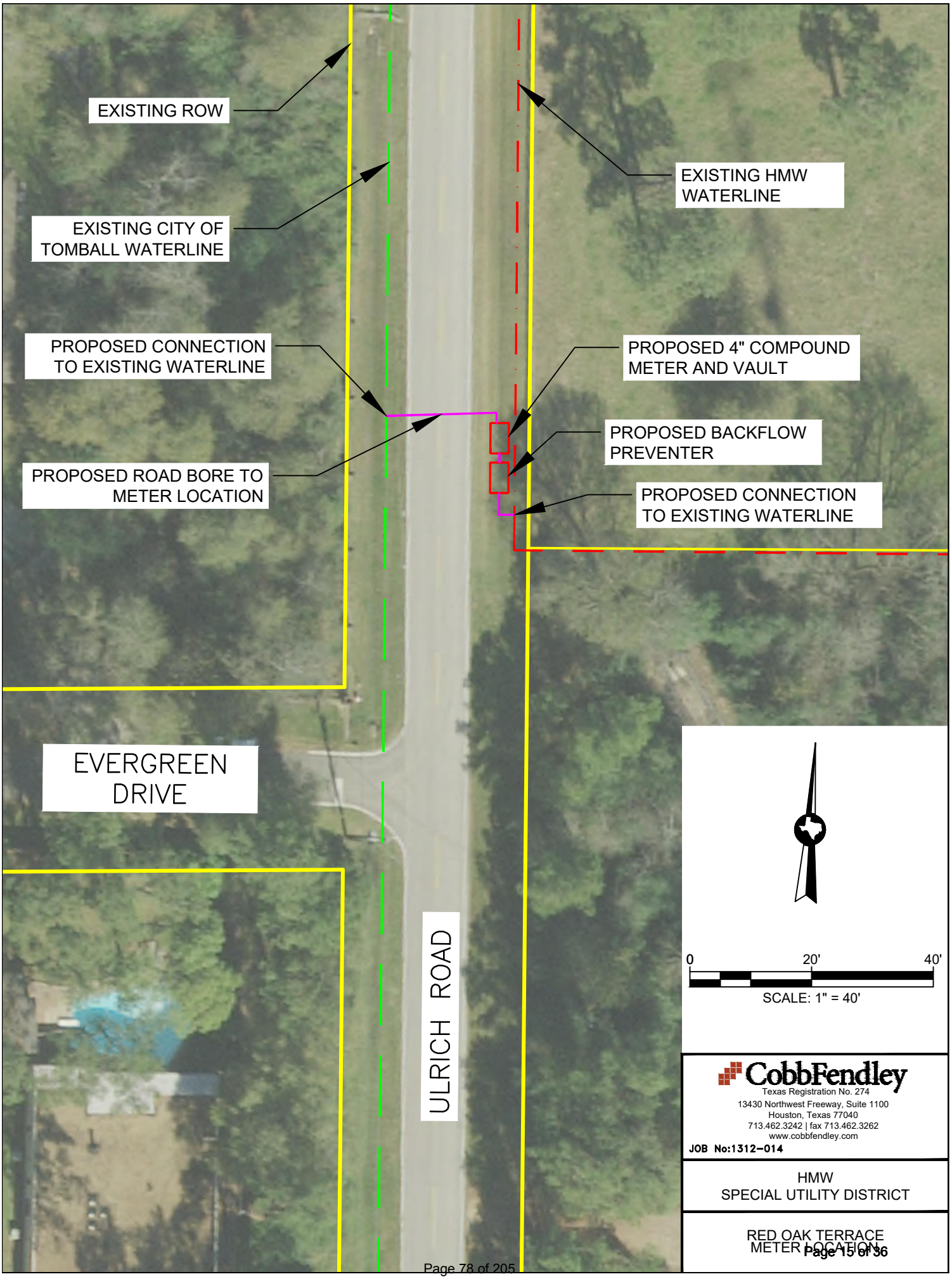
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DATE	06–07–17		

CobbFendley
Texas Registration No. 274
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262
www.cobbfendley.com

JOB No:1312–014

HMW
SPECIAL UTILITY DISTRICT

RED OAK TERRACE
WATER METER BOX



CobbFendley
Texas Registration No. 274
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262
www.cobbfendley.com

JOB No:1312-014

HMW
SPECIAL UTILITY DISTRICT

RED OAK TERRACE
METER LOCATION

WATER SERVICE AND INTERCONNECT AGREEMENT

This Water Service and Interconnect Agreement ("Agreement") is entered into by **HMW Special Utility District**, a water district and political subdivision of the State of Texas ("HMW SUD"), and **the City of Tomball, Texas**, a home rule municipality and political subdivision of the State of Texas ("City"), as of June 1, 2017 (the "Effective Date"). HMW SUD and the City are referred to collectively as the "Parties."

RECITALS

HMW SUD provides water to utility customers within its district boundaries, and the City provides water to its customers within its city boundaries.

HMW SUD desires to purchase water from the City through the Point of Connection defined below, in order to more effectively serve the customers of its Red Oak Terrace/McKinney Place utility systems, which are composed of residents of the Red Oak Terrace and McKinney Place subdivisions in Harris County, Texas, as further described on Exhibit A (the "Service Area").

The City has sufficient capacity to produce and sell water to HMW SUD for its use to serve its customers in the Service Area.

The Parties desire to enter into this Agreement for the sale of water from the City to HMW SUD and to provide the terms and conditions for the installation of a Point of Connection as defined in Section I.g. below, and the operation and maintenance of the Point of Connection and related lines and equipment.

The Parties are authorized to enter into this Agreement by the Constitution and laws of the State of Texas.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, obligations, and benefits herein set forth, the Parties contract and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions. In addition to the terms defined elsewhere in this Agreement, the following terms and phrases used in this Agreement mean the following:

(a) **"Construction Costs"** means all costs attributable to the acquisition or design and construction of the Point of Connection defined in Section I.g., including but not limited to the costs of construction or acquisition; acquiring

necessary licenses, permits, or amendments thereto; acquiring necessary easements or other interests in real property; preparing plans and specifications; engineering and material-testing; fiscal, legal, administrative, and contingency costs; and all other costs and expenses of a similar or different nature reasonably required for the acquisition or construction of the Point of Connection.

(b) **"ESFCs"** means equivalent single family connections.

(c) **"gpd"** means gallons per day, average daily flow.

(d) **"HGSD"** means the Harris-Galveston Subsidence District.

(e) **"City System"** means the water distribution system owned by the City that distributes Water as defined in this Agreement, together with any extensions and additions thereto.

(f) **"HMW SUD System"** means the water distribution system owned by HMW SUD, including the Point of Connection, together with all extensions thereof and additions thereto, that receives and distributes Water from the City System to HMW SUD for the Service Area.

(g) **"Point of Connection"** means the point at which the HMW SUD System connects to the City System, as shown on Exhibit B.

(h) **"Regulatory Requirements"** means the applicable requirements and provisions of any local, state, or federal law, and any permits, rules, orders, ordinances, or regulations issued or adopted from time to time by any local, state, federal, or other regulatory authority having jurisdiction, including but not limited to the TCEQ, HGSD and NWA, applicable provisions of any groundwater reduction plan in which one or both Parties are participants, and all other applicable regulations that govern public water systems.

(i) **"TCEQ"** means the Texas Commission on Environmental Quality or its successor.

(j) **"Water"** means potable water meeting the minimum drinking water standards for human consumption and other domestic use established by all regulatory agencies with jurisdiction.

(k) **"Water Well Permit"** means any water well permits issued by HGSD for the City and includes any other regulatory permit or permits required for their lawful operation in accordance with the standards of this Agreement.

(l) **"NWA"** means the North Harris County Regional Water Authority.

ARTICLE II

COMMITMENT TO SELL AND PURCHASE WATER

Section 2.1. Sale and Price. From and after the first day of the calendar month that follows the installation of and compliance with all Regulatory Requirements applicable to the Point of Connection, or such other date to which the parties agree, the City shall sell and HMW SUD shall purchase water from the City sufficient to supply ninety four (94) ESFCs (the "HMW SUD Capacity"). As consideration therefor, HMW SUD agrees to fund the construction and installation of the Point of Connection and pay the amount specified in Section 5.1 below for the water actually sold.

Section 2.2. Point of Connection. Water shall be supplied by the City to HMW SUD through the Point of Connection for the use of HMW SUD customers, which are single family residences.

Section 2.3. Encumbrance of the City System. HMW SUD does not obtain a property interest in the City System under this Agreement, however, the City will not encumber the City System in any manner that impairs either its commitment or the capacity of the City System to provide the HMW SUD capacity as defined in Section 2.1.

Section 2.4. Permits. The City acknowledges that any required Water Well Permits have been obtained by the City, which shall diligently apply for and use its best efforts to obtain renewals of and amendments to any required Water Well Permit at the times required to permit continued operation of the Point of Connection and provide Water in accordance with Regulatory Requirements and this Agreement.

ARTICLE III

HMW SUD POINT OF CONNECTION

Section 3.1. Design and Construction of the Point of Connection. Upon execution of this agreement, HMW SUD shall commence design and construction of the Point of Connection. Prior to its construction and installation, the plans and specifications for the Point of Connection Facilities shall be provided to the City for review and approval within fourteen working (14) days. Plan approval by the City shall not be unreasonably withheld. The approved plans and specifications shall be submitted for review and approval by all regulatory authorities with jurisdiction within ten (10) days after the plans and specifications are approved by the Parties.

Section 3.2. Construction According to Plans. Within fifteen (15) business days after the plans and specifications for the Point of Connection have been approved by all regulatory authorities with jurisdiction, HMW SUD shall construct and install the Point of Connection in accordance with the approved plans and specifications, the other terms of this Agreement and applicable law, at its sole expense. HMW SUD shall cause

such construction and installation to be performed in a good and workmanlike manner and in accordance with applicable City construction and installation standards included or referenced in the approved plans and specifications. Upon the completion of and acceptance by HMW SUD of the work performed to complete and install the Point of Connection, HMW SUD shall provide its Engineer's certificate confirming that the Point of Connection has been completed in substantial compliance with the approved plans and specifications. Thereafter, the City will begin water deliveries to HMW SUD according to the HMW SUD Capacity, as further set forth in Section 2.1 and Article IV below.

ARTICLE IV

OPERATIONS

Section 4.1. Operation. The City shall use its best efforts to operate and maintain the City System to meet the water supply needs of HMW SUD's water customers and the HMW SUD Capacity, and to comply with all Regulatory Requirements and the other terms of this Agreement. The City shall operate its system in accordance with accepted good practices for operation of water systems of a similar type and size.

Section 4.2. Rules and Regulations. The City may adopt and amend rules and regulations, applicable to both Parties, from time to time as necessary to comply with all permits and licenses relating to its delivery of water to HMW SUD through the Point of Connection. In no case may such rules and regulations contradict any provision of this Agreement, other than to effect compliance with the Regulatory Requirements, provided, that in the event that the City must implement its Emergency Water Demand Management Plan, attached hereto as Exhibit C, it shall implement water use restrictions on a *pro rata* or other reasonable basis that applies such restrictions to both its own water customers and the HMW SUD Capacity.

Section 4.3. Operation and Maintenance. HMW SUD shall operate and maintain the HMW SUD System in good working order and in accordance with all Regulatory Requirements, at its sole cost and expense. In the event a leak, rupture, or other defect occurs within the HMW SUD System which could either endanger or contaminate the City System or prejudice the City's ability to provide water service to its customers, the City shall have the right to valve off and discontinue service to HMW SUD until such leak, rupture, or other defect has been remedied. Likewise, the City shall operate and maintain the City System in good working order and in accordance with all Regulatory Requirements, at its sole cost and expense. In the event a leak, rupture or other defect occurs within the City System which could either endanger or contaminate the HMW SUD System or prejudice HMW SUD's ability to provide water service to its customers, HMW SUD shall have the right to valve off the Point of Connection until such leak, rupture or other defect has been remedied.

ARTICLE V

BILLING AND PAYMENT OF EXPENSES

Section 5.1. Payment for Water. Water will be sold from the City to HMW SUD at a wholesale rate of $3.56 per 1,000 gallons, plus the then applicable NWA and HGSC fees as a pass-through cost. For the purposes of this Section 5.1., the currently applicable retail water rate for City customers for usage above the City's base charge volumes is $4.45 per 1,000 gallons. Accordingly, the wholesale to retail differential for the purposes of this Section 5.1. is $0.89 per 1,000 gallons.

On or after one year following the first sale of water to HMW under this Agreement, and provided that the City has increased the retail rate referenced above for all City customers, the above-referenced wholesale rate of $3.56 per 1,000 gallons shall be increased to maintain the wholesale-to-retail rate differential at $0.89 per 1,000 gallons.

Section 5.2. Billing. Each month, the City shall read the meter at the Point of Connection, prepare and submit a written invoice to HMW SUD for its water usage. Such invoice shall be due and payable by the due date specified on the City's invoice after its delivery to HMW, either electronically or by deposit into the United States mail properly stamped and addressed to HMW SUD.

Section 5.3. Delinquency in Payment. HMW SUD shall pay interest on its past due bills to the City at the rate of ten percent (10%) per annum, together with any reasonable attorney's fees incurred in the collection thereof. If HMW SUD fails to pay any bills on or before their due date, the City may give notice of such delinquent bills to HMW SUD in writing, and if all bills due and unpaid are not paid within thirty (30) days after deposit of such notice, either electronically or in the United States mail, properly stamped and addressed to HMW SUD, then the City shall be authorized to institute legal proceedings for the collection thereof and to pursue any other available legal remedy which may be appropriate, including suspension of the right of HMW SUD to make additional connections within the HMW SUD System as defined in this Agreement until all bills have been paid in full. In the event that HMW defaults in payment to the City for more than sixty (60) days, the City may suspend water services to HMW upon ten (10) days written notice by the City to HMW.

ARTICLE VI

TERM

Section 6.1. Term. This Agreement shall continue in force for an initial term of five (5) years, beginning with the date of the first sale of water from the City of Tomball to HMW SUD as specified in Section 2.1 of this Agreement. In addition, this Agreement

shall be renewed automatically for additional five (5) year terms, beginning on the day following the initial or any subsequent term of this Agreement, provided, that either of the Parties may terminate this Agreement by providing notice thereof in writing, delivered not less than one year prior to the final day of the initial or any subsequent renewal term of this Agreement. In addition, notwithstanding the foregoing, the City may terminate this Agreement at any time, whether during the initial term or any subsequent term, by providing notice thereof in writing, delivered not less than one year prior to the proposed date of termination.

ARTICLE VII

INSURANCE

Section 7.1 Insurance. The Parties shall maintain the following levels of insurance:

General Liability:	$2,000,000	Each Occurrence
Sudden Events Involving Pollution	$2,000,000	Each Occurrence
	$4,000,000	Annual Aggregate
Boiler and Machinery	$1,000,000	Each Occurrence

ARTICLE VIII

MISCELLANEOUS

Section 8.1. Approval or Consent. Whenever this Agreement requires or permits approval or consent to be hereafter given either Party, the Parties agree that such approval or consent shall not be unreasonably withheld.

Section 8.2. Force Majeure. In the event either Party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, except the obligation to pay amounts owed or required to be paid pursuant to the terms of this Agreement, then the obligations of such Party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the force majeure relied upon, the Party whose contractual obligations are affected thereby shall give notice and full particulars of such force majeure to the other Party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "force majeure", as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the

government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply resulting in an inability of the City to provide water as set forth in this Agreement, or any other inabilities of any Party, whether similar to those enumerated or otherwise, which are not within the control of the Party claiming such inability, which such Party could not have avoided by the exercise of due diligence and care.

Section 8.3. Regulatory Agencies. This Agreement is subject to all rules, regulations and laws which may be applicable of the United States, the State of Texas, and any regulatory agency having jurisdiction.

Section 8.4. No Additional Waiver Implied. No waiver or waivers of any breach or default by either Party of any term, covenant, condition, or liability hereunder, or the performance thereby of any duty of obligation hereunder, shall be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstances.

Section 8.5. Addresses and Notice. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (a) depositing same in the United States mail, addressed to the party to be notified, postage prepaid and registered or certified with return receipt requested; (b) delivering the same in person to such party; or (c) sending same by facsimile or electronic mail. Notice given by mail shall be effective three (3) days after deposit in the United States mail and notice delivered in person or sent by facsimile or electronic mail shall be effective upon receipt. For the purpose of notice, addresses of the Parties shall, until changed as hereinafter provided, be as follows:

If to HMW SUD, to:

HMW Special Utility District
of Harris and Montgomery Counties
Attention: Douglas S. Miller, Board President
P.O. Box 837
Pinehurst, Texas 77362
Facsimile: (281) 356-7667
E-mail: dfwesh@gmail.com and jrobertson@hmw-sud.com

With a copy to:

Patrick F. Timmons, Jr.
General Counsel for HMW
8556 Katy Freeway, Suite 120
Houston, Texas 77024-1806
E-mail: pft@timmonslawfirm.com

If to the City, to:

The City of Tomball
Attention: George Shackelford
City Manager
401 Market Street
Tomball, TX 77375
Phone: (713) 860-6667
Facsimile: (281) 351-6256
E-mail: gshackelford@tomballtx.gov

Either Party may designate another address for all purposes of this Agreement by giving the other District not less than fifteen (15) days advance written notice of such change of address.

Section 8.6. Assignability. This Agreement shall bind and benefit the Parties hereto and their successors but shall not otherwise be assignable, in whole or in part, by either Party.

Section 8.7. Modification. This Agreement shall be subject to change or modification only with the written mutual consent of the Parties.

Section 8.8. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties, their legal successors and assigns, and shall not be construed to confer any rights upon any third party. Nothing herein shall be construed to confer standing to sue upon any party who did not otherwise have such standing and it is expressly agreed that nothing herein shall be construed to create any duty or obligation on the part of either of the Parties to the customers of the other.

Section 8.9. Severability. The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such provision or part of this Agreement to other persons or circumstances shall not be affected thereby.

Section 8.10. Merger. This Agreement, including the exhibits that are attached hereto and incorporated herein for all purposes, embodies the entire agreement between the Parties relative to the subject matter hereof.

Section 8.11. Remedies. It is not intended hereby to specify (and this Agreement shall not be considered as specifying) an exclusive remedy for any default, but all remedies existing at law or in equity, including specific performance and mandamus, may be availed of by both Parties and shall be cumulative.

The Parties agree that alternative dispute resolution, as provided in Texas Civil Practice and Remedies Code, Chapter 54, as amended, is the preferable and most economical way to settle disputes and is an appropriate means for the parties to an ongoing contract such as this Agreement to resolve their differences. When any controversy, dispute, or claim arises out of or relates to the Agreement or when the breach of any provision of this Agreement is alleged, the Parties agree to pursue alternative dispute resolution in good faith to attempt to resolve these differences before pursuing other legal or equitable remedies. Moreover, the parties agree to pursue voluntary agreement forms of alternative dispute resolution before submitting the dispute to the judicial system or to a non-party or parties for resolution.

Section 8.12. Right of Entry. Each of the Parties shall have a right of entry at reasonable times and upon reasonable notice in, over, and across the lands, properties, and facilities comprising the other Party's water system for the purpose of performing any functions or duties authorized by this Agreement; provided however, the right of entry granted by this Agreement to HMW shall be limited to the Point of Connection facility which includes the valves of the backflow and the meter. HMW shall not be permitted to shut off any of the City's lines or hydrants.

Section 8.13. No Liability for General Obligations. Nothing in this Agreement shall have the effect of causing either the City of HMW SUD to assume, guarantee, or become in any way liable upon any bond, warrant, indebtedness, or other obligation of the other, or to undertake any obligation of their respective inhabitants or customers.

Section 8.14. Special Conditions. When receiving Water pursuant to this Agreement and supplying such Water to its own residents and other water users, the receiving Party acts in the capacity of an owner/operator of a "public water system" as that term is used in the Federal Safe Drinking Water Act, and is solely responsible for complying with all Regulatory Requirements relating to the protection of the health and welfare of such users, including, but not limited to, keeping all necessary records and performing all necessary testing, monitoring and treatment. The supplying party will have no responsibility therefor; provided, that the supplying party shall provide the information required for preparation of the receiving party's "Consumer Confidence Report" a minimum of every three years, or as otherwise reasonably required by the receiving party, under applicable regulations of the United States Environmental

Protection Agency and TCEQ. HMW will also submit to annual lead and copper testing as requested by the City under applicable regulations.

Section 8.15. Applicable Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas and venue shall be in Harris County, Texas.

Section 8.16. Counterpart Execution. This Agreement may be executed in any number of counterparts with the same effect as if the Parties signed the same document. All counterparts shall be construed together and shall constitute one and the same instrument.

Dated this _____ day of _____, 2017.

IN WITNESS WHEREOF, the Parties have executed this Agreement in multiple counterparts, each of which shall be deemed to be an original, as of the date and year first written above.

ATTEST:

HMW SPECIAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY COUNTIES

By:_____
Secretary, Board of Directors

By:_____
President, Board of Directors

(SEAL)

ATTEST:

CITY OF TOMBALL, TEXAS

By:_____
City Secretary

By:_____
City Manager

(SEAL)

Schedule of Exhibits

Exhibit "A" – Red Oak Terrace Service Area
Exhibit "B" – Diagram of Point of Connection
Exhibit "C" – City of Tomball Water Conservation and Emergency Demand Management Plan

Exhibit "A"

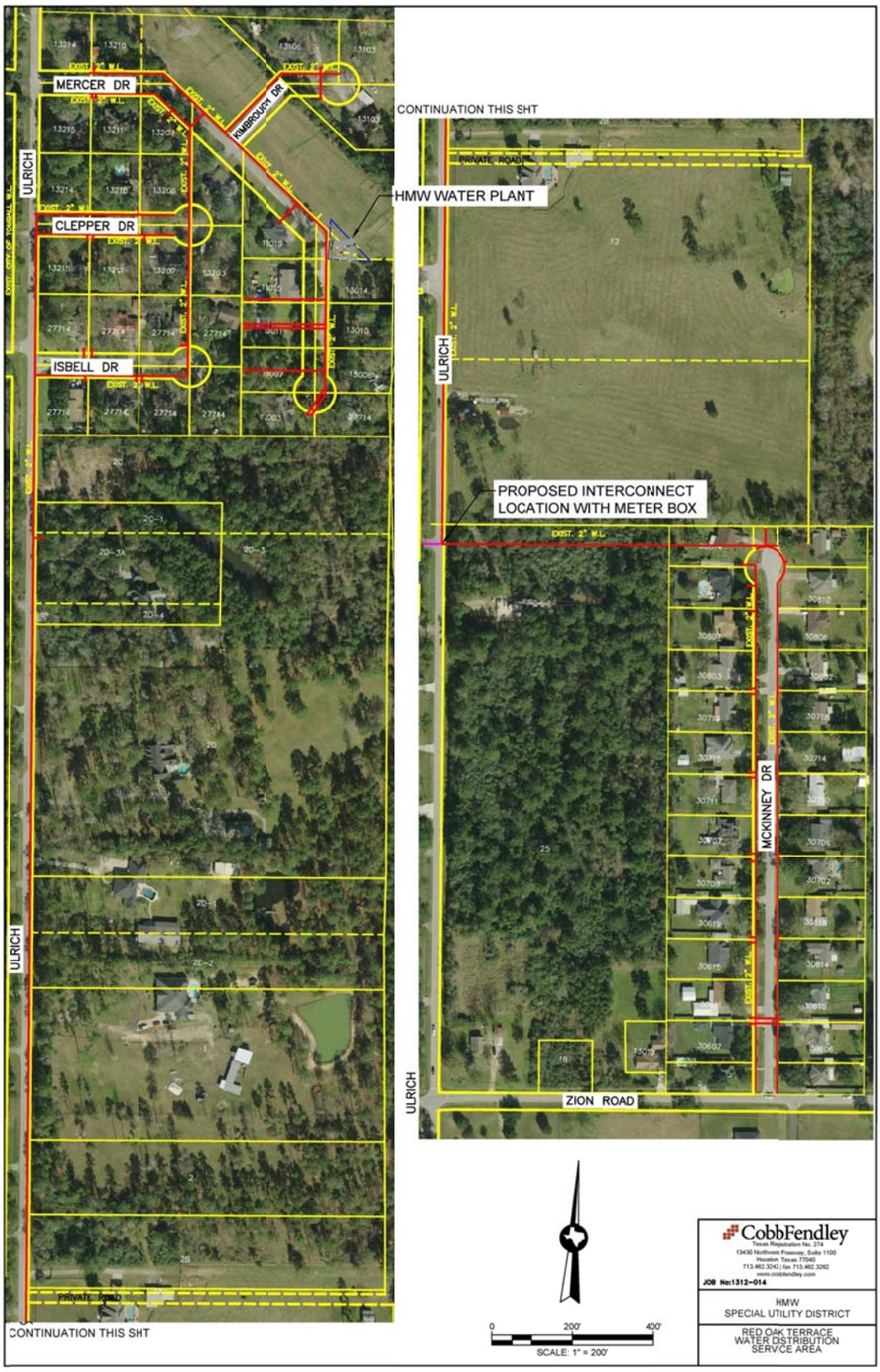
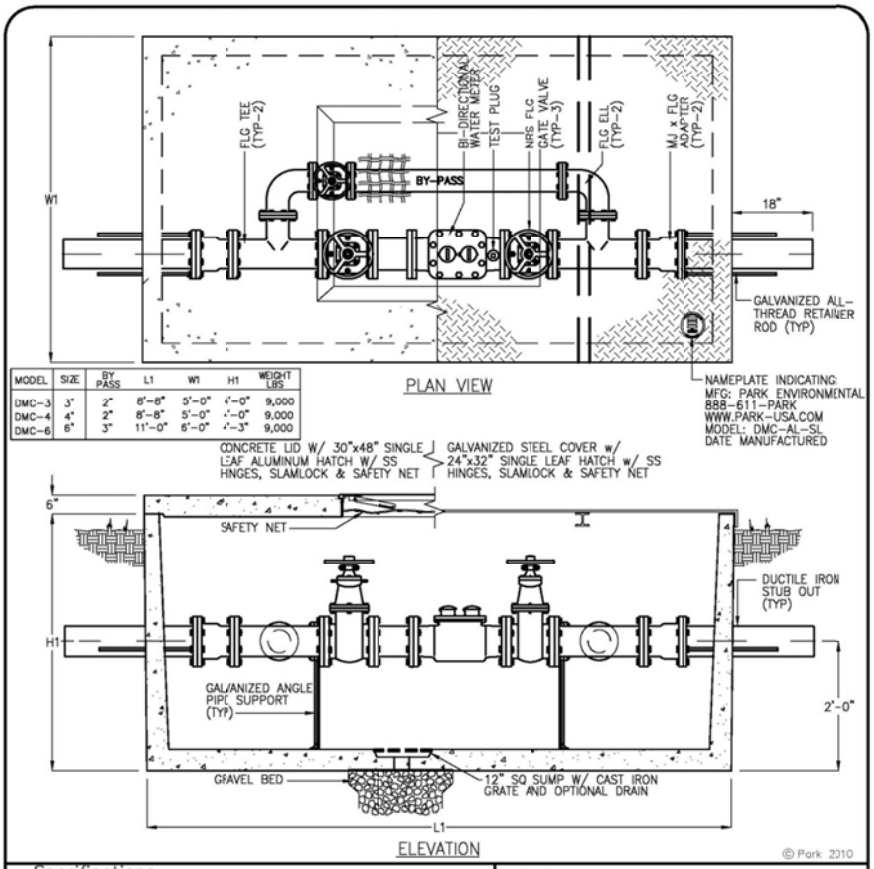

MERCER DR
KIMBROUGH DR
CLEPPER DR
ISBELL DR
ULRICH
CONTINUATION THIS SHT
HMW WATER PLANT
PRIVATE ROAD
PROPOSED INTERCONNECT
LOCATION WITH METER BOX
MCKINNEY DR
ZION ROAD
CONTINUATION THIS SHT
0
200'
400'
SCALE: 1" = 200'
CobbFendley
JOB No:1312-014
HMW
SPECIAL UTILITY DISTRICT
RED OAK TERRACE
WATER DISTRIBUTION
SERVCE AREA

Exhibit "B"



MODEL	SIZE	BY PASS	L1	W1	H1	WEIGHT LBS
DMC-3	3"	2"	6'-8"	5'-0"	1'-0"	9,000
DMC-4	4"	2"	8'-8"	5'-0"	1'-0"	9,000
DMC-6	6"	3"	11'-0"	6'-0"	1'-3"	9,000

Specifications

CONCRETE : Class II concrete with design strength of 4500 PSI at 28 days. Unit is of monolithic construction at floor and first stage of wall with sectional riser to required depth.

REINFORCEMENT: Grade 60 reinforced. Steel rebar conforming to ASTM A615 on required centers or equal.

STEEL COVER: 1/4" steel skid-resistant floor plate welded to 3" angle frame with (2) 3"x2-3/8" I beam supports (300 PSF).

HATCHWAY: 1/4" Aluminum diamond plate cover with extruded aluminum frame. Hatch to be furnished with 316 stainless steel snap lock & brass hinges.

Engineering Data

The backflow assembly shall be factory assembled in vault & hydrostatically tested prior to delivery. Field excavation & preparation shall be complete prior to delivery. Pipe, valves and fittings of the assembly shall be approved by one or more of the following associations:

FM AWWA

PROJECT :
CUSTOMER :
ARCHITECT :
ENGINEER :
ORDER # :
DATE :

PARK ENVIRONMENTAL EQUIPMENT 888-611-PARK www.park-USA.com

"Expect the Best"

DOMESTIC COMPOUND WATER METER ASSEMBLY
MODEL DMC - 3" THRU 6"

SCALE	NONE	DWG. NO.	REV.
DATE	2010	DMC-AL-SL	A

CobbFendley
Texas Registration No. 274
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3282
www.cobbfendley.com

JOB No:1312-014

HMW
SPECIAL UTILITY DISTRICT

RED OAK TERRACE
WATER METER BOX

Exhibit “C”

City of Tomball
Water Conservation and Emergency Water Management Plan

Declaration of policy, purpose, and intent.
In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.
Water uses regulated or prohibited under this drought contingency plan, hereafter referred to as the "plan," are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties.

Authorization.
The director of public works, or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The director of public works or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Application.
The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Definitions.
For the purposes of this plan, the following definitions shall apply:
Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
Commercial and institutional water use means water use that is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
Customer means any person, company, or organization using water supplied by the city.
Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
Even number address means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
Non-essential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:
(a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
(c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
(e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
(f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
(g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
(h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
(i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.
Odd numbered address means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.
Waste of water or *water wasting* means the application of water, provided through the city's potable water system, to soil or to the ground, at a rate of flow that, or in quantity that, exceeds the rate of the water's absorption into the ground. The standing of water on the ground, or the running of water over the ground into a ditch or into gutter or other means of drainage, whether natural or man-made, shall be prima facie evidence that water has been applied at an excessive rate of flow and/or in an excessive quantity; provided, however, the following shall not constitute water wasting:
(1) Inadvertent and incidental splashing or spilling of water during water applications; or
(2) Leakage of water due to plumbing or piping disruptions or breaks, when such disruptions or breaks are promptly repaired or such repairs are promptly undertaken and diligently pursued until completion.
Water production capacity means sum of the design pumping capacities of groundwater wells connected to the city water system.

Criteria for initiation and termination of drought response stages.
The director of public works or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.
The triggering criteria described below are based on known system design conditions and performance capabilities.

Stage 1 Trigger -- MILD Water Shortage Conditions

Requirement for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined under stage 1 in section 82-258, when total daily water demand equals or exceeds 60 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 1 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days.

Stage 2 Trigger -- MODERATE Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 2 in section 82-258, when total daily water demand equals or exceeds 70 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 2 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 2, stage 1 becomes operative.

Stage 3 Trigger -- SEVERE Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 3 in section 82-258, when total daily water demand equals or exceeds 80 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 3 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 3, stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 4 in section 82-258, when total daily water demand equals or exceeds 90 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 4 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 4, stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation. Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the director of public works, or his/her designee, determines that a water supply emergency exists if any of the following triggers exist:

1. Total daily water demand equals or exceeds 95 percent of the city's water production capacity for three consecutive days.
2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
3. Water supply source(s) are contaminated.

Requirements for termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of stage 5, stage 4 becomes operative.

Wasting water; vegetative watering.
It shall be unlawful for any person to cause, allow, or otherwise permit water wasting when applying water to grounds, lawns, plants, trees, shrubs, bushes, or other vegetative matter, or when applying water for any landscaping or agricultural purpose of any kind.

Notices.
(a) Upon the determination that a stage 2 or higher water condition exists, the city shall provide for notification to each customer of such condition, as applicable, of all water use restrictions then in effect, and of the penalties for failure to comply with the imposed restrictions. Such notice shall be given to each customer within the city by publication in the city's official newspaper. Additional means of notification may be employed at the discretion of the city council and/or the city manager.
(b) At such time that the water supply system has been restored to below a stage 2 condition the city shall provide notice of the termination of the condition either through available media sources or through written notice in the manner provided above.

Drought response stages.
The director of public works or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 82-255 of this plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

Stage 1 Response -- MILD Water Shortage Conditions
Goal: Achieve a voluntary ten percent reduction in daily water demand.
Supply management measures: City will reduce waterline flushing at the discretion of the director of public works or designate.
Voluntary water use restrictions:
(1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Tuesdays, Thursdays, and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays, Fridays and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
(2) All operations of the city shall adhere to water use restrictions prescribed for stage 2 of the plan.
(3) Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

Stage 2 Response -- MODERATE Water Shortage Conditions
Goal: Achieve a 20 percent reduction in daily water demand.
Supply management measures: City will reduce waterline flushing at the discretion of the director of public works or designate and will adhere to the stage 2 response water use restrictions defined below.

Water use restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Tuesdays, Thursdays, and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays, Fridays and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(3) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

(6) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

(7) All restaurants are prohibited from serving water to patrons except upon request of the patron.

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 30 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 3 response water use restrictions defined below.

Water use restrictions: All requirements of stage 2 shall remain in effect during stage 3 except:

(1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(2) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.
(3) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions
Goal: Achieve a 40 percent reduction in daily water demand.
Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 4 response water use restrictions defined below.
Water use restrictions: All requirements of stage 2 and 3 shall remain in effect during stage 4 except:
(1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
(3) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
(5) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response -- EMERGENCY Water Shortage Conditions
Goal: Achieve a 50 percent reduction in daily water demand.
Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 5 response water use restrictions defined below.
Water use restrictions: All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except that:
(1) Irrigation of landscaped areas is absolutely prohibited.
(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
Provision of alternative water supplies. In the event of source contamination or failure, at the discretion of the director of public works, or his/her designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater well(s), or hook-up to another public or private water supplier.

Penalties for violation of this article.

(a) *Criminal penalties.* Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

(b) *Discontinuance of water service for failure to comply.*

(1) First notice. The city shall provide written notice, by hand delivery, to each customer deemed to be in violation hereof, by affixing such written notification to the front door or main entrance of the place of violation.

(2) Second notice. In the event a customer commits violations of this article on two separate occasions during any single serious water condition or emergency water condition, service to such customer shall be discontinued following written notice thereof to such customer by registered or certified mail, return receipt requested.

(3) Reconnection. No service which has been disconnected pursuant to this section shall be restored until such violation is discontinued, payment has been made to the city of a $100.00 reconnection fee, and the violator has reimbursed the city for any and all costs incurred by the city, including reasonable attorney's fees, in the enforcement of this article.

(4) The liabilities of a customer under this subsection (b) for reconnection fees and costs shall be in addition to and cumulative of any and all other criminal penalties for which such customer may otherwise be liable hereunder, and to any other remedy available to the city, whether at law or in equity.

Adoption of water conservation and emergency management plan.

There is hereby adopted for the city a "water conservation and emergency management plan," dated October, 1998, a true and correct copy of which is filed and maintained in the office of the city secretary.

Variances.

The director of public works, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the director of public works, or his/her designee, and shall include the following:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) of the plan from which the petitioner is requesting relief.

(4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
(5) Description of the relief requested.
(6) Period of time for which the variance is sought.
(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
(8) Other pertinent information.
Variances granted by the city shall be subject to the following conditions, unless waived or modified by the director of public works or his/her designee:
(1) Variances granted shall include a timetable for compliance.
(2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Coordination with regional water planning groups.
The service area of the city is located within the region H water planning group and the city has provided a copy of this plan to the region H water planning group.

Public involvement.
Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of scheduling and providing public notice of a public meeting to accept input on the plan. Public input on the plan was addressed in preparing the plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0062**
- 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

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

ATTACHMENTS:

Ordinance 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 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	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JULY 2017.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: 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.

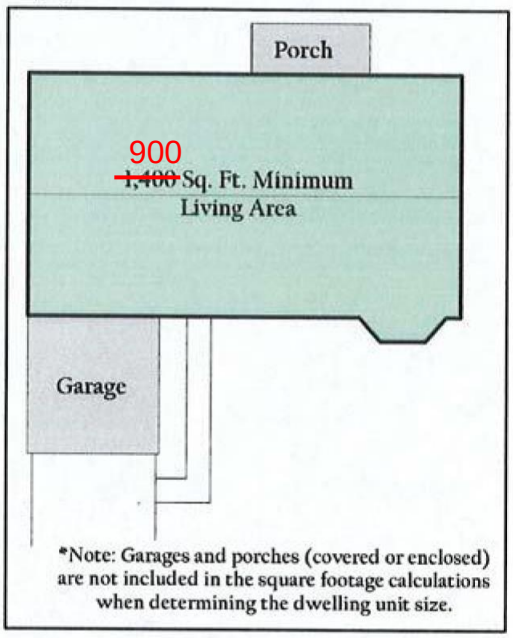
PUBLIC COMMENT

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:

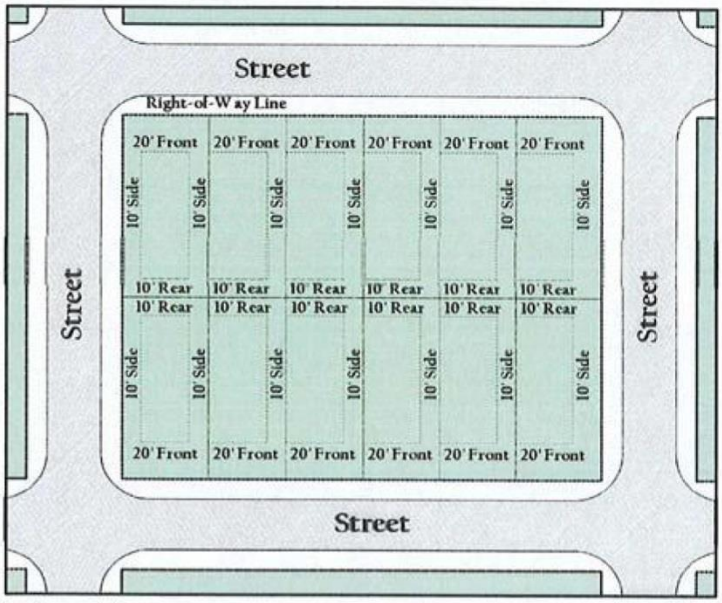
a. Maximum density is ten dwelling units per acre with each having a minimum of ~~1,400~~ 900 square feet of living area.

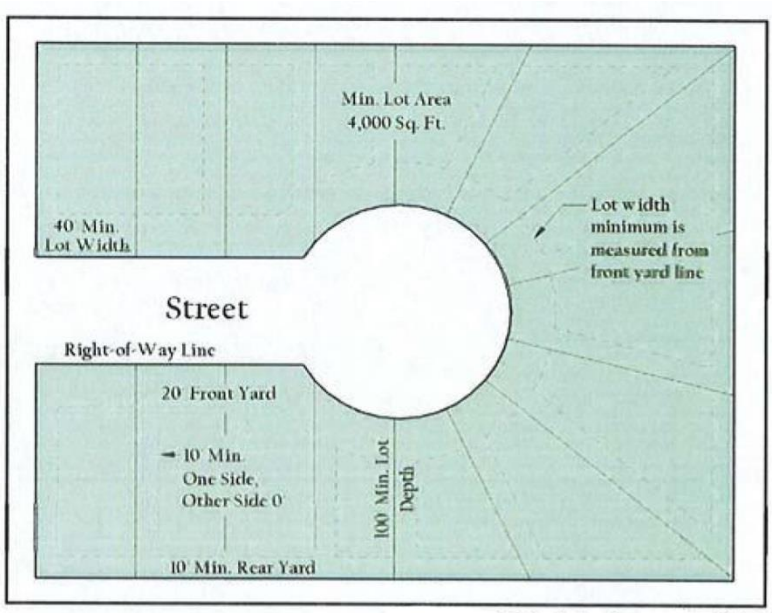
b. Minimum lot requirements.

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





1. Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.

2. Side—Interior lots. The side building line, to include eaves and appurtenances, shall not be less than five feet. On zero lot line homes the side yards shall be a minimum of zero feet and ten feet respectively. (See Illustration 50-80-2.)

3. Side—Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.

4. Rear—Generally are 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet. Zero lot line developments shall be a minimum of ten feet. (See Illustration 50-80-1.)

5. Rear—Arterial street. The rear building line where a lot backs on an arterial street shall not be less than 25 feet

(3) *Maximum lot coverage.* Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material, unless approved otherwise at the time of the PD Planned Development District and/or site plan approval by the planning and zoning commission and the city council.

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

(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.

~~(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: June 19, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0059**
- 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

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.

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

ATTACHMENTS:

Ordinance No. 2017-18
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 five 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.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JULY 2017.

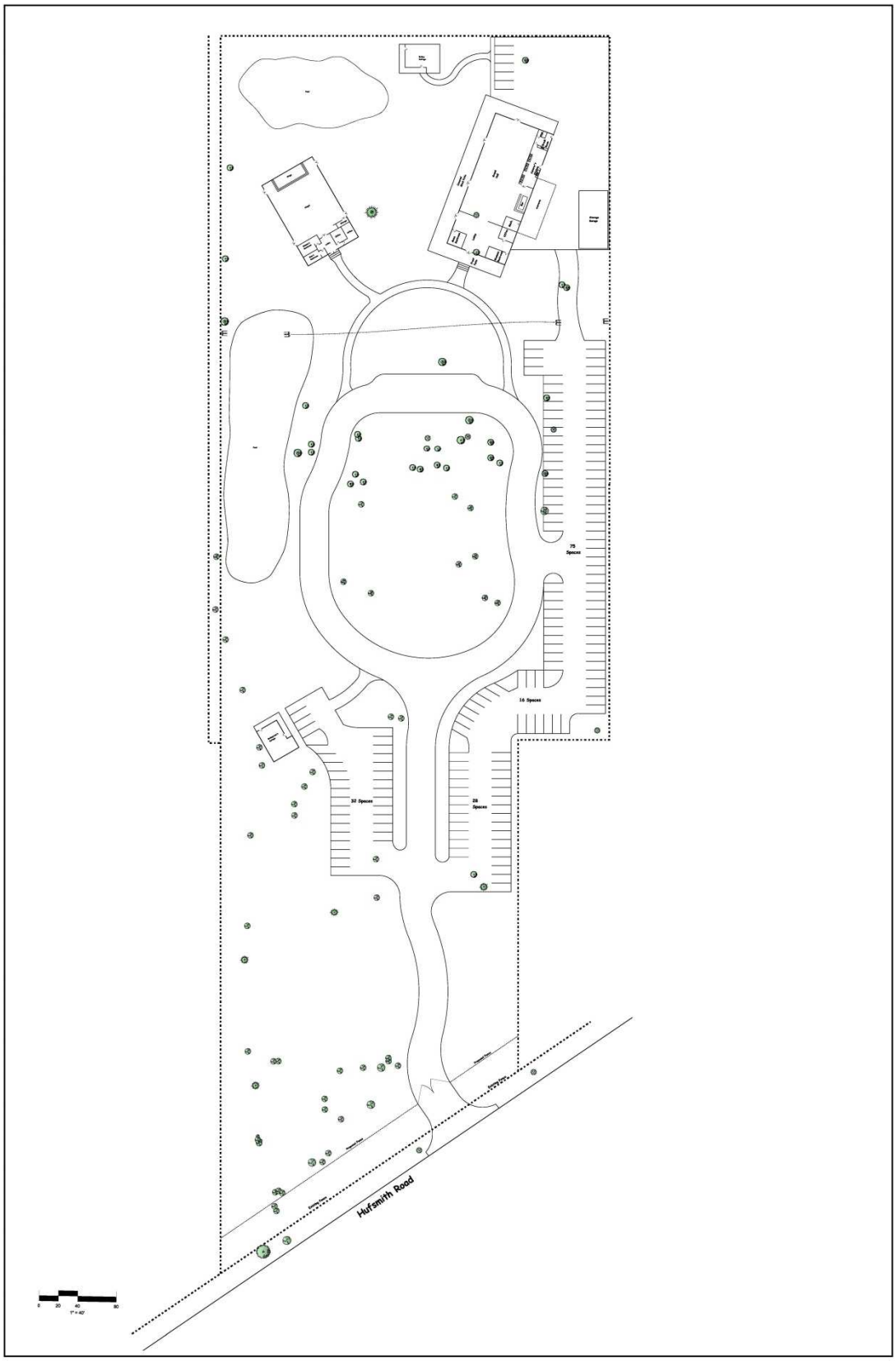
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Exhibit "A"



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

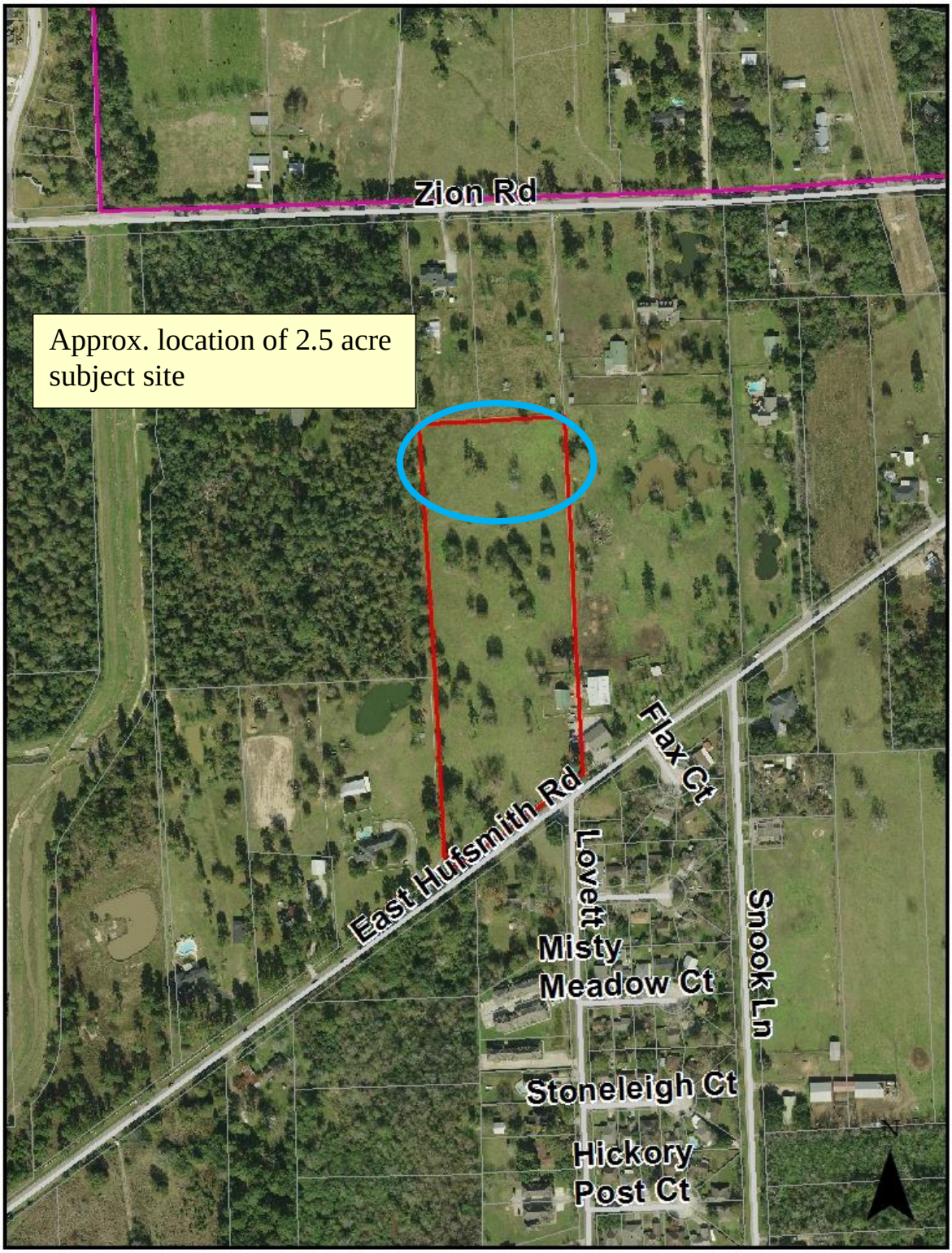


Exhibit "B"
Comprehensive Plan

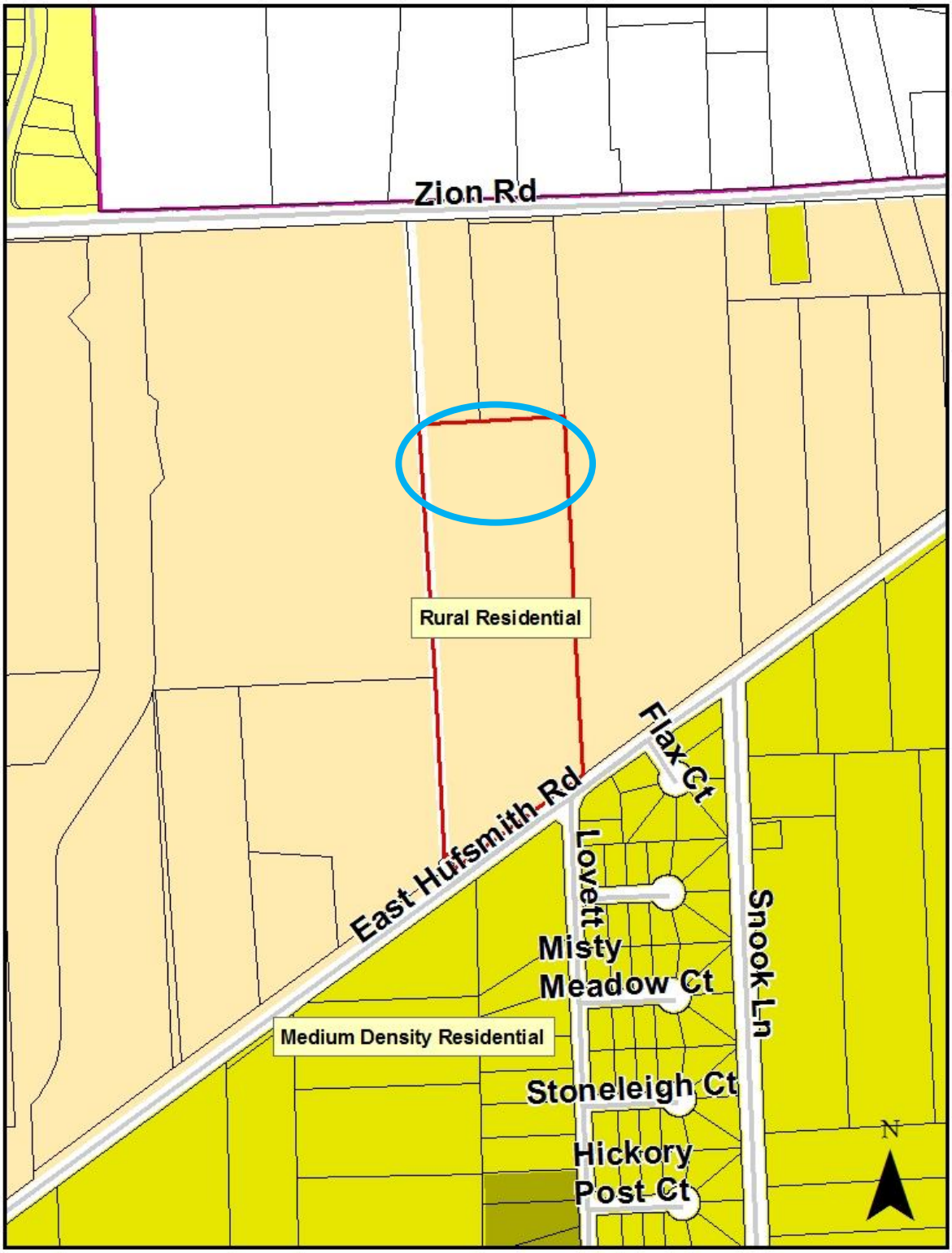


Exhibit "C"
Zoning Map

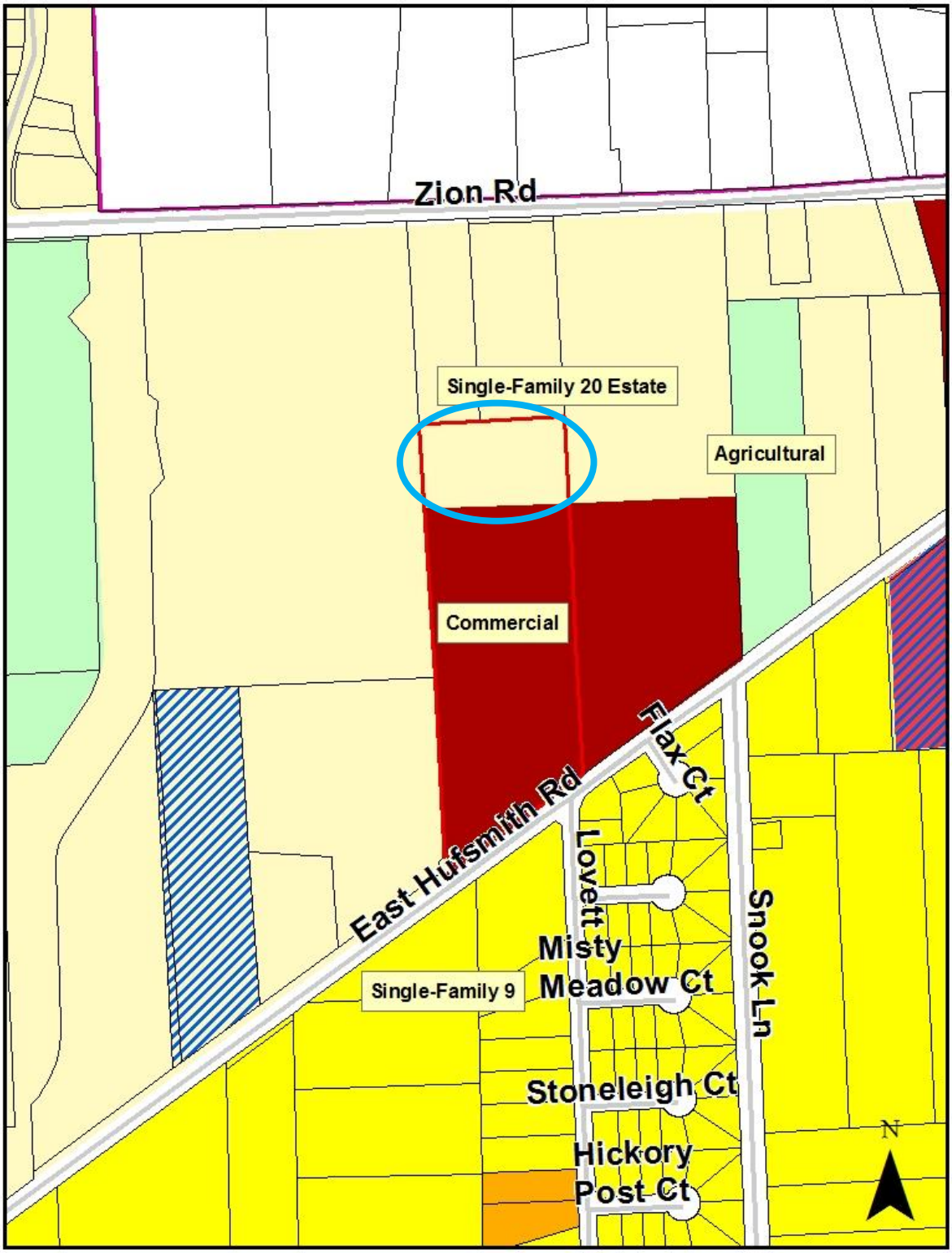


Exhibit "D"
Site Photos



Figure 1: Subject Site

Revised 5/19/15

P17-0059

APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department
Planning Division

RECEIVED
MAY 03 2017
EJones

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: ~~72~~ 7424 FM 1488 Suite A City: Magnolia State: Tx
Zip: 77354
Phone: (281) 259-4377 Fax: (281) 356-1935 Email: onesurveyor1atime@sbcglobal.net

Description of Proposed Project: Wedding Venue Barn + Chapel

Physical Location of Property: 0 Neal Road Tomball TX 77375

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

Legal Description of Property: Abstract No 383 TRS 18, 24, 30, 36, + TRR

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

Abandoned PT of Strawsey Road Tomball Outlots

HCAD Identification Number: _____ Acreage: 9.792

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.

X Michael P Hogan 5-2-17

Signature of Applicant **Date**

X Michael 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
CONDITIONAL USE PER 600.00CR

TENDERED: 600.00 CHECK
APPLIED: 600.00-

CHANGE: 0.00

City of Tomball, Texas 501 Jam ww.tomballtx.gov

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

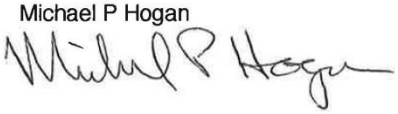
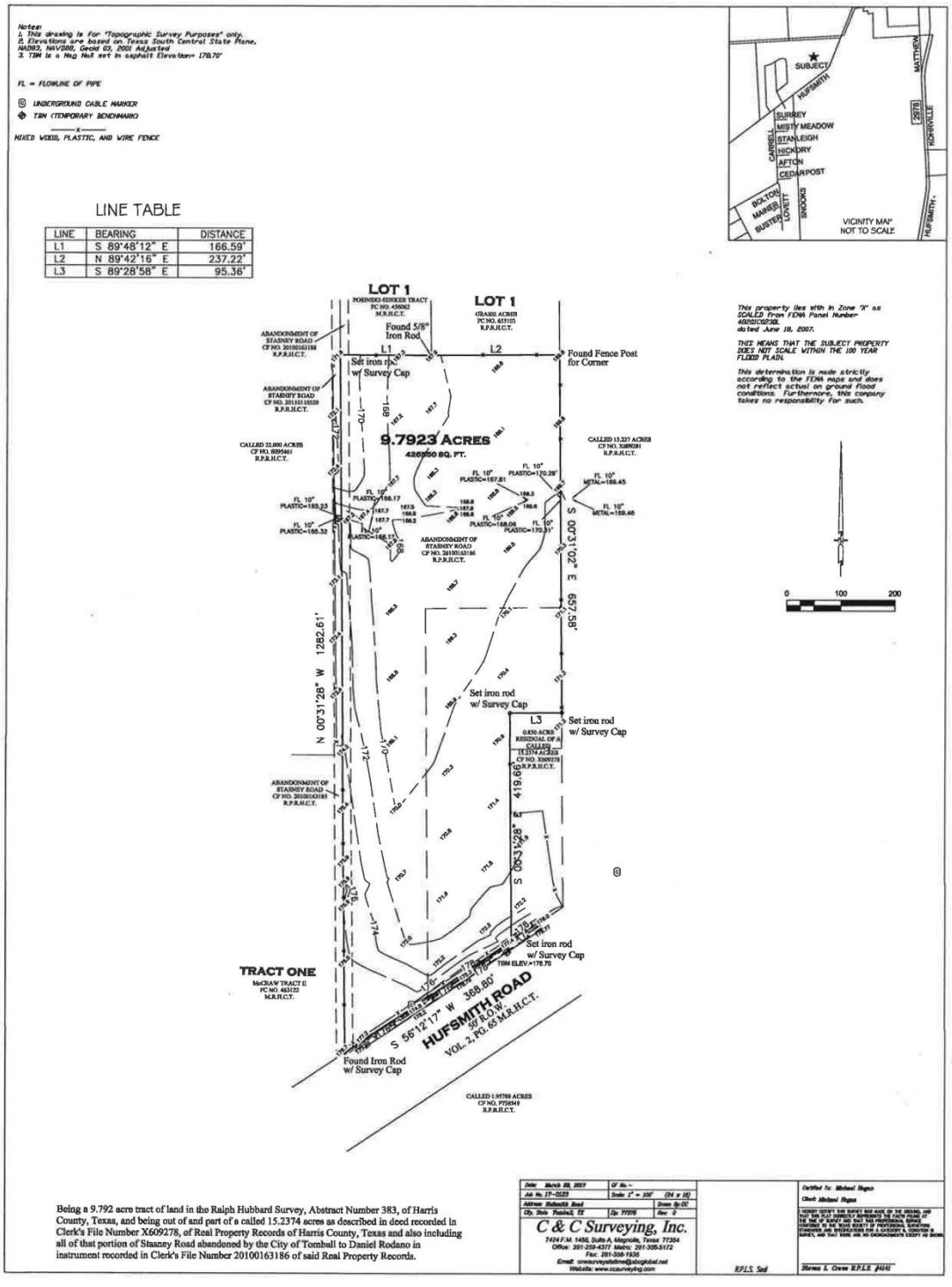
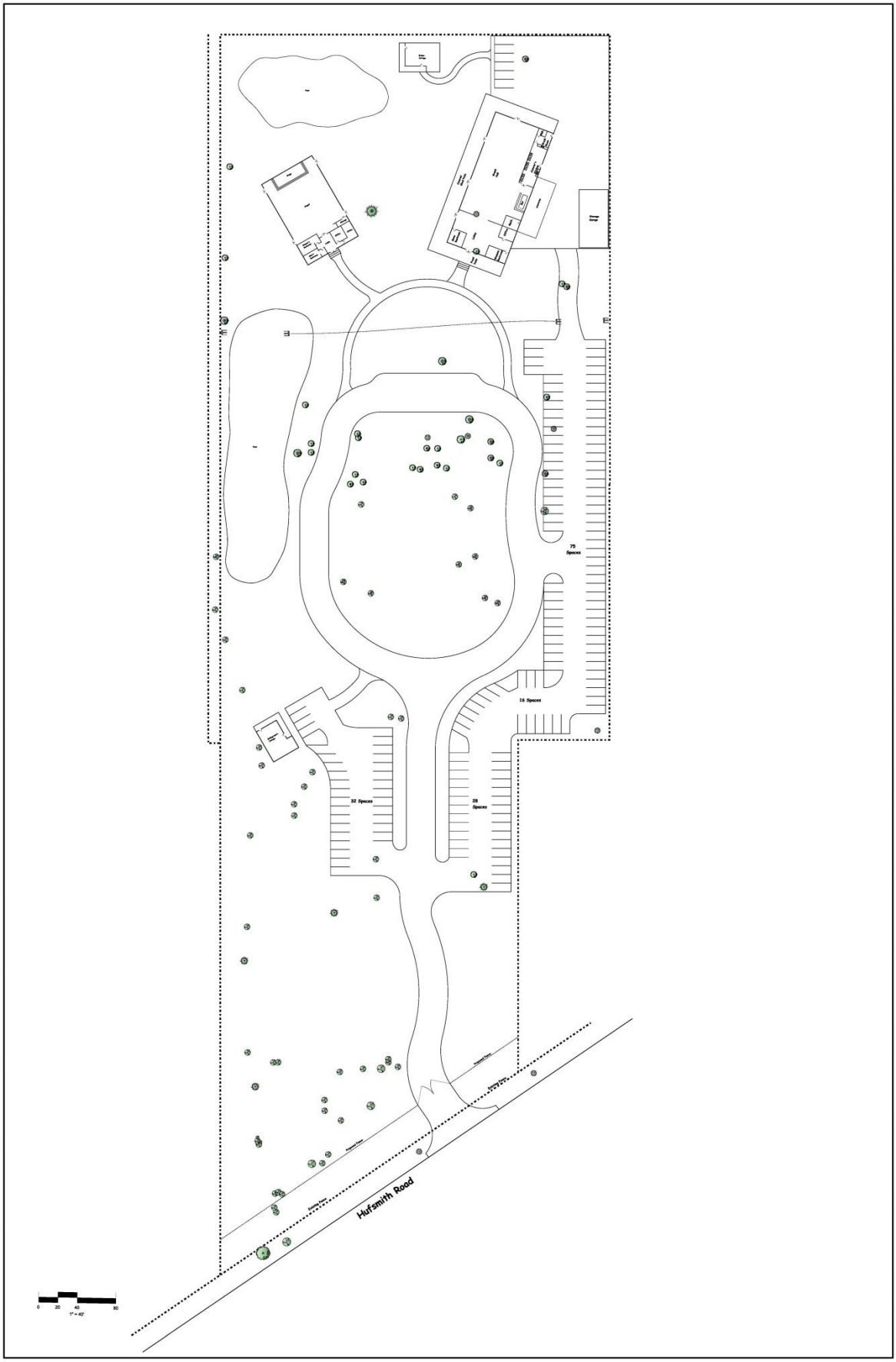


Figure "F"
Concept Plan

P17-0059




75 Spaces
16 Spaces
32 Spaces
28 Spaces
Hufsmith Road

A-201
ELEVATIONS
HOGAN WEDDING BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 FRONT
3 REAR
4 RIGHT
2 LEFT

A-100
3D VIEWS
HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION

HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
FIRST FLOOR PLAN
A-101
NOT FOR CONSTRUCTION
OFFICE
OFFICE
LOBBY
MENS RESTROOM
WOMENS RESTROOM
STORAGE
CHAPEL
STAGE
Room Schedule
1 FIRST FLOOR PLAN

HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
BALCONY FLOOR
PLAN
A-102
NOT FOR CONSTRUCTION
BALCONY
OPEN TO BELOW
Room Schedule
1 BALCONY FLOOR

HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
ROOF PLAN
A-103
NOT FOR CONSTRUCTION
ROOF PLAN

A-201
ELEVATIONS
HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
REAR
RIGHT

A-202
ELEVATIONS
HOGAN CHAPEL
O NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 FRONT
2 LEFT

A-301
SECTIONS
HOGAN CHAPEL
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
BALCONY
Section 1
Section 2

A-002
3D VIEWS
HOGAN GROOMS QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375

HOGAN GROOMS QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375
FLOOR PLANS
A-101
NOT FOR CONSTRUCTION
Room Schedule
Window Schedule
Door Schedule
ROOF PLAN
FIRST FLOOR
WINDOW TYPES
DOOR TYPES
KITCHENETTE
COVERED PORCH
LOUNGE
BATHROOM

A-201
ELEVATIONS
HOGAN GROOMS QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 LEFT
2 REAR
3 FRONT
4 RIGHT

A-002
3D VIEWS
HOGAN BRIDES QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375

HOGAN BRIDES QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375
FLOOR PLANS
A-101
NOT FOR CONSTRUCTION
1 FIRST FLOOR
2 ROOF FLAN
Room Schedule
Window Schedule
Door Schedule
WINDOW TYPES
DOOR TYPES
DRESSING AREA
BATHROOM
KITCHENETTE
LOUNGE
COVERED PORCH

A-201
ELEVATIONS
HOGAN BRIDES QUARTERS
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 LEFT
2 REAR
3 FRONT
4 RIGHT

A-100
3D VIEWS
HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION

HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375
FLOOR PLAN
A-101
NOT FOR CONSTRUCTION
Room Schedule
Window Schedule First Floor
Door Schedule First Floor
WINDOW TYPES
DOOR TYPES
FIRST FLOOR
STORAGE

A-102
ROOF PLAN
HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 ROOF PLAN

HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375
ELEVATIONS
A-201
NOT FOR CONSTRUCTION
1 FRONT
2 LEFT
3 REAR
4 RIGHT

A-301
SECTIONS
HOGAN STORAGE BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
STORAGE
1 BUILDING SECTION

HOGAN WEDDING BARN
0 NEAL DRIVE
TOMBALL, TX 77375
3D VIEWS
A-100
NOT FOR CONSTRUCTION
P17-0059

HOGAN WEDDING BARN
O NEAL DRIVE
TOMBALL, TX 77375
FIRST FLOOR
A-101
NOT FOR CONSTRUCTION
Door Schedule First Floor
Window Schedule First Floor
Room Schedule
AREA - CONDITIONED SPACE
GRAND HALL
CATERER'S KITCHEN
BAR
OFFICE
LOBBY
BREAK ROOM
COVERED SHED PATIO
FRONT PATIO
WOMEN'S RESTROOM
MEN'S RESTROOM
1 FIRST FLOOR

A-102
SECOND FLOOR
HOGAN WEDDING BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
Window Schedule Second Floor
NOTE
SEE A-104 FOR ADDITIONAL WINDOW SPECS
Room Schedule
AREA - CONDITIONED SPACE
OPEN TO BELOW
BALCONY
BAR
1 SECOND FLOOR

A-103
ROOF PLAN
HOGAN WEDDING BARN
0 NEAL DRIVE
TOMBALL, TX 77375
NOT FOR CONSTRUCTION
1 ROOF PLAN

A-104
SCHEDULES
HOGAN WEDDING BARN
0 NEAL DRIVE
TOMBALL, TX 77375
Door Schedule
Window Schedule
Room Schedule
DOOR TYPES
DOOR SWING/SLIDE EX.
WINDOW TYPES
1 9' - 0" WINDOW
3 12' - 6" WINDOW
2 16' - 0" WINDOW
NOT FOR CONSTRUCTION

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.

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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 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 21st DAY OF DECEMBER 2015.

COUNCILMAN HUDGENS	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN QUINN	AYE

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	AYE
COUNCILMAN STOLL	ABSENT
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN QUINN	AYE

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

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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.

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 **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

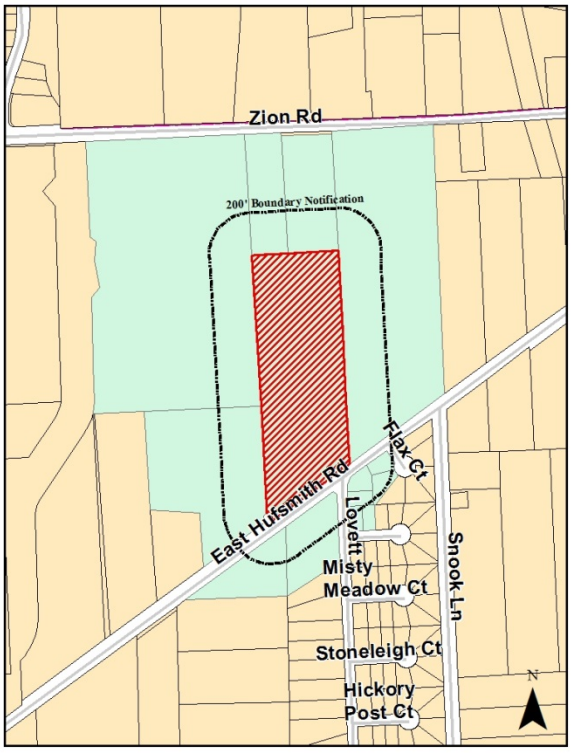
LOCATION: Generally located on the north side of East Hufsmith Road at Lovett Street

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: Darwin Herring | Kay Herring
(please print)
Address: 24111 Flax Ct
Tomball, TX 77375

Signature: Darwin + Kay Herring

Date: 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: Daniel Rodano
(please print)
Address: 12125 Zion Rd
Tomball, TX 77375

Signature:

Date: 6/12/2017

X 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 recieved the plans. It is a first class facility that 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:

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 19, 2017

Topic:

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 Theis Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

- Conduct Public Hearing on **Zoning Case P17-0057**
- 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

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	Readings Passed	Other

☐ Yes ☐ No	☐ 1st ☐ 2nd	

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 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.), 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 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	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JULY 2017.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
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.

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 **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

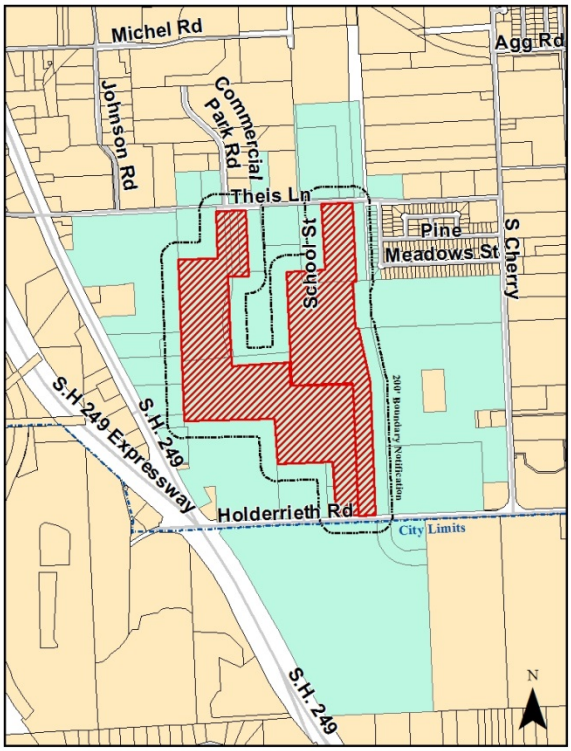
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

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.)



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

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.

*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

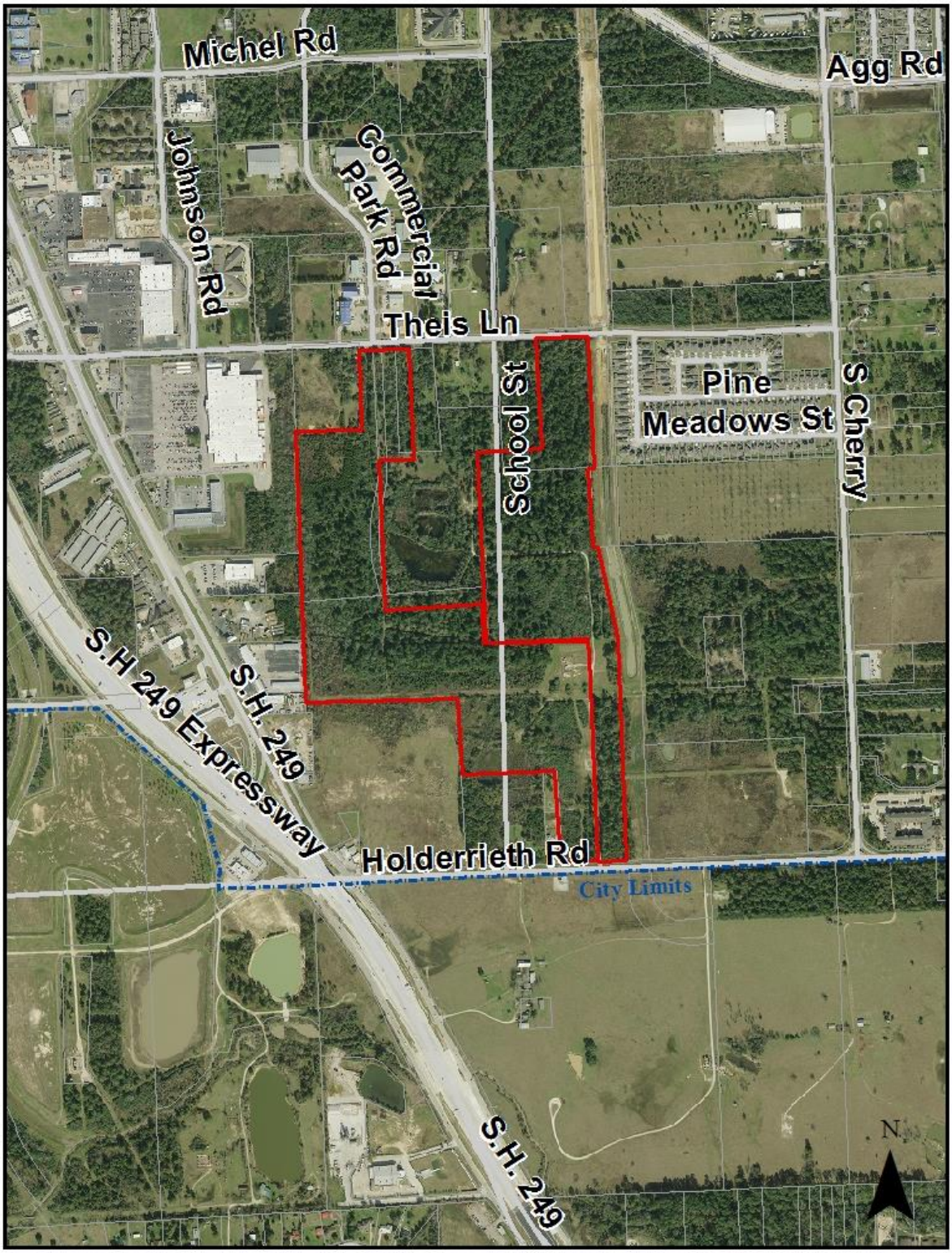


Exhibit "B"
Comprehensive Plan

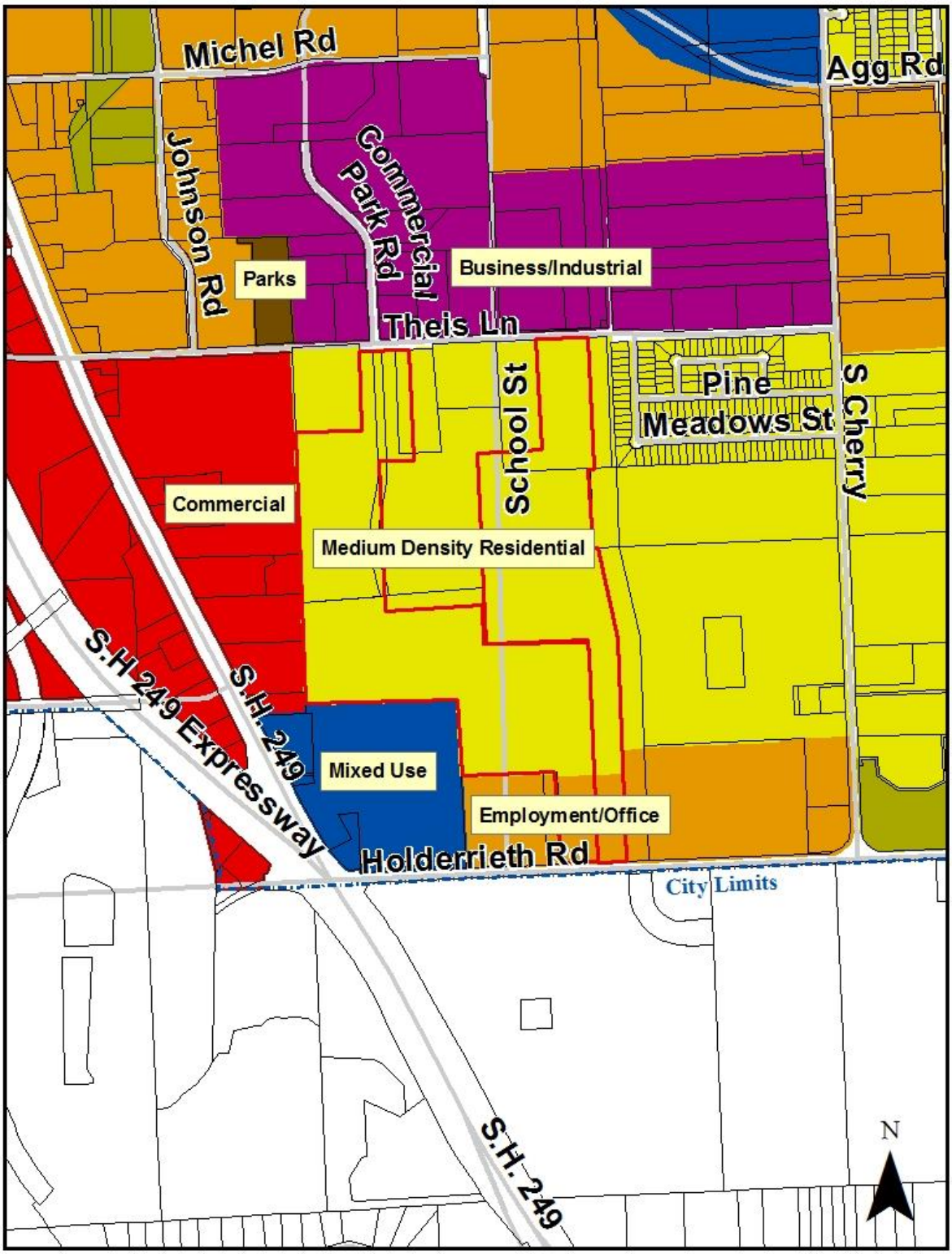


Exhibit "C"
Zoning Map

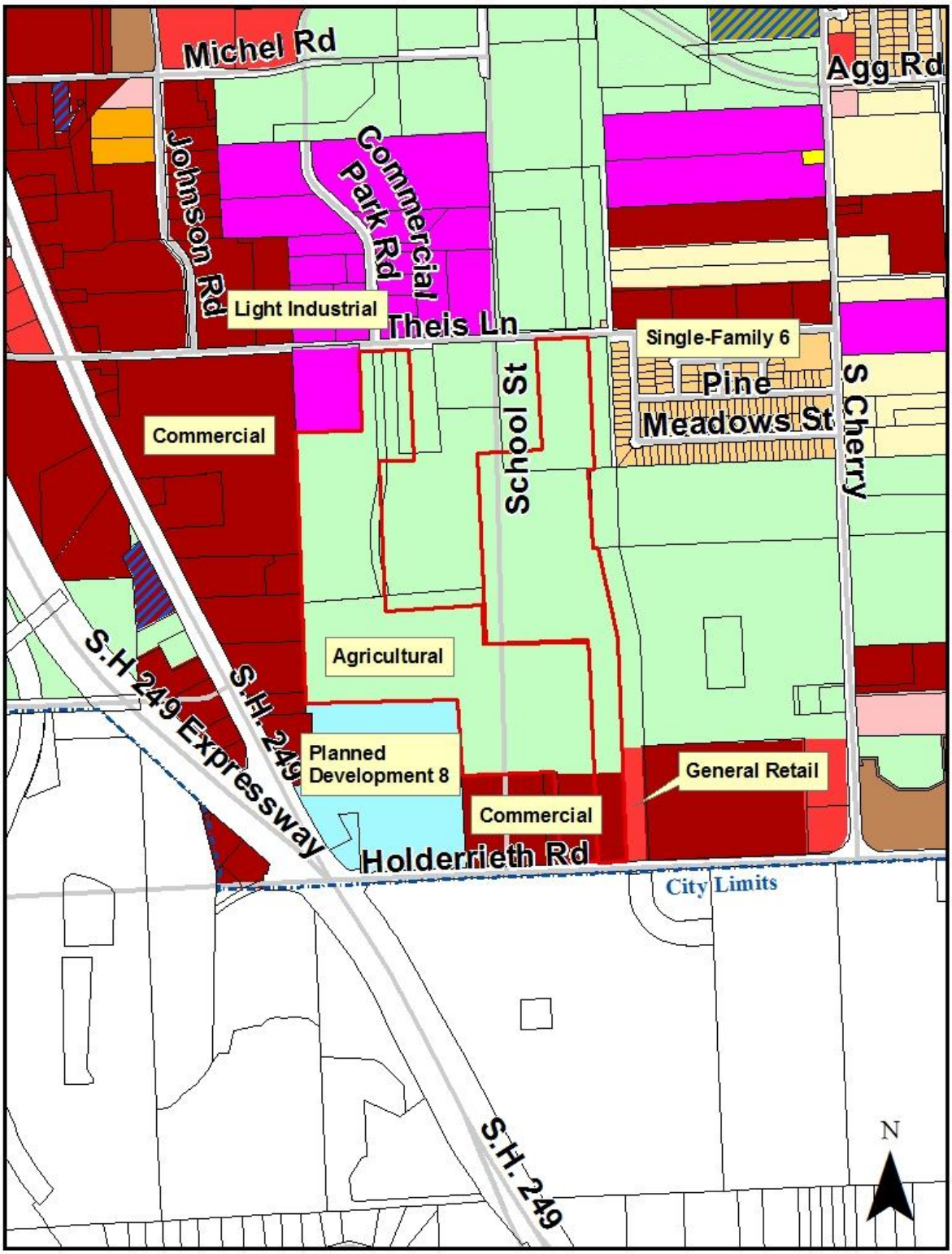


Exhibit "D"
Site Photos



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

Legal Description of Property: 63.11 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-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 _____ April 26, 2017
Signature of Applicant Date

X _____ April 26, 2017
Signature of Owner Date

LOUIS H. SCHULDES

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

Desctiption of Proposed Project: 39 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
[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-6 Single Family 6 District

Proposed Use of Property: Single Family Residential

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

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

Case # P17-0057

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: Lance & Tammy Decker
(please print)
Address: 1930 Scotch Pine St
Tomball, TX 77375

Signature: Tammy A Decker

Date: 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)**

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
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 exasserbate the issues of flooding on Holderieth & 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: DUNG T. LE
(please print)
Address: 2018 Scotch Pine St.
TOMBALL, TX 77375

Signature: Dung Le

Date: 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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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)

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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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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.

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: Jeff STALLONES
(please print)
Address: 416 PALMER CREST
SPRING TX 77381

Signature:

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)**

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

COMMENTS:

GREAT FOR TOMBALL !

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)* Arlene Knobloch
Address: 12727 Pine Woods ST.
Tomball TX. 77375
Signature: Arlene Knobloch
Date: 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)**

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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:

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)* Shirley McMillian
Address: 12919 Pinewoods St.

Signature: Shirley McMillian
Date: 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)**

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401 Market 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: Michael Bryan Hill
(please print)
Address: 12707 Pine Woods St.
Tomball, TX 77375

Signature: Michl Bryan Hill

Date: 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)**

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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:
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.

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)* RAYMOND + Christie KOCIAN
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)**

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401 Market Street, Tomball, Texas

COMMENTS:

We are homeowners and tax payers 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 issue 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)**

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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: Dennis Faske + Patricia Faske
(please print)
Address: 12815 Pine Meadows St

Signature: Dennis Faske Patricia Faske
Date: 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
City Council Chambers of the City of Tomball, City Hall
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401 Market Street, Tomball, Texas

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 through our small subdivision 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: JACQUELINE ANGELO, INDEPENDENT EXECUTRIX OF THE Estate of LUCILLE RUMPOLO, deceased
(please print)
Address: 13142 Holderrieth Rd
Tomball, Tx 77375
Signature: Jacki Angelo
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:
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:

As a substancial interest property owner and resident of Tomball I am concerned w/ location of plat(s) location and intrusion of my entities and heirship rights including water and pond Also request obfuscater, Home Charter, FEMA, HCFC, TxDot, NFIP, SPL Mitigation, as well as monopolizing and exploit COT financial resources to overwhelm future developement and control interested parties and area see Memorandum 2013 COT Noticed 2014 FEMA MAP 6/16/07 Holderrieth Rd closures 2016 No. 4266 - 3/19/2016 No. 4269 - 4/25/2016 Declared Presidential Disaster No. 4272 - 6/11/2016

Independently,
Jacki Angelo
Independent Executrix of the Estate of Lucille Rompolo, deceased

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.

Name: Jacqueline Angelo

Reg. No. 411802754
Disaster No. 4269

Second Look Flood
Peace of Mind

Address: 13142 Holderrieth Road

Property Location



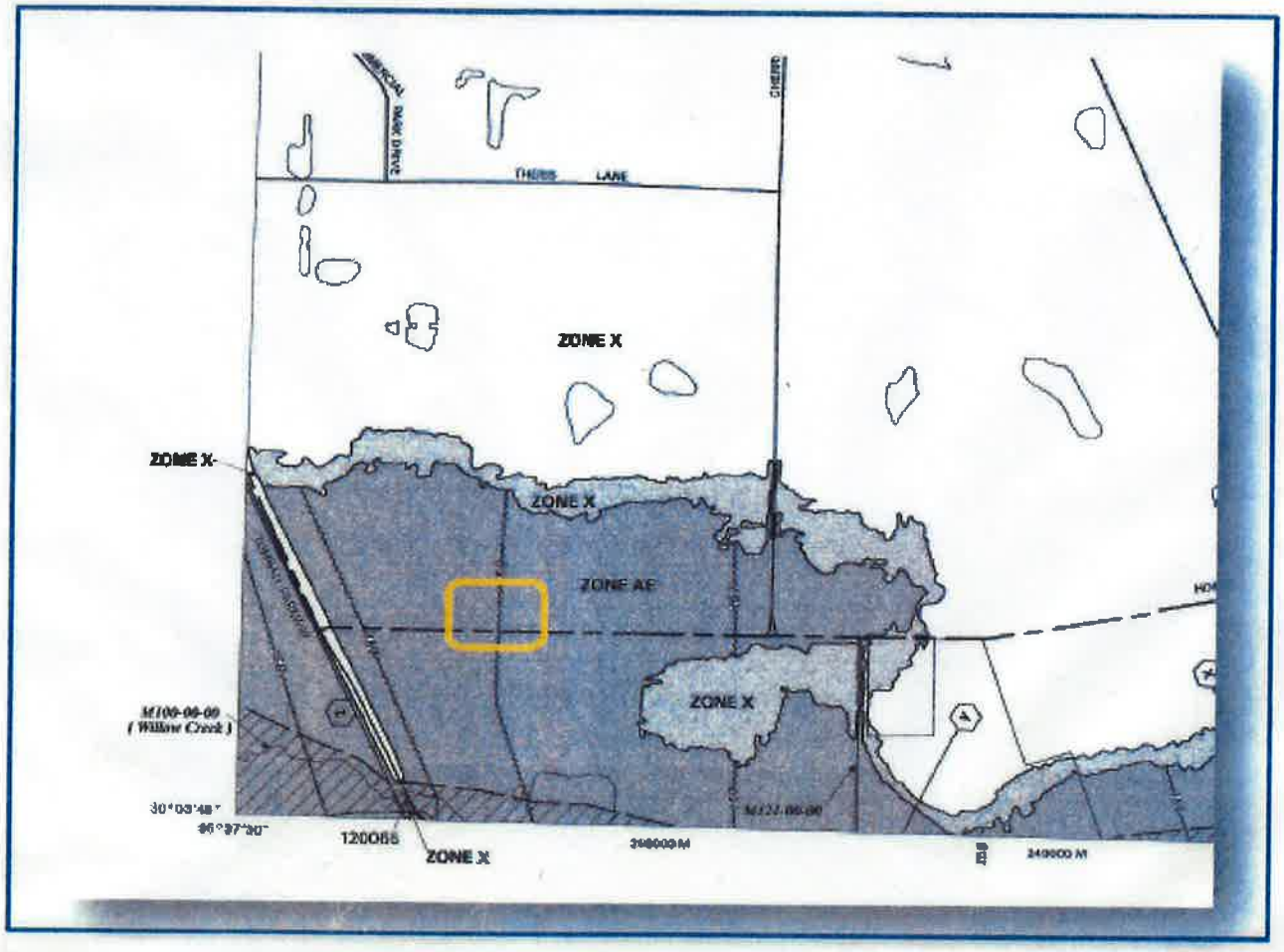
Property with FEMA overlay



FEMA

Panel: 48201C0230L
Date: 06/18/07
Community: Tomball, City of

Reg. No. 4118027S4
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.

D

Feb 1 '17

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 =	.4 mil		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 mil~~

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 Jacqueline 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 substancial 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 Holderrath Rd
Tomball, Tx 77375

P17-0057

This applicant/owner request abjurales Charter, HCFC, FEMA, TxDot, NFIP, SRL Mitigation, as well as monopolizes and exploits City of Tomball financial resources to overwhelm development and control area indefinately of any and all interested parties

JACQUELINE ANGELO

Jacqueline Angelo 6/9/17
Independent Executrix of the Estate
of Lucille Rumpold, Deceased

see Memorandum 2013
COT Noticed 2014
Holderrath Rd Closure 2016
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 ceratin 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
#15W093725

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

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
abeyance #15W083725 45 (23)
ER

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

Zoning Change except 7-0
Mon. 23rd
Setback Commercial

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 Holderrieth 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.

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:
5929 BALCONES DRIVE, SUITE 305
AUSTIN, TX 78731
(512) 473–2357

BRENHAM OFFICE:
2000 SOUTH MARKET, SUITE 303
BRENHAM, 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 Holderrieth 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	2. County(ies)	3. State	4. NFIP Community Number
TOMBALL, CITY OF	HARRIS	TX	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")	2. NFIP Map Panel Effective/ Revised Date	3. LOMA/LOMR Number	4. Flood Zone	5. No NFIP Map
48201C0230L	06/18/07		AE	

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)	DATE OF DETERMINATION
Second Look Flood, LLC PO Box 7473 St. Cloud, MN 56302 320-224-4180	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

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: 6115 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: June 19, 2017

Topic:
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

Background:
Tomball City Council meetings have traditionally been held on the first and third Mondays of each month, with the exception of those meeting dates falling on a Monday holiday, such as Labor Day.

This year, the first meeting in July would typically be held on Monday, July 3; with the Tuesday, July 4, holiday, a reduced attendance is anticipated, with at least one Councilmember and some City staff members scheduled to be away. Additionally, public attendance may be reduced as many of our citizens take advantage of the holiday for vacation.

We have two meetings scheduled for July 3 - the first budget workshop and our regular Council meeting. Council is asked to consider rescheduling the first meeting in July to Wednesday, July 5, after the holiday.

Section 2.22 Rules of Procedure requires that, any time a regular meeting date falls on a holiday observed by the City of Tomball, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the City of Tomball, unless the Council takes action in advance, by resolution or ordinance, to reschedule such meeting.

Resolution No. 2017-12 is presented for Council consideration and possible approval.

Origination:
Section 2-22 Rules of Procedure, Code of Ordinances, and Section 6.12, Home Rule Charter

Recommendation:
Staff suggests setting July 5 as the date of the first Council meeting in July.

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

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2017-12

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

* * * * * * * * * *

WHEREAS, Section 2.22 Rules of Procedure, of the City of Tomball Code of Ordinances requires that, any time a regular meeting date falls on a holiday observed by the City of Tomball, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the City of Tomball, unless the Council takes action in advance, by resolution or ordinance, to reschedule such meeting and Section 6.12 Meetings of Council, requires that the Council shall schedule at least two regular meeting each month and shall fix the days and time of the regular meetings;

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

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

Section 2. The time and place of the first regular meeting of the Tomball City Council in the month of July 2017 shall be July 5, 2017 at 6:00 p.m., at the City of Tomball City Hall.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF June 2017.

_____
GRETCHEN FAGAN, Mayor

ATTEST:

_____
DORIS SPEER, City Secretary