

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



MONDAY, JULY 20, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 20, 2015 at 6:00 P.M., City Hall, NOTE: TEMPORARY LOCATION: 501 James 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 James Clark, First Baptist 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 City Pool – 2015 Swim Season - Jerry Matheson Park Pool** will close on September 7, 2015. The pool will be closed every Monday during swim season 2015, except Memorial Day and Labor Day. June 9-August 23, 2015 will be regular weekly days and hours. August 29-September 7, 2015, the pool will open weekends only.
- June 16-July 17, 2015 - **TOMBALL KIDS' CLUB** - Every **Tuesday** and **Friday**, 11:00 a.m.-1:00 p.m., at **Tomball Community Center**, 221 Market Street
- **June 15 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- August 3, 2015 – Public Hearing regarding the 2015-2016 Fiscal Year Budget – 5:00 p.m.
- August 8, 2015 – **2nd Saturday at the Depot**
- August 29, 2015 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- **Walk Tomball!** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the 2015 **TOMBALL KIDS' CLUB**
 - Mike Baxter – Report on **2nd Saturday at the Depot – “Christmas in July”**
 - David Esquivel – Report on the **2015 TCATS Season** at Jerry Matheson Pool
 - Randy Parr – Presentation of proposed letter to solicit input from Old Town Tomball residents regarding restricted parking during festivals/events. Council was previously made aware of a public safety concern due to parking on both sides of the area's very narrow streets. Prior to making a recommendation, we are requesting input from the area's residents regarding the possibility of restricting parking to one side of the street.

6.0 Approve the Minutes of the July 6, 2015 Special and Regular City Council Meetings

7.0 Old Business:

- 7.1 Adopt, on First Reading, Ordinance No. 2015-13, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City by Amending Article I, in General, of Chapter 32, Peddlers and Solicitors, Adding New Definitions of *Mobile* and *Mobile Food Vendors* to Section 32-1, Adding a New Section 32-11, Mobile Food Vendors; and Amending Section 32-49, Approval, Denial, Issuance, and Appeal, of Article II, Permit, of Chapter 32, Peddlers and Solicitors, to Provide for Denial of a Permit for a Mobile Food

Vendor if Such Vendor has Any Unpaid Municipal Court Fines Resulting from the Operation of Such Unit; Providing a Penalty for Violation of Any Part of This Ordinance in an Amount not to exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings related Hereto

8.0 New Business:

- 8.1 Conduct Public Hearing on the Proposed Budget for Fiscal Year 2015-2016
- 8.2 Approve Request from Dana Kelly to Block off the Tomball Depot Area and Close Market Street for "*The 2nd Annual Empty Glass Wine Festival*", to be held on Sunday, October 4, 2015, from 12:00 p.m. to 5:00 p.m.
- 8.3 Approve Proposed Amendments to Administrative Policy Number 15, entitled "Tomball Community Center Policies and Operating Procedures"
- 8.4 Approve **Replat of Lot 3 Chestnut Business Park**: A Subdivision of a 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C.#628085 H.C.M.R. and the Remainder of a Called 7.5 Acre Tract to Albers Properties, LP H.C.C.F # 20070501339 & 20110213233.
- 8.5 Discussion and Possible Action regarding Red Light Enforcement Cameras, Class C Misdemeanors, Collections vs. Outstanding Balances, and Possible Collection Program
- 8.6 The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Sec. 551.071 – Private Consultation with Attorney in Closed Meeting regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 16th

day of July 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Doris Speer*_____

Doris Speer

City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

- Led by Pastor James Clark, First Baptist Church

Background:

Origination:

Council

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Meeting Date: July 20, 2015

Data Sheet

Topic:

- **Tomball City Pool – 2015 Swim Season - Jerry Matheson Park Pool** will close on September 7, 2015. The pool will be closed every Monday during swim season 2015, except Memorial Day and Labor Day. June 9-August 23, 2015 will be regular weekly days and hours. August 29-September 7, 2015, the pool will open weekends only.
- June 16-July 17, 2015 - **TOMBALL KIDS' CLUB** - Every **Tuesday** and **Friday**, 11:00 a.m.-1:00 p.m., at **Tomball Community Center**, 221 Market Street
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- August 3, 2015 – Public Hearing regarding the 2015-2016 Fiscal Year Budget – 5:00 p.m.
- August 8, 2015 – **2nd Saturday at the Depot**
- August 29, 2015 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- **Walk Tomball!** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the 2015 **TOMBALL KIDS' CLUB**
 - Mike Baxter – Report on **2nd Saturday at the Depot** – “**Christmas in July**”
 - David Esquivel – Report on the **2015 TCATS Season** at Jerry Matheson Pool
 - Randy Parr – Presentation of proposed letter to solicit input from Old Town Tomball residents regarding restricted parking during festivals/events. Council was previously made aware of a public safety concern due to parking on both sides of the area's very narrow streets. Prior to making a recommendation, we are requesting input from the area's residents regarding the possibility of restricting parking to one side of the street.

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN

APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER
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ATTACHMENTS:

Memo regarding Restricted Parking during Festivals/Events

Proposed Letter Soliciting Input

Map of Affected Area

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

Approve the Minutes of the July 6, 2015 Special and Regular City Council Meetings

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

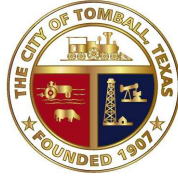
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - July 6, 2015 Special City Council Meeting

Draft Minutes - July 6, 2015 Regular City Council Meeting

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



MONDAY, JULY 6, 2015

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 Townsend
Councilman Hudgens
Councilman Degges
Councilman Stoll
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
HR Director – Lisa Coe
Finance Director – Glenn Windsor
Senior Accountant – Kacie Richardson
Accountant – Christine Brookshire
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Lori Lakatos
IT Manager – Doug Tippey
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon

2.0 The following Public Comments were received:

Pat Bailey 1319 Dove Trails, 77375	-	Expressed her support for changes to the City's proposed sidewalk expansion program.
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3.0 New Business:

3.1 The Tomball City Council entered into a Workshop Session regarding the Fiscal Year 2015-2016 Budget.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of July 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, JULY 6, 2015

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 Townsend
Councilman Hudgens
Councilman Degges
Councilman Stoll
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
IT Manager – Doug Tippey
Finance Director – Glenn Windsor
Senior Accountant – Kacie Richardson
Accountant – Christine Brookshire
Public Works Director – David Esquivel
Parks and Streets Superintendent – Steve Purvis
Director of Community Development – Craig Meyers
City Engineer – Lori Lakatos
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
Police Detective – Kenneth Yoho

2.0 The invocation was led by Senior Pastor Rick Brown, ChristBridge Fellowship.

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

4.0 No public comments were received.

5.0 Reports and Announcements:

- **Tomball City Pool – 2015 Swim Season - Jerry Matheson Park Pool** will close on September 7, 2015. The pool will be closed every Monday during swim season 2015, except Memorial Day and Labor Day. June 9-August 23, 2015 will be regular weekly days and hours. August 29-September 7, 2015, the pool will open weekends only.
- June 16-July 17, 2015 – ***TOMBALL KIDS' CLUB – Every Tuesday and Friday, 11:00 a.m.-1:00 p.m., at Tomball Community Center, 221 Market Street***
- ***June 15 through July 30*** – Meetings of the ***City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions*** will be held at the ***Public Works Building, 501 James Street***, due to renovations at City Hall.
- July 11, 2015 – **2nd Saturday at the Depot**
- July 20, 2015 – Budget Workshop – Public Works Building – 5:00 p.m.
- July 20, 2015 – Public Hearing regarding the 2015-2016 Fiscal Year Budget – Public Works Building – 6:00 p.m.
- July 27, 2015 – Public Hearing regarding the 2015-2016 Fiscal Year Budget – Public Works Building – 5:00 p.m.
- August 8, 2015 – **2nd Saturday at the Depot**
- August 29, 2015 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- ***Walk Tomball!*** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Randy Parr/Mike Baxter provided reports on the success of the **City of Tomball's 4th of July Celebration and Street Party**
 - George Shackelford presented the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the 2014-2015 Budget to the members of the Finance Department

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the June 15, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-12, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 19.0890-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request by Victory Baptist Church to Use Meeting Room C, Community Center, on Wednesdays and Sundays, for an Additional Three to Six Months.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request by Greater Purpose Worship Center to Use Meeting Room A, Community Center, on Sundays, for an Additional Three to Six Months during Renovation of the Church Building at 612 Malone.

Motion carried unanimously.

Consensus of Council was unanimous to amend the Community Policy to authorize the City Manager to approve rental extensions. Proposed amendment will be presented to Council at a future Council meeting.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resolution No. 2015-14, a Resolution of the City Council of the City of Tomball, Texas, Adopting the Harris County Multi-Hazard Mitigation Plan.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2015-13 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-13, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City by Amending Article I, in General, of Chapter 32, Peddlers and Solicitors, Adding New Definitions of *Mobile*, and *Mobile Food Vendors* to Section 32-1, and Adding a New Section 32-11, Mobile Food Vendors; Providing a Penalty for Violation of Any Part of This Ordinance in an Amount not to exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings related Hereto.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to withdraw consideration of Ordinance No. 2015-15, pending additional amendments to the proposed ordinance. Vote was as follows:

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

Motion TO WITHDRAW carried unanimously.

8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the following plats as recommended by the Planning and Zoning Commission:

- **JTS Subdivision:** Being a subdivision of 6.4411 acres of land situated in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 6.598 acres as described in deed recorded in Clerk's File Number S026292 of the Real Property Records of Harris County, Texas.
- **Willowcreek Ranch Sec 7:** Being a Subdivision of 54.51 acres in the Holderrieth and Doughtie Survey, A-1702, The I. & G.N. R.R. Survey, A-952, The M.B. Jones and G.M. Cone Survey, Cert. No. M-22952 and the William Biggio Survey, Cert. No. M-22954, in Harris County, Texas.
- **Stanolind Fire Station:** A 2.2277 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50 City of Tomball ETJ, Harris County, Texas.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to award Contract for Project No. 2015-07 (Asphalt and Concrete Street Improvements), in the amount of \$257,125.56, to Low Bidder, AAA Asphalt Paving, Inc.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of July 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: July 20, 2015

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2015-13, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City by Amending Article I, in General, of Chapter 32, Peddlers and Solicitors, Adding New Definitions of *Mobile* and *Mobile Food Vendors* to Section 32-1, Adding a New Section 32-11, Mobile Food Vendors; and Amending Section 32-49, Approval, Denial, Issuance, and Appeal, of Article II, Permit, of Chapter 32, Peddlers and Solicitors, to Provide for Denial of a Permit for a Mobile Food Vendor if Such Vendor has Any Unpaid Municipal Court Fines Resulting from the Operation of Such Unit; Providing a Penalty for Violation of Any Part of This Ordinance in an Amount not to exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings related Hereto

Background:

This Ordinance incorporates the additional input provided by City Council on July 6, 2015 regarding possible amendments to Chapter 32 of the Code of Ordinances.

The City Attorney did review the possible imposition of civil penalties raised by Councilmember Hudgens. The only way to impose civil penalties for an ordinance violation is through Chapter 54, Texas Local Government Code, which allows the imposition of civil penalties as part of a lawsuit brought seeking enforcement of certain ordinance provisions. While this ordinance would certainly fit under Chapter 54, the civil penalties have not been added because it is not expected that these types of vendors are going to be the kind that necessitate filing of a lawsuit to enforce these ordinances. As an alternate, the City Attorney added a provision for denial of the permit if the vendor applicant has any outstanding fines in municipal court.

Under the current code of ordinances, the City has licensed several mobile vendors who have become long-term 'semi-mobile' vendors along Main Street. One vendor, in the HEB parking lot, was essentially grandfathered in when the last amendments were adopted for Chapter 32. Peddlers and Solicitors.

Adoption of Ordinance No. 2015-13 will provide definitions of 'mobile', 'mobile food vendor', and 'peddler'. The Ordinance will (1) require that mobile food vendors be responsible for the proper disposal of solid waste and waste water in sanitation facilities legally accessed by the mobile food vendor, (2) clean up within a minimum 20-ft. radius of the sales location, (3) be self-powered, (4) prohibit continuous or repetitive music/sounds from the vendor's unit, and (5) require that a mobile food vendor not be located in the same location, or within 100 yards of the same location, for more than 4 hours total in any 24-hour period. In addition, the Ordinance will provide for denial of the permit if the vendor applicant has any outstanding fines in municipal court.

The amendments would not apply to mobile food vendors at festivals, as these vendors are not licensed by the City Secretary's office. Current mobile vendors would have to meet the new requirements once their existing permits expire.

Origination:

Council

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-13 - Revised 7-15-15

ORDINANCE NO. 2015-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 32, PEDDLERS AND SOLICITORS, TO ADD NEW DEFINITIONS OF *MOBILE* AND *MOBILE FOOD VENDORS* TO SECTION 32-1, ADDING A NEW SECTION 32-11, MOBILE FOOD VENDORS; AND AMENDING SECTION 32-49, APPROVAL, DENIAL, ISSUANCE, AND APPEAL, OF ARTICLE II, PERMIT, OF CHAPTER 32, PEDDLERS AND SOLICITORS, TO PROVIDE FOR DENIAL OF A PERMIT FOR A MOBILE FOOD VENDOR IF SUCH VENDOR HAS ANY UNPAID MUNICIPAL COURT FINES RESULTING FROM THE OPERATION OF SUCH UNIT; PROVIDING A PENALTY FOR VIOLATION OF ANY PART OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER VIOLATION WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING FOR SEVERABILITY; AND MAKING OTHER FINDINGS RELATED HERETO.

* * * * *

WHEREAS, there are a growing number of food service establishments within the City of Tomball which are not located in permanent structures; and

WHEREAS, such food service establishments are not required to meet the same regulation as those establishments which are located in a permanent structure; and

WHEREAS, the City Council of the City of Tomball finds it in the best interest of the health, safety and welfare of the citizens to establish regulations for these food service establishments; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 32-1, Definitions, of Article I, In General, of Chapter 32, Peddlers and Solicitors, the language underscored below as follows:

“Sec. 32-1. - Definitions.

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

Mobile shall mean being capable of being in active, but not necessarily continuous, movement.

Mobile Food Vendor shall mean any business which sells food or beverages from a vehicle or structure which is capable of being moved from place to place. The term shall include, but is not limited to:

- (a) Mobile Food Truck: a self-contained motorized unit selling food or beverage items;
- (b) Concessions cart: mobile vending unit that must be moved by non-motorized means; and
- (c) Trailer: a vending unit which is capable of being moved when pulled by a motorized unit and has no power to move on its own.

Peddler means any person, whether a resident of the city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in the state; and also means and includes any person transacting a temporary business within the city at an established place of business. The term "peddler" includes the terms "solicitor," "transient or itinerant merchant or vendor," or "transient or itinerant photographer."

Section 3. The Code of Ordinances if further amended by adding to Article I, In General, of Chapter 32, Peddlers and Solicitors, a new Section 32-11, Mobile Food Vendors, to read as follows:

“Section 32-11. –Mobile Food Vendors.

The following regulations shall apply to Mobile Food Vendors operating within the City:

- (1) Each unit shall be equipped with a portable trash receptacle, and shall be responsible for the proper disposal of solid waste and waste water in the sanitation facility legally accessed by the Mobile Food Vendor. All disturbed areas must be cleaned following each stop at a minimum of twenty feet (20') of the sales location. Each unit shall comply with all applicable provisions of Chapter 36 of the Code of Ordinances;

- (2) Each unit shall be equipped with a power source sufficient to conduct all operations. It shall be a violation of this provision for any unit to obtain power from an exterior source;
- (3) Continuous or repetitive music or sounds shall not project from the Mobile Food Vendor unit; and
- (4) A Mobile Food Vendor shall not be located in the same location, or within 100 yards thereof, for more than four (4) hours total per day.”

Section 4. The Code of Ordinances if further amended by amending Section 32-49, Approval, Denial, Issuance, and Appeal, of Article II, Permit, of Chapter 32, Peddlers and Solicitors by adding the language underscored below, to read as follows:

“Sec. 32-49. - Approval, denial, issuance, and appeal.

- (a) No permit or license shall be issued under the provisions of this article until the applicant shall have complied with all the provisions and requirements of this chapter. A permit will not be issued until a background check has been completed on the individual.
- (b) No permit or license shall be issued for a Mobile Food Vendor if such Mobile Food Vendor has any unpaid fines in the Tomball Municipal Court related to the operation of the Mobile Food Vendor unit.
- (~~b~~c) The chief of police shall cause such investigation of the applicant as he deems necessary for the protection of the public generally, no later than five business days after receipt of the application from the city secretary's office. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall enter the reasons for his denial on the application and return it to the city secretary. If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the chief of police shall approve the application and return it to the city secretary.
- (~~e~~d) Any applicant denied a permit may appeal the denial by filing, within five business days of the denial, a written notice of appeal to the city manager and, if denial is upheld by the city manager, the applicant may appeal to the city council by filing, within five business days of the denial, a written notice of appeal to the city secretary for placement on the next city council agenda. The decision of the city council shall be final.

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

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

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE _____ DAY OF
_____ 2015.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____ DAY OF
_____ 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2015

Topic:

Conduct Public Hearing on the Proposed Budget for Fiscal Year 2015-2016

Background:

Origination:

City Manager/Finance Director

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearings - July 20 and August 3, 2015

NOTICE OF PUBLIC HEARINGS
at the
TOMBALL CITY COUNCIL MEETINGS
CITY OF TOMBALL, TEXAS



MONDAY, JULY 20, 2015
6:00 P.M.
AND
MONDAY, AUGUST 3, 2015
6:00 P.M.

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, July 20, 2015 at 6:00 p.m., at the PUBLIC WORKS BUILDING, 501 JAMES STREET, Tomball, Texas 77375, and on Monday, August 3, 2015 at 6:00 p.m., at a Regular Council Meeting at TOMBALL CITY HALL, 401 MARKET STREET, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Adopting
the City of Tomball's Budget for
Fiscal Year 2015-2016.**

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on **Monday, July 6, 2015.**

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the **2nd** day of July 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer, City Secretary, TRMC

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

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

Approve Request from Dana Kelly to Block off the Tomball Depot Area and Close Market Street for "*The 2nd Annual Empty Glass Wine Festival*", to be held on Sunday, October 4, 2015, from 12:00 p.m. to 5:00 p.m.

Background:

Dana Kelly, owner of The Empty Glass, is requesting Council approval to block off the Tomball Depot area and close Market Street for "*The 2nd Annual Empty Glass Wine Festival*", to be held on Sunday, October 4, 2015, from 12:00 p.m. to 5:00 p.m.

Ms. Kelly will pay for the Depot rental (\$100.00) and for Public Works personnel (\$350.00) to close off the event site area and provide their presence during the event time; she will also hire two off-duty Tomball Police Department Officers from 12:00 p.m. to 5:00 p.m., at the appropriate rate, paying the Officers directly on the day of the event.

Ms. Kelly has not yet provided her insurance letter to the Marketing Department, however, she stated that she will have the City named as an Additional Insured for the event date. She will acquire the special TABC permit and will sell tickets for samples and wine inside her Wine Bar, along with food vendors in the Depot area. A band will play at the Depot area and the tents will be set up according to the City's requirements.

Origination:

Dana Kelly, The Empty Wine Glass

Recommendation:

Approve Request

Funding:

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

Mike Baxter, Marketing Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

Approve Proposed Amendments to Administrative Policy Number 15, entitled "Tomball Community Center Policies and Operating Procedures"

Background:

At the July 6, 2015 City Council Meeting, Council asked staff to amend the Community Center policy to enable the City Manager to approve extensions of rentals for religious activities.

A red-lined version of the Administrative Policy is provided, with the proposed changes on pages 5 and 8.

Origination:

City Council

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

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Proposed Administrative Policy No. 15

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 1 OF 12
	REVISED: October 5, 2009	APPROVED BY CITY MANAGER:	
	SUPERSEDES: July 6, 2009	APPROVED BY CITY COUNCIL:	

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Cancellation Procedure

Organization/Non-Profit Reservation Form

Private Function Reservation Form

Guidelines for Use of Alcohol

Section VI - Building Layout

* * * * *

Mission Statement

The Tomball Community Center will serve everyone in a fair and equitable manner, so that in serving, the Center will enhance the quality of life for each individual, group, or organization being served.

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

TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 2 OF 12
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	SUPERSEDES: July 6, 2009	APPROVED BY CITY COUNCIL:	

Goals

The following goals shall serve as the vehicle through which the staff and the administration of the Tomball Community Center (hereinafter to be called *Center*) shall work in fulfilling the spirit and letter of the Center's **MISSION STATEMENT**.

- GOAL 1:** Provide an atmosphere which is vibrant and attractive to a broad range of age groups.
- GOAL 2:** Provide a staff, both paid and volunteer, who, through their individual and corporate efforts, give positive leadership to the development and administration of programs and activities, which will attract to the Center participants of all age.
- GOAL 3:** Provide a variety of programs and activities which will be attractive to the broad spectrum of age ranges of the residents.
- GOAL 4:** Provide a monthly calendar of activities to facilitate advance planning by citizens participating in scheduled programs and activities.
- GOAL 5:** Provide *User Fees* and *Guidelines* which will encourage the use of the Center.
- GOAL 6:** Provide in the administration of the Center an attitude which encourages utilization of the Center and which is fair and equitable to all.

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 3 OF 12
	REVISED: October 5, 2009	APPROVED BY CITY MANAGER:	
	SUPERSEDES: July 6, 2009	APPROVED BY CITY COUNCIL:	

Policies & Procedures

Section I - User Qualifications

The following guidelines and policies have been developed and adopted to provide for the fair and orderly use of the Center.

- A. User fees will be determined by the qualification status of each applicant. Users are categorized as follows:
 - 1. Individuals (Citizens of Tomball)
 - 2. Individuals (Non-Citizens of Tomball)
 - 3. For-profit businesses
 - 4. Non-profit organizations which charge for services
 - 5. Non-profit clubs and organizations
 - 6. Tomball-based Non-profit youth organizations

- B. Proof of Qualification
 - 1. Individuals (Citizens of Tomball)
 - a. Driver's License
 - b. City of Tomball utility bill
 - 2. Individuals (Non-Citizens of Tomball)
 - a. Drivers License
 - 3. For-profit businesses
 - a. Sales Tax Certificate
 - b. Certified statement of applicant
 - 4. Non-profit organizations which charge for services
 - a. Sales Tax Certificate
 - b. Copy of Charter or Articles of Incorporation
 - c. Certified statement of applicant
 - 5. Non-profit clubs or organizations
 - a. Sales Tax Exemption Certificate
 - b. Copy of Charter or Articles of Incorporation
 - c. Certified statement of applicant

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 4 OF 12
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Section II - Priority Use Guidelines

- A. Assignment of Lease - To facilitate the fair and equitable use of the Community Center, consideration will be given to the following factors in the assignment or lease of space:
1. Qualifying status - Priority will be given in the following order:
 - a. Non-profit clubs and organizations (Contract or non-contract)
 - b. Individuals (Citizens of Tomball)
 - c. Non-profit organizations which charge for services
 - d. Individuals (Non-Citizens of Tomball)
 - e. For-profit businesses
 2. Contracts for use of facility
 - a. Activity Contracts with the Center will be honored in keeping with the provisions of the Contract.
 - b. All Contracts will be reviewed on an annual basis.
 - c. Failure of the Contracting Party to meet the provisions of the Contract will result in the Contract being canceled in the following procedure:
 - 1). Written notice outlining deficiencies to be given to the Contracting Party by the Center Manager.
 - 2). Contracting Party to be given a minimum of two (2) weeks to correct deficiencies.
 - 3). Failure to correct the deficiencies within the specified time frame will result in cancellation of Contract and forfeiture of any deposits. A minimum of thirty (30) days to be given between notification of Contract being canceled and the date the Contracting Party must vacate the facility.
 3. Scheduled events on Activities Calendar
 - a. In order to maximize space, rooms will be assigned on the basis of:
 - 1). Size of group
 - 2). Availability of space
 - b. The Manager has the authority to reassign space if the number of participants falls below the parameters of the assigned room and if reassignment would facilitate a more efficient use of the facility.
 - 1). Contracting Party will be given 24 hours notice of any change.
 - 2). Any change of assignment will result in an appropriate adjustment in fee charge.

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 5 OF 12
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**Section II - Priority Use Guidelines
(Continued)**

4. Size of group shall be the primary factor in the assignment of meeting rooms. The following schedule is applicable: (See Building Layout, Section VII)
 - a. Banquet Room A - 40 or more people (181 Max)
 - b. Meeting Room B - 15 to 40 people
 - c. Meeting Room C - One (1) to ten (10) people

B. Facility Assignment

1. Basic assignment of rooms will be made in accordance with the group size to maximize the use of the Center. Assignments to facilitate that use may be adjusted, with a minimum of 24 hours notice to the Contracting Party, by the Center Manager.
2. The Center and the parking lot may be used only for the time period and the purpose for which it was reserved, unless prior approval for a change is granted by the Center Manager.
3. Religious activities may be scheduled on a temporary basis only, not to exceed three (3) months, except in cases of emergency with ~~Council approval~~ approval of the City Manager.
4. Political fund-raising activities are not permitted in the facility.
5. Non-political fund-raising activities of a humanitarian nature may be scheduled in the Center in accordance with the appropriate fee guidelines.

C. Hours of Operation

1. Office Hours
 - a. Monday to Friday: 8:00 AM – 4:00 PM
 - b. The Center will be closed on City-observed holidays.
 - c. The Center will be open on weekends only if rented.
2. Times available for reservations
 - a. Monday to Thursday & Sunday: 8:00 AM – 10:00 PM
 - b. Friday & Saturday: 8:00 AM – 1:00 AM

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 6 OF 12
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Section III - Reservation Fee Guidelines

A. Meeting Room Fee Schedule (Based on availability)

Organizations service	Non-profit Clubs/ Organizations*	Tomball Residents:	Non Tomball Residents:
		Individuals, For-profit Businesses/ Non-profit Organizations	Individuals, For-profit Businesses, Non-profit Organizations
		which charge for service	which charge for service
1.	Monday thru 3:00 pm Friday (2 Hour Minimum)		
	Room A	\$50.00/hr.	\$75.00/hr.
	Room B	\$30.00/hr.	\$50.00/hr.
	Room C	\$15.00/hr.	\$20.00/hr.
2.	After 3:00 pm Friday (2 Hour Minimum)		
	Room A	\$75.00/hr.	\$100.00/hr.
	Room B	\$50.00/hr.	\$75.00/hr.
	Room C	\$15.00/hr.	\$50.00/hr.

B. Kitchen Fee Schedule

1. The rental fee for Banquet Room A includes the use of the kitchen.
2. No other room is allowed the use of the kitchen with a rental.

Special Notes

1. A refundable deposit will be paid by each applicant prior to the confirmation of a reservation. Refund of this deposit is contingent upon satisfying any payment for damages to the facility by the Contracting Party.

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

SUBJECT TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES	NUMBER: 15	EFFECTIVE DATE: October 5, 2009	PAGE 7 OF 12
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Waiver of Fees

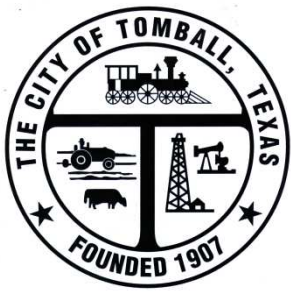
1. The following groups shall have their fees waived:
 - a. Tomball-based Non-profit youth organizations who provide proof of qualification
2. Tomball-based groups and organizations may request a waiver of fees from City staff. The guidelines for staff to follow when considering requests for waivers are as follows:
 - a. Applicant generates sales tax dollars for Tomball
 - b. Applicant supports City functions, events or programs
 - c. Applicant is a non-profit group or organization benefitting the City of Tomball in some manner.

Section IV - Other Requirements

- A. Storage Space
 1. Use of storage space will determined by the existing Contract, and
 2. Available space
- B. Displaying Items on Walls
 1. Items may be temporarily displayed and must be removed at the conclusion of the reservation time period, using the Center's Walker Display Center.
 2. Items must be displayed by use of the available wall hangers and may not be affixed directly to the walls by any other means, (i.e. tape, tacks, pins, nails, glue, paste, etc.)
- C. Failure to adhere to requirements of Requirements A and/or B may result in the forfeiture of the privileges.
- D. Use of Alcohol will be allowed as outlined under Use of Alcohol Guidelines.

Section V - Reservation Forms

- A. Copy of Guidelines for Use
- B. Copy of Guidelines for Use of Alcohol
- C. Copy of Civic and Non-profit Organization Reservation Form
- D. Copy of Individual Reservation Form
- E. Copy of Building Layout



Guidelines for Use

Tomball Community Center
221 Market Street Tomball, TX 77375
281-255-6221

1. Reservations must be made through the office of the Manager of the Tomball Community Center, 221 Market Street, Tomball, Texas 77375. No reservations or cancellations will be confirmed until written request is received in person, or by fax or email.
2. All rental fees must be paid a minimum of two weeks in advance for all organizations meeting on a recurring basis as stated in your contract. Rental fees must be paid at the time of reservation for confirmation. NO reservations will be taken without rental fee payment. The refundable security deposit must be posted at least two weeks prior to reservation date, but no earlier than 3 months prior to rental. Refundable deposit check will only be held until after rental to insure against damages. Refunds will be returned to the applicant within two (2) weeks.
3. Any person or group renting the Center for a Public Function shall not prohibit, dissuade, prevent, or exclude any member of the public based upon or regarding an individual's race, color, religion, sex, sexual orientation, age, national origin, or disability.
4. All public notices, advertisements and announcements of any Public Function must state "This event is not endorsed or sponsored by the City of Tomball."
5. Private Functions cannot be advertised, promoted, announced, or opened to the public in any manner. The rules regarding a Public Function must be adhered to if such event is determined to be open to the public by City staff.
6. For additional security purposes, some functions may require uniformed officers. The Center staff will instruct users as to additional requirements and fees.
7. No person or group shall use any area or facility of the Center, including the parking lot, for any purpose other than for the purpose for which it was designed, designated, or assigned.
8. Patrons attending functions at the Center may not remain in the building or the parking area at any time other than the hours reserved for the function when Center is open to the public. **A Center employee will be on duty during the entire rental time, arriving 15 minutes prior to reservation and staying 15 minutes after end of reservation.**
9. All displays, lecture materials, equipment, supplies, etc., must be removed at the conclusion of each meeting, unless prior arrangements were made.
10. Fund-raising activities of a humanitarian nature will require written permission, with an explanation of product.
11. No pets are allowed in Center, with exception of Service Dogs (as defined by the Americans with Disabilities Act.).
12. Children must be supervised at all times and must remain in designated room assigned for that group's use.
13. Nothing is to be taped, stapled, nailed, glued, or attached to the walls, doors, windows, blinds, tables or chairs in any manner. The Center has a Walker Display System and we will work with you to display your decorations according to our guidelines.
15. Foods and/or beverages must be removed from the facility at the conclusion of the reservation.
16. A garbage can with plastic liner will be provided upon request. When vacating the facility, user **must** remove all trash and place in dumpster provided. Also, tables should be wiped with a damp cloth if food was served and floor **must** be swept. No mopping is required unless there is a spill. Dishpan, cloth, broom, and dustpan are available upon request.
17. The Center employees assign rooms to maximize Center capacity each day; therefore, the Center reserves the right to change room assignments to accommodate other groups.
18. All groups must be considerate of others using the Center and may not interfere with other group activities.
19. No tobacco products are allowed to be used inside the Center per Ordinance 96-21, passed December 16, 1996. A designated smoking area is provided outside.
20. The serving of alcohol will be done in compliance with the **Guidelines for Use of Alcohol.**
21. Contact person is responsible for conveying rules of Center use to anyone taking charge of the group, as well as all participants attending meetings or functions.
22. All religious activities may be scheduled on a temporary basis only, not to exceed (3) months, except in case of emergency with ~~Council approval~~ **approval of the City Manager.**
23. In order to assure refund of deposit, before vacating building, contact Center attendant on duty to verify that condition of room and responsibilities have been met.

Guidelines for Use of Alcohol

1. Alcohol or alcoholic beverages will not be allowed without the consent of the Center Manager.
2. At any function where alcohol or alcoholic beverages will be served, it will be necessary for the Contracting Party to pay for the services of two off-duty Tomball Police Officers, or licensed Peace Officers approved by the Tomball Police Department, during the entire time the Center is being reserved or used. If two Tomball Police Department Officers are not available, officers from another law enforcement agency will be employed.
3. The Security Guards, whose entire fee will be paid by the Contracting Party, will be scheduled by the Center Manager.
4. No alcohol or alcoholic beverages may be sold in the Center.
5. No alcohol or alcoholic beverages may be carried outside the Center.
6. No alcohol or alcoholic beverages may be consumed outside the Center.
7. Alcohol or alcoholic beverages may not be served to minors at any time.
8. At the discretion of the Security Guards or the Center employee, anyone deemed intoxicated may be asked to vacate the Center. Failure on anyone's part to do so will result in immediate cancellation of the event at that time and forfeiture of all fees and/or deposits.

Cancellation Procedure

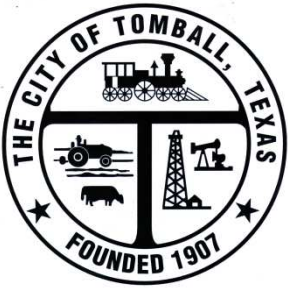
1. Reservations may be canceled by calling or writing the Center Manager., but **No** reservations or cancellations will be confirmed until written request is received in person, or by fax or email.
2. All fees and/or deposits will be refunded provided the cancellation is received 14 days prior to the scheduled event.
3. In the case of organizations with a one-year Contract, the Center Manager should be advised of any change in the use of reserved room/rooms as a courtesy to others who might desire use of the facility at that time.
4. Failure to give the specified cancellation of reservation notice to the Center Manager will result in forfeiture of fees and/or deposits.

I have read the rules concerning the usage of the Tomball Community Center and agree to abide by those rules.

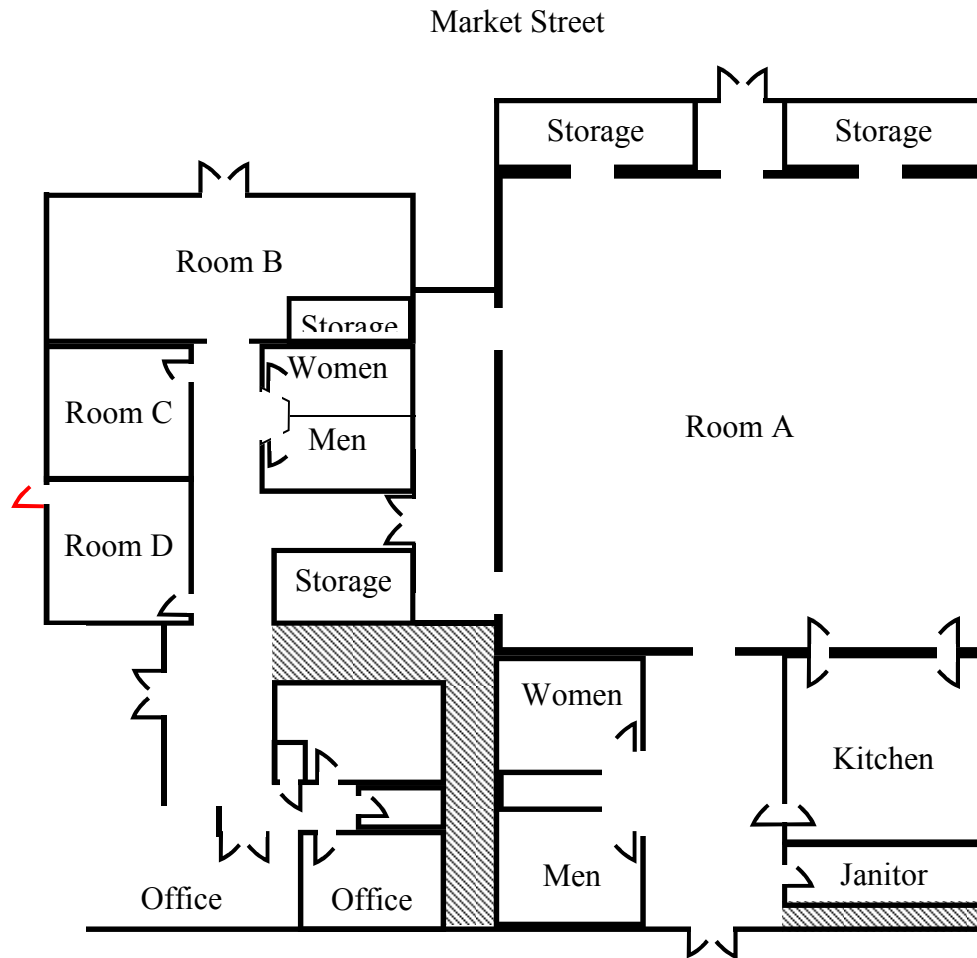
Name of Organization

Date

Representative Signature



Section VI - Building Layout
Tomball Community Center
221 Market Street Tomball, TX 77375
281-255-6221



CITY OF TOMBALL COMMUNITY CENTER

NON-PROFIT ORGANIZATION RESERVATION FORM

Rates: (2 Hour Minimum)

Banquet Room A

Room B

Room C

Weekdays

\$50.00/hr.

\$30.00/hr.

\$15.00/hr.

After 3:00 pm Friday

\$75.00/hr.

\$50.00/hr.

\$15.00/hr.

Kitchen: No charge in conjunction with rental of Room A.

Refundable deposit: \$250.00 for Room A

\$100.00 for Rooms B or C

Organization _____

Contact person _____

Address _____ City _____ Zip _____

Telephone – Daytime () _____ Evening () _____

Alternate contact _____ Phone _____

Date requested _____ Time _____ to _____

Estimated attendance _____ Type of Function _____

Do you require chairs? _____ if yes, how many? _____ Tables? _____ if yes, how many? _____

Will you be bringing additional equipment? _____ If yes, please explain _____

Food will be served _____ Yes _____ No

Food will be catered _____ Yes _____ No

Alcohol or alcoholic beverages will be served _____ Yes _____ No (Please explain _____)

If yes, I received the Guidelines for Use of Alcohol and I understand that two (2) licensed officers will be required as security guards.

Quoted rate \$ _____ each officer per hour

Room fee _____

Food fee _____

Police fee _____

The above information is true to the best of my knowledge.

Total _____

Representative Signature Date Effective Date

THIS AREA FOR CENTER USE ONLY

Room Assigned _____ Date of Reservation _____

Rental Fee Paid \$ _____ Check# _____ Date _____

Deposit fee paid \$ _____ Check# _____ Date _____

Security paid \$ _____ Check # _____ Date arranged _____

Refund amount \$ _____ Check # _____ Reason _____

The area reserved was left in satisfactory _____ unsatisfactory _____ condition.

Center Representative

PRIVATE/FOR PROFIT FUNCTION RESERVATION FORM

Rates: (2 Hour Minimum)	Weekdays		After 3:00 pm Friday	
	Residents	Non-Residents	Residents	Non-Residents
Room A	\$75.00/hr.	\$100.00/hr.	\$100.00/hr.	\$125.00/hr.
Room B	\$50.00/hr.	\$75.00/hr.	\$75.00/hr.	\$100.00/hr.
Room C	\$20.00/hr.	\$30.00/hr.	\$ 50.00/hr.	\$75.00/hr.
Kitchen: No charge in conjunction with rental of Room A.				
Refundable deposit:	\$250.00 for Banquet Room			
	\$100.00 for Rooms B or C			

Organization_____

Contact person_____

Address_____City_____Zip_____

Telephone – Daytime ()_____ Evening ()_____

Alternate contact_____Phone_____

Date requested_____Time_____to_____

Estimated attendance_____Type of Function_____

Do you require chairs?_____if yes, how many?_____ Tables?_____if yes, how many?_____

Will you be bringing additional equipment?_____If yes, please explain_____

Food will be served_____ Yes _____ No

Food will be catered_____ Yes _____ No

Alcohol or alcoholic beverages will be served_____ Yes _____ No (Please explain_____)

If yes, I received the Guidelines for Use of Alcohol and I understand that two (2) licensed officers will be required as security guards.

Quoted rate \$_____ each officer per hour

Room fee _____

Food fee _____

Police fee _____

The above information is true to the best of my knowledge.

Total _____

Representative Signature Date Effective Date

THIS AREA FOR CENTER USE ONLY

Room Assigned _____ Date of Reservation _____

Rental Fee Paid \$_____ Check#_____ Date_____

Deposit fee paid \$_____ Check#_____ Date_____

Security paid \$_____ Check #_____ Date arranged_____

Refund amount \$_____ Check #_____ Reason_____

The area reserved was left in satisfactory _____ unsatisfactory _____ condition.

Center Representative

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

Approve **Replat of Lot 3 Chestnut Business Park**: A Subdivision of a 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C.#628085 H.C.M.R. and the Remainder of a Called 7.5 Acre Tract to Albers Properties, LP H.C.C.F # 20070501339 & 20110213233.

Background:

The Planning and Zoning Commission voted 5-0 to approve the Replat of Lot 3 Chestnut Business Park on July 13, 2015. The plat is being presented to City Council for approval consideration.

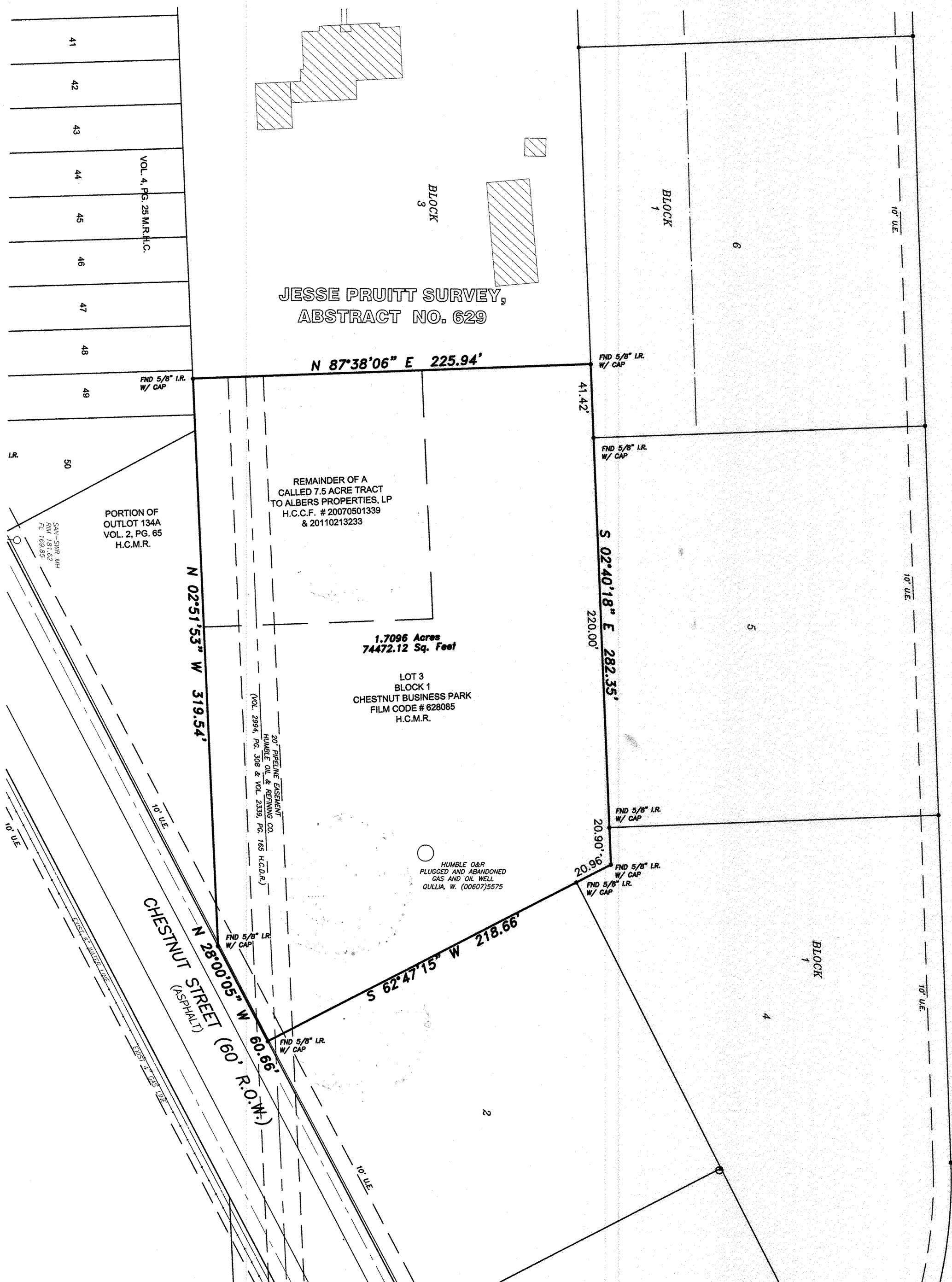
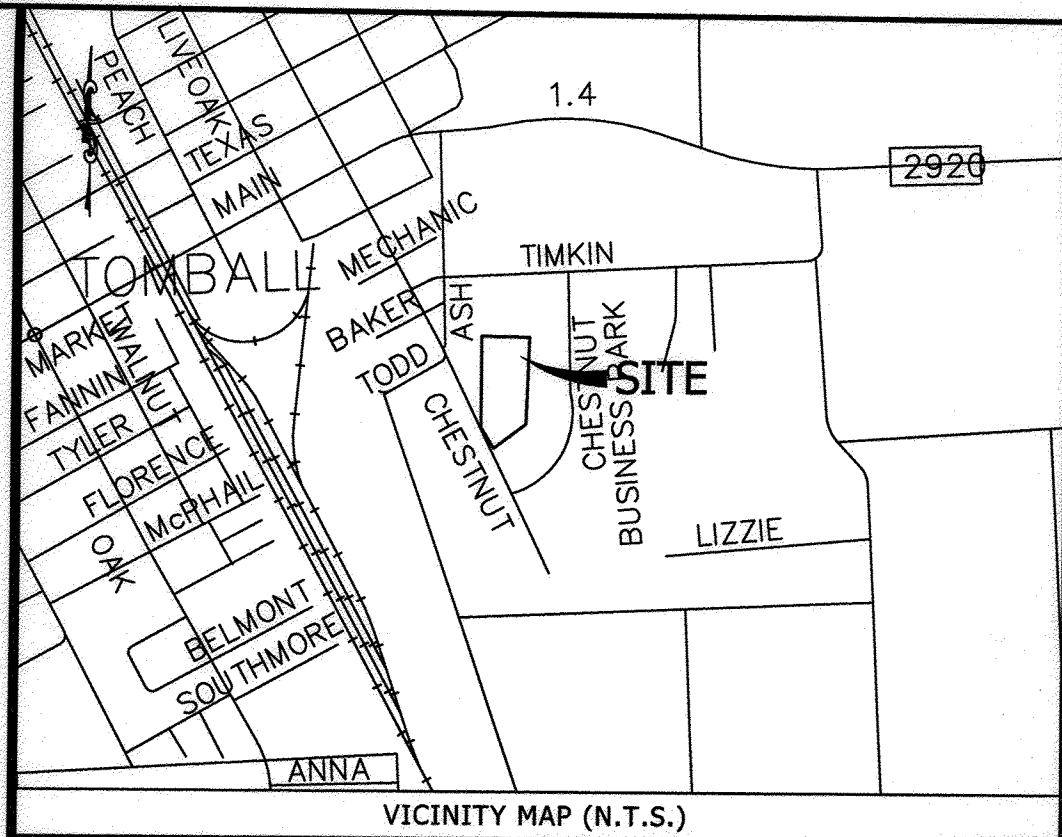
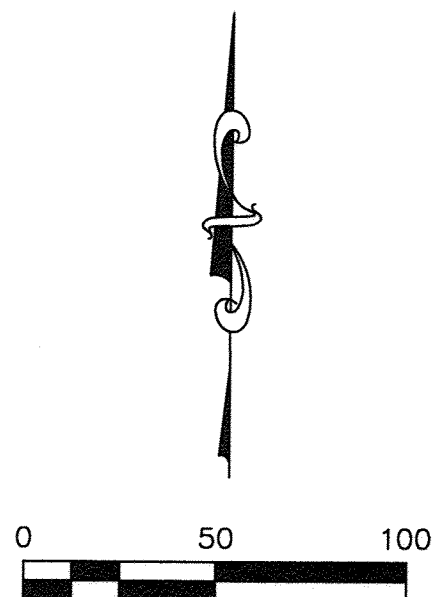
Origination:**Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Replat of Lot 3 Chestnut Business Park



Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel Nos. 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
The Building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
7. H.C.M.R. Indicates Harris County Map Records.
8. No lots dedicated by this plat are within Zone "AE".

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, ALBERS PROPERTIES, LP., acting by and through, Dean Albers, General Partner, being officer of ALBERS PROPERTIES, LP, Owner hereinafter referred to a owner of the 1.7096 Acre Tract described in the above and foregoing plat of REPLAT OF LOT 3 CHESTNUT BUSINESS PARK, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

ALBERS PROPERTIES, LP.

IN TESTIMONY WHEREOF, ALBERS PROPERTIES, LP., has caused these presents to be signed by Dean Albers, its General Partner, thereunto authorized and its common seal hereunto affixed this 2nd day of July, 2015.

By: *Dean Albers*
Dean Albers, General Partner

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Dean Albers, General Partner, of ALBERS PROPERTIES, LP known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this 2nd day of July, 2015.

Sandra Reese
Notary Public In and For the State of Texas
My Commission Expires: 3-24-2016

I, Mark L. Sherley, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Mark L. Sherley
Mark L. Sherley
Registered Professional Land Surveyor
Texas Registration No. 5326

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of REPLAT OF LOT 3 CHESTNUT BUSINESS PARK in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this 17th day of July, 2015.

By: *Barbara Tague*
Barbara Tague
Chairman

By: *Darrell Raquemore*
Darrell Raquemore
Vice Chairman

WE, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

By: *George Shackelford*
George Shackelford
City Manager

By: *Lori Lakatos*
Lori Lakatos, P.E.
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this 20th day of July, 2015.

By: *Gretchen Fagan*
Gretchen Fagan
Mayor

By: *Doris Speer*
Doris Speer
City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on 20th day of July, 2015, at 10 o'clock, and duly recorded on 20th day of July, 2015, at 10 o'clock, and under film code number 281-961-0714 of the map records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

**REPLAT OF LOT 3
CHESTNUT BUSINESS PARK
A SUBDIVISION OF A 1.7096 ACRE
TRACT,
74,472.12 SQUARE FEET
BEING A REPLAT OF
LOT 3, BLOCK 1 OF
CHESTNUT BUSINESS PARK
F.C.#628085 H.C.M.R.
AND THE REMAINDER OF A
CALLED 7.5 ACRE TRACT
TO ALBERS PROPERTIES, LP
H.C.C.F. # 20070501339
& 20110213233**

FEBRUARY 2015

1 Blocks	1 Lots	0 Reserves
Owner: Albers Properties LP PO Box 2563 Alpine, Ca, 91903 713-201-7573	Surveyor: FOUR POINTS Surveying 83 Greywing Circle The Woodlands, Texas 77382 281-961-0714	Engineer: DPK Engineering LLC 32719 Windsor Terrace Fulshear, Texas 77441 281-346-2616

Page 1 of 1

REASON FOR REPLAT:
TO COMBINE LOT 3 AND 7.5 ACRE
REMAINDER TO MAKE 1 LOT

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

Discussion and Possible Action regarding Red Light Enforcement Cameras, Class C Misdemeanors, Collections vs. Outstanding Balances, and Possible Collection Program

Background:

City Council had previously requested a survey of municipalities participating in the Scofflaw Program for Red Light Camera enforcement and for Class C Misdemeanor enforcement. The Police Department has surveyed numerous municipalities and the result are provided in an attachment.

Origination:

Chief Billy Tidwell

Recommendation:

N/A

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

Chief Billy Tidwell

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Scofflaw Program Survey

Scofflaw Program Survey

We contacted seven municipalities that currently or previously have used the Scofflaw Program with a list of questions regarding their participation. The following are the results of those interviews.

- **Bastrop** – The city of Bastrop participates in the Scofflaw Program for Red Light Camera enforcement and for Class C Misdemeanor enforcement. They have been in the program for 5 years. They speak positively about their results with Scofflaw and do recommend it. They also participate in the Omni program.
- **Beeville** – Beeville does not have any Red Light Cameras but has previously used the Scofflaw Program for Class C Misdemeanor enforcement. They stated they did not find it to be successful in their situation because of a *disconnect between the City and County warrant systems*.
- **Denton** – Denton participates in Scofflaw for Red Light Camera enforcement but not for Class C Misdemeanors. They have participated in the program for 5 years. They strongly recommend the program and have found it to be very successful in holding violators accountable.
- **Plano** – Plano participates in Scofflaw for Red Light Camera enforcement but not for Class C Misdemeanors. They have been participants for 2 years. They began with 5 million dollars in outstanding fines and this has significantly decreased since the introduction of Scofflaw. They strongly recommend it.
- **Sugarland** – Sugarland has red light cameras but does not have Scofflaw. They have researched it, believe it to be effective and are in the process of implementing Scofflaw for both Red Light Camera enforcement and Class C Misdemeanor enforcement.
- **Lufkin** – Lufkin participates in Scofflaw for Red Light Camera enforcement but not for Class C Misdemeanors. They have been participants for 7 years. They have found Scofflaw to be effective and do recommend it.
- **Magnolia** – Magnolia participates in Scofflaw for Red Light Camera enforcement but not for Class C Misdemeanors. They have been participants for 2 years and do recommend it.

With regard to using a civil process for collection (small claims court) we learned that it is not a practical alternative unless the violator has accumulated several thousand dollars in fines. Otherwise, the cost of collection far exceeds the \$75.00 fine received.

Regular City Council Agenda Item Data Sheet

Meeting Date: July 20, 2015

Topic:

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

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

Background:**Origination:**

City Attorney

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	