

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



MONDAY, MARCH 16, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 16, 2015 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Bob Webb, Rosehill United Methodist Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

accordance with law.]

5.0 Presentations:

- Proclamation – ***“Salem Lutheran School Blue Boys’ Basketball Team Lutheran Middle School State Championship Day”***

6.0 Reports and Announcements

- March 21, 2015 – ***Tomball Honky Tonk Music Festival*** and ***“Texas Two-Step” Washers Tournament***
- March 27-29, 2015 – ***German Heritage Festival at Depot Plaza***
- April 7 and 8, 2015 – ***Shattered Lives Event*** – Concordia Lutheran High School
- April 11, 2015 – ***7th Annual 5K Bunny Run and 1 Mile Kids Walk***
- April 11, 2015 – ***2nd Saturday at the Depot***
- April 12, 2015 – ***“Stroll the Toll”*** – 2:00 p.m. to 4:00 p.m.
- April 19, 2015 – ***“2015 Ride 2 Recovery Texas Challenge” Welcome and Reception*** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – Annual ***Spring Clean-Up and Chipping Week***
- April 25, 2015 – ***Tomball Consolidated Recycling Day*** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – ***Tomball Rotary Annual Fish Fry*** at the Depot
- May 2 and 3, 2015 – ***Rails and Tails Mudbug Festival***, with ***“Roux Run” at Depot Downs*** on Sunday, May 3
- May 9, 2015 – ***2nd Saturday at the Depot***
- May 17, 2015 – ***Lions Club Car Show*** at the Depot
- May 23, 2015 – ***3rd Annual Memorial Day Weekend Chili Challenge***
- ***Walk Tomball!*** – Every Saturday at 9:00 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

7.0 Approve the Minutes of the March 2, 2015 Regular City Council Meeting

8.0 Old Business:

- 8.1 Approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00

9.0 New Business:

- 9.1 Approve Resolution No. 2015-03, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer’s Election Scheduled to be Held on the 9th Day of May, 2015, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and

Providing Details relating to the Cancellation of Such Election
Aprobar la Resolución Nro. 2015-03 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 9 de mayo de 2015 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chấp thuận Nghị Quyết số 2015-03, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 9 tháng Năm, 2015, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chi thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

通過決議案2015-03，取消一般市府官員應於2015年5月9日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情。

- 9.2 Approve Request by the Texas Mead Association for City Co-sponsorship for the 2015 Texas Mead Fest, to be held at the Tomball Depot area on Saturday, September 5, 2015 (Labor Day weekend)
- 9.3 Appoint/Reappoint Regular and Alternate Members to the City of Tomball Board of Adjustments
- 9.4 Approve Change Order #2 for \$266,267.00 Medical Complex Drive, Segment 3, Community Development Project No. 2011-10019, Project Bid No. 2014-04.
- 9.5 Public Hearing regarding the Grant Application for Broussard Community Park and Update on the Grant Application that is due March 31, 2015 and Current Work at the Park
- 9.6 Approval of Resolution No. 2015-04, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Five related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making other Findings Related to the District
- 9.7 Approve Resolution No. 2015-05, a Resolution Authorizing the Establishment of the Public Improvement District Number Five in the City of Tomball, Texas; Authorizing Publication of this Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making other Provisions Related to the Subject
- 9.8 Consideration and Possible Action to Approve a Development Agreement between the City of Tomball and Yaupon Trails LTD LLC, a Texas Limited Liability Company (the Developer), regarding Public Improvement District Number Five (PID 5) in the City of Tomball, Texas.

- 9.9 Receive Presentation by Tomball Sports Association regarding Needs for Tomball Little League Fields, Located in the Wayne Stovall Sports Complex
- 9.10 Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.
- Conduct Public Hearing on **ZONING CASE P14-254**
 - Adopt, on First Reading, Ordinance No. 2015-05, 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 10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of Lizzie Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing For Severability; Providing for A Penalty Of An Amount Not To Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; And Providing for Other Related Matters.
- 9.11 Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P15-009**
 - Adopt, on First Reading, Ordinance No. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4h-1 and 4l-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth 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.
- 9.12 Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

- Conduct Public Hearing on **ZONING CASE P15-020**
- Adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

9.13 Approve the Following Plats as Recommended by the Planning and Zoning Commission:

- **YAUPON TRAILS SEC 1:** A subdivision of 10.9461 acres of Land, being a Replat of Unrestricted Reserve “E”, Final Plat of Leslie’s Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- **PYE ESTATES:** Being a subdivision of a 0.2410 acre tract, in the William Hurd Survey, A-371, Being a replat of Lots 29, 30 and 31 Block 29, Tomball Townsite as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.
- **CJ’S COUNTRY:** A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Maps Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

9.14 Consideration and Possible Authorization regarding the Redemption of Waterworks and Sewer System Revenue Bonds, Series 1999

10.0 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 12th day of March 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: March 16, 2015

Topic:

- Led by Pastor Bob Webb, Rosehill United Methodist Church

Background:

Origination:

Recommendation:

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 Data Sheet

Meeting Date: March 16, 2015

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

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
Data Sheet

Meeting Date: March 16, 2015

Topic:

- Proclamation – *“Salem Lutheran School Blue Boys’ Basketball Team Lutheran Middle School State Championship Day”*

Background:

Origination:

Salem Lutheran School

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:

“Salem Lutheran School Blue Boys’ Basketball Team Lutheran Middle School State Championship Day”

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** the **Salem Lutheran School Blue Boys** basketball team won the Lutheran Middle School State Championship on February 15, 2015, ending their season with a win/loss record of 44 wins and 2 losses; and
- WHEREAS,** following winning the Lutheran Middle School State Championship, the members of **Salem Lutheran's Blue Boys'** basketball team, consisting students Matt Thompson, Michael DeMattia, Jackson Bell, Josiah Niekerk, Bear Faherty, Austin Moore, Bryce Honeck, Cody Hanusch, Sam Denney, and Connor Bedrich, led by Head Coach Bucky Honeck, have been invited to participate in the National Lutheran Basketball Association of America (LBAA) tournament hosted at Valparaiso, Indiana; and
- WHEREAS,** on March 18, 2015, the **Salem Lutheran School Blue Boys** basketball team will travel to the National Lutheran Basketball Association of America (LBAA) tournament, which will be held on March 19, 2015; and
- WHEREAS,** the City Council wishes to congratulate **Salem Lutheran's Blue Boys'** basketball team, Head Coach Bucky Honeck, Assistant Coach Phil Hanusch, Assistant Coach Bill Honeck, the parents, families, and supporters for an outstanding and exciting year;

NOW, THEREFORE, by virtue of the authority vested in me as **Mayor of the City of Tomball**, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim **Wednesday, March 18, 2015** as:

**“SALEM LUTHERAN BLUE BOYS' BASKETBALL LUTHERAN
MIDDLE SCHOOL STATE CHAMPIONS DAY”**



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

ATTEST:

DATE:

[Signature]
Roni Spun
March 16, 2015

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 16, 2015

Topic:

- March 21, 2015 – *Tomball Honky Tonk Music Festival* and "Texas Two-Step" Washers Tournament
- March 27-29, 2015 – **German Heritage Festival at Depot Plaza**
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- April 20-24, 2015 – Annual **Spring Clean-Up and Chipping Week**
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- *Walk Tomball!* – Every Saturday at 9:00 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

Background:

Origination:

Various

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:

Tomball Honky Tonk Music Festival

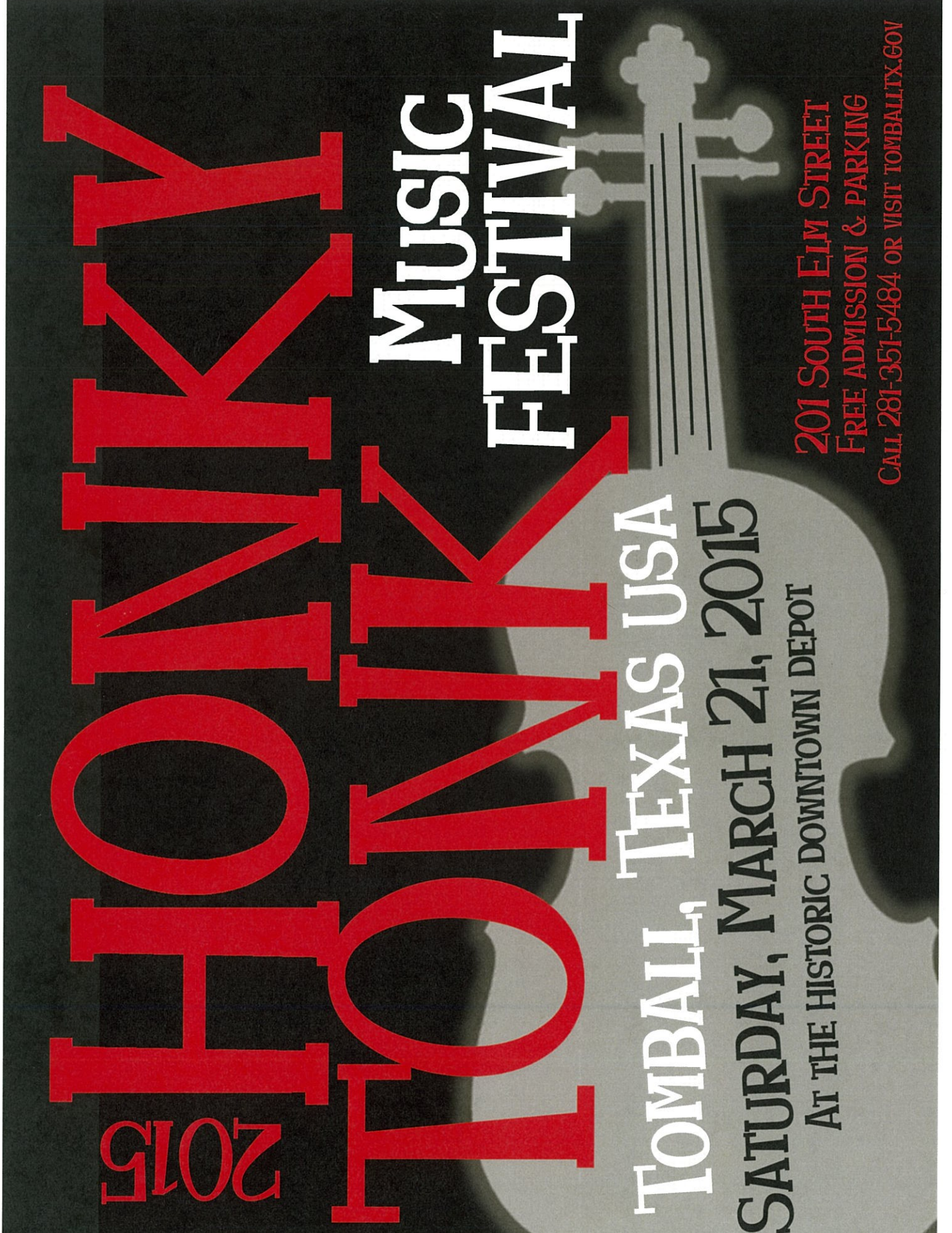
Tomball Honky Tonk Music Festival - "Texas Two-Step" Washers Tournament

7th Annual 5K Bunny Run and 1 Mile Kids Walk

"Stroll the Toll"

Annual Spring Clean-Up and Chipping Week

Tomball Consolidated Recycling Day



2015 HOVK

MUSIC FESTIVAL

TOMBALL, TEXAS USA

SATURDAY, MARCH 21, 2015

AT THE HISTORIC DOWNTOWN DEPOT

201 SOUTH ELM STREET
FREE ADMISSION & PARKING

CALL 281-351-5484 OR VISIT TOMBALLTX.GOV

THE "TOMBALL TWO-STEP" WASHERS TOURNAMENT

SATURDAY, MARCH 21, 2015 AT THE DOWNTOWN DEPOT
A PART OF THE ANNUAL TOMBALL HONKY TONK MUSIC FESTIVAL



PRESENTED BY

CUSTOM
WASHER
BOARDS

- **\$500 IN TOTAL CASH PRIZES**
- **SINGLE ELIMINATION**
- **THREE-HOLE WASHER BOARD**
- **CHECK-IN AND REGISTER AT NOON**
- **TOSSING BEGINS AT 1 PM**

THE HISTORIC DOWNTOWN DEPOT PLAZA IS AT 201 SOUTH ELM STREET, TOMBALL, TEXAS 77375
CALL 281-351-5484 OR VISIT TOMBALLTX.GOV FOR DETAILS. "LIKE" US ON FACEBOOK AT "TOMBALL TEXAN FOR FUN"



City of Tomball Bunny Run

Saturday, April 11, 2015

8:00 A.M. – 5K Run/Walk

9:00A.M. – 1Mile Run/Walk

Historic Tomball Depot

281-351-5484

Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

The Bunny Run 5K and Kid's 1 Mile are the sixth in a series of Fun Runs to bring families, friends and visitors together to see why Tomball is Texan for Fun! ®

The Course

USATF-certified 5K course. flat, major tree-lined streets. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages are ok for 1 MILE WALK ONLY. The 5K race will be professionally managed and utilize timing shoe chips.

Awards

Prizes will be awarded to the top three finishers in each age category for the 5K Run. All kids (10 and under) participating in the 1 mile run/walk will receive a special keepsake. Special "Blinged-out Bunny Ears" contest with prizes so dress it up runners!

Packet Pick-up

April 9th and 10th from 5:00 PM – 7:00 PM at the City "Events" offices - 105 S. Cherry
Race Day Pick-up & Registration: 7:00 AM – 7:30 AM at the Depot (No t-shirt guarantee)

Registration

Register online at www.racesonline.com

Register in person at Tomball City Hall—401 Market Street, Tomball, TX

To mail or fax registrations submit to:

City of Tomball, Attn: Denise Fiore, 401 Market St., Tomball, TX 77375.

Fax 281-351-6256 or Email dfiore@tomballtx.gov .

Event Fees		
Category	On or Before 3/27/2015	After 3/27/2015
5K Run	\$20	\$25
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$15

20% discount on groups of five (5) or more registering at the same time. Discount not available online, and are available only in-person at Tomball City Hall.



Saturday, April 11, 2015
8:00 A.M. – 5K Run/Walk
9:00 A.M. – 1 Mile Run/Walk
Historic Tomball Train Depot

Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Gender: ☐ F ☐ M School: _____

Email Address: _____ Age on day of run: _____

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL ☐ XXXL

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

EVENT FEES	On or before 3/27/15	After 3/27/15
5K Run	\$20.00	\$25.00
1-mile Run/Walk 11 yrs +	\$15.00	\$20.00
1 mile Run/Walk 10 yrs and under	\$10.00	\$15.00

Your privacy will be respected and no information will be shared with third parties.

STROLL THE TOLL

Sunday, April 12th from 2-4pm



Keep on Strollin'
on the new 249 toll road in Tomball!

Jog it. Walk it. Roll on it.

An official, uncertified, free-wheeling, non-vehicular
stroll on Tomball's newest roadway. . . The 249 toll road!

Call 281-351-5484 or visit tomballtx.gov for info

Tomball is Texan for Fun! ®

City of Tomball
Spring Clean up
Week of April 20-25, 2015
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS) ****

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|------------------------------|--------------------------|-----------------------------------|
| • Lumber | • Bricks (small amount) | • Gutter material |
| • Bicycle parts | • Empty buckets or pails | • Cardboard boxes |
| • Plywood (4 cubic yd. max) | • Rocks (small amount) | • Lawn mowers (oil & gas removed) |
| • Rugs/carpet | • Washing machines | • Dishwashers |
| • Siding | • Dryers | |
| • Clothing | • Water heaters | |
| • Box springs and mattresses | • Furniture | |

Not Acceptable:

- | | | |
|----------------------------------|--|--|
| • Tree trimmings | • Insecticides | • Raw meats, food products or byproducts |
| • Limbs or stumps | • Container with unmarked labels holding liquids | • Televisions |
| • Tires | • Sealed containers of any type | • Computers |
| • Engine blocks | • Large amounts of construction or demolition material | • Refrigerators |
| • Structural steel | • Smoke detectors | • AC units |
| • Equipment with oil or gasoline | • Pressurized vessels | • Appliances with Freon or fluids |
| • Fertilizers | • Flammable, combustible or corrosive products | • Paint |
| • Pool chemicals | | |
| • Batteries | | |
| • Oil filters | | |

All appliances must be drained and tagged by a licensed technician.

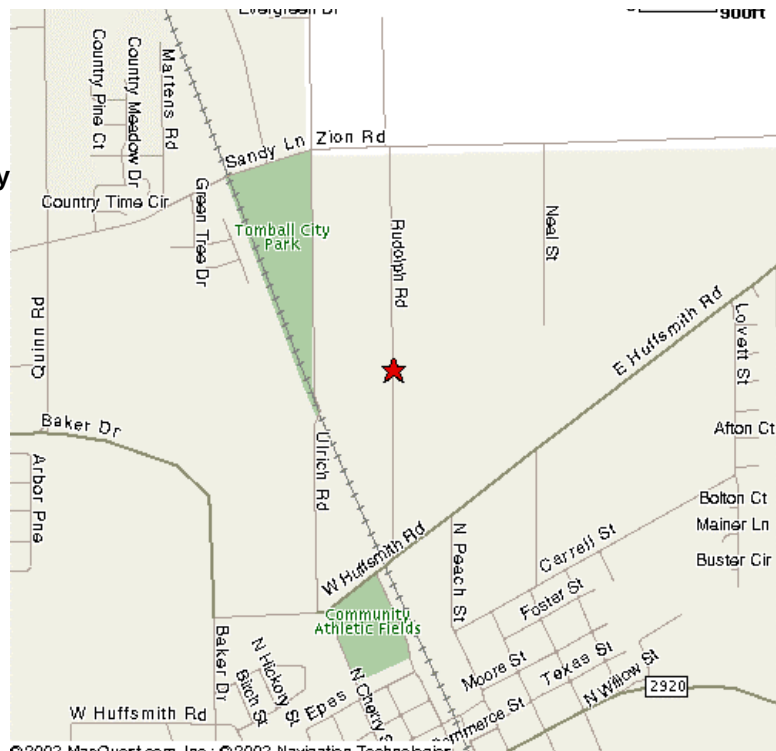
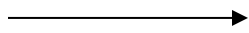
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves, please bag for regular garbage pickup

Map to Tomball landfill site



Tomball Consolidated Recycling Day

Lone Star College –Tomball Campus

30555 Tomball Parkway

South entrance

April 25th Saturday - 10am-2pm

Drive Thru and Drop Off the following APPROVED items:
E-Waste (computers and all accessories, Fax machines, laptop batteries, UPS/Lithium/Ni-Cad Batteries, Small kitchen appliances), Prescription Drugs (pill & liquid), Tires (car/truck/atv), Car Battery (Non-Leaking), Used Motor Oil, Household paper/plastics/glass, Paper Shredding

~~Plastic Bags, Paint, Styrofoam~~

Thanks to our Community Partners and Sponsors!!!



PHOENIX OIL
www.phoenixoil-tx.com



Got Drugs?



"This information is being distributed as a community service. Tomball Independent School District is not a sponsoring organization for this activity."

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Approve the Minutes of the March 2, 2015 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

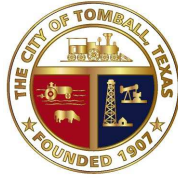
City Secretary

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

ATTACHMENTS:

Draft Minutes - March 2, 2015 Regular City Council Meeting

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



MONDAY, MARCH 2, 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 Stoll
Councilman Townsend
Councilman Klein Quinn
Councilman Hudgens
Councilman Degges

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
Community Events Coordinator – Denise Neef-Fiore
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole
Community Center Director – Rosalie Dillon
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Kevin Pieper, Salem Lutheran Church

3.0 The pledges to U. S. and Texas Flags were led by a member of the Tomball High School Student Council.

4.0 The following public comments were received:

- | | | |
|--|---|---|
| Brianna Lopez
14503 Timbergreen, 77355 | - | Extended an invitation to City Council to attend her Girl Scout Gold Award Project, a Resource Fair, which will be held on April 18, 2015 at Graceview Baptist Church |
| Nancy Newton
30819 Country Meadows
77375 | - | Requested Council consideration on March 16 to expand City Support for the Little League fields, i.e., more fields, additional lighting, additional parking, possibly on the March 16 th agenda. |

5.0 Presentations:

- Mayor Fagan administered the Oath of Office for Lance Wilson, the City's new Assistant Fire Marshal.

6.0 Reports and Announcements:

- March 14, 2015 – **2nd Saturday at the Depot**
- March 21, 2015 – ***Tomball Honky Tonk Music Festival*** and **"Texas Two-Step" Washers Tournament**
- March 27-29, 2015 – **German Heritage Festival at Depot Plaza**
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- April 11, 2015 – ***7th Annual 5K Bunny Run and 1 Mile Kids Walk***
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – ***"Stroll the Toll"*** – 2:00 p.m. to 4:00 p.m.
- April 19, 2015 – ***"2015 Ride 2 Recovery Texas Challenge" Welcome and Reception*** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – **Annual Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- April 27-May 1 and May 4-5, 2015 – Early Voting for May 9, 2015 General City Election
- May 2 and 3, 2015 – ***Rails and Tails Mudbug Festival***, with ***"Roux Run"*** at **Depot Downs** on Sunday, May 3
- May 9, 2015 – General City Election, City Hall – 7:00 a.m.-7:00 p.m.
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – ***3rd Annual Memorial Day Weekend Chili Challenge***
- ***Walk Tomball!*** – Every Saturday at **9:00 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

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the February 16, 2015 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-03, 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 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Commercial District; Said property being generally located at the southwest corner of Lizzie Lane and South Persimmon Street; Providing for the amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Councilman 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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-04, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Commercial Properties within the Old Town Area as defined in the Tomball Comprehensive Plan and including the Properties located West of the BNSF Railroad, South of Fannin Street, East of South Elm Street, and North of Florence Street, Starting at the DSP Boundary in the Southeast corner at the BNSF Railroad and Florence Street Westerly along Florence Street to South Pine Street, Northerly along South Pine Street to Percival Street, Westerly along Percival Street to School Street, Northerly along School Street to Main Street, Westerly along Main Street to Baker Street, Northerly along Baker Street to Hicks Street, Easterly along Hicks Street to North Magnolia Street, Northerly along North Magnolia Street to Unimproved Right-of-Way North of Hicks and Epps Streets, Easterly along Unimproved Right-of-Way North of Hicks and Epps Streets to North Cherry Street, Southerly along North Cherry Street to Epps Street, Easterly along Epps Street to North Elm Street, Southerly along North Elm Street to Main Street, Main Street Southerly along South Elm Street to Unimproved Fannin Street, Easterly along Unimproved Fannin Street to Right-of-Way Adjacent to BNSF Railroad, Southerly along Right-of-

Way adjacent to BNSF Railroad to Florence Street until March 2, 2017; and Providing for Severability. 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>Nay</u>

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve request by Tomball United Methodist Church for City Co-sponsorship and In-Kind Support for a Free Community Easter Egg Hunt at the Tomball Depot on Saturday, April 4, 2015.

Motion carried unanimously.

- 9.2 Mayor Fagan opened the Public Hearing on the Proposed Public Improvement District (PID) Number Five, Yaupon Trails at 6:32 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:33 p.m.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Mayor Gretchen Fagan as the City of Tomball Representative to the 249 Partnership Board of Directors.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve all of the following documents related to the Tomball Business and Technology Park, a Project of the Tomball Economic Development Corporation, and all actions necessary to give them effect, including filing Certificate of Formation with the Texas Secretary of State and filing Declaration of Covenants in the real property records:

- Certificate of Formation of Tomball B&TP Property Owners Association, Inc.
- Bylaws of the Tomball B&TP Property Owners Association, Inc.
- Declaration of Covenants, Restrictions, and Conditions for the Tomball Business and Technology Park

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to approve the following documents related to the Tomball Business and Technology Park, a Project of the Tomball Economic Development Corporation, and all actions necessary to give them effect, including filing Certificate of Formation with the Texas Secretary of

State and filing Declaration of Covenants in the real property records and to request that the TEDC bring the Bylaws back at a later date:

- Certificate of Formation of Tomball B&TP Property Owners Association, Inc.
- Declaration of Covenants, Restrictions, and Conditions for the Tomball Business and Technology Park.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Degges, to approve, as a Project of the Corporation, an Agreement with Dynamed Clinical Research to make Direct Incentives To, or Expenditures For, the Creation or Retention of Primary Jobs associated with the Relocation and Development of Its Corporate Headquarters to be Located at 13406 Medical Complex Drive, Tomball, TX. The Estimated Amount of Expenditures for such Project is \$15,852.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Request from St. Anne Catholic Community to Install a Changeable Electronic Variable Message Sign (CEVMS) Within the Footprint of Their Existing Sign at 1111 South Cherry Street.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve **LARUE's PLACE**: Being a subdivision of 0.16 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and a replat of Lots 43 and 44, in Block 69, of the City of Tomball, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Fire Department Request to Apply for a new FEMA SAFER Grant and Authorize the Mayor to Execute the Required Support Letter to be Included in the Application Package. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.9 A Digital Billboard presentation was given by Lee Vela, Clear Channel Outdoor, with Council Discussion following the presentation regarding Changeable Electronic Variable Message Signs (CEVMS) and Proposed Amendments to the Code of Ordinances.

No action taken.

- 9.10 Robert Hauck and Craig Meyers presented information regarding Licensing Requirements for Mobile Vendors. Loren Smith will research possible amendments to the Code of Ordinance and return with a recommendation for Council consideration.

No action taken.

- 9.11 Council recessed at 7:40 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

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

Upon reconvening in regular session at 8:00 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of March 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00

Background:

The City's Purchasing and Bidding Policy requires that "Purchases of items costing more than \$ 50,000, either individually or in the aggregate, approved during the budget process must still go before the City Council for approval. Council must approve the actual purchase price after all bid/proposal procedures have been followed as well as the vendor to be used.

The City's adopted 2014-2015 budget includes appropriations for the purchase of vehicles from the Vehicle Replacement Fund. At this time, we are in the process of purchasing several of those vehicles under an existing *Buy Board* contract. The *Buy Board* is a state-wide purchasing program where items are bid and vendors are awarded contracts that allow them to sell to cities, school districts, and other governmental agencies. Governmental units are then able to buy directly from those vendors at typically lower prices than would be experienced otherwise.

Caldwell Country Chevrolet is a *Buy Board* vendor and we are currently in the process of purchasing several vehicles from them. A list of the vehicles being purchased, as well as a list of all vehicles scheduled for purchase, is attached for council review and approval.

Origination:

Finance

Recommendation:

Approval to complete purchase.

Funding: Yes

Account Number: Account Number: 650 - Fleet Replacement Fund

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Vehicle Replacement List from FY 2015 Budget

Purchase of Vehicles

CITY OF TOMBALL
2014-2015 ANNUAL BUDGET
FLEET REPLACEMENT FUND
VEHICLES EQUIPMENT SCHEDULE FOR REPLACEMENT

DEPARTMENT	UNIT NO	CURRENT VEHICLE/EQUIPMENT	REPLACEMENT/NEW VEHICLE/EQUIPMENT	REPLACEMENT COST
141-Fire Marshal	504	2009 Chevy Tahoe	2015 Chevy Tahoe-Police Package Vehicle	29,522
154-Street Department	G27	2005 Chevy 1500 Truck	2015 Chevy 2500 Crew Cab Truck	28,784
154-Street Department	GE43	2009 John Deere 4x2 TS Gator	New John Deere 4x2 TS Gato	10,000
154-Street Department	GE31	2005 John Deere Sidewinder	Kubota M108SDSC 4WD Cab Tractor	120,000
154-Street Department	New		Takeuchi TB235R Mini Excavator	39,500
112-Building Inspections	AD11	2007 Chevy 1500 Truck	2015 Chevy 2500 Ext Cab Truck	25,723
121-Police Department	Shop 24	2011 Chevy Tahoe	2015 Chevy Tahoe-Police Package Vehicle	29,522
121-Police Department	Shop 27	2011 Tahoe	2015 Chevy Tahoe-Police Package Vehicle	29,522
121-Police Department	Shop 1	2009 Tahoe	2015 Chevy Tahoe-Civilian Package Vehicle	32,980
121-Police Department	Shop 4	2006 Dodge Charger	2015 Ford Interceptor Sport Utility	26,073
121-Police Department	Shop 33	2010 Crown Vic	2015 Ford Interceptor Sport Utility	26,073
121-Police Department	Shop 36	2010 Crown Vic	2015 Ford Interceptor Sport Utility	26,073
121-Police Department	Shop 14	2006 Ford F150 Truck	2014 Ford F150 Truck 2015 Chevy Van 12-16	24,771
121-Police Department	Shop 21	2001 Chevy Van	passenger with no seats. Insert will be part of upfit for this van.	25,935
121-Police Department	Shop 22	1999 Ford Van	2015 Chevy Van 15 passenge	27,769
				502,247
613-Water	U24	2004 Chevy 1500 Ext Cab Truck	2015 Chevy 2500 Crew Cab Truck w/utility bed	33,595
613-Water	U28	2006 Chevy 2500 Crew Cab	2015 Chevy 2500 Crew Cab Truck w/utility bed	33,595
614-Sewer	UE20	2004 John Deere Excavator 80C	2014 John Deere Track-Hoe	146,000
615-Gas	U26	2004 Chevy 2500 Crew Cab	2015 Chevy 2500 Ext Cab Truck w/utility bed	31,873
				245,063
				747,311

P U R C H A S E O R D E R

CITY OF TOMBALL

PURCHASE ORDER # 0018165

1/08/2015

SHIP TO:

CITY OF TOMBALL PUBLIC WOR
501 JAMES ST.
TOMBALL, TX 77375
STEVE PURVIS

ISSUED TO:

VEND #: 00-117920 REQ #0018165
CALDWELL COUNTRY CHEVROLET
P.O. BOX 27
CALDWELL, TX 77836

UNITS	DESCRIPTION	G/L ACCOUNT		PRICE	AMOUNT
1.00	141-CHEV TAHOE PPV	650-651-6405	Vehicle Equipment	29,297.00	29,297.00
1.00	154-CHEV SILVERADO	650-651-6405	Vehicle Equipment	28,384.00	28,384.00
1.00	112-CHEV SILVERADO	650-651-6405	Vehicle Equipment	24,873.00	24,873.00
1.00	121-CHEV TAHOE	650-651-6405	Vehicle Equipment	29,122.00	29,122.00
1.00	121-CHEV TAHOE	650-651-6405	Vehicle Equipment	29,122.00	29,122.00
1.00	121-CHEV TAHOE	650-651-6405	Vehicle Equipment	32,282.00	32,282.00
1.00	121-FORD SUV PPV	650-651-6405	Vehicle Equipment	24,820.00	24,820.00
1.00	121-FORD SUV PPV	650-651-6405	Vehicle Equipment	24,820.00	24,820.00
1.00	121-FORD SUV PPV	650-651-6405	Vehicle Equipment	24,820.00	24,820.00
1.00	121-CHEV SILVERADO	650-651-6405	Vehicle Equipment	25,435.00	25,435.00
1.00	613-CHEV SILVERADO	650-651-6405	Vehicle Equipment	33,462.00	33,462.00
1.00	613-CHEV SILVERADO	650-651-6405	Vehicle Equipment	33,462.00	33,462.00
1.00	615-CHEV SILVERADO	650-651-6405	Vehicle Equipment	32,720.00	32,720.00
0.00	BUYBOARD FEE	650-651-6405	Vehicle Equipment	0.00	400.00

SUMMARY: BUYBOARD CONTRACT #430-13

UNIT NO. AND DESCRIPTION

504-2015 CHEVROLET TAHOE PPV-DARK BLUE

G27-2015 CHEVROLET 2500HD SILVERADO CREW CAB LWB
WHITEAD11-2015 CHEVROLET 2500HD SILVERADO DOUBLE CAB
8' BED WHITE

SHOP24-2015 CHEVROLET TAHOE PPV BLACK

SHOP27-2015 CHEVROLET TAHOE PPV BLACK

SHOP1-2015 CHEVROLET CIVILIAN TAHOE SILVER

SHOP4-2015 FORD SUV INTERCEPTOR PPV SILVER

SHOP33-2015 FORD SUV INTERCEPTOR PPV BLACK

SHOP36-2015 FORD SUV INTERCEPTOR PPV BLACK

SHOP14-2015 CHEVROLET 1500 SILVERADO CREW CAB LS

** CONTINUED **

P U R C H A S E O R D E R

CITY OF TOMBALL

PURCHASE ORDER # 0018165

1/08/2015

SHIP TO:

CITY OF TOMBALL PUBLIC WOR
501 JAMES ST.
TOMBALL, TX 77375
STEVE PURVIS

ISSUED TO:

VEND #: 00-117920 REQ #0018165
CALDWELL COUNTRY CHEVROLET
P.O. BOX 27
CALDWELL, TX 77836

UNITS	DESCRIPTION	G/L ACCOUNT	PRICE	AMOUNT
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TRIM PACKAGE SILVER

U24-2015 CHEVROLET 2500HD SILVERADO CREW CAB

UTILITY BED WHITE

U28-2015 CHEVROLET 2500HD SILVERADO CREW CAB

UTILITY BED WHITE

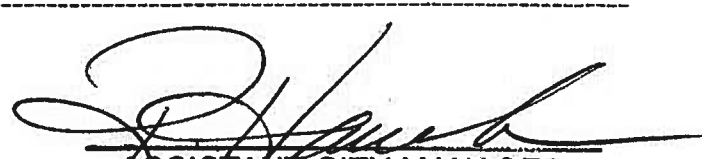
U26-2015 CHEVROLET 2500HD SILVERADO DBL CAB WHITE


FINANCE DIRECTOR

*** TOTAL *** 373,019.00

DERED BY : CANDICE JOYCE

PROVED BY: GLENN WINDSOR


ASSISTANT CITY MANAGER

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Approve Resolution No. 2015-03, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 9th Day of May, 2015, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details relating to the Cancellation of Such Election

Aprobar la Resolución Nro. 2015-03 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 9 de mayo de 2015 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chấp thuận Nghị Quyết số 2015-03, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 9 tháng Năm, 2015, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

通過決議案2015-03，取消一般市府官員應於2015年5月9日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情。

Background:

All filing deadlines have passed and Mark Stoll and Derek Townsend, Sr. are unopposed for the May 9, 2015 Regular City Officer's Election.

Section 2.052, Election Code, requires the City Secretary to deliver the Certification of Unopposed Candidates to City Council and request Council to accept the Certification and declare the election canceled.

Approval of Resolution No. 2015-03 cancels the General election scheduled to be held on May 9, 2015 and includes the Order of Cancellation, attached to the Resolution. A copy of the Order of Cancellation will be posted on Election Day at City Hall, the polling location for all City elections.

The oaths of office and election of Mayor Pro Tem will take place at the May 18, 2015 Council meeting. Candidates elected through cancellation shall be declared elected "in the same manner and at the same time as provided for a candidate elected at the election" (Election Code, Sec. 2.053(c)) and shall take their oaths of office the same as candidates elected at an election.

Origination:

City Secretary

Recommendation:

Approval of Resolution No. 2015-03 and the Order of Cancellation

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:

Certification of Unopposed Candidates

Resolution No. 2015-03 with Order of Cancellation

CERTIFICATION OF UNOPPOSED CANDIDATES
(CERTIFICACIÓN DE CANDIDATOS ÚNICOS)

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 9, 2015.

(Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 9 de mayo de 2015.)

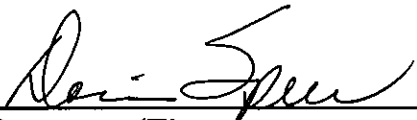
List offices and names of candidates:
(Lista de cargos y nombres de los candidatos:)

Offices (Cargos)

Council Position 2 (Concejal Posición 2)
Council Position 4 (Concejal Posición 4)

Candidates (Candidatos)

Mark Stoll
Derek S. Townsend, Sr.



Signature (Firma)

Doris Speer

Printed Name (Nombre en letra de molde)

City Secretary

Title (Puesto)

March 5, 2015

Date of Signing (Fecha de firma)

(seal) (sello)

RESOLUTION NO. 2015-03

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, CANCELING THE REGULAR CITY OFFICER'S ELECTION SCHEDULED TO BE HELD ON THE 9TH DAY OF MAY, 2015, IN ACCORDANCE WITH SECTION 2.053(a) OF THE TEXAS ELECTION CODE; DIRECTING THE GIVING OF NOTICE OF SUCH CANCELLATION OF ELECTION; AND PROVIDING DETAILS RELATING TO THE CANCELLATION OF SUCH ELECTION

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

Section 1: It is hereby ordered that the Regular Election, scheduled to be held in the City of Tomball on the 9th day of May, 2015, at which election the following officers were to be elected by the qualified voters of the City, is canceled in accordance with Section 2.053(a) of the Texas Election Code.

POSITION:	COUNCIL POSITION 2
	COUNCIL POSITION 4

Section 2: The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Mark Stoll	Council Position 2
Derek S. Townsend, Sr.	Council Position 4

Section 3: A copy of the Order of Cancellation, attached herein and made part of Resolution No. 2015-03, will be posted on Election Day at the following polling place, which would have been used in the election:

POLLING PLACE
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASSED, APPROVED and RESOLVED this 16th day of March, 2015.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2015-03

RESOLUCIÓN DE LA CIUDAD DE TOMBALL, TEXAS, CANCELANDO LA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PROGRAMADA PARA EL DÍA 9 DE MAYO DE 2015 DE ACUERDO CON LA SECCIÓN 2.053(A) DEL CÓDIGO ELECTORAL DE TEXAS; INSTRUYENDO QUE SE DE AVISO DE TAL CANCELACIÓN DE ELECCIÓN; Y PROVEYENDO DETALLES RELATIVOS A LA CANCELACIÓN DE TAL ELECCIÓN

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que la Elección Regular, programada para celebrarse en la Ciudad de Tomball el 9 de mayo de 2015, en la cual los votantes calificados de la Ciudad habrían votado para elegir a los siguientes funcionarios, sea cancelada de acuerdo con la sección 2.053(a) del Código Electoral de Texas.

POSICIÓN:	POSICIÓN 2 EN EL CONSEJO
	POSICIÓN 4 EN EL CONSEJO

Sección 2: Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:

<u>Candidato</u>	<u>Cargo que aspira ocupar</u>
Mark Stoll	Posición 2 del Consejo
Derek S. Townsend, Sr.	Posición 4 del Consejo

Sección 3: Una copia de la Orden de Cancelación, adjunta al presente y hecha parte de la Resolución Nro. 2015-03, será colocada el Día de Elección en el siguiente lugar de votación que se hubiera utilizado en la elección:

LUGAR DE VOTACIÓN
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASADA, APROBADA y RESUELTA este día 16 de marzo de 2015.

Gretchen Fagan, Alcaldesa
City of Tomball

ATESTIGUA:

Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2015-03

MỘT NGHỊ QUYẾT CỦA THÀNH PHỐ TOMBALL, TIỂU BANG TEXAS, HỦY BỎ CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG KỲ DỰ KIẾN SẼ ĐƯỢC TỔ CHỨC VÀO NGÀY 9 THÁNG NĂM, 2015, CHIẾU THEO MỤC 2.053(a) CỦA BỘ LUẬT TUYỂN CỬ TEXAS; CHỈ THỊ VIỆC ĐƯA RA THÔNG BÁO VỀ HỦY BỎ CUỘC BẦU CỬ ĐÓ; VÀ CUNG CẤP THÔNG TIN CHI TIẾT LIÊN QUAN ĐẾN VIỆC HỦY BỎ CUỘC BẦU CỬ ĐÓ.

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT NGHỊ:

Mục 1: Theo đây ra lệnh rằng Cuộc Bầu Cử Thường Kỳ, dự kiến sẽ được tổ chức tại Thành Phố Tomball vào ngày 9 tháng Năm 2015, tại đó cuộc bầu cử các viên chức sau đây đã được lựa chọn bởi các cử tri hội đủ điều kiện của Thành Phố, bị hủy bỏ chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas.

VỊ TRÍ: ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 2
 ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 4

Mục 2: Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đặc cử như sau:

<u>Ứng Cử Viên</u>	<u>Vị Trí Đặc Cử</u>
Mark Stoll	Ủy Viên Hội Đồng Vị Trí 2
Derek S. Townsend, Sr.	Ủy Viên Hội Đồng Vị Trí 4

Mục 3: Một bản sao của Lệnh Hủy Bỏ, được đính kèm theo Nghị Quyết này và trở thành một phần của Nghị Quyết số 2015-03, sẽ được niêm yết vào Ngày Bầu Cử tại địa điểm bỏ phiếu sau đây, mà lẽ ra được sử dụng trong cuộc bầu cử:

ĐỊA ĐIỂM BỎ PHIẾU
Tomball City Hall
401 Market Street
Houston, Texas 77375

ĐƯỢC CHẤP THUẬN VÀ THÔNG QUA hôm nay ngày 16 tháng Ba, 2015.

Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

決議案編號2015-03

—德克薩斯州，TOMBALL市決議案，取消一般市府官員應於2015年5月9日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情

特此由德克薩斯州，TOMBALL市決議:

第1條:

茲此命令計畫在德克薩斯州，TOMBALL市2015年5月9日舉行的選舉，在該選舉應由本市合乎資格選民選出下列官職，根據德克薩斯州選舉法2.053(a)節該選舉已取消。

席位:	委員席位 2
	委員席位 4

第2條: 下列候選人已被證實為無競爭對手當選候選人:

<u>候選人</u>	<u>當選職位</u>
Mark Stoll	委員席位 2
Derek S. Townsend, Sr.	委員席位 4

第3條: 本取消令命令副本，在此附上以及成為決議案編號2015-03的一部分，將於選舉日張貼在在下列可能啟用的投票場所。

投票場所
Tomball市政廳
401 Market Street
Tomball, Texas 77375

在2015年3月16日通過，批准及決議。

Gretchen Fagan市長
Tomball市

此證:

Doris Speer, 市秘書
Tomball市

ORDER OF CANCELLATION
(ORDEN DE CANCELACIÓN)
Đơn đặt hàng của CANCELLATION
取消命令

The City of Tomball, Texas hereby cancels the election scheduled to be held on May 9, 2015 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

(El Ciudad de Tomball por la presente cancela la elección que, de lo contrario se hubiera celebrado el 9 de mayo de 2015 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se halla indicado a continuación:)

[The thành phố Tomball, Texas hướng hủy bỏ cuộc bầu cử dự kiến sẽ được tổ chức vào ngày 9 tháng 5 năm 2015 phù hợp với phần 2.053(a) của luật bầu cử Texas. Các ứng cử viên sau đã chứng nhận là mà và hướng được bầu làm như sau]:

(市Tomball, 得克薩斯特此取消預定的競選舉行2015年5月9日符合第2.053部分(a)得克薩斯競選代碼。以下候選人被證明了作為不受反對和特此被選舉如下):

Candidate (*Candidato*) [Ứng cử viên]

(候選人; 應試者, 攻讀學

位者; 候補者; 求職應徵者)

Mark Stoll

Derek S. Townsend, Sr.

Office Sought (*Cargo al que presenta candidatura*)

[Văn phòng tìm kiếm con dấu]

(被尋找的辦公室)

Council Position 2 (*Concejal Posición 2*)

[hội đồng vị trí 2] (委員會位置2)

Council Position 4 (*Concejal Posición 4*)

[hội đồng vị trí 4] (委員會位置4)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.)

[A bản sao của lệnh này sẽ được đăng trên ngày bầu cử tại mỗi địa điểm phòng phiếu nào đã được sử dụng trong cuộc bầu cử.] (這秩序的拷貝在選舉日將被張貼在用於競選的每個投票所。)

Mayor (*Alcalde*) (*Chữ ký của Thị Trưởng*) (市長簽名)

Secretary (*Secretaria*) [Bí thư] (秘書)

(seal) (*sello*) [con dấu] (封印)

March 16, 2015

Date of Adoption (*Fecha de Adopción*) [ngày nhận con nuôi]

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Approve Request by the Texas Mead Association for City Co-sponsorship for the 2015 Texas Mead Fest, to be held at the Tomball Depot area on Saturday, September 5, 2015 (Labor Day weekend)

Background:

The Texas Mead Association is requesting the use of the Depot and the surrounding area to hold its 2015 Texas Mead Fest, a one-day mead and honey celebration festival, on Saturday, September 5, 2015 (Labor Day weekend) from 12 Noon to 8:00 p.m.

The event will include:

- one (1) 10-ft. x 10-ft. information booth;
- the sale of tasting glasses and tasting tickets (age 21 and over);
- Texas Mead Fest t-shirts and other memorabilia;
- eight (8) 10-ft. x 10-ft. individual Member Meadery tents;
- presentation of awards for the Texas Mead Fest Amateur Homebrew Mead Competition;
- possibly additional tents for individual home-brew clubs or stores;
- farmers' market vendors selling honey- or bee-related crafts and products; and
- two (2) regionally known bands performing during the event.

Admission to the event is free. Tents for exhibitors, vendors and caterers, festival seating and tables, and an area to enjoy the bands will be provided by the Texas Mead Association. The Texas Mead Association is also requesting approval of the following:

1. City barricades on Saturday, September 5, to secure the area attendees;
2. Trash receptacles and trash pickup by three (3) Public Works personnel;
3. Electricity as needed;
4. Two (2) police officers from the Tomball Police Department .

The event will commence at 12:00 noon, with additional parking in the large parking lot after the Farmers Market closes at 1:00 p.m. This event is approximately 8 hours long; the Texas Mead Association anticipates paying approximately \$1,900 for the estimated cost of personnel support from the Public Works and Police Departments and the rental fees for the Depot and Gazebo areas.

The Texas Mead Association's request falls within the scope of the City's Strategic Initiative to focus on building our economy by encouraging events in the downtown area that advance our community and tourism efforts.

Origination:

Mike Baxter

Recommendation:

N/A

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	

ATTACHMENTS:

2015 Texas Mead Fest Proposal/Request

2015 TEXAS MEADFEST A CELEBRATION OF HONEY FESTIVAL LOCATION PROPOSAL

**TO: Mike Baxter, Marketing Director,
City of Tomball, Texas
DATE: 2/3/15**

CONCEPT:

The 2015 Texas Mead Fest, the Texas Mead Association's exciting **one-day mead and honey celebration festival**. The event is proposed here for your consideration to take place at the Railroad Depot, Plaza and Gazebo - located at 201 Elm St in Tomball on Saturday, September 05, 2015 from noon to 8pm.

The Texas Mead Association, a 501C-6 non-profit organization, anticipates utilizing the Tomball Railroad Depot area for the event. The Association is dedicated to promoting Texas Mead (aka Honey Wine) and its member Meaderies within the state of Texas and nationwide.

The Texas Mead Fest is a wine festival promoting mead, the fastest-growing segment of the U.S. alcohol industry. Mead is an ancient beverage that has been gaining popularity over the last several years and is positioned to be the next craft beer. We believe Tomball is the perfect location to introduce Texans to the joys of mead. Hosting the event at the Railroad Depot area would enhance the exposure of both Texas Mead and the City of Tomball.

This will be our fourth annual Texas Mead Fest, and we are looking for a permanent home near a major metropolitan area. We hope that Tomball can be that home

At the event, the Texas Mead Association will have one 10X10 booth for information and sales of the Souvenir Texas Mead Fest tasting glass and eight tasting tickets for \$20. The Association will ensure that each customer is over 21 and attach a wrist band to each paying individual. They will also sell Texas Mead Fest T-Shirts and other memorabilia.

In addition, each of the eight Member Meaderies, will set up a 10X10 booth for sales of their own products. Tasting tickets can be exchanged at any of the members'booths for a 1-ounce Mead

tasting. The individual wineries will also sell their products directly to the public and will each have their own TABC permits to do so. Each member is a TABC-licensed winery and will be responsible for IDs and all other TABC rules regarding public sales and consumption. Chairs and tables will be set up for the public to relax and enjoy the festivities and the exciting new world of Texas Mead.

One of the highlights of the Texas Mead Fest is the presentation of awards for the coveted Texas Mead Fest Amateur Homebrew Mead Competition. The Texas Mead Fest boasts the only Mead-only Amateur Competition in Texas. Entries are received from throughout the state and the nation. Medals are given out for First, Second and Third place in each category. Judging will take place earlier on in the week at a nearby Meadery by certified BJCP judges. There are over 30 home-brew clubs in Texas, and 10 of those are in the Houston area. We will be canvassing those clubs to get their members to enter our contest. We will also be inviting Home-Brew Clubs to have a tent at the festival. There are also six major home-brew stores in the Houston area. We will be promoting our event at these stores as well as having them as drop off locations for contest entries. We will also be inviting these stores to have tents at Texas Mead Fest. A large population of craft beer fans are also Mead fans, so we would promote Texas Mead Fest at all the local craft beer venues.

Texas Mead Fest is also a celebration of all things Honey. We will invite all craft and farmer's market vendors who sell or make anything related to honey or bees. For example raw honey, candles, soap, flowers, etc. The Texas Mead Association would decide whether a vendor is suitable for our festival. Vendors will be considered on a case by case basis.

Texas Mead Fest will have at least two regionally known bands performing during the festivities. The bands will be selected based on their following and their suitability to the tasting and enjoyment of Mead.

OBJECTIVES:

- Create and professionally manage a unique and memorable Mead and music festival experience.
- Create a unique event identified with "Texas Mead Fest in Tomball, TX".
- Establish operational capacity worthy of a world-class festival.
- Enhance positive marketing exposure to Tomball.
- Ensure protection of event location, maintain superior crowd and traffic control, ensure safety for everyone onsite.

- Maintain good government and community relations, obeying laws and using ethical business practices.

EVENT FORMAT/ TICKETS:

There will be no charge for admission, everyone is welcome to enjoy the bands and booths at the Texas Mead Fest. There will be "Taste" tickets available for \$20. No fee will be charged to the public for the performing bands.

Setup will begin on Saturday, September 5th at 10 a.m. and clean-up and take down will commence directly following the close of Texas Mead Fest at 8 p.m.

- ◆ There is no possibility of the event being cancelled, except in the case of a national disaster.

This is a RAIN OR SHINE event.

- ◆ All independent contractors will carry their own worker's compensation, and The Texas Mead Association will also secure event insurance. All Meaderies will also carry alcohol liability insurance.

THE PROPOSED FESTIVAL SITE LAYOUT:

We intend to place:

- Tents for festival exhibitors/vendors and caterers.
- Festival seating and tables.
- Area for concerts and/or dance groups.

VENDORS:

The Texas Mead Association proposes a robust Vendor Village with dozens of quality foods and non-food vendors featuring interesting arts and crafts related to honey or bees from all over Texas. All food/ beverage vendors will be required to be compliant with all Food & Health Regulations and be an operating food business to be eligible for vending.

The festival needs to vend Mead/wine to offset costs and intends to use an ID wristband system to ensure there is no underage drinking.

FUTURE:

The Texas Mead Association will build a successful business model offering an historic Festival at a great value. Our goal is to contribute to the community of Tomball where our festival resides; increasing tourism, providing additional tax revenues and bringing worldwide identity through a quality, safe and fun Mead and Honey festival!

We look forward to the chance to hold the 2015 Texas Mead Fest at The Railroad Depot and look forward to the possibility of a long-lasting and mutually beneficial relationship with the City of Tomball.

As we have to secure a location fairly quickly in order to book artists and secure dates, we respectfully request a rapid decision. Please contact me personally for further explanations. I am available for meetings immediately.

Yours Sincerely,

Bruce Leslie

VP, Texas Mead Association.

bleslie@griffinbeverages.com

310-658-3454

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Appoint/Reappoint Regular and Alternate Members to the City of Tomball Board of Adjustments

Background:

The Board of Adjustments (BOA) consists of five (5) regular member positions and as many as four (4) alternate member positions with staggered two-year terms.

Regular Member Positions 1, 3 and 5, held by Jarmon Wolfe, Billy Hemby, and Brett Tynes, respectively, expired March 2, 2015. Alternate Member Position 2, held by Rocky Pilgrim, also expired March 2, 2015; Alternate Member Position 4 remains vacant. Each of the current members has requested reappointment.

I would like to recommend reappointment of the current members in their respective positions. The Board of Adjustments meets on an as-needed basis and the current board members have continued to serve the City well. I would also like to recommend the appointment of Robert Maxwell to Alternate Member Position 4.

Applications for each member and interested citizens not currently serving on a regularly-scheduled City of Tomball board are attached. City Council may make additional nominations from current applications on file as desired.

Origination:

Mayor Gretchen Fagan

Recommendation:

As recommended by Mayor Fagan, shown above.

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

City Secretary

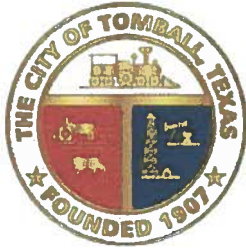
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Jarmon Wolfe Application

Billy Hemby Application

Brett Tynes Application
Rocky Pilgrim Application
Robert Maxwell Application
Cary Raspberry Application
Attendance List - 2012-2015



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2013 will expire in 2015.

Please Type or Print Clearly:

Date: 12/5/13

Name: Jarmon Wolfe

Phone: 281-351-9590

Address: _____

(Home)

Phone: 281-220-3575

City/State/Zip Tomball, TX. 77375

(Work)

Cell: _____

Email: jarcarwolfe@comcast.net

I have lived in Tomball 12 years.

I am X am not ____ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Care Coordinator, C3 Healthcare Partners

Professional and/or Community Activities: DTAC, Alternate Member BOA

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (1) Planning & Zoning Commission
- (2) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- () Tomball Economic Development Corporation

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

- () Tomball Regional Health Foundation

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

- (3) Downtown Tomball Advisory Committee
- DTAC does not require Tomball residency

Meeting Information

As called

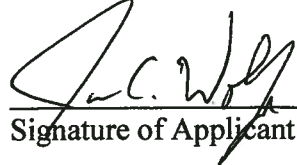
Non-profit Corporation Boards

- () Tomball Legacy Fund, Inc.
- Position 7, Tomball Legacy Fund, does not require Tomball residency

Meeting Information

As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

**Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.**

☒ I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

☒ home telephone number

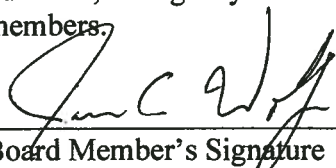
☒ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

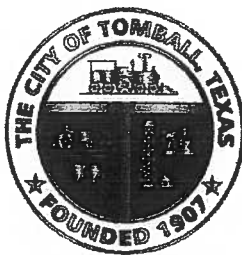
___ information that reveals whether I have family members.

☐ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.


Board Member's Signature

12/5/13
Date

Jarmon Wolfe
Board Member's Printed Name



CITY OF TOMBALL

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Please Type of Print Clearly:

Date: 3-30-11

Name: Billy Armbry

Phone: _____

Address: _____

Phone: 713-862-6364 (Home)

City/State/Zip Tomball, TX 77375

Phone: _____ (Work)

Email: _____

Cell: _____

I have lived in Tomball 34 years. I am ✓ am not _____ a U.S. Citizen

Occupation: Vice President - Highland Distributions

Professional and/or Community Activities: Northstar HOA Board / HBS&R / Montgomery County Rodeo

Additional Pertinent Information/References: Mary Regan / Bill Webb / Bruce Hillegeist / John Escamilla / Mike Rowley / Danny Hitchcock / Sandy Krug

REC'D

APR 01 2011

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

() Planning & Zoning Commission

☒ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

() Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

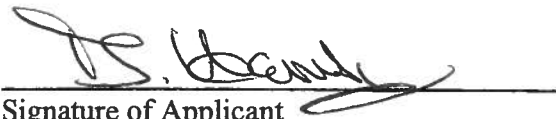
Ad Hoc/Advisory Committees

() Downtown Tomball Advisory Committee

Meeting Information

As called

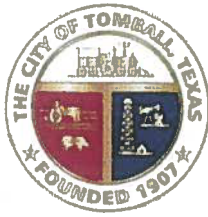
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



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Please Type of Print Clearly:

Date: 1-29-2010

Name: Brett Tynes

Phone:

Address: _____

Phone: (281) 516-3870 (Home)
(Work)

City/State/Zip: Tomball, TX 77375

Email: btynes@hiddenvul.com

I have lived in Tomball 12+ years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Investment Manager / Business Owner

Professional and/or Community Activities: Tomball Chamber of Commerce
TISO Re-Alignment Committee, City of Tomball - Board of Adjustments,
Accredited Asset Mgmt Specialist (AAMS), Securities Registrations (7, 63, 66, 8)

Additional Pertinent Information/References: Kean Register - Former City Mgr - Bray TX
Mark Youngjohn - Former CDBG Grant Coord - City of C.S., Dennis
& David Luback - 835 Baker, Preston Addison - Baker Dr - P & Z Commission

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Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

(1) (✓) Board of Adjustments *Currently serving 2yr term*

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

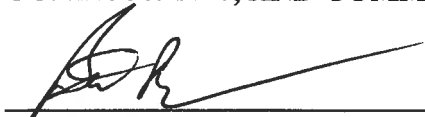
() Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(2) (✓) [?] Tomball Hospital Board *- Possibly Interested
Serving here if needed - Need more info.*

Fourth Wednesday each month, 4 p.m.

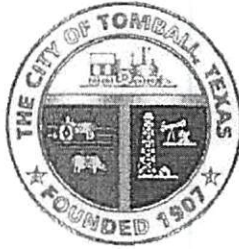
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 06 May 12 5 Dec 13

Name: Rocky LeAnn Pilgrim

Phone: n/a

Address: 211 Commerce St.

(Home)

Phone:

(Work)

City/State/Zip Tomball, TX 77375

Cell:

Email: _____

I have lived in Tomball 7 years.

I am ☒ am ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Attorney

Professional and/or Community Activities: Active volunteer with Houston Volunteer Lawyers Program; volunteer at SIRE in Hockley (therapeutic riding program for disabled children and adults); adjunct professor for UHD criminal justice program;

volunteer for HLSP Speakers Committee and Special Attractions;
CASA volunteer

Additional Pertinent Information/References: Vitae attached.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- () Planning & Zoning Commission
(4) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (3) Tomball Economic Development Corporation

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

- () Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

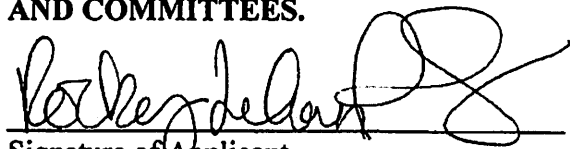
Ad Hoc/Advisory Committees

- (2) Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

ROCKY LEANN PILGRIM PILGRIM LAW OFFICE, P.C.

PRINCIPAL OFFICE:

211 COMMERCE ST.
TOMBALL, TEXAS 77377
281-516-7054 (TEL)
815-642-8745 (FAX)

SATELLITE OFFICE:

202 TRAVIS, STE 205
HOUSTON, TEXAS 77002
rocky@pilgrimlaw.com

CURRICULUM VITAE

ADMISSIONS AND CERTIFICATIONS:

State Bar of Texas

November 2003

EDUCATIONAL BACKGROUND:

Boston College Law School
Juris Doctor

Newton, MA
Aug. 2000 - May 2003

University of Texas – Pan American
Bachelor of Arts, cum laude (Philosophy, English, Pol. Science)

Edinburg, TX
Sept. 1995 - Aug. 1999

Mediation Training (A.A. White Dispute Resolution Center)

April 2007

PROFESSIONAL EXPERIENCE:

Pilgrim Law Office, P.C.
Solo Practitioner

Tomball, TX
Nov. 2003 - present

University of Houston – Downtown
Adjunct Professor (legal courses in criminal justice dept.)

Houston, TX
Jan. 2004 – May 2013

PROFESSIONAL ASSOCIATIONS/ACTIVITIES:

State Bar of Texas (Family Section)

Houston Bar Association (Family Section)

Association of Family and Conciliation Courts (Texas Chapter)

State Bar of Texas Pro Bono College

Phi Kappa Phi (honor society)

Gamma Beta Phi (honor/service society)

VOLUNTEER/COMMUNITY OUTREACH

Houston Volunteer Lawyers Association (Equal Access Champion as volunteer lawyer)
Child Advocates, Inc. (volunteer as guardian ad litem and special events)
Houston Bar Association – Speaker’s Bureau Committee
SIRE-Houston’s Therapeutic Equestrian Center (Board of Directors, volunteer)
Houston Livestock Show and Rodeo (Speaker’s Committee, Special Attractions)
City of Tomball, Board of Adjustments (alternate)

PUBLICATIONS:

Jon Sorensen & Rocky Pilgrim, *DEATH BY LETHAL INJECTION: CAPITAL PUNISHMENT IN TEXAS DURING THE MODERN ERA* (University of Texas Press) (2006).

Jon Sorensen, Don Wallace & Rocky Pilgrim, *Empirical Studies on Race and Death-Sentencing: A Decade After the GAO Report*, 37 CRIM. LAW BULLETIN 395 (2001).

Jon Sorensen & Rocky Pilgrim, *An Actuarial Risk Assessment of Violence Posed by Capital Murder Defendants*, 90 J. CRIM. LAW & CRIM. 1251 (2000).

PRESENTATIONS:

Measuring Capriciousness in Capital Punishment Systems, with J. Sorensen. Paper presented at SWACJ 2004, Houston.

What We Know about Capital Punishment: How Recent Empirical Evidence from Texas Challenges Criminological Wisdom, with J. Sorensen. Paper presented at ASC 2003, Denver.

Identifying Death Penalty Cases that Represent the “Worst of the Worst”, with J. Sorensen. Paper presented at ACJS 2003, Boston.

How Jurors Think About “Dangerousness”, with J. Sorensen. Paper presented at the conference, “The Law and Politics and the Death Penalty: Abolition, Moratorium or Reform?,” sponsored by the Wayne Morse Center for Law and Politics, University of Oregon, Eugene, March 2002.

Predicting Prison Violence: A Comparison of Logistic Regression-Based and Proportional Hazard Models, with J. Sorensen. Paper presented at ACJS 2000, New Orleans.

Jury Deliberations Relating to Future Dangerousness, with J. Sorensen. Paper presented at ASC 1999, Toronto.

Assessing the Risk of Future Dangerousness Posed by Capital Defendants, with J. Sorensen. Paper presented at ACJS 1999, Orlando.



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly: _____ Date: July 14, 2014

Name: Robert A. Maxwell, P.E. _____ Phone: (832)761-5042

Address: _____ Phone: (281) 363-4039 (Home)

City/State/Zip Tomball, Texas 77375 _____ Cell: _____ (Work)

Email: RMaxwell@jonescarter.com _____

I have lived in Tomball 10 months ~~years~~. I am X am not ____ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Professional Engineer - Civil

Professional and/or Community Activities: See attached Resume

Additional Pertinent Information/References: [See attached Resume](#)

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (3) Planning & Zoning Commission
(2) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (1) Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee
[DTAC does not require Tomball residency](#)

Meeting Information

As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

ROBERT A. MAXWELL, P.E.

Tomball, Texas 77375
Cell

Mr. Maxwell's Professional Engineering experience includes the performance of program management, feasibility studies, schematic planning, long range planning, preliminary engineering, final design, construction administration, and construction management for public works and infrastructure. He has provided professional engineering and construction services to TxDOT, Harris County Toll Road Authority, Freight Railroads, Montgomery County, City of Houston, City of Pasadena, Harris County and other numerous other governmental agencies.

EDUCATION

Bachelor of Science Technology
Construction Management, University of Houston

PROFESSIONAL REGISTRATIONS

Licensed Professional Engineer, Texas

EMPLOYMENT HISTORY

Jones & Carter, Inc., The Woodlands, Texas

Vice President Transportation – Responsible for the Operations, Business Development and Recruiting for the firmwide Transportation Business Unit.

CH2M Hill, Houston, Texas, March 2013 to December 2013

Mr. Maxwell served as the Deputy Program Manager for the General Engineering Consultancy Program for Grand Parkway (SH 99) Segments F-1, F-2 and G across Harris and Montgomery Counties. The total value of the program is \$1.043 Billion. Mr. Maxwell's team provided public information, design and construction oversight. The Developer is responsible for the Design-Build Contract including the construction of 38 miles of new location toll road with major interchanges at US 290, SH 249, I-45, Hardy Toll Road, and US 59.

Jacobs Engineering Group Inc., Houston, Texas, July 2011 to March 2013

Program Manager – Primary responsibility was Business Development within the greater Houston region. Also served as Program Manager for the Lone Star Rail District Commuter Rail System in Austin and San Antonio and Project Manager for multiple TxDOT contracts for TxDOT Houston District.

Jones & Carter, Inc., The Woodlands, Texas – 2007 to 2011

Practice Leader, Transportation – Responsible for creating the transportation division's strategic plan; securing new projects; developing new client relationships; coaching and mentoring staff; and enhancing revenue by improving best practices for contracting, invoicing and accounts payable.

HNTB Corporation, Houston, Texas – 1991 to May 2007

Developed Client Service Plan for City of Houston identifying strategies and defining goals and objectives in a clear and concise manner. Elements of the plan included assigning responsibilities for client service team members, setting time-bound measurable objectives and leading quarterly team meetings. This focused client service approach resulted in winning projects from Public Works & Engineering four consecutive years. Additional responsibilities included facilitating business development training for the Department Managers and Senior Staff in order to meet primary growth objectives for the HNTB Houston office.

Project Manager for several public agencies including TxDOT, Harris County Toll Road Authority, City of Houston, Houston Belt & Terminal Railroad, Texas Turnpike Authority, and Montgomery County. Duties also included the coaching and mentoring of junior staff.

COMMUNITY SERVICE

Board Member, Leadership North Houston (2012 to present)
Chairman, Leadership North Houston, Board of Directors (2011 to 2012)
Chairman, Finance Committee, Klein United Methodist Church (2010 to 2012)
Chairman, North Houston Association Transportation Committee (2005 to 2010)
Chairman, Board of Trustees, Klein United Methodist Church (2006 – 2008)
Member, GTACC Governmental Affairs Committee
Member, GTACC Mobility Committee
Member, North Houston Association Transportation Committee
Member, American Consulting Engineering Companies Houston
Member, State Highway 36A Coalition
Vice Chair, Transportation Advocacy for Houston Local Options Funding Committee
Youth Sponsor, Klein United Methodist Church, UMARMY Camps
Scoutmaster Emeritus, BSA Troop 878

LEADERSHIP DEVELOPMENT

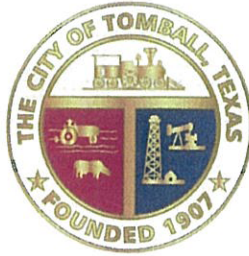
Relationship Based Sales - Jacobs
Leadership North Houston, Class 16, 2010-2011
Texas Council of Engineering Companies, Leadership Class of 2009
Practice Building – HNTB
Contracts and Negotiations – HNTB
Pre-Selection Process - HNTB
Understanding Client Needs – HNTB
Coaching and Mentoring – HNTB
Effective Interviewing – HNTB
Young Professional Career Development – HNTB
Project Work Planning – HNTB
Project Management Principles, Tools, and Process – HNTB

AWARDS

North Houston Association, 2010 Compass Award
Scoutmaster Award of Merit, 2009
Texas Public Works Association 2006 Public Works Project of the Year

PERSONAL

DOB: November 17, 1960
Married for 28 years to Sharon Maxwell
Two adult children
Enjoy camping, golf and photography
Republican



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 7/7/14

Name: Cary E. Rasberry

Phone: _____
(Home)

Address: _____

Phone: _____

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 15 years. non-consecutive I am ☒ am not ___ a U.S. Citizen
NOTE: DTAC Board does not require Tomball residency

Occupation: Psychologist, Marketing Consultant, Notary Public
Part-time Minister to Church of Christ
Previous School Teacher and Certified Pharmacy Technician

Professional and/or Community Activities: Tomball Little League Board Member
Previous VP of Tomball Parks & Rec Board
VP of Decker Prairie Cemetery Association
Local business Rep to Chamber of Commerce

Additional Pertinent Information/References: Bruce Hillegeist, Pete Gloyer.
MA in Counseling Psychology; PhD Intern in Health Psychology & Behavioral Medicine
Married, 2 sons and from Tomball

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☒ Board of Adjustments

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☒ Tomball Hospital Board

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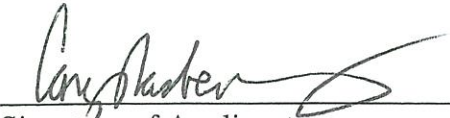
Ad Hoc/Advisory Committees

☒ Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

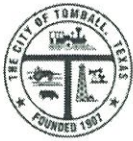
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.



I **DO** elect public access to my: (please indicate items you would like available, if any)

~~home address~~

~~home telephone number~~

✓ personal email address

✓ cell or pager numbers not paid for by the City

~~emergency contact information~~

✓ information that reveals whether I have family members.



I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Board Member's Signature

Date

Board Member's Printed Name

Board of Adjustments 2012-15 Member Attendance

April 12, 2012 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – **Excused Absence**
April Gray (Alternate) – Present

August 9, 2012 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – **Resigned effective 7/30/12**
John Lynch – **Excused Absence**
Billy Hemby (Alternate) – Present
Jarmon Wolfe (Alternate) – Present

September 13, 2012 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – **Excused Absence**
April Gray – (Alternate) – Present

October 11, 2012 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – **Excused Absence**
April Gray – (Alternate) – Present
Christine Roquemoire – (Alternate) – Present

December 13, 2012 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe – (Alternate) – Present

3/9/2015

January 24, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe – (Alternate) – Present
Christine Roquemore (Alternate) – Present

March 14, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – [Excused Absence](#)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – [Excused Absence](#)
Jarmon Wolfe – Present
Christine Roquemore – Present

June 13, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present (Arrived late, Board Member Wolfe sat in place)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe (Alternate) – Present

July 11, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present (Arrived late, Board Member Board Member Pilgrim sat in place)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – [Absent](#)
Christine Roquemore (Alternate) – Present
Rocky Pilgrim (Alternate) – Present
Jarmon Wolfe (Alternate) – Present (In audience, did not participate)

November 14, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – [Excused Absence](#)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe (Alternate) – Present

December 12, 2013 – 6:30 p.m.:

John Ford – Present
Tana Ross – [Excused Absence](#)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – [Excused Absence](#)
Jarmon Wolfe (Alternate) – Present
Christine Roquemore (Alternate) – Present

January 9, 2014 – 6:30 p.m.:

John Ford – Present
Brett Tynes – Present
Billy Hemby – [Excused Absence](#)
John Lynch – Present
Jarmon Wolfe (Alternate) – Present
April Gray (Alternate) – Present
Christine Roquemore (Alternate) – Present (In audience, did not participate)

April 10, 2014 – 6:30 p.m.:

John Ford – Present
Brett Tynes – Present
Billy Hemby – [Excused Absence](#)
John Lynch – [Excused Absence](#)
Jarmon Wolfe – Present
April Gray (Alternate) – Present
Christine Roquemore (Alternate) – Present

July 17, 2014 – 6:30 p.m.:

John Ford – Present
Billy Hemby – Present
April Gray – Present
Brett Tynes – Present
Jarmon Wolfe – [Excused Absence](#)

August 14, 2014 – 6:00 p.m.:

John Ford – Present
Billy Hemby – Present
April Gray – Present
Brett Tynes – Present
Jarmon Wolfe – Present

September 11, 2014 – 6:00 p.m.:

John Ford – Present
Billy Hemby – Present
April Gray – [Excused Absence](#)
Brett Tynes – Present
Jarmon Wolfe – Present

3/9/2015

October 9, 2014 – 6:00 p.m.:

John Ford – Present
Billy Hemby – Present
April Gray – [Excused Absence](#)
Brett Tynes – Present
Jarmon Wolfe – Present
Christine Roquemoire (Alternate) – Present

November 13, 2014 – 6:00 p.m.:

John Ford – Present
Brett Tynes – Present
Billy Hemby – Present
Jarmon Wolfe – Present
April Gray – Present

January 8, 2015 – 6:00 p.m.:

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Christine Roquemoire (Alternate)

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Approve Change Order #2 for \$266,267.00 Medical Complex Drive, Segment 3, Community Development Project No. 2011-10019, Project Bid No. 2014-04.

Background:

As part of the Medical Complex Drive, Segment 3, expansion a segment of M121 West is being constructed. To help facilitate this segment being constructed and with on-going drainage issues, Hassell Construction has proposed a change order for \$266,267.00 to meet final grades for the segment of M121 West from Medical Complex to Theis. This will include the backslope interceptors to help with overland flow.

Origination:

Community Development

Recommendation:

Engineering recommends approval

Funding: Yes

Account Number: 400-154-6409

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

Engineering Division

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

ATTACHMENTS:

Change Order #2

March 10, 2015

Ms. Lori Lakatos, PE, CFM
City Engineer
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Medical Complex Drive Expansion, Segment 3
Change Order No. 2
City of Tomball E&P CIP No. 2011-10019

Dear Ms. Lakatos:

The second change order for the Medical Complex Drive Expansion, segment 3 project is attached for your approval. CobbFendley has reviewed the contractor, Hassell Construction Co., Inc., proposed changes in quantity, time, and the costs associated with this change order. We recommend increasing the contract price by \$266,267.00, and increasing the contract time by 43 days to accomplish the proposed work.

If you have any questions or require additional information, I can be contacted at (713) 462-3242.

Sincerely,

COBB, FENDLEY & ASSOCIATES, INC.



Mahmoud Salehi, PE
Principal

Enclosure

Document 00941

CHANGE ORDER / C.O. No. 2

PROJECT: Medical Complex Drive Expansion, Segment 3
CONTRACT No.: 2011-10019 PROJECT No.: 2014-04

TO: Hassell Construction Co., Inc.
Contractor and 16111 Hollister St.
Address for Written Notice Houston, Texas 77066

REFERENCE RFIs/RFPs: _____

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

AMOUNT

TIME

ITEM 1 SCOPE: Additional Excavation for M121-00-00W \$266,267.00 43 Days
JUSTIFICATION: Cost for excavation, backslope interceptor
structures, and seeding/sodding. See attached
estimate.

TOTALS: \$266,267.00 43 Days

00941-1
02-01-08

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

Mahmoud Salehi EX. U.P.
Contractor Signature and Title

2/13/15
Date

1.03 ACCEPTANCE BY THE CITY

Project Manager Date

Director Date

[Intermediate Authority, if needed] Date

Mayor Date

[Intermediate Authority, if needed] Date

City Engineer Date

END OF DOCUMENT

cc: Mahmoud Salehi, P.E.

00941-2
02-01-08

EXECUTIVE SUMMARY

C.O. No. 2_____ Contract No.: 2011-10019 Proj. No.: 2014-04

1.01	CONTRACT PRICE SUMMARY	DOLLAR AMOUNT	PERCENT
A.	Original Contract Price	\$5,879,967.05	100.00%
B.	Previous Change Orders	(\$42,954.26)	-0.73%
C.	This Change Order	\$266,267.00	4.53%
D.	Contract Price	\$6,103,279.79	103.80%

Date of Commencement of the Work: Wednesday, April 16, 2014

1.02	CONTRACT TIME SUMMARY	DURATION	COMPLETION DATE
A.	Original Contract Time	365 Days	Wednesday, April 15, 2015
B.	Previous Change Orders	0 Days	Wednesday, April 15, 2015
C.	This Change Order	43 Days	
D.	Contract Time	408 Days	Thursday, May 28, 2015

- 1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK
 A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

CHANGE ORDER No.	AMOUNT ADDED	PERCENT OF ORIGINAL CONTRACT PRICE
1	(\$42,954.26)	-0.73%
2	\$266,267.00	4.53%
TOTALS	\$223,312.74	3.80%

END OF SUMMARY

INSTRUCTIONS

PURPOSE: Change Orders are used to affect Modifications to the Contract. Prior to final payment, previously approved Work Change Directives can be combined into a summary Change Order to reconcile project cost accounting. When signed and dated by Contractor and City Engineer, document becomes an approved Change Order.

APPLICATION: This form is applicable to agreed on Modifications to the Contract including, but not limited to the following:

- ☐ Additions or reductions (including deletions) of existing bid item quantities.
- ☐ Increases or decreases in construction Contract Time.
- ☐ Change in methods, material, etc., not covered by existing bid item quantities.
- ☐ New work not covered by existing bid item quantities.
- ☐ Price or schedule consideration for conditions not indicated by the Contract.

INSTRUCTIONS: Project Manager or Design Consultant prepares this form. The Executive Summary is for use by the City in analyzing the Change Order but is not a part of the Change Order. This form has two MS Excel tables imbedded in the MS Word document (Paragraphs 1.01 and 1.02 in the Executive Summary). Double click on any cell in these tables to make entries in spreadsheet mode. Click anywhere outside the spreadsheet to return to wordprocessing mode. Other tables in the Change Order and Executive Summary are MS Word tables, not imbedded Excel spreadsheets. Red colored text and numerals represent input fields. Black text and numerals are in cells with formulas or fixed text. Do not make entries in these cells. Following instructions correspond to blanks requiring input and paragraph numbers on form. Paragraph 1.02 of the Change Order form is completed by Contractor. All other items are completed by the City or Design Consultant. Paragraph 1.03 of the Change Order form is completed by administrative and approving authorities. Contractor shall provide all backup material to justify the costs of items enumerated in Paragraph 1.01 of the Change Order form.

CHANGE ORDER FORM:

1. Insert Change Order number and Contract number for the Project at the top of each page, following page one, if the Change Order must be longer than one page.
2. Insert Project name exactly as stated in the Agreement.
3. Insert Project number and other identifying numbers (e.g. CIP, Proj. No., AIP, File No.) for the Project.
4. Insert name of Contractor performing the Work and Contractor's address for notices. Address should be as shown in the Agreement unless changed by proper notice.
5. Insert applicable references to related RFIs and RFPs.
6. Paragraph 1.01: Insert brief descriptions of the changes, including reference to applicable Work Change Directives. Give justification to support change, cost of making change, and adjustment in Contract Time warranted by change. If more than one item is included, number each item. Extend the table to additional pages if necessary. Formulas are imbedded for totals but check the math when extending the table length.
7. Paragraph 1.02: Project Manager signs and dates and has other administrative authorities or representatives sign and date where indicated. Project Manager will substitute actual titles of these persons where red bracketed instructions are shown. Mayor's and Contracting Department Director's signature (and date) are only needed when the Change Order must go to City Council for funding prior to approval. City Engineer for Contracting Department (should be the same person designated in the Agreement) will only sign and date Paragraph 1.03 when funds are approved and in place for payment of additional work. City Engineer's signature and date signify approval of Change Order and is the only authorized approval authority of the City according to Document 00700 – General Conditions.
8. Insert appropriate list of "copy to" persons and file. Delete brackets and instructions. Change color of remaining text to black.

00941-4

02-01-08

EXECUTIVE SUMMARY:

1. Paragraph 1.01: Insert (A) Original Contract Price, (B) cost of previous Change Orders and (C) cost of this Change Order in the price summary block. Other amounts and percentages in block are calculated by formula. Cost of this Change Order is calculated at the bottom of the table in Paragraph 1.01 of the Change Order form, when all items have been filled in BUT it does not automatically change the amount in Paragraph 1.01 C.
2. Paragraph 1.02: Insert Date of Commencement of Work (from Notice to Proceed), (A) original Contract Time, (B) additional days added from previous Change Orders and (C) days required for this Change Order in the time summary block. Other days and dates in block are calculated by formula. Days for this Change Order are calculated at the bottom of the table in Paragraph 1.01 of the Change Order form, when all items have been filled in BUT it does not automatically change the amount in Paragraph 1.02 C.
3. Paragraph 1.03 A: Project Manager will provide information from all previous Change Orders for this table (i.e. number, amount and percentage of Original Contract Price) so that it can be determined if Council Action is necessary. *NOTE: The conditions of Paragraph 7.1.2.3 of Document 00700 - General Conditions may make Council Action necessary even if funding is already available and even if the 5% contingency threshold has not yet been reached.*

Client: City of Tomball
Project Name: Medical Complex Drive Expansion, Segment 3
Bid Date: February 19, 2014

Item No.	Item Description	Unit	Original Contract			Change of Scope			Change of Scope			New Contract		
			Hassell Construction Co. Inc.			Change Order #1			Change Order #2			Updated Quantities		
			Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price
	BASE BID ITEMS													
	GENERAL													
1	Mobilization	LS	1	\$ 447,412.50	\$ 447,412.50		\$ -	\$ -		\$ -	\$ -	1	\$ 447,412.50	\$ 447,412.50
2	Traffic Control and Regulation	LS	1	\$ 12,000.00	\$ 12,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 12,000.00	\$ 12,000.00
3	Install, Relocate, and Remove Low Profile Concrete Barrier	LF	460	\$ 30.00	\$ 13,800.00		\$ -	\$ -		\$ -	\$ -	460	\$ 30.00	\$ 13,800.00
4	Project Sign Furnish, Install and Remove	EA	2	\$ 700.00	\$ 1,400.00		\$ -	\$ -		\$ -	\$ -	2	\$ 700.00	\$ 1,400.00
5	Filter Fabric Fence	LF	8,139	\$ 1.00	\$ 8,139.00		\$ -	\$ -		\$ -	\$ -	8139	\$ 1.00	\$ 8,139.00
6	Sandbag Barrier	LF	500	\$ 11.00	\$ 5,500.00		\$ -	\$ -		\$ -	\$ -	500	\$ 11.00	\$ 5,500.00
7	Reinforced Filter Fabric Barrier	LF	427	\$ 1.65	\$ 704.55		\$ -	\$ -		\$ -	\$ -	427	\$ 1.65	\$ 704.55
8	Stabilized Construction Areas in 8-inch Layers	SY	1,390	\$ 29.00	\$ 40,310.00		\$ -	\$ -		\$ -	\$ -	1390	\$ 29.00	\$ 40,310.00
9	Inlet (Stage I) Protection Barrier	LF	1,680	\$ 5.00	\$ 8,400.00		\$ -	\$ -		\$ -	\$ -	1680	\$ 5.00	\$ 8,400.00
10	Inlet (Stage II) Protection Barrier	LF	300	\$ 3.00	\$ 900.00		\$ -	\$ -		\$ -	\$ -	300	\$ 3.00	\$ 900.00
11	Concrete Truck Washout Structure	LS	1	\$ 4,000.00	\$ 4,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 4,000.00	\$ 4,000.00
12	6-foot Wood Fencing	LF	240	\$ 21.00	\$ 5,040.00		\$ -	\$ -		\$ -	\$ -	240	\$ 21.00	\$ 5,040.00
13	Remove and Dispose of Existing Asphalt Surface With or Without Base, All Thicknesses	SY	5,715	\$ 5.00	\$ 28,575.00		\$ -	\$ -		\$ -	\$ -	5715	\$ 5.00	\$ 28,575.00
14	Remove and Dispose of Existing Concrete Pavement With or Without Asphalt Overlay, All Thicknesses, Back to Back of Curbs, Including Esplanade Curbs, Curb and Gutters, and Paving Headers	SY	4,368	\$ 5.50	\$ 24,024.00	-1,033	\$ 5.50	\$ (5,681.50)		\$ -	\$ -	3335	\$ 5.50	\$ 18,342.50
15	Remove and Dispose of Existing Misc. Concrete & Masonry, Including Diversion Pumping where Necessary	CY	60	\$ 100.00	\$ 6,000.00		\$ -	\$ -		\$ -	\$ -	60	\$ 100.00	\$ 6,000.00
16	Remove and Dispose of Existing 24-inch Diameter RCP Pipe Sewer	LF	90	\$ 20.00	\$ 1,800.00		\$ -	\$ -		\$ -	\$ -	90	\$ 20.00	\$ 1,800.00
17	Remove and Dispose of Existing 24-inch Diameter RCP Lead	LF	71	\$ 20.00	\$ 1,420.00	-30	\$ 20.00	\$ (600.00)		\$ -	\$ -	41	\$ 20.00	\$ 820.00
18	Remove and Dispose of Existing 24-inch Diameter RCP Culvert	LF	41	\$ 20.00	\$ 820.00		\$ -	\$ -		\$ -	\$ -	41	\$ 20.00	\$ 820.00
19	Remove and Dispose of Existing 30-inch Diameter RCP Culvert	LF	222	\$ 26.00	\$ 5,772.00		\$ -	\$ -		\$ -	\$ -	222	\$ 26.00	\$ 5,772.00
20	Remove and Dispose of Existing 36-inch Diameter RCP Culvert	LF	118	\$ 30.00	\$ 3,540.00		\$ -	\$ -		\$ -	\$ -	118	\$ 30.00	\$ 3,540.00
21	Remove and Dispose of Existing 42-inch Diameter RCP Pipe Sewer	LF	56	\$ 40.00	\$ 2,240.00		\$ -	\$ -		\$ -	\$ -	56	\$ 40.00	\$ 2,240.00
22	Remove and Dispose of Existing Inlets	EA	6	\$ 275.00	\$ 1,650.00	-1	\$ 275.00	\$ (275.00)		\$ -	\$ -	5	\$ 275.00	\$ 1,375.00
23	Remove and Dispose of Existing Manholes	EA	6	\$ 600.00	\$ 3,600.00	-1	\$ 600.00	\$ (600.00)		\$ -	\$ -	5	\$ 600.00	\$ 3,000.00
24	Remove and Dispose of Existing 8-inch Diameter Metal Pipe	LF	84	\$ 10.00	\$ 840.00		\$ -	\$ -		\$ -	\$ -	84	\$ 10.00	\$ 840.00
25	Remove and Dispose of Existing 12-inch Diameter Sanitary Sewer	LF	70	\$ 58.00	\$ 4,060.00		\$ -	\$ -		\$ -	\$ -	70	\$ 58.00	\$ 4,060.00
26	Remove and Dispose of Existing 15-inch Diameter Sanitary Sewer	LF	21	\$ 110.00	\$ 2,310.00		\$ -	\$ -		\$ -	\$ -	21	\$ 110.00	\$ 2,310.00
27	Remove and Salvage One Existing Lift Station and One Existing Pump Station. Return Pumps, Rails, Control Panel, Level Controls, etc., to City of Tomball	LS	1	\$ 18,000.00	\$ 18,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 18,000.00	\$ 18,000.00
28	Clearing and Grubbing	AC	15	\$ 6,500.00	\$ 97,500.00		\$ -	\$ -		\$ -	\$ -	15	\$ 6,500.00	\$ 97,500.00
29	Trench Safety System on Trench Excavation	LF	18,408	\$ 1.00	\$ 18,408.00		\$ -	\$ -		\$ -	\$ -	18408	\$ 1.00	\$ 18,408.00
30	Reconstruction of Roadside Ditch	LF	322	\$ 8.00	\$ 2,576.00		\$ -	\$ -		\$ -	\$ -	322	\$ 8.00	\$ 2,576.00
31	Construction of Roadside Ditch	LF	180	\$ 6.00	\$ 1,080.00		\$ -	\$ -		\$ -	\$ -	180	\$ 6.00	\$ 1,080.00
32	Roadway Excavation	CY	17,888	\$ 8.00	\$ 143,104.00		\$ -	\$ -		\$ -	\$ -	17888	\$ 8.00	\$ 143,104.00
33	Plant 2" Live Oak tree in 30 gallon container	EA	28	\$ 350.00	\$ 9,800.00		\$ -	\$ -		\$ -	\$ -	28	\$ 350.00	\$ 9,800.00
34	Landscape Planting	LS	1	\$ 110,000.00	\$ 110,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 110,000.00	\$ 110,000.00
35	Hydromulch Seeding	AC	11	\$ 2,000.00	\$ 22,000.00		\$ -	\$ -	5	\$ 2,000.00	\$ 10,000.00	16	\$ 2,000.00	\$ 32,000.00
36	Sodding	SY	1,178	\$ 4.00	\$ 4,712.00		\$ -	\$ -	430	\$ 4.00	\$ 1,720.00	1608	\$ 4.00	\$ 6,432.00
	GENERAL ITEMS SUBTOTAL				\$ 1,061,437.05			\$ (7,156.50)			\$ 11,720.00			\$ 1,066,000.55
	PAVING													
37	Lime (5%) for Lime Stabilized Subgrade	TON	331	\$ 170.00	\$ 56,270.00	-331	\$ 170.00	\$ (56,270.00)		\$ -	\$ -	0	\$ 170.00	\$ -
38	Lime-Stabilized Subgrade 6-inch Thick	SY	26,716	\$ 2.00	\$ 53,432.00	-26,716	\$ 2.00	\$ (53,432.00)		\$ -	\$ -	0	\$ 2.00	\$ -
39	Lime (3%) for Lime/Flyash Stabilized Subgrade	TON	86	\$ 170.00	\$ 14,620.00	191	\$ 170.00	\$ 32,470.00		\$ -	\$ -	277	\$ 170.00	\$ 47,090.00
40	Flyash (7%) for Lime/Flyash Stabilized Subgrade	TON	200	\$ 72.00	\$ 14,400.00	445	\$ 72.00	\$ 32,040.00		\$ -	\$ -	645	\$ 72.00	\$ 46,440.00
41	Lime/Flyash Stabilized Subgrade 6-inch Thick	SY	11,517	\$ 2.10	\$ 24,185.70	25,683	\$ 2.10	\$ 53,934.30		\$ -	\$ -	37200	\$ 2.10	\$ 78,120.00
42	Streetlight Conduit, 2-inch, Sch 80PVC Including Pull Wire, Warning Tape and Pull Boxes	LF	189	\$ 30.00	\$ 5,670.00		\$ -	\$ -		\$ -	\$ -	189	\$ 30.00	\$ 5,670.00
43	8-inch Hot Mix Asphalt Base Course	SY	3,672	\$ 34.00	\$ 124,848.00		\$ -	\$ -		\$ -	\$ -	3672	\$ 34.00	\$ 124,848.00
44	8-inch Flexible Base Course for Temporary Driveway	SY	1,835	\$ 19.50	\$ 35,782.50		\$ -	\$ -		\$ -	\$ -	1835	\$ 19.50	\$ 35,782.50

Client: City of Tomball
Project Name: Medical Complex Drive Expansion, Segment 3
Bid Date: February 19, 2014

Item No.	Item Description	Unit	Original Contract			Change of Scope			Change of Scope			New Contract		
			Hassell Construction Co. Inc.			Change Order #1			Change Order #2			Updated Quantities		
			Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price
45	Hot Mix Asphalt Concrete Pavement 2.5-inch Thick	SY	3,581	\$ 14.00	\$ 50,134.00		\$ -	\$ -		\$ -	\$ -	3581	\$ 14.00	\$ 50,134.00
46	Temporary Detour Pavement, Including 2" HMAC, Tack Coat, 6" Black Base, Associated Grading, Adjustment of Manholes, Provisions for Temporary Drainage, Maintenance, and Removal of Pavement and Restoration of Ditches	SY	1,877	\$ 64.00	\$ 120,128.00		\$ -	\$ -		\$ -	\$ -	1877	\$ 64.00	\$ 120,128.00
47	Reinforced Concrete Pavement 10-inch Thick	SY	31,863	\$ 45.00	\$ 1,433,835.00	-971	\$ 45.00	\$ (43,695.00)		\$ -	\$ -	30892	\$ 45.00	\$ 1,390,140.00
48	Street Pavement Expansion Joint with Load Transfer	LF	3,392	\$ 15.00	\$ 50,880.00		\$ -	\$ -		\$ -	\$ -	3392	\$ 15.00	\$ 50,880.00
49	Flex Beam Guardrail	LF	485	\$ 28.00	\$ 13,580.00		\$ -	\$ -		\$ -	\$ -	485	\$ 28.00	\$ 13,580.00
50	Guardrail End Treatment (Install) (Wood Post) (Ty I)	EA	2	\$ 2,800.00	\$ 5,600.00		\$ -	\$ -		\$ -	\$ -	2	\$ 2,800.00	\$ 5,600.00
51	Concrete Driveway, 6-inch Thick, Including Excavation	SF	2,238	\$ 6.00	\$ 13,428.00	-558	\$ 6.00	\$ (3,348.00)		\$ -	\$ -	1680	\$ 6.00	\$ 10,080.00
52	Blast Cleaning Existing Pavement Markings, 4-inch	LF	1,184	\$ 0.80	\$ 947.20		\$ -	\$ -		\$ -	\$ -	1184	\$ 0.80	\$ 947.20
53	Blast Cleaning Existing Pavement Markings, 24-inch	LF	13	\$ 5.50	\$ 71.50		\$ -	\$ -		\$ -	\$ -	13	\$ 5.50	\$ 71.50
54	Removal of Raised Pavement Markings, All Types	LS	1	\$ 400.00	\$ 400.00		\$ -	\$ -		\$ -	\$ -	1	\$ 400.00	\$ 400.00
55	Type I Raised Pav Marker, Two Reflective Faces C-R	EA	238	\$ 3.00	\$ 714.00		\$ -	\$ -		\$ -	\$ -	238	\$ 3.00	\$ 714.00
56	Type I Raised Pav Marker, Two Reflective Faces A-A	EA	395	\$ 3.00	\$ 1,185.00		\$ -	\$ -		\$ -	\$ -	395	\$ 3.00	\$ 1,185.00
57	Type I Raised Pav Marker, Two Reflective Faces Blue-Blue	EA	18	\$ 3.00	\$ 54.00		\$ -	\$ -		\$ -	\$ -	18	\$ 3.00	\$ 54.00
58	Temporary Pavement Markers Class I	LF	7,988	\$ 0.60	\$ 4,792.80		\$ -	\$ -		\$ -	\$ -	7988	\$ 0.60	\$ 4,792.80
59	Temporary Pavement Markers Class II	LF	4,958	\$ 0.60	\$ 2,974.80		\$ -	\$ -		\$ -	\$ -	4958	\$ 0.60	\$ 2,974.80
60	Thermoplastic Pavement Marking, 4-inch Wide, White, Solid	LF	2,220	\$ 0.45	\$ 999.00		\$ -	\$ -		\$ -	\$ -	2220	\$ 0.45	\$ 999.00
61	Thermoplastic Pavement Marking, 4-inch Wide, Yellow, Solid	LF	3,865	\$ 0.45	\$ 1,739.25		\$ -	\$ -		\$ -	\$ -	3865	\$ 0.45	\$ 1,739.25
62	Thermoplastic Pavement Marking, 4-inch Wide, White, Broken	LF	3,562	\$ 0.45	\$ 1,602.90		\$ -	\$ -		\$ -	\$ -	3562	\$ 0.45	\$ 1,602.90
63	Thermoplastic Pavement Marking, 8-inch Wide, White, Solid	LF	931	\$ 0.85	\$ 791.35		\$ -	\$ -		\$ -	\$ -	931	\$ 0.85	\$ 791.35
64	Thermoplastic Pavement Marking, 12-inch Wide, White, Solid	LF	868	\$ 3.00	\$ 2,604.00		\$ -	\$ -		\$ -	\$ -	868	\$ 3.00	\$ 2,604.00
65	Thermoplastic Pavement Marking, 24-inch Wide, White, Solid	LF	205	\$ 6.00	\$ 1,230.00		\$ -	\$ -		\$ -	\$ -	205	\$ 6.00	\$ 1,230.00
66	Thermoplastic Pavement Marking, 24-inch Wide, Yellow, Solid	LF	298	\$ 6.00	\$ 1,788.00		\$ -	\$ -		\$ -	\$ -	298	\$ 6.00	\$ 1,788.00
67	Thermoplastic Pavement Marking, Symbol LEFT ARROW	EA	8	\$ 140.00	\$ 1,120.00		\$ -	\$ -		\$ -	\$ -	8	\$ 140.00	\$ 1,120.00
68	Thermoplastic Pavement Marking, Word ONLY	EA	8	\$ 140.00	\$ 1,120.00		\$ -	\$ -		\$ -	\$ -	8	\$ 140.00	\$ 1,120.00
69	Type II Paint on Median Nose, Yellow, Solid	LF	786	\$ 1.75	\$ 1,375.50		\$ -	\$ -		\$ -	\$ -	786	\$ 1.75	\$ 1,375.50
70	6-inch Concrete Curb	LF	19,213	\$ 2.25	\$ 43,229.25	-301	\$ 2.25	\$ (677.25)		\$ -	\$ -	18912	\$ 2.25	\$ 42,552.00
71	Concrete Paving Header	LF	282	\$ 27.00	\$ 7,614.00	-85	\$ 27.00	\$ (2,295.00)		\$ -	\$ -	197	\$ 27.00	\$ 5,319.00
72	6-inch Concrete Median, Stamped or Brick-Paver Unit	SY	128	\$ 105.00	\$ 13,440.00		\$ -	\$ -		\$ -	\$ -	128	\$ 105.00	\$ 13,440.00
73	Sidewalk 4-1/2-inch Thick, 5-foot wide	SF	49,917	\$ 4.25	\$ 212,147.25		\$ -	\$ -		\$ -	\$ -	49917	\$ 4.25	\$ 212,147.25
74	Wheelchair Ramp w/Truncated Dome	SF	1,749	\$ 20.00	\$ 34,980.00		\$ -	\$ -		\$ -	\$ -	1749	\$ 20.00	\$ 34,980.00
75	Furnish and Install Ground Mount "STOP" street sign (R1-1), High Density Sheeting	EA	6	\$ 425.00	\$ 2,550.00		\$ -	\$ -		\$ -	\$ -	6	\$ 425.00	\$ 2,550.00
76	Furnish and Install Ground Mount "SPEED LIMIT" street sign (R2-1), High Density Sheeting	EA	4	\$ 425.00	\$ 1,700.00		\$ -	\$ -		\$ -	\$ -	4	\$ 425.00	\$ 1,700.00
77	Furnish and Install Ground Mount Advance Intersection Lane Control street sign (R3-8 MOD), High Density Sheeting	EA	4	\$ 425.00	\$ 1,700.00		\$ -	\$ -		\$ -	\$ -	4	\$ 425.00	\$ 1,700.00
78	Furnish and Install Ground Mount "LANE ENDS MERGE LEFT" street sign (W9-2L), High Density Sheeting	EA	1	\$ 425.00	\$ 425.00		\$ -	\$ -		\$ -	\$ -	1	\$ 425.00	\$ 425.00
79	Furnish and Install Ground Mount Divided Highway street sign (W6-1), High Density Sheeting	EA	1	\$ 425.00	\$ 425.00		\$ -	\$ -		\$ -	\$ -	1	\$ 425.00	\$ 425.00
80	Furnish and Install Ground Mount Divided Highway Ends street sign (W6-2), High Density Sheeting	EA	1	\$ 425.00	\$ 425.00		\$ -	\$ -		\$ -	\$ -	1	\$ 425.00	\$ 425.00
	PAVING ITEMS SUBTOTAL				\$ 2,360,938.00			\$ (41,272.95)			\$ -			\$ 2,319,665.05
	DRAINAGE ITEMS													
81	Type C Manhole for 42-inch Diameter and Smaller Sewer	EA	14	\$ 3,500.00	\$ 49,000.00		\$ -	\$ -		\$ -	\$ -	14	\$ 3,500.00	\$ 49,000.00

Client: City of Tomball
Project Name: Medical Complex Drive Expansion, Segment 3
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			Hassell Construction Co. Inc.			Change Order #1			Change Order #2			Updated Quantities		
			Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price
82	Type C Manhole on Existing 42-inch Diameter and Smaller Sewer	EA	1	\$ 3,500.00	\$ 3,500.00	-1	\$ 3,500.00	\$ (3,500.00)		\$ -	\$ -	0	\$ 3,500.00	\$ -
83	Type C Manhole on Existing 48-inch to 72-inch Diameter Sewer	EA	3	\$ 5,500.00	\$ 16,500.00	-2	\$ 5,500.00	\$ (11,000.00)		\$ -	\$ -	1	\$ 5,500.00	\$ 5,500.00
84	Manhole for Concrete Box Sewer	EA	3	\$ 2,500.00	\$ 7,500.00		\$ -	\$ -		\$ -	\$ -	3	\$ 2,500.00	\$ 7,500.00
85	Adjust Existing Storm Manhole to Grade	EA	5	\$ 525.00	\$ 2,625.00		\$ -	\$ -		\$ -	\$ -	5	\$ 525.00	\$ 2,625.00
86	18-inch Thick Riprap, Gradation No. 1	SY	277	\$ 46.00	\$ 12,742.00		\$ -	\$ -		\$ -	\$ -	277	\$ 46.00	\$ 12,742.00
87	18-inch Thick Granular Fill, 4-inch to 8-inch Gradation	SY	9	\$ 110.00	\$ 990.00		\$ -	\$ -		\$ -	\$ -	9	\$ 110.00	\$ 990.00
88	6-inch Diameter PVC Storm Sewer by Open Cut	LF	123	\$ 27.00	\$ 3,321.00		\$ -	\$ -		\$ -	\$ -	123	\$ 27.00	\$ 3,321.00
89	24-inch Diameter Storm Sewer Lead	LF	972	\$ 57.00	\$ 55,404.00		\$ -	\$ -		\$ -	\$ -	972	\$ 57.00	\$ 55,404.00
90	24-inch Diameter RCP Storm Sewer, C76, CL III, Rubber Gasket	LF	1,877	\$ 55.00	\$ 103,235.00		\$ -	\$ -		\$ -	\$ -	1877	\$ 55.00	\$ 103,235.00
91	30-inch Diameter RCP Storm Sewer, C76, CL III, Rubber Gasket	LF	1,237	\$ 70.00	\$ 86,590.00		\$ -	\$ -		\$ -	\$ -	1237	\$ 70.00	\$ 86,590.00
92	36-inch Diameter RCP Storm Sewer, C76, CL III, Rubber Gasket	LF	432	\$ 105.00	\$ 45,360.00		\$ -	\$ -		\$ -	\$ -	432	\$ 105.00	\$ 45,360.00
93	36-inch Diameter Roadside Ditch Culvert, C433	LF	94	\$ 105.00	\$ 9,870.00		\$ -	\$ -		\$ -	\$ -	94	\$ 105.00	\$ 9,870.00
94	18" x 28 1/2" Reinforced Concrete Arch Pipe Storm Sewer, C506, CL A-III	LF	248	\$ 89.00	\$ 22,072.00	-85	\$ 89.00	\$ (7,565.00)		\$ -	\$ -	163	\$ 89.00	\$ 14,507.00
95	31 7/16" x 51 7/8" Reinforced Concrete Arch Pipe Storm Sewer, C506, CL A-III	LF	56	\$ 200.00	\$ 11,200.00	-18	\$ 200.00	\$ (3,600.00)		\$ -	\$ -	38	\$ 200.00	\$ 7,600.00
96	4-foot by 3-foot Precast Reinforced Concrete Box Sewer, ASTM C 850	LF	133	\$ 200.00	\$ 26,600.00		\$ -	\$ -		\$ -	\$ -	133	\$ 200.00	\$ 26,600.00
97	5-foot by 3-foot Precast Reinforced Concrete Box Sewer, ASTM C 850	LF	130	\$ 260.00	\$ 33,800.00		\$ -	\$ -		\$ -	\$ -	130	\$ 260.00	\$ 33,800.00
98	10-foot by 6-foot Precast Reinforced Concrete Box Sewer, ASTM C 789	LF	480	\$ 600.00	\$ 288,000.00		\$ -	\$ -		\$ -	\$ -	480	\$ 600.00	\$ 288,000.00
99	Cast-In-Place Type "BB" Inlet (Stage II on Exist Inlet)	EA	2	\$ 1,460.00	\$ 2,920.00	1	\$ 1,460.00	\$ 1,460.00		\$ -	\$ -	3	\$ 1,460.00	\$ 4,380.00
100	Headwall Including Parallel Wingwall (Cast-In-Place)	EA	2	\$ 49,000.00	\$ 98,000.00		\$ -	\$ -		\$ -	\$ -	2	\$ 49,000.00	\$ 98,000.00
101	Type C Precast Concrete Inlet	EA	21	\$ 3,000.00	\$ 63,000.00	-2	\$ 3,000.00	\$ (6,000.00)		\$ -	\$ -	19	\$ 3,000.00	\$ 57,000.00
102	Type C Precast Concrete Inlet (Modified)	EA	1	\$ 3,500.00	\$ 3,500.00		\$ -	\$ -		\$ -	\$ -	1	\$ 3,500.00	\$ 3,500.00
103	5-inch Reinforced Concrete Slope Paving	SY	34	\$ 60.00	\$ 2,040.00		\$ -	\$ -		\$ -	\$ -	34	\$ 60.00	\$ 2,040.00
104	Driveway Trench Drain	EA	2	\$ 7,600.00	\$ 15,200.00		\$ -	\$ -		\$ -	\$ -	2	\$ 7,600.00	\$ 15,200.00
105	SET, Type II, 24" RCP Culvert, 3:1, Cross	EA	2	\$ 1,100.00	\$ 2,200.00		\$ -	\$ -		\$ -	\$ -	2	\$ 1,100.00	\$ 2,200.00
106	SET, Type II, 24" RCP Culvert, 6:1, Parallel	EA	2	\$ 1,700.00	\$ 3,400.00		\$ -	\$ -		\$ -	\$ -	2	\$ 1,700.00	\$ 3,400.00
107	SET, Type II, dual 36" RCP Culvert, 6:1, Parallel	EA	1	\$ 8,100.00	\$ 8,100.00		\$ -	\$ -		\$ -	\$ -	1	\$ 8,100.00	\$ 8,100.00
108	SET, Type I, 4x3' Box Culvert, 6:1, Parallel	EA	2	\$ 6,600.00	\$ 13,200.00		\$ -	\$ -		\$ -	\$ -	2	\$ 6,600.00	\$ 13,200.00
109	SET, Type I, 5x3' Box Culvert, 6:1, Parallel	EA	2	\$ 7,600.00	\$ 15,200.00		\$ -	\$ -		\$ -	\$ -	2	\$ 7,600.00	\$ 15,200.00
	DRAINAGE ITEMS SUBTOTAL				\$ 1,005,069.00			\$ (30,205.00)			\$ -			\$ 974,864.00
	WATER ITEMS													
110	Adjust Existing Valve Box to Grade	EA	2	\$ 140.00	\$ 280.00		\$ -	\$ -		\$ -	\$ -	2	\$ 140.00	\$ 280.00
111	8-inch Diameter Water Line by Open-Cut	LF	50	\$ 130.00	\$ 6,500.00		\$ -	\$ -		\$ -	\$ -	50	\$ 130.00	\$ 6,500.00
112	12-inch Diameter Water Line by Open-Cut	LF	4,830	\$ 48.00	\$ 231,840.00	-643	\$ 48.00	\$ (30,864.00)		\$ -	\$ -	4,187	\$ 48.00	\$ 200,976.00
113	12-inch Diameter Water Line in 20-inch Steel Casing by Open-Cut	LF	187	\$ 126.00	\$ 23,562.00		\$ -	\$ -		\$ -	\$ -	187	\$ 126.00	\$ 23,562.00
114	12-inch Diameter Water Line in 20-inch Steel Casing (Augered)	LF	46	\$ 180.00	\$ 8,280.00		\$ -	\$ -		\$ -	\$ -	46	\$ 180.00	\$ 8,280.00
115	12-inch Diameter Water Line (Augered)	LF	121	\$ 85.00	\$ 10,285.00	643	\$ 85.00	\$ 54,655.00		\$ -	\$ -	764	\$ 85.00	\$ 64,940.00
116	12-inch Diameter DIP Water Line (Augered)	LF	101	\$ 160.00	\$ 16,160.00		\$ -	\$ -		\$ -	\$ -	101	\$ 160.00	\$ 16,160.00
117	12-inch Diameter Plug and Clamp	EA	1	\$ 250.00	\$ 250.00		\$ -	\$ -		\$ -	\$ -	1	\$ 250.00	\$ 250.00
118	3/4-inch to 2-inch Diameter Water Tap and Poly Service, Short Side	EA	2	\$ 1,300.00	\$ 2,600.00		\$ -	\$ -		\$ -	\$ -	2	\$ 1,300.00	\$ 2,600.00
119	3/4-inch to 2-inch Diameter Water Tap and Poly Service, Long Side	EA	3	\$ 1,600.00	\$ 4,800.00		\$ -	\$ -		\$ -	\$ -	3	\$ 1,600.00	\$ 4,800.00
120	8-inch Diameter Wet Connection	EA	3	\$ 1,100.00	\$ 3,300.00		\$ -	\$ -		\$ -	\$ -	3	\$ 1,100.00	\$ 3,300.00
121	12-inch Diameter Wet Connection	EA	3	\$ 1,300.00	\$ 3,900.00		\$ -	\$ -		\$ -	\$ -	3	\$ 1,300.00	\$ 3,900.00
122	Cut, Plug, and Abandon Existing 8-inch Diameter Water Line	EA	4	\$ 520.00	\$ 2,080.00		\$ -	\$ -		\$ -	\$ -	4	\$ 520.00	\$ 2,080.00
123	Cut, Plug, and Abandon Existing 12-inch Diameter Water Line	EA	2	\$ 780.00	\$ 1,560.00		\$ -	\$ -		\$ -	\$ -	2	\$ 780.00	\$ 1,560.00
124	Fire Hydrant Assembly, Including 6-inch Gate Valve and Box, All Depths	EA	18	\$ 4,000.00	\$ 72,000.00		\$ -	\$ -		\$ -	\$ -	18	\$ 4,000.00	\$ 72,000.00
125	6-inch Diameter Fire Hydrant Branch by Open Cut	LF	191	\$ 39.00	\$ 7,449.00		\$ -	\$ -		\$ -	\$ -	191	\$ 39.00	\$ 7,449.00
126	Remove and Salvage Existing Fire Hydrant	EA	4	\$ 230.00	\$ 920.00		\$ -	\$ -		\$ -	\$ -	4	\$ 230.00	\$ 920.00
127	2" Diameter Blow-off Valve with Box	EA	1	\$ 1,200.00	\$ 1,200.00		\$ -	\$ -		\$ -	\$ -	1	\$ 1,200.00	\$ 1,200.00
128	Relocate and Reinstall Water Meter with New Box	EA	3	\$ 560.00	\$ 1,680.00		\$ -	\$ -		\$ -	\$ -	3	\$ 560.00	\$ 1,680.00
	WATER ITEMS SUBTOTAL				\$ 398,646.00			\$ 23,791.00			\$ -			\$ 422,437.00

Client: City of Tomball
Project Name: Medical Complex Drive Expansion, Segment 3
Bid Date: February 19, 2014

Item No.	Item Description	Unit	Original Contract			Change of Scope			Change of Scope			New Contract		
			Hassell Construction Co. Inc.			Change Order #1			Change Order #2			Updated Quantities		
			Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price
	SANITARY ITEMS													
129	4-foot Diameter Precast Concrete Sanitary Manhole	EA	18	\$ 6,700.00	\$ 120,600.00	-2	\$ 6,700.00	\$ (13,400.00)		\$ -	\$ -	16	\$ 6,700.00	\$ 107,200.00
130	4-foot Diameter Precast Concrete Sanitary Manhole on Existing Sanitary Sewer	EA	1	\$ 7,000.00	\$ 7,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 7,000.00	\$ 7,000.00
131	5-foot Diameter Precast Concrete Sanitary Manhole	EA	1	\$ 7,300.00	\$ 7,300.00	-1	\$ 7,300.00	\$ (7,300.00)		\$ -	\$ -	0	\$ 7,300.00	\$ -
132	Manhole Drop; 6-inch Diameter, External	EA	1	\$ 640.00	\$ 640.00		\$ -	\$ -		\$ -	\$ -	1	\$ 640.00	\$ 640.00
133	Manhole Drop; 10-inch Diameter, External	EA	2	\$ 1,100.00	\$ 2,200.00		\$ -	\$ -		\$ -	\$ -	2	\$ 1,100.00	\$ 2,200.00
134	Manhole Drop; 12-inch Diameter, External	EA	1	\$ 1,200.00	\$ 1,200.00		\$ -	\$ -		\$ -	\$ -	1	\$ 1,200.00	\$ 1,200.00
135	Manhole Drop; 15-inch Diameter, External	EA	1	\$ 900.00	\$ 900.00		\$ -	\$ -		\$ -	\$ -	1	\$ 900.00	\$ 900.00
136	Adjust Existing Manhole and Frame and Cover to New Grade	EA	6	\$ 410.00	\$ 2,460.00		\$ -	\$ -		\$ -	\$ -	6	\$ 410.00	\$ 2,460.00
137	8-inch Diameter Sanitary Sewer, by Open-Cut	LF	50	\$ 64.00	\$ 3,200.00	-50	\$ 64.00	\$ (3,200.00)		\$ -	\$ -	0	\$ 64.00	\$ -
138	10-inch Diameter Sanitary Sewer, by Open-Cut	LF	118	\$ 33.00	\$ 3,894.00	15	\$ 33.00	\$ 495.00		\$ -	\$ -	133	\$ 33.00	\$ 4,389.00
139	12-inch Diameter Sanitary Sewer, by Open-Cut	LF	836	\$ 40.00	\$ 33,440.00		\$ -	\$ -		\$ -	\$ -	836	\$ 40.00	\$ 33,440.00
140	15-inch Diameter Sanitary Sewer, by Open-Cut	LF	2,755	\$ 52.00	\$ 143,260.00	-56	\$ 52.00	\$ (2,912.00)		\$ -	\$ -	2699	\$ 52.00	\$ 140,348.00
	SANITARY ITEMS SUBTOTAL				\$ 326,094.00			\$ (26,317.00)			\$ -			\$ 299,777.00
	GAS ITEMS													
141	2-inch Poly Gas Line Including all Appurtenances	LF	200	\$ 46.00	\$ 9,200.00	-96	\$ 46.00	\$ (4,416.00)		\$ -	\$ -	104	\$ 46.00	\$ 4,784.00
142	4-inch Poly Gas Line Including all Appurtenances	LF	4,569	\$ 36.00	\$ 164,484.00	-112	\$ 36.00	\$ (4,032.00)		\$ -	\$ -	4457	\$ 36.00	\$ 160,452.00
143	4-inch Poly Gas Line in 6-inch Casing Including Vents and all Appurtenances	LF	260	\$ 73.00	\$ 18,980.00	208	\$ 73.00	\$ 15,184.00		\$ -	\$ -	468	\$ 73.00	\$ 34,164.00
	GAS ITEMS SUBTOTAL				\$ 192,664.00			\$ 6,736.00			\$ -			\$ 199,400.00
	EXTRA WORK ITEMS													
144	Uniformed Peace Officer	HR	480	\$ 66.00	\$ 31,680.00		\$ -	\$ -		\$ -	\$ -	480	\$ 66.00	\$ 31,680.00
145	Remove and Dispose of Existing Abandoned Pipeline	LF	600	\$ 19.00	\$ 11,400.00		\$ -	\$ -		\$ -	\$ -	600	\$ 19.00	\$ 11,400.00
146	Detention Pond Excavation (M121-00-00 West)	CY	32,267	\$ 9.00	\$ 290,403.00		\$ -	\$ -	19,083	\$ 9.00	\$ 171,747.00	51350	\$ 9.00	\$ 462,150.00
147	Chain Link Fencing (M121-00-00 West)	LF	184	\$ 23.00	\$ 4,232.00		\$ -	\$ -		\$ -	\$ -	184	\$ 23.00	\$ 4,232.00
148	6-inch Overexcavate Trench Bottom	LF	500	\$ 11.00	\$ 5,500.00		\$ -	\$ -		\$ -	\$ -	500	\$ 11.00	\$ 5,500.00
149	Remove and Dispose of Hazardous Soil	CY	500	\$ 35.00	\$ 17,500.00		\$ -	\$ -		\$ -	\$ -	500	\$ 35.00	\$ 17,500.00
150	Extra Cement-Stabilized Sand	CY	250	\$ 38.00	\$ 9,500.00		\$ -	\$ -		\$ -	\$ -	250	\$ 38.00	\$ 9,500.00
151	Extra Bank Sand	CY	150	\$ 18.00	\$ 2,700.00		\$ -	\$ -		\$ -	\$ -	150	\$ 18.00	\$ 2,700.00
152	Hand Excavation	CY	250	\$ 70.00	\$ 17,500.00		\$ -	\$ -		\$ -	\$ -	250	\$ 70.00	\$ 17,500.00
153	12-inch Diameter PVC Storm Sewer (Augered) (M121-00-00 West)	LF	918	\$ 98.00	\$ 89,964.00		\$ -	\$ -		\$ -	\$ -	918	\$ 98.00	\$ 89,964.00
154	Water Service Adjustments (Up to 2')	EA	10	\$ 560.00	\$ 5,600.00		\$ -	\$ -		\$ -	\$ -	10	\$ 560.00	\$ 5,600.00
155	SET, Type II, 12" Pipe Culvert, 3:1, Cross (M121-00-00 West)	EA	3	\$ 900.00	\$ 2,700.00		\$ -	\$ -		\$ -	\$ -	3	\$ 900.00	\$ 2,700.00
156	Flexible Base Course for Temporary Driveways	SY	360	\$ 34.00	\$ 12,240.00		\$ -	\$ -		\$ -	\$ -	360	\$ 34.00	\$ 12,240.00
	EXTRA ITEMS SUBTOTAL				\$ 500,919.00			\$ -			\$ 171,747.00			\$ 672,666.00
	TOTAL BASE BID				\$ 5,845,767.05			\$ (74,424.45)			\$ 183,467.00			\$ 5,954,809.60
	CASH ALLOWANCE													
159	Street Lighting	LS	1	\$ 6,200.00	\$ 6,200.00		\$ -	\$ -		\$ -	\$ -	1	\$ 6,200.00	\$ 6,200.00
	TOTAL ALTERNATE BID 1 UNIT ITEMS				\$ 6,200.00			\$ -			\$ -			\$ 6,200.00
	ALTERNATES TABLE													
1	Landscape Irrigation System	LS	1	\$ 28,000.00	\$ 28,000.00		\$ -	\$ -		\$ -	\$ -	1	\$ 28,000.00	\$ 28,000.00
	TOTAL ALTERNATES				\$ 28,000.00			\$ -			\$ -			\$ 28,000.00
	NEW ITEMS													
1	Sanitary Manhole Materials (not used)	LS		\$ -	\$ -	1	\$ 16,570.25	\$ 16,570.25		\$ -	\$ -	1	\$ 16,570.25	\$ 16,570.25
2	Storm Sewer Materials (not used)	LS		\$ -	\$ -	1	\$ 10,661.84	\$ 10,661.84		\$ -	\$ -	1	\$ 11,615.00	\$ 10,661.84
3	Change Order for Type A Inlet, 18" RCP, Core into Exist Inlet	LS		\$ -	\$ -	1	\$ 4,238.10	\$ 4,238.10		\$ -	\$ -	1	\$ 4,238.10	\$ 4,238.10

Client: City of Tomball
Project Name: Medical Complex Drive Expansion, Segment 3
Bid Date: February 19, 2014

			Original Contract			Change of Scope			Change of Scope			New Contract		
			Hassell Construction Co. Inc.			Change Order #1			Change Order #2			Updated Quantities		
Item No.	Item Description	Unit	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price
4	Backslope Interceptor Structure, including 24" CMP and slope paving	EA		\$ -	\$ -		\$ -	\$ -	12	\$ 6,900.00	\$ 82,800.00	12	\$ 6,900.00	\$ 82,800.00
	TOTAL ADDITIONAL ITEMS				\$ -			\$ 31,470.19			\$ 82,800.00			\$ 114,270.19
	TOTAL BASE BID PRICE				\$ 5,845,767.05			\$ (74,424.45)			\$ 183,467.00			\$ 5,954,809.60
	CASH ALLOWANCE				\$ 6,200.00			\$ -			\$ -			\$ 6,200.00
	ALTERNATES TABLE				\$ 28,000.00			\$ -			\$ -			\$ 28,000.00
	NEW ITEMS				\$ -			\$ 31,470.19			\$ 82,800.00			\$ 114,270.19
	TOTAL BID PRICE				\$ 5,879,967.05			\$ (42,954.26)			\$ 266,267.00			\$ 6,103,279.79

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 16, 2015

Topic:

Public Hearing regarding the Grant Application for Broussard Community Park and Update on the Grant Application that is due March 31, 2015 and Current Work at the Park

Background:

Origination:

Recommendation:

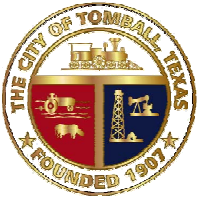
Funding:

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

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

ATTACHMENTS:

Broussard Community Park Council Update letter



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

March 16, 2015
City Council Meeting

**Re: Broussard Community Park
Texas Parks & Wildlife Grant Update**

Honorable Mayor and Council,

As you know, the City of Tomball submitted an application to the Texas Parks and Wildlife on August 31, 2014 for a \$400,000 Non-urban Outdoor Park Grant for improvement and development of Broussard Community Park. In January we were notified that our application did not get funded. A second submittal for the park grant is currently in progress to be submitted on March 31, 2015.

City staff met with the Texas Parks and Wildlife personnel on February 17th to discuss the scoring of the first application. At that time several areas were identified within the first application where improvements and additions could be made resulting in additional points on future submissions.

Upon completion of the first grant submittal we were awarded a Waiver of Retroactivity in which the donated land can be used as 100% match for the \$400,000 grant request for the next two cycle periods. Currently we have adjusted the budget for the project to specifically show the areas planned for development and improvement. A survey was created online for citizens to complete and was advertised on social media (Facebook), sent as email notices and advertised in the newspaper. The results of this survey indicated the top needs and wants of the community in which several of them will be included in the development of Broussard Community Park including but not limited to athletic fields for soccer, fishing areas, walking trails and open field spaces.

Our consulting engineer with Gunda Corp, is currently working on the floodplain determination and is working to minimize the area where the floodplain encompasses. It is our hope that once the floodplain is determined with a plan to minimize the area we will have more property available for development.

Current plans to make the park more usable and encourage participation at the park include removing existing interior fencing, structures and unwanted/ unneeded trees. The goal is to provide as much open space as possible for the accommodation of practice fields for athletics however recent rains have slowed the progress of mowing the fields to determine the level of grading required to level the fields to create a playing field surface. Current plans also include continuing to secure the pond located on the property due to the steep or non-existent slopes of the pond; the grant does include funds to properly bench the pond.

If you have any further questions or comments please do not hesitate to contact me.

Sincerely,

David Esquivel

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Approval of Resolution No. 2015-04, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Five related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making other Findings Related to the District

Background:

A public hearing was held on March 2, 2015 to approve the proposed Public Improvement District (PID) Number Five (Yaupon Trails). PID Number Five would be approximately 10.946 acres and would represent the entirety of the proposed Yaupon Trails Subdivision to be located at the northeast corner of Quinn and Brown-Hufsmith Road.

A revised Council Information Sheet is also attached which includes a PID assessment of \$ 2,275 per year, or the equivalent of a 65-cent tax rate on a \$ 350,000 home. This revision represents a reduction from the \$ 2,975 per year, 85-cent tax rate which was included in the council information sheet presented at the last meeting.

Origination:

Finance

Recommendation:

Adoption of Resolution Number 2015-04

Funding:

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Resolution No. 2014-04 - Findings for PID 5

Revised Council Information Sheet - PID Number 5

CITY OF TOMBALL RESOLUTION NO. 2015-04

A RESOLUTION MAKING FINDINGS IN CONNECTION WITH THE PROPOSED PUBLIC IMPROVEMENT DISTRICT NUMBER FIVE RELATED TO THE ADVISABILITY OF THE IMPROVEMENTS, THE NATURE OF THE IMPROVEMENTS, THE ESTIMATED COST OF THE IMPROVEMENTS, THE BOUNDARIES OF THE PROPOSED DISTRICT, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF COST BETWEEN THE DISTRICT AND THE CITY AS A WHOLE; AND MAKING OTHER FINDINGS RELATED TO THE DISTRICT.

* * * * *

WHEREAS, the City of Tomball City Council is authorized to create a public improvement district pursuant to Ch. 372 of the Texas Local government Code (the “Code”) for the purpose described therein, and the City has received a petition from certain landowners within the City requesting the creation of a public improvement district; and

WHEREAS, notice of a public hearing to consider the advisability of establishing the proposed district was published in *The Tribune* a local newspaper of general circulation on February 9, 2015; the place, City Council Chambers, Tomball, Texas, the general nature of the proposed improvements; the boundaries of the proposed district; and the proposed method of assessment; and the proposed apportionment of cost between the district and the City as a whole; and

WHEREAS, written notice of the public hearing to consider advisability of establishing the district was sent timely to the current address, so reflected on the tax rolls, of the owners of property subject to assessment under the proposed district; and

WHEREAS, the public hearing was held with all interested parties having been given the opportunity to be heard; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. The City Council, having duly considered the petition submitted by property owners in the proposed district and the comments of those who made presentations at the public hearing on March 2, 2015, hereby finds as follows:

- (1) It will promote the interests of the City to create the Public Improvement District Number Five (the “District”) under the provisions of Chapter 372, Texas Local Government Code for the purposes herein described.
- (2) It is advisable that the proposed improvement project be provided in the District and the City exercise the powers granted by Chapter 372, Texas Local Government Code, in connection with the establishment of the District, including the carrying out of the improvement project described below that will confer special benefits on property in the District and to levy and collect a special

assessment on property in the District, based on the benefit conferred by such project, to pay all of the costs of such improvements.

- (3) The general nature of the public improvements in the District is set forth below.
 - (a) The improvements include engineering and construction of water, wastewater, gas, storm sewer facilities, detention, paving, common areas and amenities, and other improvements, creation and administration costs, and interest.
- (4) The estimated costs of the public improvements over the life of the PID are a total of \$1.75 million.
- (5) The boundaries of the District are fully described in Exhibit A and B attached hereto.
- (6) The proposed methods of assessment is as follows:
 - (a) The assessment for the Public Improvements is proposed to be by value, lot, or according to the square footage of property without regard to improvements on the property.
- (7) The proposed method of apportionment of the cost of the improvements between the District and the City as a whole is as follows:
 - (a) The District will bear 100 percent of the costs of the percentage of the Public Improvements that will be reimbursed by assessment on the property.

Section 2. This Resolution shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this 16th day of March, 2015.

Gretchen Fagan, Mayor

Attest:

DORIS SPEER, City Secretary

Approved as to form:

LOREN B. SMITH, City Attorney

EXHIBIT A



Windrose Land Services, Inc

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 481-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

DESCRIPTION OF 10.9460 ACRES OR 476,809 SQ. FT.

A TRACT OR PARCEL CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, HARRIS COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "E" OF FINAL PLAT OF LESLIE'S PARK, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 400005, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN THAT CERTAIN DEED OF TRUST BETWEEN LAR PROPERTIES LC AND PATRIOT BANK AS RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) 20130365283 AND BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83:

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE EAST RIGHT OF WAY (R.O.W.) LINE OF QUINN ROAD (90 FEET WIDE AT THIS LOCATION) AND THE NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (100 FEET WIDE R.O.W.);

THENCE, NORTH 02 DEGREES 10 MINUTES 41 SECONDS WEST, ALONG SAID EAST R.O.W. LINE, A DISTANCE OF 480.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE SOUTH LINE OF RESTRICTED RESERVE "A" OF FINAL PLAT OF TOMBALL I.S.D. TRANSPORTATION CENTER, SECTION ONE, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 347073, H.C.M.R. AND MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEGREES 34 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TOMBALL I.S.D. TRANSPORTATION CENTER, A DISTANCE OF 964.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHWEST CORNER OF A CALLED 9.997 ACRE TRACT TO TREK INVESTMENTS AS RECORDED IN H.C.C.F. NO. T-767809 AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 61 DEGREES 52 MINUTES 39 SECONDS EAST, 0.27 FEET;

THENCE, SOUTH 02 DEGREES 18 MINUTES 47 SECONDS EAST, A DISTANCE OF 499.92 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE CURVED NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (BASED ON A WIDTH OF 100 FEET) MARKING THE SOUTHWEST CORNER OF SAID 9.997 ACRE TRACT, THE WEST CORNER OF UNRESTRICTED RESERVE "F" OF SAID LESLIE'S PARK AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 13 DEGREES 05 MINUTES 16 SECONDS WEST, 0.28 FEET;

THENCE, ALONG SAID CURVED R.O.W. LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 2,018.50 FEET, A CENTRAL ANGLE OF 02 DEGREES 13 MINUTES 53 SECONDS, AN ARC LENGTH OF 78.61 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES 11 MINUTES 22 SECONDS WEST, 78.61 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR A POINT OF TANGENCY;

SHEET 1 OF 2



Windrose Land Services, Inc

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

THENCE, SOUTH 88 DEGREES 04 MINUTES 25 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 873.68 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

THENCE, SOUTH 87 DEGREES 34 MINUTES 18 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 3.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING SOUTHERLY END OF A CUTBACK CORNER AND A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

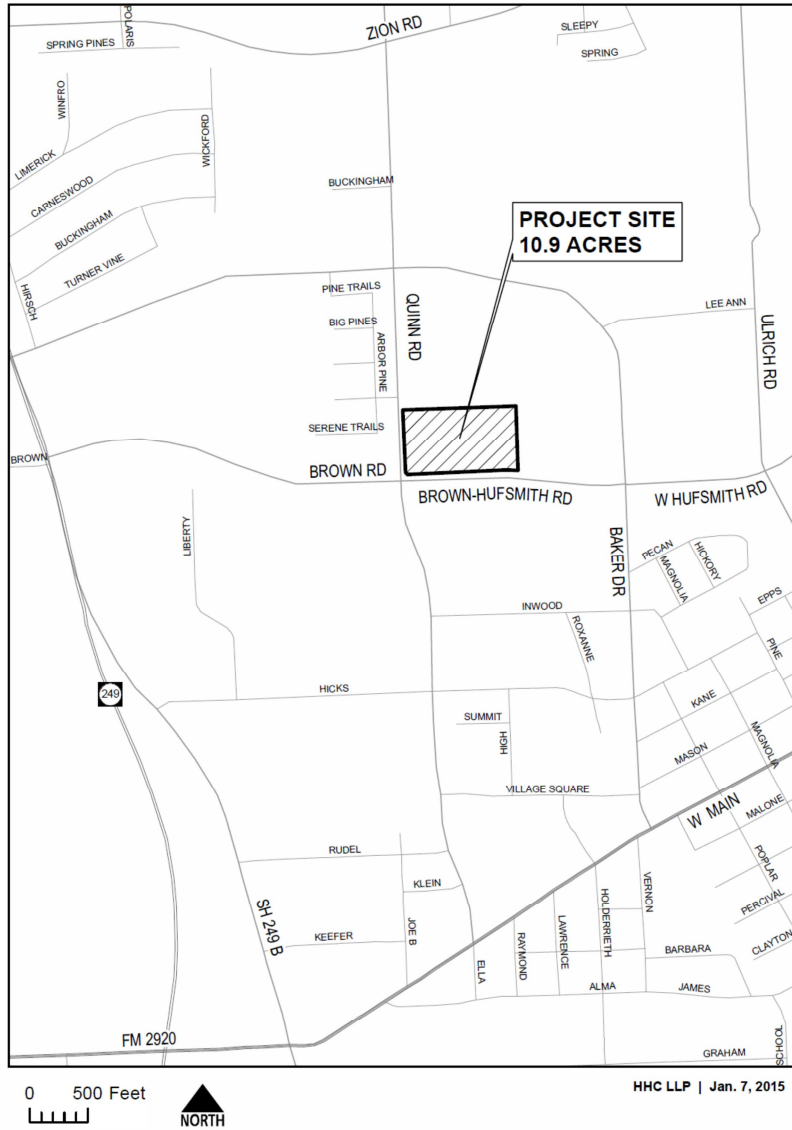
THENCE, NORTH 47 DEGREES 18 MINUTES 06 SECONDS WEST, A DISTANCE OF 13.11 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, AS SHOWN IN JOB NO. 51981 FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.




MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS
51981

09/10/14
DATE

EXHIBIT B



Council Item Information Sheet - Proposed Public Improvement District (PID) Number Five (Yaupon Trails)

Council Action Requested

It is requested that City Council call for a public hearing on March 2 to approve the proposed PID through adoption of the findings and creation resolutions. A development agreement between the City and Developer will also be presented for consideration. The development agreement describes the terms of the PID and the reimbursement of certain public infrastructure costs.

Area

Public Improvement District Number Five would be approximately 10.9460 acres representing the entirety of the proposed Yaupon Trails Subdivision, a subdivision that will be developed in one (1) section containing 37 lots. The land is located at the northeast corner of Quinn and Brown-Hufsmith Road as shown on the attached maps.

Purpose

The purpose of the PID is to assist the developer with public infrastructure costs. Through the PID, the developer will recover certain costs through an assessment on each lot. This arrangement is similar to a municipal utility district (MUD) and the MUD tax used for the same purpose.

Assessment Rate

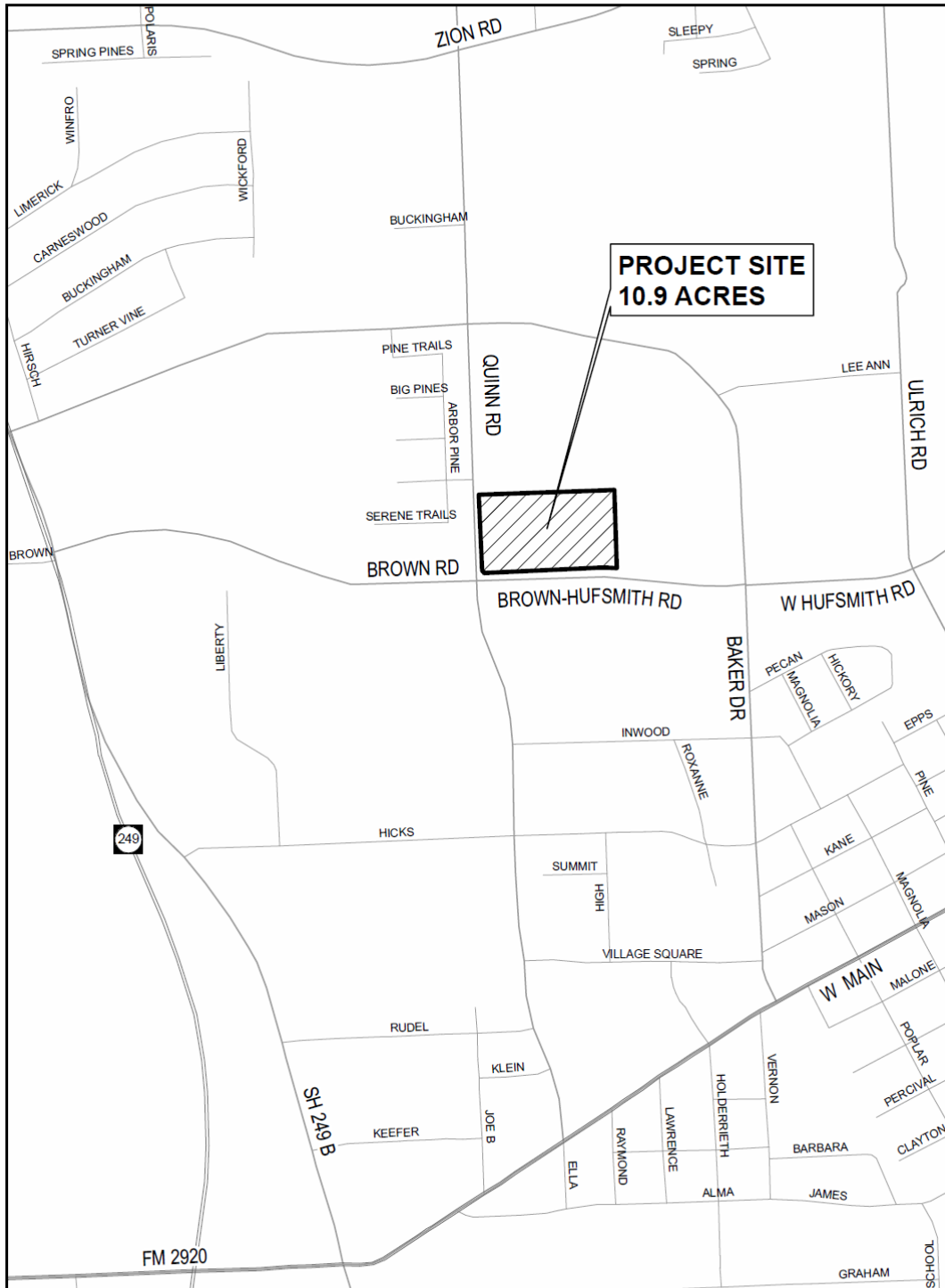
The PID assessment is expected to be approximately \$2,275 per lot per year, or the equivalent of an 65-cent tax rate on a \$350,000 home. Included in the annual payment are financing and interest costs allowing for a level annual payment over the proposed fifteen (15) year term of the PID. The principal amount of the assessment is payable at any time by the homeowners which would terminate the assessment, and an amortization schedule will be kept for each property covered by the assessment to track annual payments and the outstanding principal balance.

Disclosure

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the builders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

If created, the PID would still need City Council approval of the Service and Assessment Plan and all Assessment Rolls (i.e. no assessments can be implemented without City Council approval). The District Administrator will write the Service and Assessment Plans and formulate the Assessment Rolls for consideration by City Council. The District Administrator will work with the City and the Harris County Tax Assessor to have the assessments placed on the County tax bills. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund.



0 500 Feet
NORTH

HHC LLP | Jan. 7, 2015

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Approve Resolution No. 2015-05, a Resolution Authorizing the Establishment of the Public Improvement District Number Five in the City of Tomball, Texas; Authorizing Publication of this Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making other Provisions Related to the Subject

Background:

This item is a resolution authorizing the establishment of PID Number Five, the publication of this resolution, and the preparation of a service and assessment plan.

Once the actual assessment is prepared, it will be presented to council for adoption.

A public hearing was held on March 2 for PID Number Five, Yaupon Trails, which is to be located at the northeast corner of Quinn and Brown-Hufsmith Road as shown in the attached maps.

This resolution will establish the PID as described in the attached Council Information Sheet.

Origination:

Finance

Recommendation:

Adoption of Resolution 2015-05

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Resolution 2015-05 - Authorizing the Establishment of PID 5
PID Number Five- Council Information Sheet (Revised)

CITY OF TOMBALL RESOLUTION NO. 2015-05

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT NUMBER FIVE IN THE CITY OF TOMBALL, TEXAS; AUTHORIZING PUBLICATION OF THIS RESOLUTION, PROVIDING FOR THE PREPARATION OF A SERVICE AND ASSESSMENT PLAN; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, the City of Tomball City Council is authorized to create a public improvement district pursuant to Ch. 372 of the Texas Local Government Code (the “Code”) for the purpose described therein, and the City has received a petition from certain landowners within the City requesting the creation of a public improvement district; and

WHEREAS, the City Council held a public hearing on March 2, 2015, notice of which was published and mailed to property owners of the proposed district pursuant to Section 372.009 of the Code; and

WHEREAS, the City Council has made findings by resolution as to the advisability of the proposed improvement project, the nature of the improvements, the boundaries of the proposed public improvement district, the estimated cost, the method of assessment and the apportionment of cost between the improvement district and the City as a whole, as required by Chapter 372 of the Code; and

WHEREAS, the City Council has determined that it should proceed with the creation of the Public Improvement District Number Three and the provision of public improvements proposed to be provided thereby; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. The Public Improvement District Number Five (the “District”) is authorized to be and is hereby established as a public improvement district under the provisions of Chapter 372 of the Code over the land currently included within the boundaries of the City of Tomball, Texas, as more fully described in Exhibit A and B attached hereto, all in accordance with the findings made by the City Council in Section 1 of Resolution No. 2015-04 passed and approved on March 16, 2015.

Section 3. The City Secretary is hereby directed to give notice of the authorization for establishment of the District by publishing the resolution once in at least one local newspaper of general circulation in the City. The authorization and establishment of the District shall be deemed to be effective upon the publication of the notice directed by this section.

Section 4. The City Council hereby directs the District Administrator to prepare a service and assessment plan for review and approval of the City Council in accordance with Chapter 372 of the Code.

Section 5. The District shall not provide any improvements until at least 20 days after authorization of the District takes effect. Such services shall not begin if during such period a petition is filed pursuant to section 372.010(c) of the Code.

Section 6. This Resolution shall be passed finally on the date of it's introduction and shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this 16th day of March 2015.

Gretchen Fagan, Mayor

Attest:

DORIS SPEER, City Secretary

Approved as to form:

LOREN B. SMITH, City Attorney

EXHIBIT A



Windrose Land Services, Inc.

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 481-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

DESCRIPTION OF 10.9460 ACRES OR 476,809 SQ. FT.

A TRACT OR PARCEL CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, HARRIS COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "E" OF FINAL PLAT OF LESLIE'S PARK, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 400005, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN THAT CERTAIN DEED OF TRUST BETWEEN LAR PROPERTIES LC AND PATRIOT BANK AS RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) 20130365283 AND BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83:

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE EAST RIGHT OF WAY (R.O.W.) LINE OF QUINN ROAD (90 FEET WIDE AT THIS LOCATION) AND THE NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (100 FEET WIDE R.O.W.);

THENCE, NORTH 02 DEGREES 10 MINUTES 41 SECONDS WEST, ALONG SAID EAST R.O.W. LINE, A DISTANCE OF 480.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE SOUTH LINE OF RESTRICTED RESERVE "A" OF FINAL PLAT OF TOMBALL I.S.D. TRANSPORTATION CENTER, SECTION ONE, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 347073, H.C.M.R. AND MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEGREES 34 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TOMBALL I.S.D. TRANSPORTATION CENTER, A DISTANCE OF 964.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHWEST CORNER OF A CALLED 9.997 ACRE TRACT TO TREK INVESTMENTS AS RECORDED IN H.C.C.F. NO. T-767809 AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 61 DEGREES 52 MINUTES 39 SECONDS EAST, 0.27 FEET;

THENCE, SOUTH 02 DEGREES 18 MINUTES 47 SECONDS EAST, A DISTANCE OF 499.92 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE CURVED NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (BASED ON A WIDTH OF 100 FEET) MARKING THE SOUTHWEST CORNER OF SAID 9.997 ACRE TRACT, THE WEST CORNER OF UNRESTRICTED RESERVE "F" OF SAID LESLIE'S PARK AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 13 DEGREES 05 MINUTES 16 SECONDS WEST, 0.28 FEET;

THENCE, ALONG SAID CURVED R.O.W. LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 2,018.50 FEET, A CENTRAL ANGLE OF 02 DEGREES 13 MINUTES 53 SECONDS, AN ARC LENGTH OF 78.61 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES 11 MINUTES 22 SECONDS WEST, 78.61 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR A POINT OF TANGENCY;

SHEET 1 OF 2



Windrose Land Services, Inc

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

THENCE, SOUTH 88 DEGREES 04 MINUTES 25 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 873.68 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

THENCE, SOUTH 87 DEGREES 34 MINUTES 18 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 3.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING SOUTHERLY END OF A CUTBACK CORNER AND A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

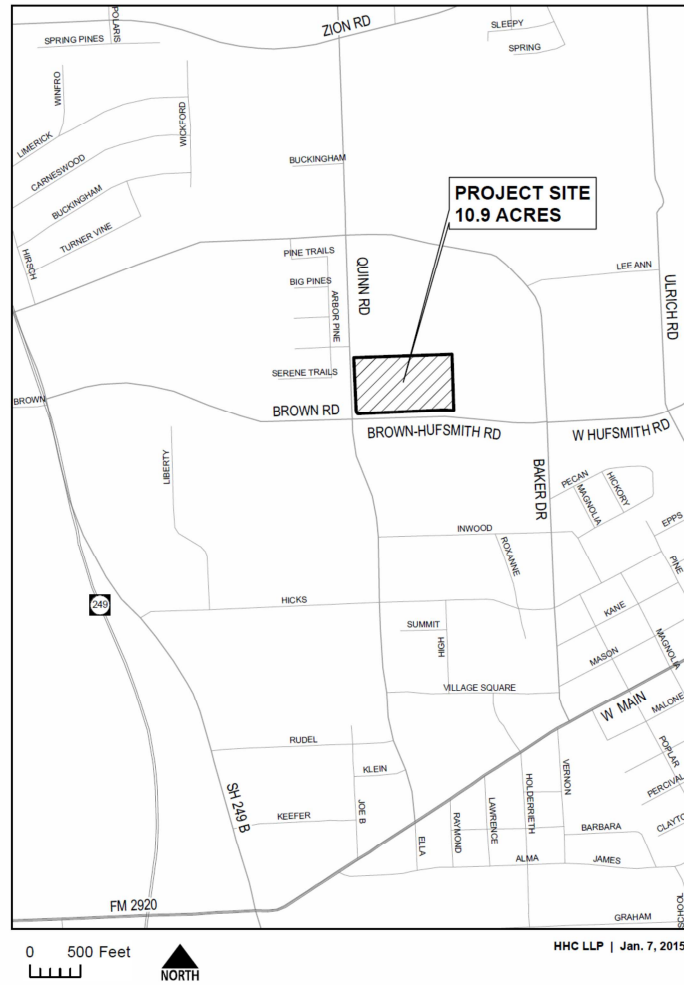
THENCE, NORTH 47 DEGREES 18 MINUTES 06 SECONDS WEST, A DISTANCE OF 13.11 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, AS SHOWN IN JOB NO. 51981 FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.




MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS
51981

09/10/14
DATE

EXHIBIT B



Council Item Information Sheet - Proposed Public Improvement District (PID) Number Five (Yaupon Trails)

Council Action Requested

It is requested that City Council call for a public hearing on March 2 to approve the proposed PID through adoption of the findings and creation resolutions. A development agreement between the City and Developer will also be presented for consideration. The development agreement describes the terms of the PID and the reimbursement of certain public infrastructure costs.

Area

Public Improvement District Number Five would be approximately 10.9460 acres representing the entirety of the proposed Yaupon Trails Subdivision, a subdivision that will be developed in one (1) section containing 37 lots. The land is located at the northeast corner of Quinn and Brown-Hufsmith Road as shown on the attached maps.

Purpose

The purpose of the PID is to assist the developer with public infrastructure costs. Through the PID, the developer will recover certain costs through an assessment on each lot. This arrangement is similar to a municipal utility district (MUD) and the MUD tax used for the same purpose.

Assessment Rate

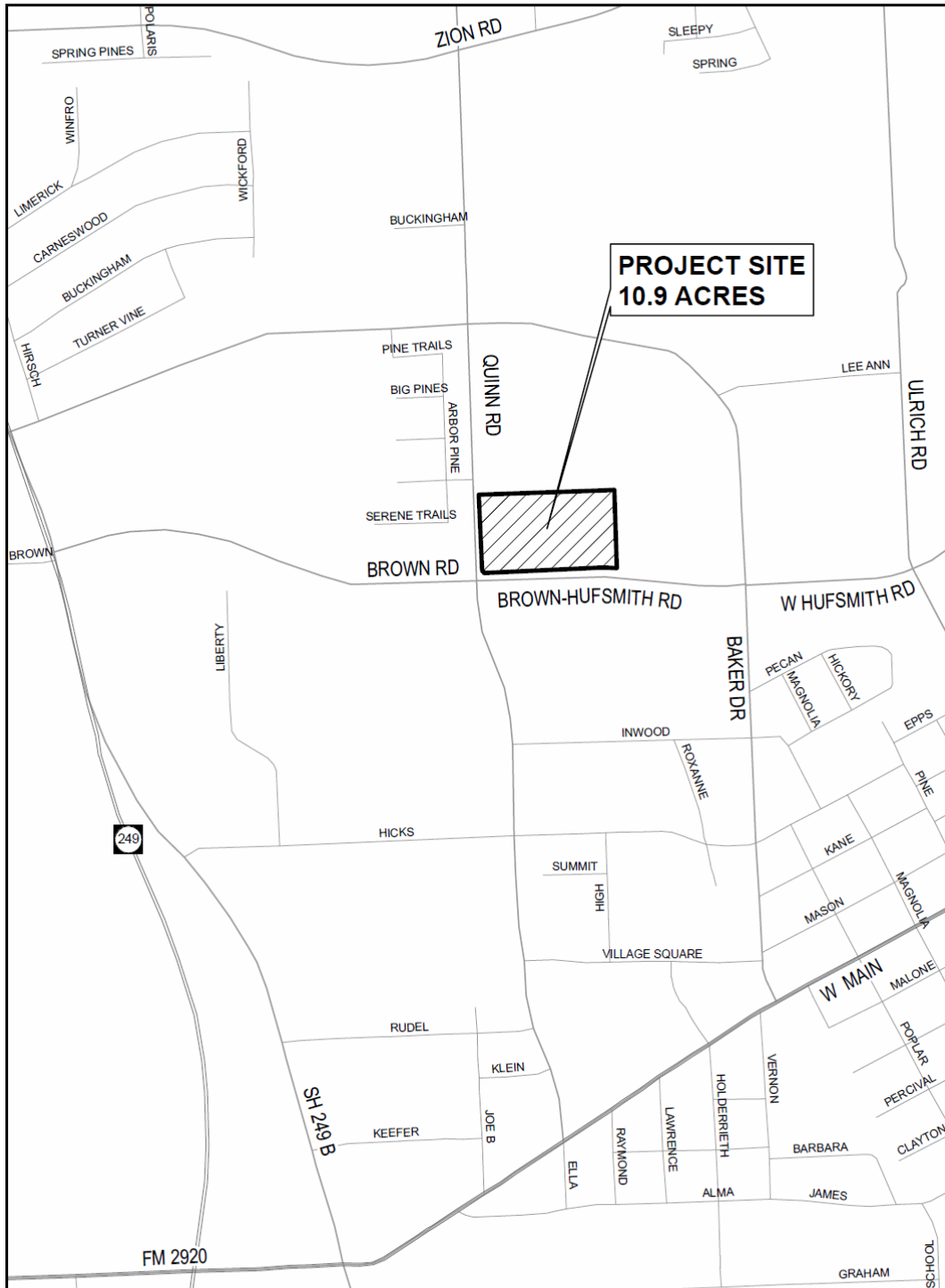
The PID assessment is expected to be approximately \$2,275 per lot per year, or the equivalent of an 65-cent tax rate on a \$350,000 home. Included in the annual payment are financing and interest costs allowing for a level annual payment over the proposed fifteen (15) year term of the PID. The principal amount of the assessment is payable at any time by the homeowners which would terminate the assessment, and an amortization schedule will be kept for each property covered by the assessment to track annual payments and the outstanding principal balance.

Disclosure

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the builders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

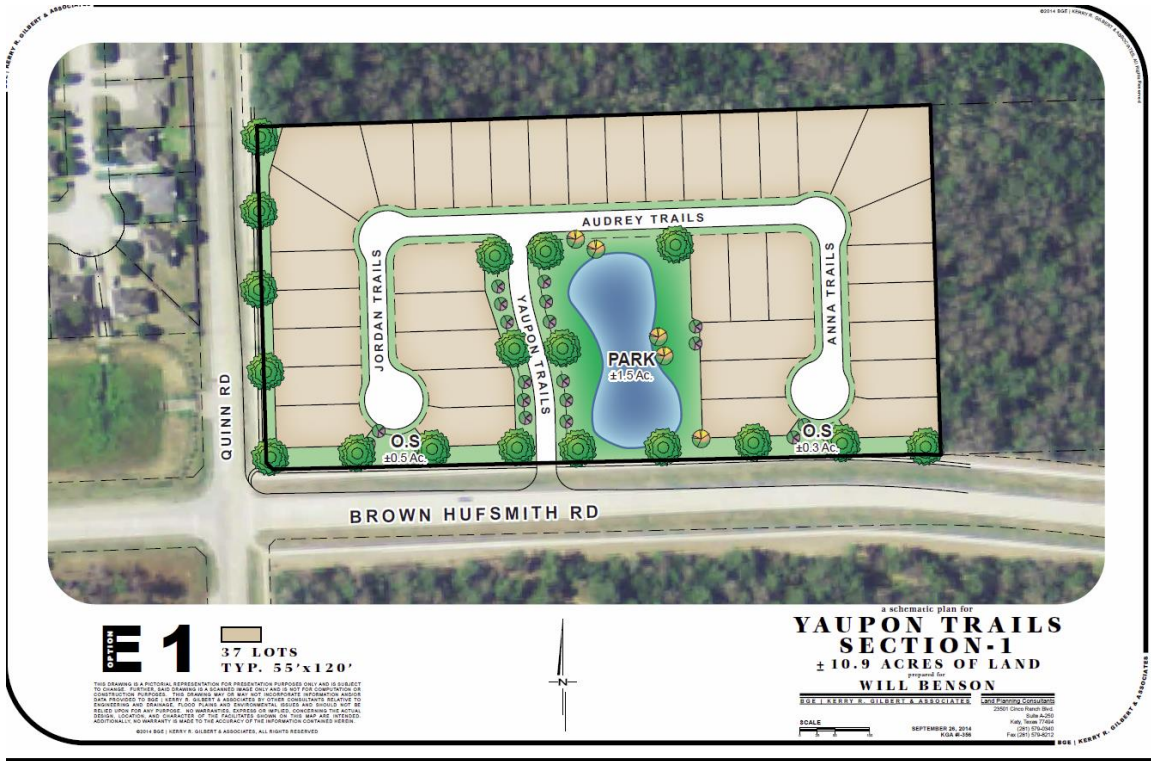
Future Actions

If created, the PID would still need City Council approval of the Service and Assessment Plan and all Assessment Rolls (i.e. no assessments can be implemented without City Council approval). The District Administrator will write the Service and Assessment Plans and formulate the Assessment Rolls for consideration by City Council. The District Administrator will work with the City and the Harris County Tax Assessor to have the assessments placed on the County tax bills. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund.



0 500 Feet
NORTH

HHC LLP | Jan. 7, 2015



Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Consideration and Possible Action to Approve a Development Agreement between the City of Tomball and Yaupon Trails LTD LLC, a Texas Limited Liability Company (the Developer), regarding Public Improvement District Number Five (PID 5) in the City of Tomball, Texas.

Background:

On March 2, 2015, Scott Bean, of Hawes Hill Caulderon, LLP (the City's PID consultant) representing the developer, Yaupon Trails LTD LLC, submitted a petition for the creation of a public improvement district on 10.946 acres of land in the Joseph House Survey, Abstract No. 34. The proposed development associated with this property will be generally referred to as "Yaupon Trails".

The next step in the PID process is the creation of a Development Agreement between the City and the developer. This agreement outlines relationships, responsibilities, and default remedies for each party. It also allows the City to terminate the PID and the agreement if the developer does not begin construction on the improvements within a timely fashion. This agreement is comparable to those previously approved by the council for existing PIDs.

The next document to come before council for approval will be the Service and Assessment Plan (lists of specific projects, costs, debt, and assessment fees).

Origination:

Finance

Recommendation:

Approval of the Development Agreement

Funding:

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Development Agreement between the City of Tomball and Yaupon Trails LTD LLC
Revised Council Item Information Sheet

DEVELOPMENT AGREEMENT

This Development Agreement (this “*Agreement*”) is made as of _____, 2015, by and between the **CITY OF TOMBALL**, a municipal corporation and a home-rule city in the State of Texas (the “*City*”), and **Yaupon Trails LTD LLC** a Texas limited liability company (the “*Developer*”).

RECITALS

WHEREAS, in accordance with the provisions of Chapter 372, TEX. LOCAL GOV’T CODE, and Resolution No. 2015-05, the City Council of the City of Tomball created the Public Improvement District Number Five (the “*PID*”) pursuant to the petition for creation from the owner thereof; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City and the land within the PID to finance the construction of certain PID Improvements (defined below) and that an assessment against the benefited property within the PID should be made; and

WHEREAS, the Developer is the owner of certain property within the PID described in Exhibit A and B, and wishes to finance and construct certain PID projects; and

WHEREAS, the Developer intends to assist the City in the financing and construction of the PID Improvements, in exchange for the City’s agreement to reimburse the Developer in accordance with the terms of this Agreement; now, therefore,

AGREEMENT

For and in consideration of the mutual promises, covenants, obligations, and benefits of this Agreement, the Developer contract and agree as follows:

ARTICLE 1 GENERAL TERMS

1.01 **Definitions.** The terms “*Agreement*,” “*City*,” “*Developer*,” “*PID*,” and “*PID Agreement*” have the meanings set forth in the preamble hereof, and the following terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For purposes of this Agreement, the words “shall” and “will” are mandatory, and the word “may” is permissive.

Act shall mean the Public Improvement District Assessment Act, Chapter 372, TEX. LOCAL GOV’T CODE, as amended.

Assessments shall mean assessments levied and collected in connection with the PID pursuant to the Act and the Plan, and deposited by the City into a PID Revenue Fund.

Developer Advances shall mean any funds advanced by the Developer pursuant to **Section 5.01**, and shall include any interest payable thereon.

Net Assessments shall mean the annual deposits of the Assessments into the PID Revenue Fund, less amounts reasonably required or anticipated to be required for the administration and operation of the PID in carrying out its responsibilities hereunder, including a reasonable operating reserve.

Parties or *Party* shall mean the City, and the Developer as parties to this Agreement.

PID Improvements shall mean the improvements described in **Article 3** hereof.

PID Revenue Fund shall mean the special fund established by the City and funded with payments made to the City pursuant to the PID.

Plan shall mean the final Service and Assessment Plan for the PID as approved by City Council in accordance with the Act.

Project shall mean the residential development within the PID projected to be carried out by the Developer described on Exhibit B.

1.02 Singular and plural; gender. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa. Likewise, any masculine references shall include the feminine, and vice versa.

ARTICLE 2 REPRESENTATIONS

2.01 Representations of the City. The City hereby represents that:

a. The City is duly authorized and is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The City has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the City, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the City under any agreement or instrument to which the City is a party or by which the City or its assets may be bound or affected.

c. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

2.02. Representations of the Developer. The Developer hereby represents that:

a. The Developer is duly authorized, created and existing under the laws of the State of Texas, is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The Developer has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the Developer or any provisions of the Developer's organizational documents, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the Developer under any agreement or instrument to which the Developer is a party or by which the Developer or its assets may be bound or affected.

c. The Developer has sufficient capital to perform its obligations under this Agreement and will commence construction of the Project within eighteen (18) months of execution of this Agreement.

d. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the Developer, enforceable in accordance with its terms.

ARTICLE 3 THE PLAN AND PID IMPROVEMENTS

3.01 The PID Improvements. The PID Improvements are intended to enhance the proposed implementation of a development within the PID constituting the Project, as more fully described in the Plan.

3.02 PID Improvements description. The PID Improvements consist of acquisition, construction and development of the public improvements within the portion of the PID comprising the Project, as more fully described in Exhibit C, and as described in the Plan. The PID Improvements will be developed pursuant to a schedule consistent with the pace of development of the Project that is mutually agreeable to the Parties. The PID Improvements shall include all engineering, legal and other consultant fees and expenses related to such PID Improvements. The Developer shall be entitled to reimbursement of the project costs described in Exhibit C subject to the limitations contained in Section 3.03 of this agreement.

3.03 General terms of the Plan. The Plan has not yet been adopted by the City. The Parties anticipate that the Plan, at a minimum, will include the PID Improvements described above to serve the land within the PID, and such other facilities as may be agreed upon by the Parties, and that the Assessments shall be assessed in phases to affect only the portions of the PID directly benefited by the PID improvements to be financed by each Assessment. The Assessments shall be based upon the agreed-upon estimated costs of the Public Improvements as reflected in Exhibit C, plus those related costs as deemed reimbursable by the City; however, the Assessments in the Plan shall be formulated in a manner that generally conforms to the equivalent of a \$0.65 tax rate for properties covered by the Plan on a project-wide basis, and a maximum fifteen (15) year payment term for each property covered by the Plan.

3.04. Additional Projects. This Agreement does not apply to any projects not specifically included in the Plan and defined herein unless this Agreement is amended to provide for the design and construction of such additional projects.

ARTICLE 4 DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

4.01 Construction manager. The Developer agrees to construct the PID Improvements and to provide and furnish, or cause to be provided and furnished, all materials and services as and when required in connection with the construction of the PID Improvements. The Developer will obtain all necessary permits and approvals from the City and all other governmental officials and agencies having jurisdiction, provide supervision of all phases of construction of the PID Improvements, provide periodic reports of such construction to the City upon request, and cause the construction to be performed in accordance with the Plan.

4.02 Design of the PID Improvements. The Developer shall prepare or cause to be prepared the plans and specifications for the PID Improvements. Prior to the commencement of construction or implementation of the PID Improvements, the plans and specifications must be approved by the City. The PID Improvements shall be designed in accordance with City standards applicable to similar public improvements within the City.

4.03 Construction contracts. The Developer shall prepare the PID Improvements construction contract documents to ensure that the contract documents are in accordance with the approved plans and specifications. The Developer shall comply with all laws and regulations regarding the bidding and construction of public improvements applicable to similar facilities constructed by the City, including without limitation any applicable requirement relating to payment, performance and maintenance bonds.

4.04. Construction and implementation of the PID Improvements. The Developer shall be responsible for the inspection and supervision of the construction and implementation of the PID Improvements.

a. The Developer shall commence construction of the PID Improvements in a timely fashion to coincide with the expected development of the Project.

b. Upon completion of a contract for the construction of the PID Improvements, the Developer shall provide the City with a final summary of all costs associated with such contract, and show that all amounts owing to contractors and subcontractors have been paid in full evidenced by customary affidavits executed by such contractors. Following completion of a construction contract, the Developer will call for inspection of the applicable PID Improvements by the City, and upon approval thereof as being in compliance with City standards relating thereto, the PID Improvements will be conveyed to the City, subject only to the right to reimbursement for Developer Advances with respect thereto.

ARTICLE 5 PROJECT FINANCING AND FUNDING

5.01. The Developer Advances.

a. In connection with the construction of the PID Improvements the Developer has determined are required to be constructed to serve the Project, the Developer agrees to provide sufficient funds as such become due for all costs thereof (the “Developer Advances”), such as costs of design, engineering, materials, labor, construction, and inspection fees arising in connection with the PID Improvements, including all payments arising under any contracts entered into pursuant to this Agreement.

b. Interest on each Developer Advance shall accrue at a rate one-half of one percent above the highest average interest rate reported by *The Bond Buyer* newspaper in a weekly bond index in the month before the date of this agreement, compounded annually, whether such costs, fees, or expenses are paid or incurred before or after the effective date of this Agreement. The interest rate shall not exceed eight percent (8%). Interest shall be calculated on the basis of a year of 360 days and the actual days elapsed (including the first day but excluding the last day) occurring in the period for which such interest is payable, unless such calculation would result in a usurious rate, in which case interest shall be calculated on the per annum basis of a year of 365 or 366 days, as applicable, and the actual days elapsed (including the first day but excluding the last day).

5.02. Repayment of Developer Advances.

a. In consideration of the development and construction of the PID Improvements, the City shall begin repaying the Developer Advances, and shall continue such repayment until repaid in full, on the earliest date that funds are available from the following source, and solely from such source:

(i) the Net Assessments, subject to the limitations set forth in **subsection (c)**.

b. the City shall reimburse the Developer for Developer Advances, plus interest, from Net Assessments from the Project accumulated in the PID Revenue Fund available in accordance with the priorities described in **Section 5.03** below.

c. At such time as funds are available to pay all or any portion of the Developer Advances made hereunder, the City shall hire a certified public accountant at the Developer’s expense to calculate the amount due the Developer and prepare and submit a report to the City certifying the amount due the Developer for the Developer Advances being repaid with interest calculated thereon. Such report shall be approved at the earliest practicable time, but not later than 90 days after submission by the Developer of the records required therefor. The City shall make payment to the Developer within 30 days of approval of the accountant’s report.

5.03. Priorities. Amounts deposited in the PID Revenue Fund shall be applied in the following order of priority (i) administrative and operating costs of the PID, (ii) payments to the Developer pursuant to **Section 5.02**, above.

ARTICLE 6 DEFAULT

6.01. Default.

a. If the City does not perform its obligations hereunder in substantial compliance with this Agreement, in addition to the other rights given the Developer under this Agreement, the Developer may enforce specific performance of this Agreement or seek actual damages incurred by the Developer for any such default.

b. If the Developer fails to commence or complete the PID Improvements or the Project in accordance with the terms of this Agreement, including the failure to fund Developer Advances or commence construction of the Project within eighteen (18) months, the City may terminate this Agreement with respect to its obligations to the Developer and shall be relieved of any obligation to reimburse the Developer for any Developer Advances or seek actual damages incurred for any such default.

c. The Party alleging default shall provide written notice to the other party of such default, and the defaulting party shall have 60 days to remedy the default prior to the declaration of any default hereunder.

ARTICLE 7 GENERAL

7.01. Inspections, audits. The Developer agrees to keep such operating records with respect to the PID Improvements and other activities contemplated by this Agreement and all costs associated therewith as may be required by the City, or by State and federal law or regulation. The Developer shall allow the City access to, and the City shall have a right at all reasonable times to audit, all documents and records in the Developer's possession, custody or control relating to the PID Improvements that the City deems necessary to assist the City in determining the Developer's compliance with this Agreement.

7.02 Developer operations and employees. All personnel supplied or used by the Developer in the performance of this Agreement shall be deemed contractors or subcontractors of the Developer and will not be considered employees, agents, contractors or subcontractors of the City for any purpose whatsoever. The Developer shall be solely responsible for the compensation of all such contractors and subcontractors.

7.03 Personal liability of public officials, legal relations. To the extent permitted by State law, no director, officer, employee or agent of the City shall be personally responsible for any liability arising under or growing out of the Agreement. THE DEVELOPER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS RESPECTIVE OFFICERS, REPRESENTATIVES, AND AGENTS FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER BROUGHT FOR OR ON ACCOUNT OF ANY

INJURIES OR DAMAGES RECEIVED BY ANY PERSON, PERSONS, OR PROPERTY RESULTING FROM THE NEGLIGENT ACTS OF THE DEVELOPER, OR ANY OF ITS AGENTS, OFFICERS, OR REPRESENTATIVES IN PERFORMING ANY OF THE SERVICES AND ACTIVITIES UNDER THIS AGREEMENT.

7.04 Notices. Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the receiving party at the following addresses:

City of Tomball
c/o City Manager
401 Market Street
Tomball, Texas 77375

PID Contract Administrator
Hawes Hill Calderon, LLP
P.O. Box 22167
Houston, Texas 77092
Attn: Scott Bean

Yaupon Trails LTD LLC
c/o Jean Michael Rebesch
308 W. Parkwood, Suite 108-B
Friendswood, Texas 77546

Each party may change its address by written notice in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipted for by, or actually received by the City, or the Developer, as the case may be.

7.05 Amendments and waivers. Any provision of this Agreement may be amended or waived if such amendment or waiver is in writing and is signed by the City and the Developer. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

7.06 Invalidity. In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provision of this Agreement.

7.07 Successors and assigns. All covenants and agreements contained by or on behalf of a Party in this Agreement shall bind its successors and assigns and shall inure to the benefit of the other Parties, their successors and assigns. The Parties may assign their rights and obligations under this Agreement or any interest herein, only with the prior written consent of the other Parties, and any assignment without such prior written consent, including an assignment by

operation of law, is void and of no effect; provided that, the Developer may make a collateral assignment in favor of a lender without consent. This section shall not be construed to prevent the Developer from selling lots, parcels or other portions of the Project in the normal course of business. If such assignment of the obligations by the Developer hereunder is effective, the Developer shall be deemed released from such obligations. If any assignment of the obligations by the Developer hereunder is deemed ineffective or invalid, the Developer shall remain liable hereunder.

7.08 Exhibits; titles of articles, sections and subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the agreement between the parties hereto. Any reference herein to a section or subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

7.09 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect.

7.10 Entire Agreement. **THIS WRITTEN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

7.11 Term. This Agreement shall be in force and effect from the date of execution hereof for a term expiring on the date that the Developer Advances have been repaid in full, or January 1 of the year following the date the last assessment payment has been made in accordance with the PID Service and Assessment Plan and Assessment Roll(s).

7.12 Time of the essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

7.13 Approval by the Parties. Whenever this Agreement requires or permits approval or consent to be hereafter given by any of the parties, the parties agree that such approval or consent shall not be unreasonably conditioned, withheld or delayed.

7.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which when so executed and delivered shall be deemed an original, but such counterparts together shall constitute but one and the same instrument.

7.15 Legal costs. If any Party hereto is the prevailing party in any legal proceedings against another Party brought under or with relation to this Agreement, such prevailing Party shall additionally be entitled to recover court costs and reasonable attorneys' fees from the non-prevailing Party to such proceedings.

7.16 Further assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of _____, 2015.

CITY OF TOMBALL, TEXAS

By: _____
Name: _____
Title: _____

Yaupon Trails LTD LLC

Jean Michael Rebescher, Sole Member

EXHIBIT A



Windrose Land Services, Inc
3200 Wilcrest Dr., Suite 325
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants
Land Surveying, Platting, Project Management and GIS Services
Firm Registration No. 10108800

DESCRIPTION OF 10.9460 ACRES OR 476,809 SQ. FT.

A TRACT OR PARCEL CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, HARRIS COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "E" OF FINAL PLAT OF LESLIE'S PARK, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 400005, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN THAT CERTAIN DEED OF TRUST BETWEEN LAR PROPERTIES LC AND PATRIOT BANK AS RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) 20130365283 AND BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83:

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE EAST RIGHT OF WAY (R.O.W.) LINE OF QUINN ROAD (90 FEET WIDE AT THIS LOCATION) AND THE NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (100 FEET WIDE R.O.W.);

THENCE, NORTH 02 DEGREES 10 MINUTES 41 SECONDS WEST, ALONG SAID EAST R.O.W. LINE, A DISTANCE OF 480.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE SOUTH LINE OF RESTRICTED RESERVE "A" OF FINAL PLAT OF TOMBALL I.S.D. TRANSPORTATION CENTER, SECTION ONE, MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 347073, H.C.M.R. AND MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEGREES 34 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TOMBALL I.S.D. TRANSPORTATION CENTER, A DISTANCE OF 964.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHWEST CORNER OF A CALLED 9.997 ACRE TRACT TO TREK INVESTMENTS AS RECORDED IN H.C.C.F. NO. T-767809 AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 61 DEGREES 52 MINUTES 39 SECONDS EAST, 0.27 FEET;

THENCE, SOUTH 02 DEGREES 18 MINUTES 47 SECONDS EAST, A DISTANCE OF 499.92 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE CURVED NORTH R.O.W. LINE OF BROWN-HUFFSMITH ROAD (BASED ON A WIDTH OF 100 FEET) MARKING THE SOUTHWEST CORNER OF SAID 9.997 ACRE TRACT, THE WEST CORNER OF UNRESTRICTED RESERVE "F" OF SAID LESLIE'S PARK AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS FOR REFERENCE NORTH 13 DEGREES 05 MINUTES 16 SECONDS WEST, 0.28 FEET;

THENCE, ALONG SAID CURVED R.O.W. LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 2,018.50 FEET, A CENTRAL ANGLE OF 02 DEGREES 13 MINUTES 53 SECONDS, AN ARC LENGTH OF 78.61 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES 11 MINUTES 22 SECONDS WEST, 78.61 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR A POINT OF TANGENCY;

SHEET 1 OF 2



Windrose Land Services, Inc

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

THENCE, SOUTH 88 DEGREES 04 MINUTES 25 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 873.68 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

THENCE, SOUTH 87 DEGREES 34 MINUTES 18 SECONDS WEST, CONTINUING WITH SAID NORTH R.O.W. LINE, A DISTANCE OF 3.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING SOUTHERLY END OF A CUTBACK CORNER AND A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 47 DEGREES 18 MINUTES 06 SECONDS WEST, A DISTANCE OF 13.11 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.9460 ACRES OR 476,809 SQUARE FEET OF LAND, AS SHOWN IN JOB NO. 51981 FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.




MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS
51981

09/10/14
DATE

EXHIBIT B

Description of Residential Development

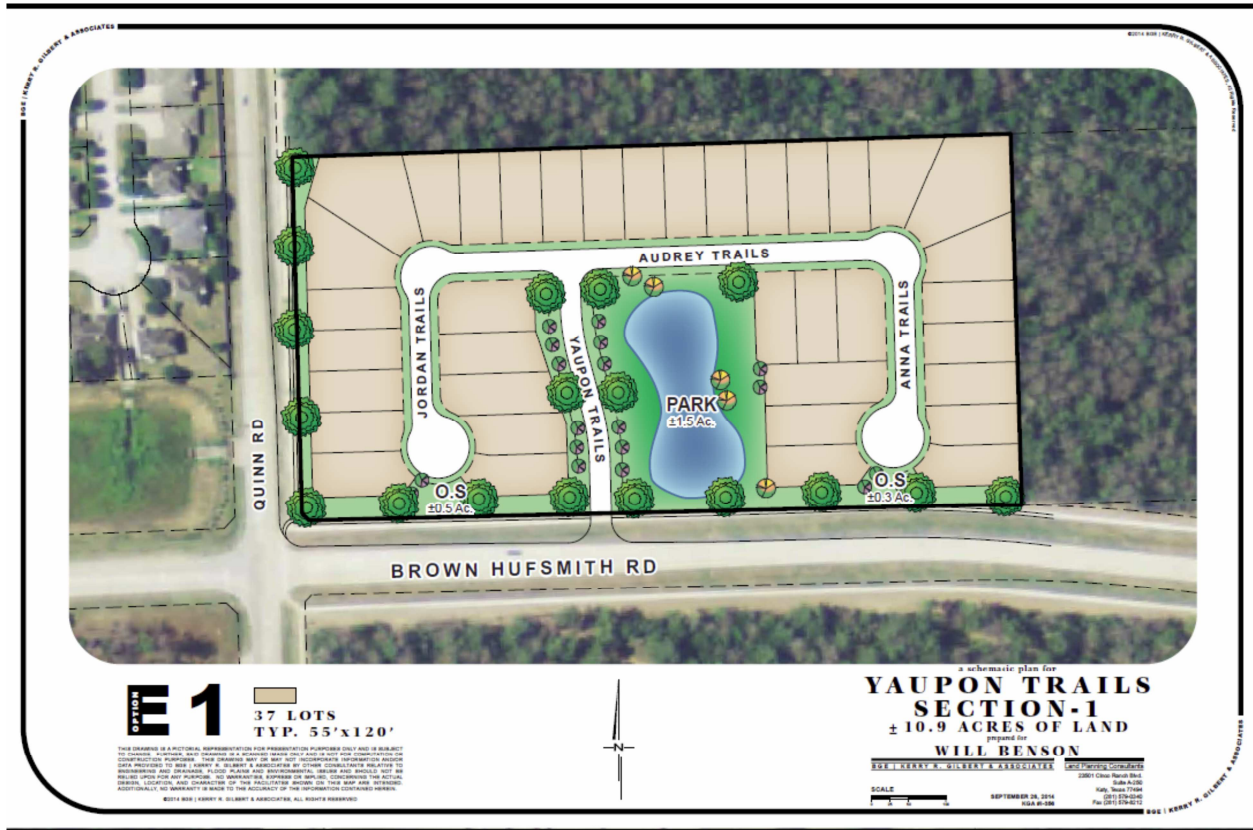


EXHIBIT C

The PID Improvements

Storm & Detention - \$470,350.

Water Distribution - \$81,450.

Sanitary Distribution - \$125,800

Paving - \$341,625

Electrical, Gas, & Street Lights - \$62,500

TOTAL EST - \$1,081,725

Landscaping - \$103,000

Council Item Information Sheet - Proposed Public Improvement District (PID) Number Five (Yaupon Trails)

Council Action Requested

It is requested that City Council call for a public hearing on March 2 to approve the proposed PID through adoption of the findings and creation resolutions. A development agreement between the City and Developer will also be presented for consideration. The development agreement describes the terms of the PID and the reimbursement of certain public infrastructure costs.

Area

Public Improvement District Number Five would be approximately 10.9460 acres representing the entirety of the proposed Yaupon Trails Subdivision, a subdivision that will be developed in one (1) section containing 37 lots. The land is located at the northeast corner of Quinn and Brown-Hufsmith Road as shown on the attached maps.

Purpose

The purpose of the PID is to assist the developer with public infrastructure costs. Through the PID, the developer will recover certain costs through an assessment on each lot. This arrangement is similar to a municipal utility district (MUD) and the MUD tax used for the same purpose.

Assessment Rate

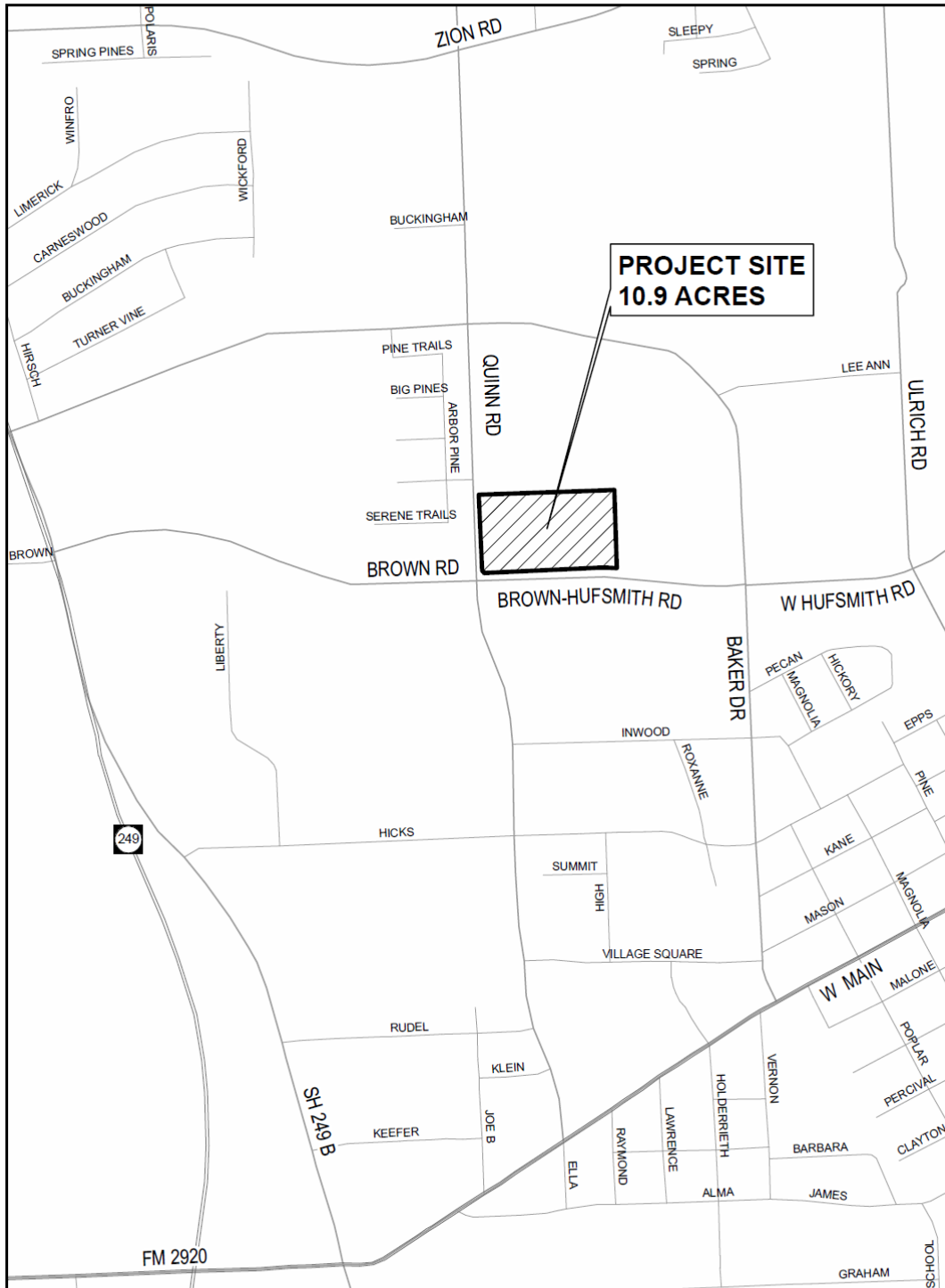
The PID assessment is expected to be approximately \$2,275 per lot per year, or the equivalent of an 65-cent tax rate on a \$350,000 home. Included in the annual payment are financing and interest costs allowing for a level annual payment over the proposed fifteen (15) year term of the PID. The principal amount of the assessment is payable at any time by the homeowners which would terminate the assessment, and an amortization schedule will be kept for each property covered by the assessment to track annual payments and the outstanding principal balance.

Disclosure

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the builders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

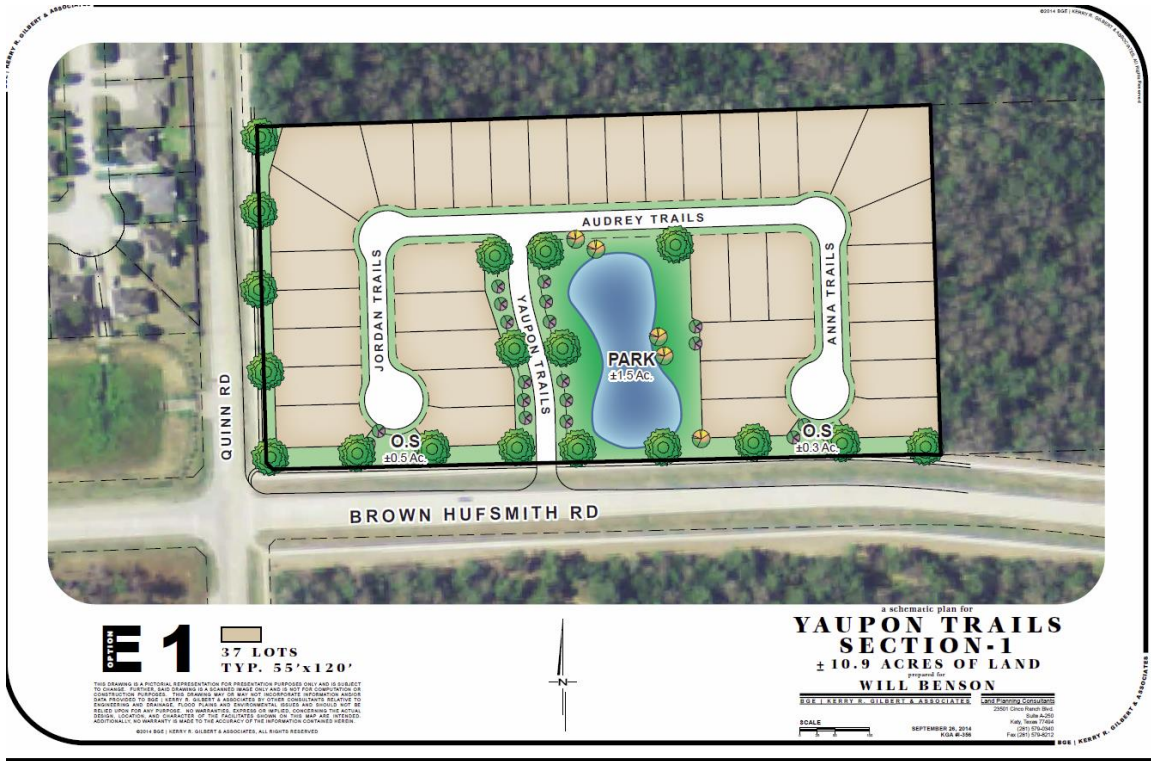
Future Actions

If created, the PID would still need City Council approval of the Service and Assessment Plan and all Assessment Rolls (i.e. no assessments can be implemented without City Council approval). The District Administrator will write the Service and Assessment Plans and formulate the Assessment Rolls for consideration by City Council. The District Administrator will work with the City and the Harris County Tax Assessor to have the assessments placed on the County tax bills. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund.



0 500 Feet
NORTH

HHC LLP | Jan. 7, 2015



Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Receive Presentation by Tomball Sports Association regarding Needs for Tomball Little League Fields, Located in the Wayne Stovall Sports Complex

Background:

Nancy Newton, President of Tomball Sports Association and Tomball Little League, will make a presentation to Council regarding TSA's and TLL's requests for the City's assistance in improving the Tomball Little League fields, located in the Wayne Stovall Sports Complex.

Origination:

Nancy Newton, President, Tomball Sports Association and Tomball Little League

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:

PowerPoint Presentation



Tomball Sports Association

Presentation of needs for
Tomball Little League and Wayne Stovall Sports Complex
Tomball, Tx

Nancy Newton, President of Tomball Sports Association

A close-up photograph of a baseball field. In the foreground, a brown leather baseball glove lies on the reddish-brown dirt. A wooden baseball bat is positioned diagonally across the upper right portion of the frame. To the right of the glove, a white baseball with red stitching sits on the dirt. The background shows a blurred view of the field and stadium seating.

Purpose of Presentation

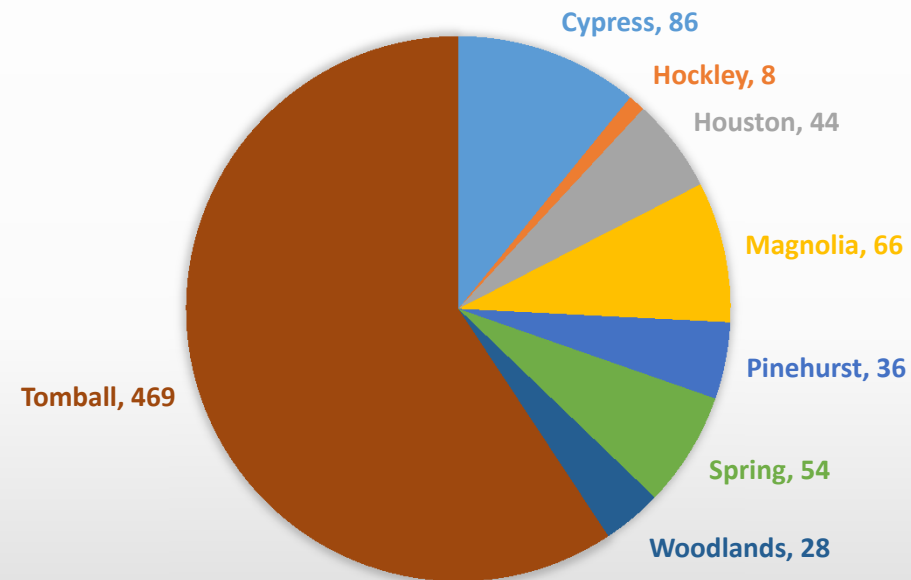
- To begin the communication with the City council of the existing and future needs of the Tomball little league program.
- There are significant needs with field space, storage space, parking facilities, infrastructure and basic maintenance that need to be addressed.
- The association seeks to get direction of the council on how to proceed addressing these needs.

Division Statistics

- **T-Ball Division** (ages 4-6): **260**; **14 teams**(4 & 5 yo) playing on fields 4 & 5; **10 teams** for Coach Pitch (6yo) playing on field 6
- **Minors** (ages 8-10): **311**; **12 teams of machine pitch**(7-8 yo) playing on fields 7 & 8; **14 teams 9-10 yo** playing on field 3. (TSA currently having electric re-routed so that field 8 can be used by 9-10 yo also.)
- **Majors** (ages 11-12): **98**; **8 teams** playing on field 2
- **Seniors** (ages 13-16): **63**; **5 teams** playing on field 1
- **Big League** – (ages 17 & 18)registration anticipated **13**; **1 team** will play on field 1
- 64 Teams and 745 Spring Participants

Breakdown of the Participants

WHERE ARE THEY FROM?



Park Schedule

- Games are held on Tuesdays and Thursdays at 6pm and 8pm
Saturdays 10am – 6pm
- All fields are used during these times which means 16 teams in the park per every 2 hour pd. (approx. 192 players every 2 hours except t-ball which has shorter games and shorter scheduled hours)
- There is overlapping in between games which makes for parking issues .
- Practices are held Monday, Wednesday, Fridays (1 team per field, 1 team per batting cage)
- Men's Wooden Bat League Plays in Tomball on Sundays 1-8pm

Short Term Needs

- Lighting to put us in compliance with Little League International Standards
- Addition of another T-ball field
- Safety in Park: Parking & Bleacher Hand Rails
- Roofing on the existing Barn
- Indoor Park Facility (for programming & storage)

Lighting in the Park

- Requirements by Little League International are currently not being met. We are required to put a plan in place to maintain Insurance for future seasons.
- Short Term: Address the 3 “pitching” Fields (1, 2, 3) First.
- Musco Lighting will provide presentation at next Council meeting (currently does lighting for all area leagues and Tomball ISD). Approx. Cost per field is \$80K.
- Current lighting would be removed and replaced. Complete evaluation, report and bid available for next council meeting.

Addition of Field Space & Indoor Facility

- Build an additional T-ball Field
- Build an Indoor Facility with removable batting cages for programming, meeting space & storage.



Safety rails in the park

- We would like to have safety rails installed on all the wood bleachers in the park.



Parking

- Parking is creating safety concerns
- Short term: repaint lines to clearly designate parking and then work to enforce by means of signage, board volunteers to monitor lots and warning tags initially.
- TSA plans to request the TPD to take aerial photos on Opening Day and following Saturday to see current conditions in order to assist with long term plans.

What does our current fundraising efforts support?

(Items in bold are items that are in additional to our normal Expenses that we are currently trying to raise additional funds for)

- Scholarships (no child is turned away based on ability to pay)
- Programming (Umpires, Park Mgr. Salaries, Park Utilities, Training Materials, Little League International Fees, Administrative Costs, etc.)
- Equipment
 - Player Safety Equipment (all teams receive batting helmets & catchers gear)
 - Field Equipment (pitching screens, T's, pitching machines, baseballs, etc.)
 - Scoreboard/announcing equipment
 - Batting cages and bull pins (2 new cages purchased March 2015 for \$8K)
 - **Backstops** (these would allow 2 additional practice areas in park)
- Maintenance of fields
 - Mowing, weed control, ant control, etc.
 - Fencing
 - **Laser Grading of Fields 1, 6, 7, & 8** (Feb 2015 \$12,000 spent on fields 2 & 3)
- **Co-pay for Interior of a new Indoor Facility**

Future Plans

- Currently working with David Esquivel, Director Public Works
 - To help prioritize current needs for further council discussion.
 - Develop a long range master plan.
 - Continue discussions and help evaluate options with the city council
- There are many possibilities with baseball today. We would like to add the following programs if additional space was created:
 - More teams in current divisions
 - Challenger Division
 - Intermediate 50/70 Division
 - Select Teams for 8yo-14yo
 - Host Tournaments that bring in visitors to Tomball from all over the Houston and surrounding areas.

Contact Information

- Website: www.tomballlittleleague.com
- Executive Board of Directors
 - President: Nancy Newton president@tomballlittleleague.com
281-728-9257
 - Vice President: Matt Stone vicepresident@tomballlittleleague.com
 - Treasurer: James Tuggle treasurer@tomballlittleleague.com
 - Secretary: Lisa Castro Secretary@tomballlittleleague.com
 - UIC: Don Calhoun umpire@tomballlittleleague.com
- Mailing Address: P.O.Box 1804 Tomball, Tx 77377

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

- Conduct Public Hearing on **ZONING CASE P14-254**
- Adopt, on First Reading, Ordinance No. 2015-05, 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 10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of Lizzie Lane; 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 March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, unanimously recommended approval of Zoning Case P14-254.

Origination:

Jose Aguirre

Recommendation:

Approval

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:

Ordinance No. 2015-05
Notice of Public Hearing
Property Owner Notification Letter
P15-254 Staff Report

ORDINANCE NO. 2015-05

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 10 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 335 & 336, TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EAST OF SOUTH PERSIMMON STREET AND SOUTH OF LIZZIE LANE; 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, Tower Steel Services, Inc has requested that approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, generally located east of South Persimmon Street and south of Lizzie Lane, 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; 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 Agricultural District to the Light Industrial 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 Light Industrial 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 Light Industrial 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 16TH DAY OF MARCH 2015.

COUNCILMAN HUDGENS	_____
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 4TH DAY OF APRIL 2015.

COUNCILMAN HUDGENS	_____
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)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

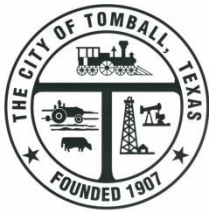
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works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

CERTIFICATION

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

Amelia Vasquez
Amelia Vasquez
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: P14-254

APPLICANT/OWNER: Jose Aguirre, on behalf of Tower Steel Services, Inc

LOCATION: East of South Persimmon Street and south of Lizzie Lane

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

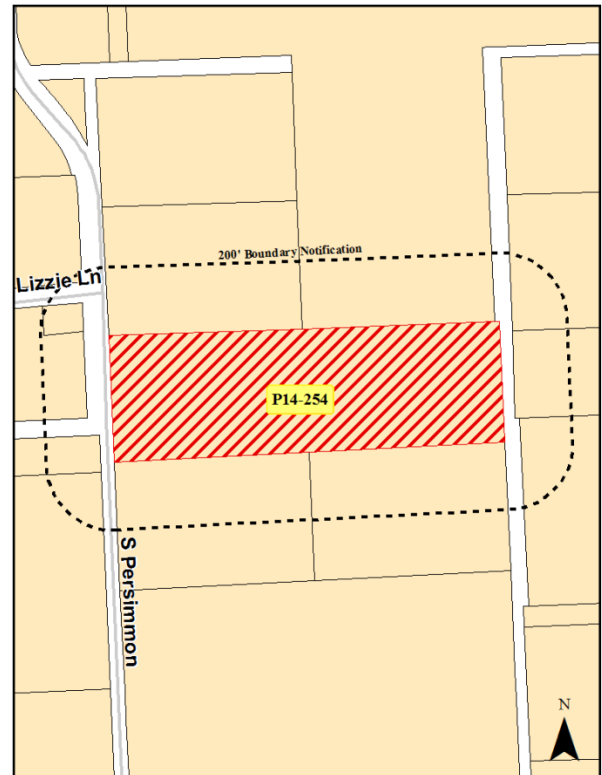
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@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.

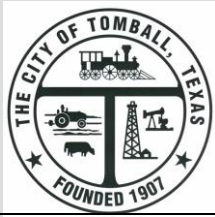


**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 2015, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Hearing Date: March 9, 2015
City Council Public Hearing Date: March 16, 2015

Zoning Case: P14-254
Property Owner(s): Tower Steel Services, Inc.
Applicant(s): Jose Aguirre
Legal Description: Lots 335 & 336, Tomball Outlots
Location: East of South Persimmon Street and south of Lizzie Lane (Exhibit "A")
Area: 10 acres
Present Zoning and Use: Agricultural District (Exhibit "B") / Undeveloped land (Exhibit "C")
Comp Plan Designation: Low Density Residential (Exhibit "D")
Proposed Zoning and Use: Light Industrial (LI) District¹ / Light industrial and manufacturing
Adjacent Zoning and Use:
North: Commercial and LI Districts / Various commercial and industrial uses
South: Agricultural District / Agricultural land
West: Single-Family Residential-6 (SF-6), Commercial², and LI Districts / South Persimmon Street, undeveloped land, and City of Tomball drainage channel
East: Agricultural and Commercial Districts / Unimproved City of Tomball right-of-way, agricultural land, and undeveloped land

BACKGROUND

In August 2014, the applicant, Jose Aguirre, met with City staff to inform them of his desire to develop the subject site with light industrial and manufacturing uses (Exhibit "E") and to inquire into the property's zoning classification. City staff informed Mr. Aguirre of the following:

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning & Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

² The Planning & Zoning Commission recommended that Lot 1, Block 1, Vasquez-Phoenix (Zoning Case P14-262) be rezoned from the SF-6 District to the Commercial District on 2/9/15, the rezoning was approved by City Council on first and second readings on 2/16/15 and 3/2/15, and the rezoning takes effect on 3/16/15.

- The property was zoned Agricultural District;
- The Agricultural District classification did not allow light industrial and manufacturing uses;
- If he wanted to allow the light industrial and manufacturing uses he would be required to rezone the property to the LI District;
- The property had a Comp Plan future land use classification of Low Density Residential which was generally inconsistent with the LI District;

Subsequent to these discussions, the property owner turned in a rezoning application (Exhibit “F”) requesting the property be rezoned from the Agricultural District to the Light Industrial District.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Light Industrial District. According to Section 50-78 of the Tomball Code of Ordinances, the Light Industrial District “is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.”

There are several land uses in the vicinity of the subject site. To the north are various commercial and industrial uses; to the south is agricultural land; to the west are South Persimmon Street, undeveloped land, and a City of Tomball drainage channel; and to the east are unimproved City of Tomball right-of-way, agricultural land, and undeveloped land. The uses permitted by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

There are several zoning classifications in the vicinity of the subject site. To the north are the Commercial and LI Districts; to the south is the Agricultural District; to the west are the SF-6, Commercial, and LI Districts; and to the east are the Agricultural and Commercial Districts. The LI District appears to be compatible with the Commercial and LI Districts to the north, west, and east. Any potential incompatibility of the request with the SF-6 and Agricultural Districts to the south, west, and east appears to be minimized by Chapter 50 (Zoning) of the Code of Ordinance’s building setback, landscaping, screening, and buffering requirements.

The Comp Plan designates the subject site as Low Density Residential. According to the Comp Plan, “Low Density Residential includes residential development on minimum 20,000 square foot lots with the intent to provide for a larger lot development pattern.” On the surface, the LI District does not appear to be compatible with the Low Density Residential Comp Plan designation. However, the Comp Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comp Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel.” The Comp Plan goes on to list eight questions the Planning

& Zoning Commission and City Council should consider. These questions are listed below along with the applicant's responses to the questions in *italics*.

1. Will the proposed development enhance the City economically?

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

2. Will the proposed development enhance the City aesthetically?

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

3. Is the proposed development consistent with the City's Goals, Objectives, and Actions?

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

4. Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

5. Will the proposed development impact adjacent residential areas in a positive or negative manner?

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- Properties directly to the north and northeast are designated as Business/Industrial in the Comp Plan designation. The Business/Industrial designation is most compatible with the LI District.

ZONING CONSIDERATIONS

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

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

The uses permitted by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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 little vacant property in the vicinity but numerous vacant properties elsewhere in the City zoned LI District.

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

There has been steady development City-wide in the Light Industrial District.

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

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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 Comp Plan.**

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- The Business/Industrial Comp Plan designation which is compatible with the LI District is directly to the north and northeast.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. No public comment forms have been received as of March 4, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-254.

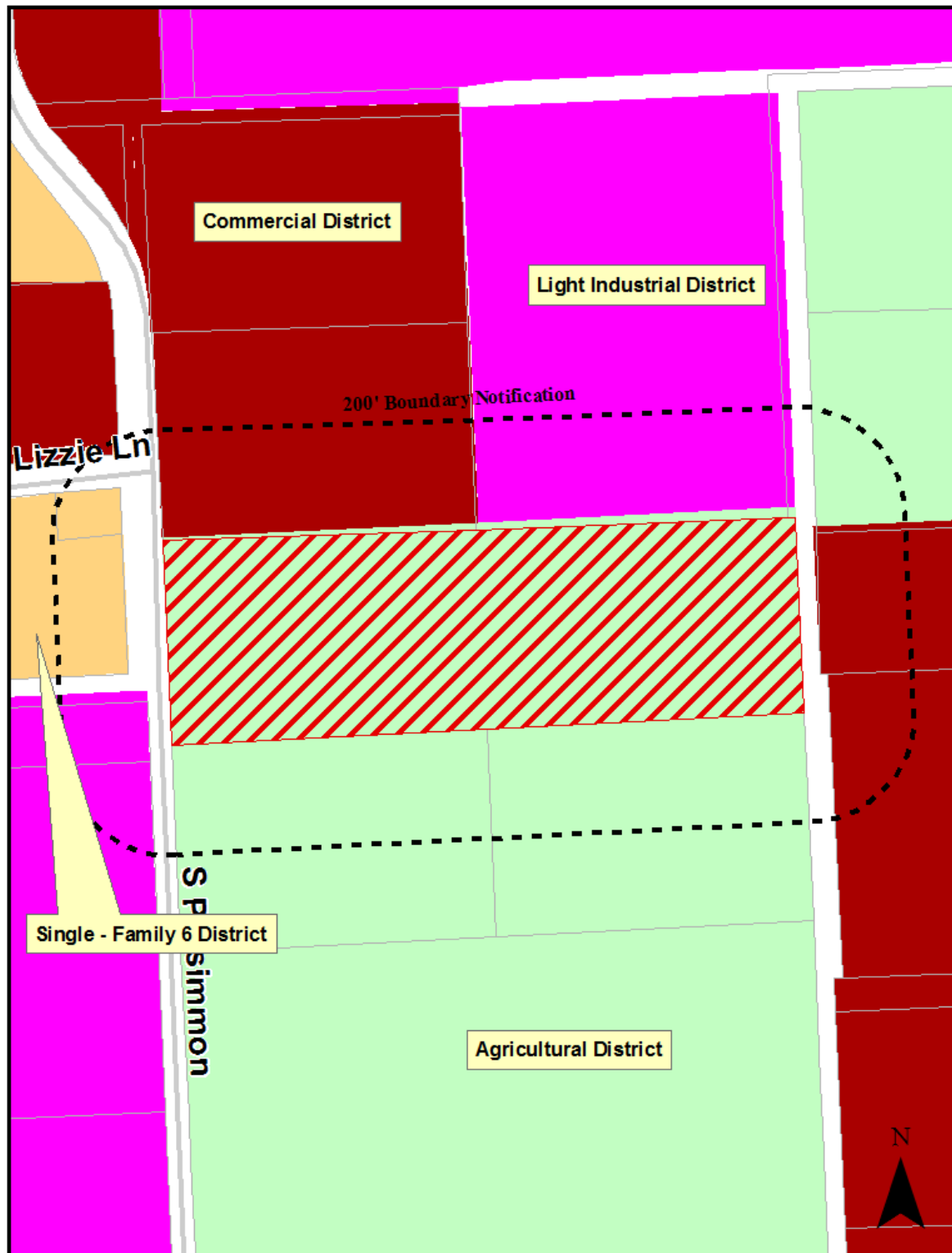
EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comp Plan Map
- E. Conceptual Site Plan
- F. Rezoning Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: City of Tomball, TX



Figure 2: Subject site.
Source: City of Tomball, TX

Exhibit "D"
Comp Plan Map

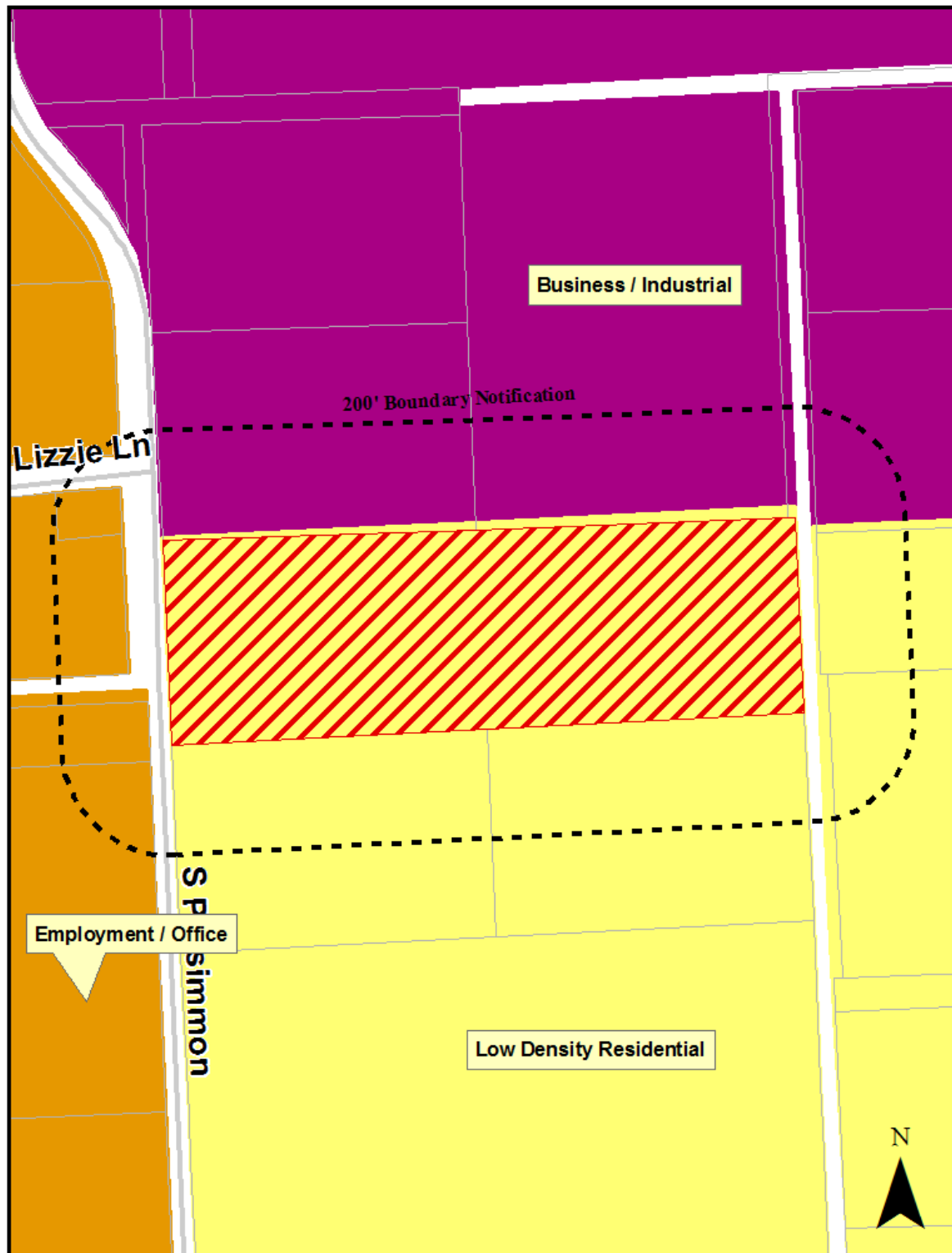


Exhibit “E”

Conceptual Site Plan

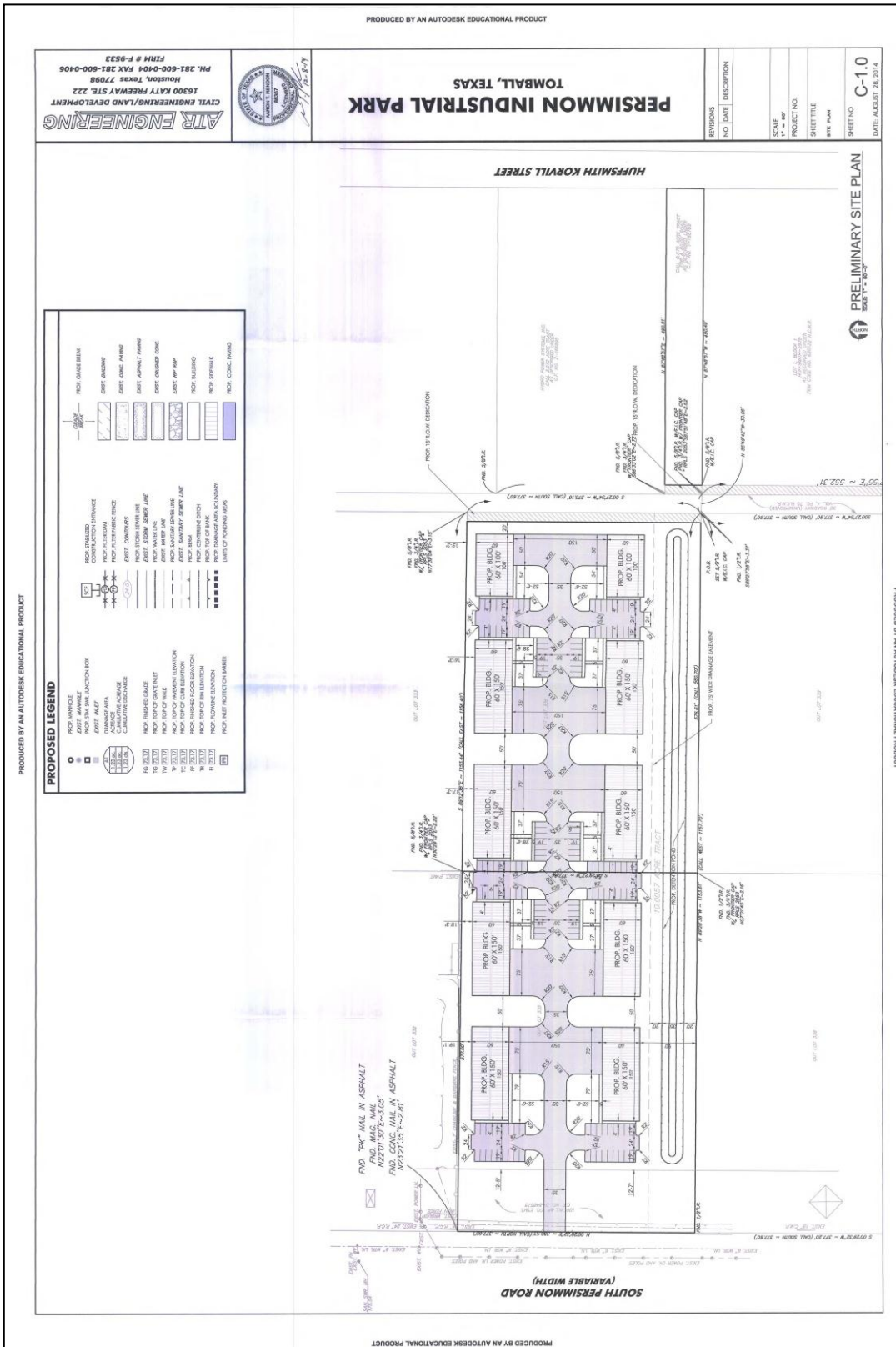


Exhibit "F"
Rezoning Application

P14-254

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: Jose M. Aguirre, Jr. rep. for Tower Steel Services, Inc. Title: President
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: Joe@tsteel.net

Owner

Name: Tower Steel Services, Inc. Title: _____
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: joe@tsteel.net

Engineer/Surveyor (if applicable)

Name: ART Engineering Title: _____
Mailing Address: 16300 Katy Freeway #222 City: Houston State: TX
Zip: 77094
Phone: (281) 600-0404 Fax: (281) 600-0406 Email: aarontrendon@yahoo.com

Description of Proposed Project: light industrial use metal buildings

Physical Location of Property: 0 Persimmon Rd S, Tomball TX 77375
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Outlots LTS 335, 336
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural District

Current Use of Property: Agricultural Hay Production

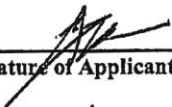
Proposed Zoning District: Light Industrial District

Proposed Use of Property: Light Industrial

HCAD Identification Number: 0352900000332 Acreage: 10 acres

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

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

<u>X</u>		12/3/14
Signature of Applicant		Date

<u>X</u>		12/3/14
Signature of Owner		Date

Tower Steel Services, Inc.

(Shipping Address)
14608 Union Street
Tomball, Texas 77377

(Billing Address)
P.O. Box 690208
Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

December 4, 2014

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

We respectfully request that our property, referenced above, be rezoned from Agricultural to Light Industrial. Our plan is to build the value of the property with metal buildings and develop further business in the light industrial & manufacturing industries.

The property is adjacent to several light industrial and commercial districts making it a good fit for the business community in the area. Our belief is that the rezoning and development of this property would promote and bring additional commerce to the Tomball area.

Please feel free to contact me for any other details that you may need.

Sincerely,



Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

Tower Steel Services, Inc.

(Shipping Address) (Billing Address)
14608 Union Street P.O. Box 690208
Tomball, Texas 77377 Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

January 26, 2015

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

The following is additional information provided to advance our request for the rezoning of the referenced property from Agricultural to Light Industrial.

Deviations from the Plan:

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

Please feel free to contact me for any other details that you may need.

Sincerely,

Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P15-009**
- Adopt, on First Reading, Ordinance No. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4h-1 and 4l-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth 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.

Background:

On March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, voted to recommend approval of Zoning Case P15-009; 3 votes Aye, 1 vote Nay.

Origination:

TNRG Development LLC

Recommendation:

Approval

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:

Ordinance No. 2015-06
Notice of Public Hearing
Property Owner Notification Letter
P15-009 Staff Report

ORDINANCE NO. 2015-06

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 20.64 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 4H-1 AND 4L-2, ABSTRACT 632, C.N. PILOT SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE GENERAL RETAIL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED WEST OF SOUTH CHERRY STREET, NORTH OF HOLDERRIETH 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.

* * * * *

Whereas, Frank P. Fontana has requested that approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pilot Survey, generally located west of South Cherry Street, north of Holderrieth Road, 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; 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 General Retail District to the Commercial 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 Commercial 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 Commercial District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF MARCH 2015.

COUNCILMAN HUDGENS	_____
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 4TH DAY OF APRIL 2015.

COUNCILMAN HUDGENS	_____
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)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

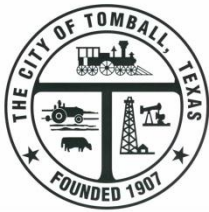
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works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

CERTIFICATION

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

Amelia Vasquez
Amelia Vasquez
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: P15-009

APPLICANT/OWNER: TNRG Development LLC, on behalf of Frank P. Fontana

LOCATION: West of South Cherry Street, north of Holderrieth Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District.

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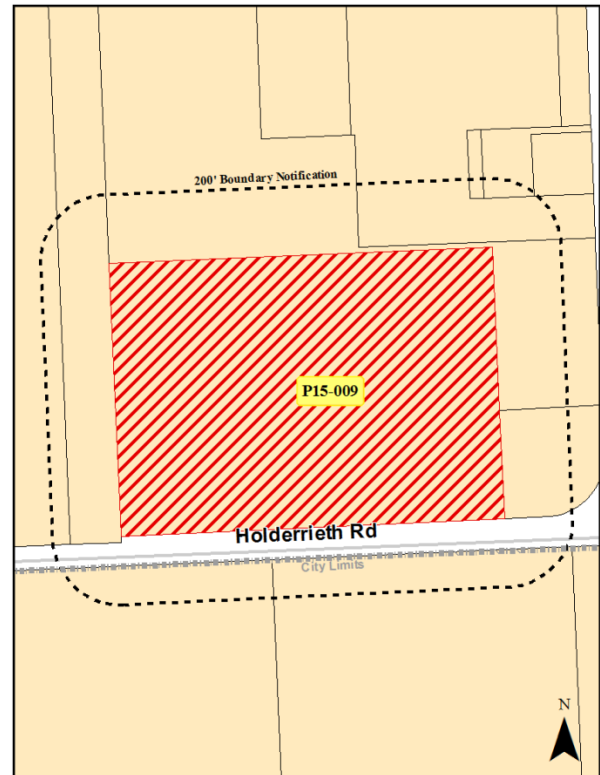
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@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.

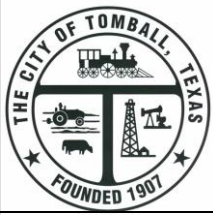


**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 2015, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

Zoning Case: P15-009

Property Owner(s): Frank P. Fontana

Applicant(s): TNRG Development LLC

Legal Description: Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey

Location: West of South Cherry Street, north of Holderrieth Road (Exhibit "A")

Area: 20.64 acres

Present Zoning and Use: General Retail (GR) District (Exhibit "B") / Vacant (Exhibit "C")

Comp Plan Designation: Employment/Office (Exhibit "D")

Proposed Zoning and Use: Commercial District¹ / Business park

Adjacent Zoning and Use:

- North:** Agricultural District / Agricultural land, vacant land, single-family residence, and future City of Tomball drainage channel
- South:** Unzoned City of Tomball extraterritorial jurisdiction (ETJ) / Holderrieth Road right-of-way (ROW), agricultural land, and single-family residence
- West:** GR, Commercial, and Agricultural Districts / Future City of Tomball drainage channel and agricultural land
- East:** GR District / Agricultural land and vacant land

BACKGROUND

In July 2014, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Light Industrial (LI) District to accommodate the development of multiple crane ready commercial/light industrial buildings. In its report to the Planning and Zoning Commission and City Council, City staff recommended denial of the request because the LI District appeared to be incompatible with the existing single-family residential and agricultural land uses in the vicinity and because the request was inconsistent with the Comp Plan's Employment/Office designation for the property. In September 2014, the Planning and Zoning Commission heard the request and recommended

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

denial to City Council. Before the case was heard by City Council, the applicant withdrew the rezoning request.

In January 2015, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Commercial District to accommodate the development of a business park (Exhibit "E").

ANALYSIS

The applicant is requesting that the property be rezoned from the GR District to the Commercial District. According to Section 50-77 of the Tomball Code of Ordinances, the Commercial District "is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses."

There are several land uses in the vicinity of the subject site. To the north are agricultural land, vacant land, a single-family residence, and a future City of Tomball drainage channel; to the south are Holderrieth Road ROW, agricultural land, and a single-family residence; to the west are a future City of Tomball drainage channel and agricultural land; and to the east are agricultural land and vacant land. On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

There are several zoning classifications in the vicinity of the subject site. To the north is the Agricultural District; to the south is unzoned City of Tomball ETJ; to the west are the GR, Commercial, and Agricultural Districts; and to the east is the GR District. On the surface, the uses permitted in the Commercial District appear to be incompatible with the Agricultural District since it is considered a residential zoning district in the Code of Ordinances. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize zoning district incompatibility.

The Comprehensive Plan designates the subject site as Employment/Office. According to the Comprehensive Plan, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

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.**

On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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 are several vacant properties in the vicinity and elsewhere in the City zoned Commercial District.

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

There has been steady development City-wide in the Commercial District.

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

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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 Comp Plan.

The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. One public comment form has been received as of March 4, 2015, in support of the proposed zone change.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-009.

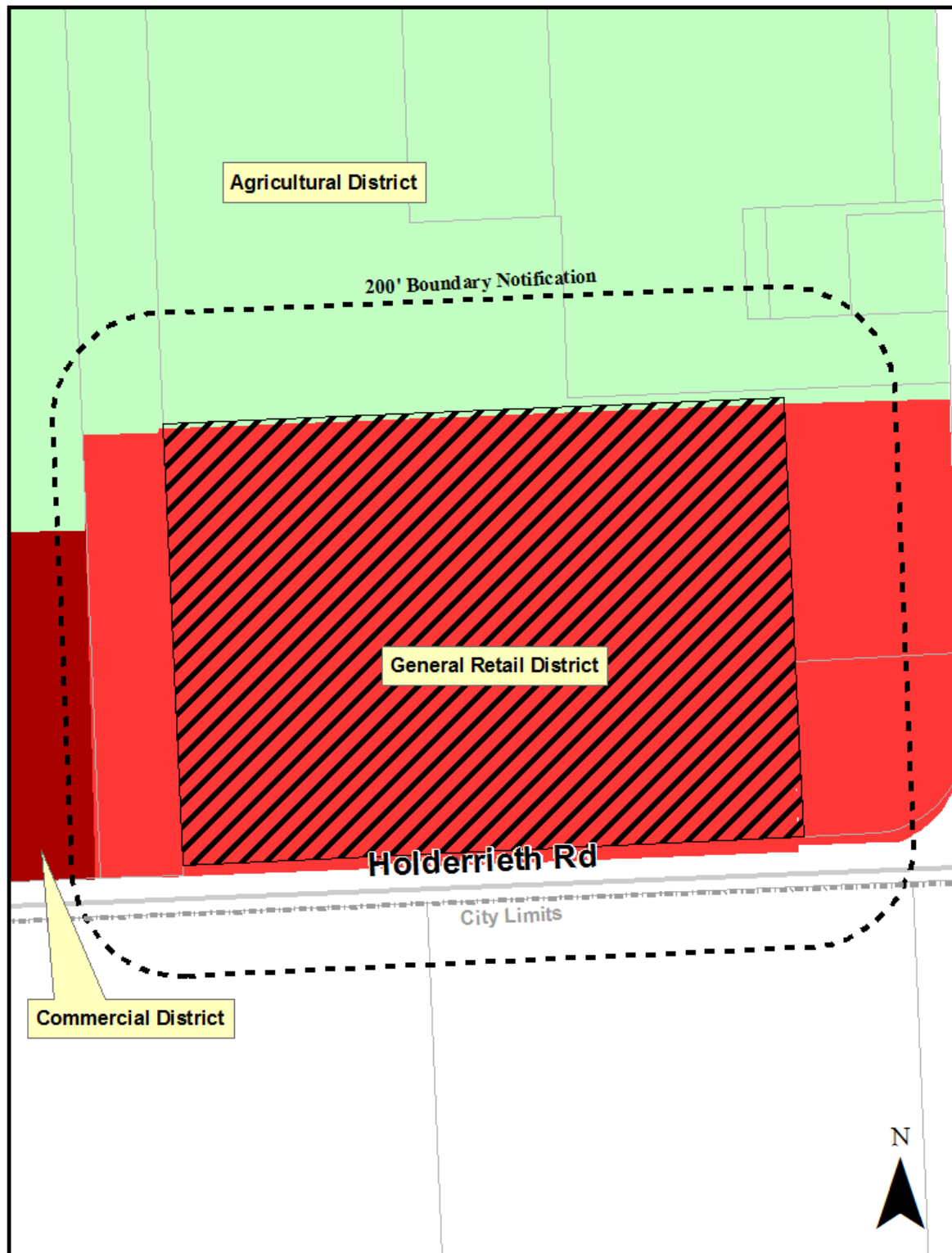
EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: Google Earth



Figure 2: Subject site.
Source: Google Earth

Exhibit "D"
Comprehensive Plan Map

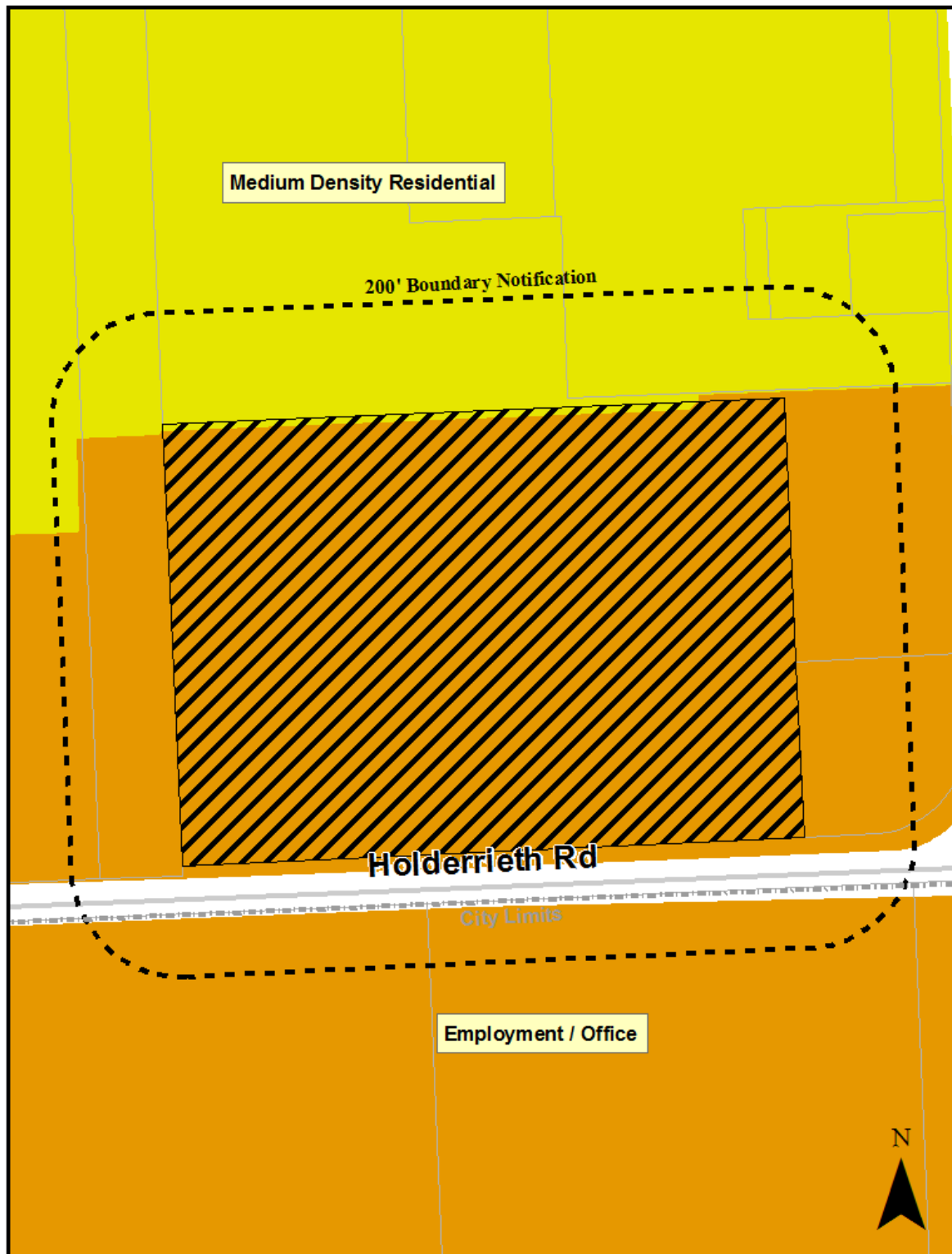
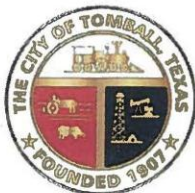


Exhibit "E"
Rezoning Application

P15-009

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: TNRG Development, LLC Title: _____
Mailing Address: 15120 NORTHWEST Freeway #200 City: Houston State: TX
Zip: 77040
Phone: (713) - 956-1000 Fax: (713) 856-1000 Email: beummings@TNRG.NET

Owner

Name: FRANK P. FONTANA Title: OWNER
Mailing Address: 14807 CARSON BEND City: CYPRESS State: TX
Zip: 77429
Phone: (281) 798-2726 Fax: (281) 257-0413 Email: LNFontana@Comcast.NET

Engineer/Surveyor (if applicable)

Name: TEXAS LAND ENGINEERS - JOHN GERDES Title: ENGINEER
Mailing Address: 550 WESTCOTT #550 City: Houston State: TX
Zip: 77007
Phone: (281) 576-1085 Fax: (281) 576-1086 Email: JOHN.GERDES@TEXASLANDENGINEERS.COM

Description of Proposed Project: COMMERCIAL BUILDING DEVELOPMENT

Physical Location of Property: HOLDAWORTH NEAR INTERSECTION OF HOLDAWORTH + CHERRY ST
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: TRS 44-1 + 46-2 ABST 632 CN PLOT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: GENERAL RETAIL DISTRICT (GR)

Current Use of Property: VACANT LAND

Proposed Zoning District: COMMERCIAL (C)

Proposed Use of Property: COMMERCIAL BUILDING DEVELOPMENT

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

www.ci.tomball.tx.us

HCAD Identification Number: 0440580000281 Acreage: 20.64

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  1-27-15
Signature of Applicant Date

X  1-28-15
Signature of Owner Date



January 26, 2015

City of Tomball, Texas
501 James Street
Tomball, TX 77375

Re: Rezoning Request and Application pertaining to approximately 20.64 acres of land, out of the C.M. Pillot Survey, Abstract Number 632, Harris County, Texas and also being out of a 106.5632 acre tract of land described under Harris County Clerk's File Number (H.C.C.F#) L990867.

Planning Staff:

As the applicant to this rezoning request, TNRG Development is respectfully requesting rezoning from GR- (General Retail District) to C – (Commercial) for an approximate 20.64 acre tract on the North side of Holderrieth Road, also known as the Fontana Tract.

We are proposing the development of multiple commercial buildings for this business park. We feel it would lend itself as an attractive gateway to the Tomball Industrial business park located on the corner of Holderrieth and Huffsmith Kohrville and bring necessary conveniences to the area.

We would appreciate your positive consideration of our rezoning request. Should you need additional information or have questions regarding our rezoning request, please call me at 713-744-7473 or via email at bcummings@tnrg.net

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Cummings", is located below the "Sincerely," text. The signature is stylized with a large, sweeping "B" and "C".

Bill Cummings
TNRG Development

15120 NORTHWEST FREEWAY, SUITE 190 • HOUSTON, TEXAS 77040
713.956.1000 • WWW.TNRG.NET • fax 713.856.5100

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 16, 2015

Topic:

Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

- Conduct Public Hearing on **ZONING CASE P15-020**
- Adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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 March 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, unanimously recommended approval of Zoning Case P15-020.

Origination:

City of Tomball

Recommendation:

Approval

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:

Ordinance No. 2015-07
Notice of Public Hearing
P15-020 Staff Report

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING SECTIONS 50-2 (“DEFINITIONS”) AND 50-82 (B) (“USE CHARTS”) TO ADD A LAND USE AND ASSOCIATED DEFINITION FOR “BREW PUB”; 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 Sections 50-2 (“Definitions”) and 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 Sections 50-2 (“Definitions”) and 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 amendments to Sections 50-2 (“Definitions”) and 50-82(b) (“Use Charts”) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Sections 50-2 (“Definitions”) and 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 50-2 (“Definitions”) of the Code of Ordinances is hereby amended by adding the following:

Barrel: A quantity of beer, ale, etc. equal to 31 standard gallons.

Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

Section 3. Section 50-82(b) (“Use Charts”) of the Code of Ordinances is hereby amended by adding the following:

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Brewpub								C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments

Section 4. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 5. 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 6. 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 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.

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 16TH DAY OF MARCH 2015.

COUNCILMAN HUDGENS	_____
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 4TH DAY OF APRIL 2015.

COUNCILMAN HUDGENS	_____
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)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

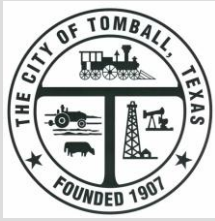
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works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

CERTIFICATION

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

Amelia Vasquez
Amelia Vasquez
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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (Definitions) and 50-82 (b) (Use Charts) of the Code of Ordinances, adding an additional land use and associated definition for a “brewpub” in the City of Tomball.

BACKGROUND

On February 16, 2015, City Council directed City staff to bring forward amendments to Sections 50-2 (Definitions) and 50-82 (Use Charts) of the Code of Ordinances to create a new land use for a “brewpub” and to establish which zoning districts they would be permitted to operate in.

PROPOSED AMENDMENTS

Sections 50-2 (Definitions)

Barrel: A quantity of beer, ale, etc. equal to 31 standard gallons.

Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

50-82 (Use Charts)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Brewpub								C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments

ANALYSIS

Section 50-82(b) of the Code of Ordinances does not allow for a “brewpub” land use. The closest use in Section 50-82(b) is for the “distillation of liquors, spirits, etc. (brewery).” This use is listed in the light and heavy manufacturing/industrial portion of the use chart and appears to be intended for the large-scale production of alcoholic beverages similar the facility below.



Figure 1: Miller Brewery; Fulton, NY

The intent of this text amendment is to allow for the brewing of beer, ale, etc. on a much smaller scale along with on-site eating and/or drinking establishments similar to the facility below.



Figure 2: Triple 7 Restaurant and Microbrewery; Las Vegas, NV

City staff is proposing to require that all brewpubs have an eating and/or drinking establishment component and that the brewing production be limited to 10,000 barrels per year¹ to ensure that the use is retail- and not industrially-oriented. As the intent is to be retail-oriented, this use is being proposed to be permitted by right in the Old Town and Mixed Use, General Retail, Commercial, and Light Industrial Districts and by conditional use permit in the Office District as eating establishment (with no drive-through service) are currently permitted in the Code of Ordinances.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on February 23, 2015. No public comment forms have been received as of March 4, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-020.

¹ The 10,000 barrel per year production maximum is also the Texas Alcoholic Beverage Code production limit for brewpubs.

Regular City Council Agenda Item Data Sheet

Meeting Date: March 16, 2015

Topic:

Approve the Following Plats as Recommended by the Planning and Zoning Commission:

- **YAUPON TRAILS SEC 1**: A subdivision of 10.9461 acres of Land, being a Replat of Unrestricted Reserve "E", Final Plat of Leslie's Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- **PYE ESTATES**: Being a subdivision of a 0.2410 acre tract, in the William Hurd Survey, A-371, Being a replat of Lots 29, 30 and 31 Block 29, Tomball Townsite as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.
- **CJ'S COUNTRY**: A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Maps Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Background:

On Monday, January 12, 2015, the Planning and Zoning Commission voted to recommend approval of Yaupon Trails Sec. 1 with contingencies. The plat has been corrected and is being presented to City Council for approval consideration.

On Monday, February 9, 2015, the Planning and Zoning Commission voted to recommend approval of Pye Estates. The plat is being presented to City Council for approval consideration.

On Monday, March 9, 2015, the Planning and Zoning Commission voted to recommend approval of CJ's Country with contingencies. The plat has been corrected and is being presented to City Council for approval consideration.

Origination:

Recommendation:

Approval

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
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ATTACHMENTS:

Yaupon Trails Sec. 1

Pye Estates

CJ's Country

STATE OF TEXAS
COUNTY OF HARRIS

We, Yaupon Trails LTD, LLC, a Texas limited liability company, acting by and through Jean Michael Rebesch, its Sole Member. Owners, hereinafter referred to as Owners (whether one or more) of the 10.9461 acre tract described in the above and foregoing map of YAUPON TRAILS SEC 1, 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, water courses, 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 on the land so dedicated.

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 drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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.

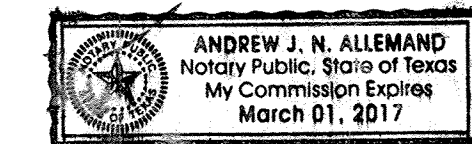
IN TESTIMONY WHEREOF, Yaupon Trails LTD, LLC, have caused these presents to be signed by Jean Michael Rebesch, its Sole Member, therunto authorized this 11th day of March, 2015.

By: Yaupon Trails LTD, LLC,
a Texas limited liability corporation
Jean Michael Rebesch, Sole Member

STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Jean Michael Rebesch, Sole Member of Yaupon Trails LTD, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of March, 2015.



Notary Public in and for the
State of Texas
March 1, 2017
My Commission Expires:

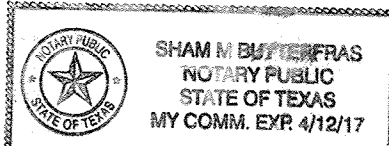
We, Patriot Bank, owners and holders of liens against the property described in the plat known as YAUPON TRAILS SEC 1, sold lien being evidenced by instrument of record in Clerk's File Nos. 20130355283 and 20130355284 of the Official Public Records of Harris County, Texas, do hereby in all things subordinate our Interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: Mike Huss
Printed Name: Mike Huss Title: Sr. V.P.

STATE OF Texas
COUNTY OF Harris

BEFORE ME, the undersigned authority, on this day personally appeared Mike Huss of Patriot Bank, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 11 day of March, 2015.



Notary Public in and for the
State of Texas
4/21/17
My Commission Expires:

I, Mike Kurkowski, am authorized 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, except as shown, all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or 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 laid to the nearest survey corner.



Mike Kurkowski
Registered Professional Land Surveyor
Texas Registration No. 5101

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of YAUPON TRAILS SEC 1 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 day of March, 2015.

By: Barbara Tague
Chairman

By: Darrell Requemore,
Vice Chairman

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way shown on this plat 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 the day of March, 2015.

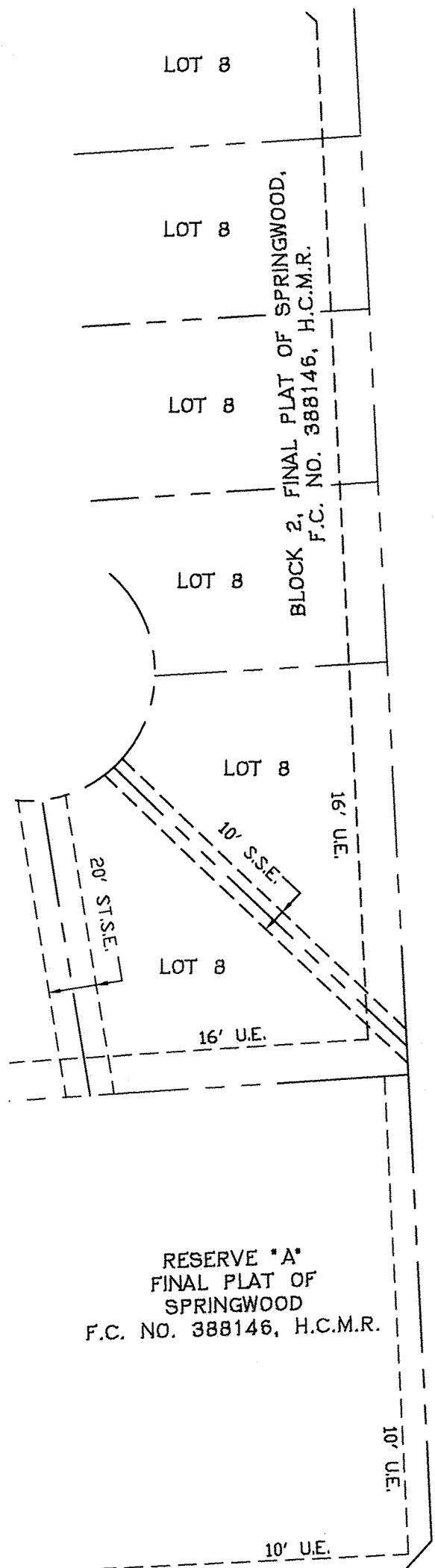
By: Gretchen Fagan, Mayor

By: Doris Spear, City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball's Ordinances.

By: George Shackelford, City Manager

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



QUINN ROAD
(90' R.O.W.)
(F.C. NO. 400005, H.C.M.R.)

RESERVE "A"
FINAL PLAT OF
SPRINGWOOD
F.C. NO. 388146, H.C.M.R.

LOT 1, BLOCK 1,
FINAL PLAT OF
MURR COMMERCIAL PARK,
F.C. NO. 620118, H.C.M.R.

GENERAL NOTES

- 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.
- ACCORDING TO FEMA FIRM PANEL NO. 482010201L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN UNSHADED ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 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 SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 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.
- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- SUBJECT TO COVENANTS AS RECORDED IN FILM CODE NO. 400005, H.C.M.R.
- UNLESS NOTED ON THE PLAT, BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT YARD = 20 FEET
SIDE YARD, STREET SIDE = 15 FEET
SIDE YARD, INTERIOR = 5 FEET
REAR YARD = 10 FEET
ALL YARDS, ARTERIAL STREET = 35 FEET

LOT TABLE

LOT	SQUARE FEET	ACREAGE
1	7,778.99	0.1786
2	7,197.41	0.1652
3	7,880.64	0.1809
4	6,998.41	0.1607
5	7,644.27	0.1755
6	7,210.84	0.1655
7	6,911.75	0.1587
8	6,985.00	0.1604
9	6,985.00	0.1604
10	6,899.52	0.1584
11	10,319.48	0.2369
12	14,397.95	0.3305
13	7,648.31	0.1756
14	6,929.90	0.1591
15	6,930.00	0.1591
16	6,930.00	0.1591
17	6,930.00	0.1591
18	6,930.00	0.1591
19	6,930.00	0.1591

RESERVE TABLE

DESCRIPTION	RESERVE USE	AREA
RESTRICTED RESERVE "A"	RESTRICTED TO AMENITIES, LANDSCAPING, AND UTILITY USES	21,724.32 S.F. OR 0.4987 AC.
RESTRICTED RESERVE "B"	RESTRICTED TO DETENTION, AMENITIES, LANDSCAPING AND UTILITY USES	70,669.69 S.F. OR 1.6224 AC.
	TOTAL	92,394.01 S.F. OR 2.1211 AC.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	2018.50'	02°13'53"	78.61'	N 89°11'22" E	78.61'
C2	300.00'	15°02'19"	78.74'	S 09°55'48" E	78.52'
C3	300.00'	15°35'05"	81.60'	S 09°39'05" E	81.35'
C4	50.00'	90°00'00"	78.54'	S 42°34'12" W	70.71'
C5	50.00'	90°00'00"	78.54'	N 47°25'48" W	70.71'
C6	270.00'	15°02'27"	70.88'	S 09°55'48" E	70.67'
C7	330.00'	13°00'18"	74.90'	N 10°56'27" W	74.74'
C8	25.00'	87°59'30"	38.39'	N 48°26'03" W	34.73'
C9	25.00'	90°00'00"	39.27'	S 42°34'12" W	35.36'
C10	25.00'	57°46'08"	25.21'	N 31°18'52" W	24.15'
C11	50.00'	258°48'30"	225.85'	N 69°12'19" E	77.27'
C12	25.00'	21°02'22"	9.18'	S 08°05'23" W	9.13'
C13	50.00'	26°18'19"	28.96'	S 15°34'57" E	22.75'
C14	50.00'	142°36'37"	124.45'	S 42°34'12" W	94.72'
C15	50.00'	26°18'19"	22.96'	N 79°16'39" W	22.75'
C16	50.00'	26°18'18"	22.96'	S 74°25'03" W	22.75'
C17	50.00'	142°36'37"	124.45'	N 47°25'48" W	94.72'
C18	50.00'	26°18'18"	22.96'	N 10°43'21" E	22.75'
C19	25.00'	21°02'23"	9.18'	N 12°56'59" W	9.13'
C20	50.00'	267°27'41"	233.40'	S 69°44'20" E	72.26'
C21	25.00'	57°46'08"	25.21'	N 26°27'16" E	24.15'
C22	25.00'	90°00'00"	39.27'	N 47°25'48" W	35.36'
C23	25.00'	92°54'38"	40.54'	S 41°06'53" W	36.24'
C24	270.00'	12°06'15"	57.04'	S 11°23'33" E	56.93'
C25	330.00'	15°02'13"	86.61'	N 09°55'48" W	86.36'
C26	340.00'	15°01'28"	89.16'	N 09°55'48" W	88.90'
C27	260.00'	15°02'40"	68.27'	N 09°55'48" W	68.07'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 87°34'18" W	3.95'
L2	N 47°18'06" W	1311'
L3	N 02°25'48" W	66.53'
L4	N 17°25'48" W	75.38'
L5	N 02°25'48" W	39.57'
L6	N 87°34'12" E	15.00'
L7	S 87°34'12" E	15.00'
L8	N 02°25'48" W	66.27'
L9	N 17°25'48" W	75.38'
L10	N 87°34'12" E	81.22'
L11	N 02°25'48" W	126.56'
L12	S 17°25'48" E	75.38'
L13	S 02°25'48" E	66.79'
L14	S 02°25'48" E	7.65'
L15	S 17°25'48" E	75.38'
L16	S 02°25'48" E	34.07'
L17	S 42°34'12" W	14.14'
L18	N 32°25'48" W	30.83'
L19	S 27°34'12" W	13.01'
L20	N 47°25'48" W	15.56'
L21	N 32°25'48" W	33.19'
L22	N 27°34'12" E	36.60'
L23	N 47°25'48" W	14.14'
L24	N 02°25'48" W	44.91'
L25	S 88°04'25" W	71.42'
L26	S 88°04'25" W	40.00'
L27	N 02°25'48" W	50.24'
L28	S 02°25'48" E	49.89'
L29	S 88°04'25" W	40.00'
L30	N 02°25'48" W	44.56'

I, Stan Stanort, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on March 10, 2015, at o'clock __M., and duly recorded on March 10, 2015, at o'clock __M., and at Film Code No. 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 Stanort
County Clerk
of Harris County, Texas

By: Deputy

YAUPON TRAILS SEC 1

A SUBDIVISION OF
10.9461 ACRES OR 476,809.37 SQ. FT. OF LAND,
BEING A REPLAT OF UNRESTRICTED RESERVE "E",
FINAL PLAT OF LESLIE'S PARK,
RECORDED IN FILM CODE NO. 400005, H.C.M.R.,
SITUATED IN THE JOSEPH HOUSE SURVEY,
ABSTRACT NO. 34,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS.

1 BLOCK 37 LOTS 2 RESERVES
MARCH 10, 2015

Owners / Developers

Yaupon Trails LTD, LLC

308 W Parkwood Avenue, Suite 108B

Friendswood, TX 77546

(281) 482-2700

Surveyor

Windrose Land Services, Inc.

3200 Wilshire, Suite 325

Houston, Texas 77042

Phone (713) 458-2282 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management, Title Insurance

Firm Registration No. 10108800

SHEET 1 OF 1

THE STATE OF TEXAS
COUNTY OF HARRIS

I, COLLEEN PYE, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 0.2410 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF PYE ESTATES, 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, WATER COURSES, 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 FOREEVER DEFEND THE TITLE ON 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 (5') 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 DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUATERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

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.

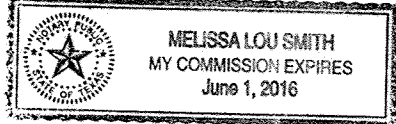
WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS 26 DAY OF FEBRUARY, 2015.

BY: Colleen Pye
COLLEEN PYE, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED COLLEEN PYE, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26 DAY OF FEBRUARY, 2015.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: Melissa Smith

MY COMMISSION EXPIRES: JUNE 1, 2016

WE, PACIFIC UNION FINANCIAL, LLC, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS PYE ESTATES, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 20150068994 OF THE O.P.R.O.P. OF HARRIS COUNTY, TEXAS, SO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOT ANY PART THEREOF.

PACIFIC UNION FINANCIAL, LLC

Kathleen H. Larson
SIGNATURE

PRINT NAME: Kathleen H. Larson

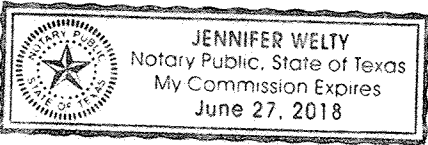
TITLE: Vice President

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KATHLEEN H. LARSON VICE PRESIDENT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS 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 27 DAY OF FEBRUARY, 2015.

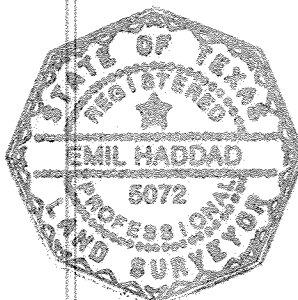
Jennifer Welty
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



PRINT NAME: JENNIFER WELTY

MY COMMISSION EXPIRES: 6/27/2018

I, EMIL HADDAD, 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 ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN, ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.



Emil Haddad
EMIL HADDAD, R.P.L.S.
TEXAS REGISTRATION NO. 5072

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., CFM, 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 THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

BY: Gretchen Fagan
GRETCHEN FAGAN, MAYOR

BY: Doris Speer
DORIS SPEER, CITY SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF PYE ESTATES IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

BY: Barbara Tague
BARBARA TAGUE, CHAIRMAN

BY: Darrell Roquemore
DARRELL ROQUEMORE, VICE CHAIRMAN

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2015, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____ 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

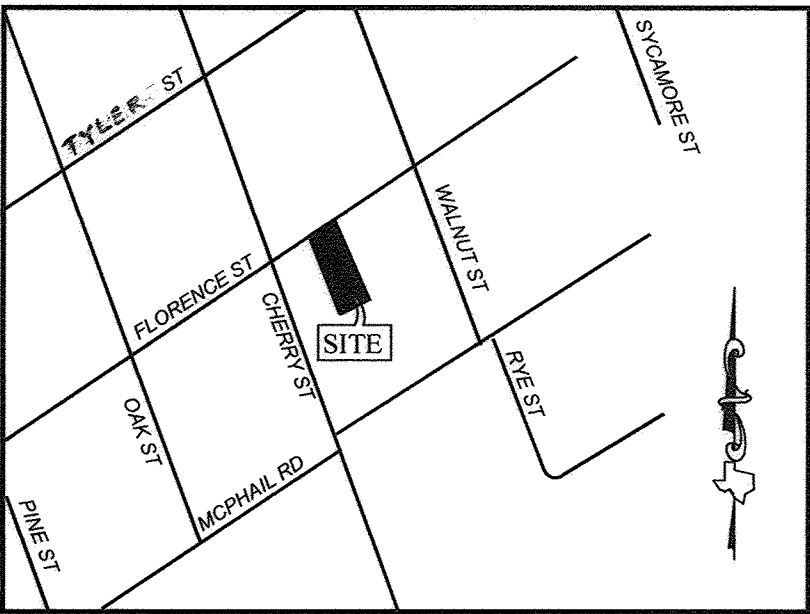
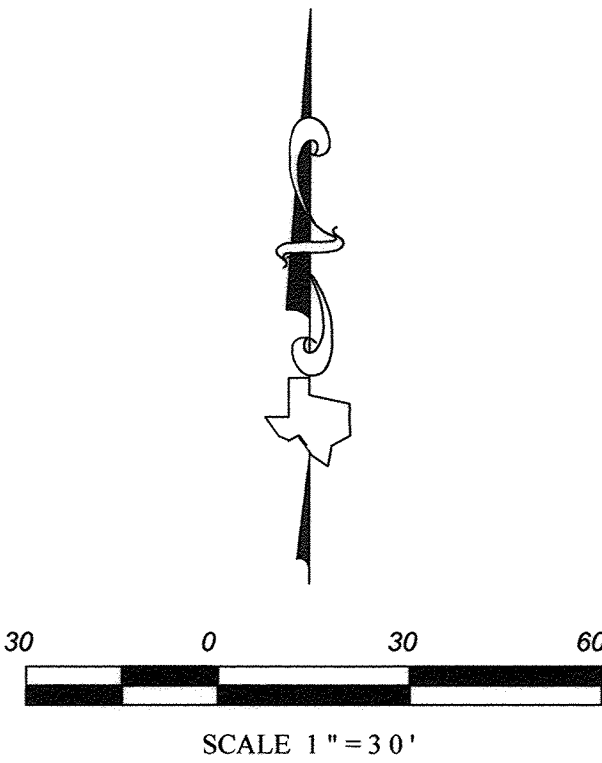
BY: _____
DEPUTY

LEGEND NOTES

- | | |
|--------------|---|
| 1. B.L. | Indicates "Building Line" |
| 2. U/E | Indicates "Utility Easement" |
| 3. R.O.W | Indicates "Right-of-Way" |
| 4. AC | Indicates "Acre" |
| 5. SQ.FT. | Indicates "Square Foot" |
| 6. Vol. | Indicates "Volume" |
| 7. Pg. | Indicates "Page" |
| 8. I.R. | Indicates "Iron Rod" |
| 9. H.C.M.R. | Indicates "Harris County Map Records" |
| 10. H.C.D.R. | Indicates "Harris County Deed Records" |
| 11. F.C.NO. | Indicates "Film Code Number" |
| 11. ● | Indicates "Found 5/8" iron rod with E.I.C. Surveying Cap" |

GENERAL NOTES

- Public easements donated 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 and 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 it's 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.
- According to FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- 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.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- 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.
- All oil/gas wells with ownership (plugged, abandoned, and/or Active) throughout the subdivision have been shown.



VICINITY MAP
NOT TO SCALE
KEY MAP 288H

PYE ESTATES

A SUBDIVISION OF A 0.2410 ACRE TRACT,
10,500 SQUARE FEET,
IN THE WILLIAM HURD SURVEY, A-371
BEING A REPLAT OF LOTS 29, 30 AND 31, BLOCK 29
TOMBALL TOWNSITE
AS RECORDED IN
VOLUME 4, PAGE 25,
HARRIS COUNTY MAP RECORDS
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK

FEBRUARY 2015

(REASON FOR REPLAT TO COMBINE 3 LOTS INTO 1 LOT)

OWNER

COLLEEN PYE
16314 PITCAIRN
TOMBALL, TEXAS 77377
TEL: (713) 882-5429

SURVEYOR

E.I.C. SURVEYING COMPANY
12345 JONES ROAD # 270
HOUSTON, TEXAS 77070
TEL: (281) 955-2772

STATE OF TEXAS
COUNTY OF HARRIS

We, Clarence and Irene Melancon, hereinafter referred to as owners of the 0.3214 acre tract described in the above and foregoing plat of "CJ'S COUNTRY", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind ourselves and our heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground 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 drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located in 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 operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure.

WITNESS our hand, this 11 day of March, 2015.

Clarence Melancon
Clarence Melancon, Owner

Irene Melancon
Irene Melancon, Owner

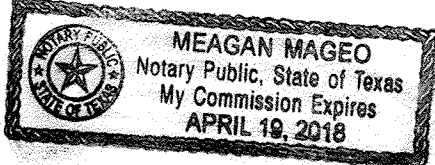
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Clarence Melancon, known to me to be the person whose name is 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 owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11 DAY OF March, 2015.

Megan Mageo
Notary Public in and for the State of Texas

My Commission expires on the 19 day of April, 2018



STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Irene Melancon, known to me to be the person whose name is 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 owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12 DAY OF March, 2015.

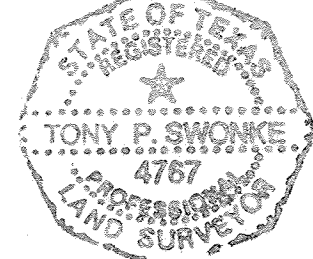
Megan Mageo
Notary Public in and for the State of Texas

My Commission expires on the 19 day of April, 2018



I, Tony P. Swonke, 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 the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767



This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way 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 on this ____ day of _____, 2015.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of "CJ'S COUNTRY" is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos
Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "CJ'S COUNTRY", 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 on this ____ day of _____, 2015.

Barbara Tague
Chairman

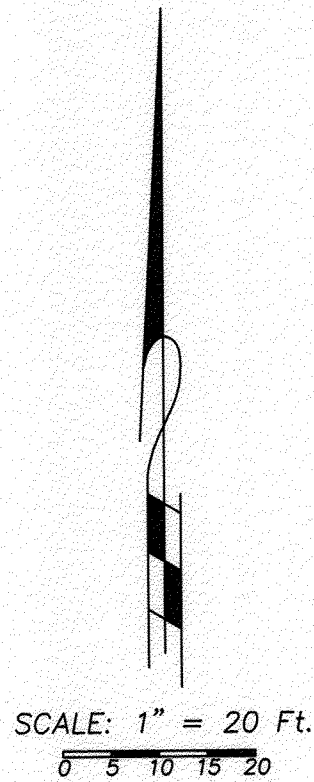
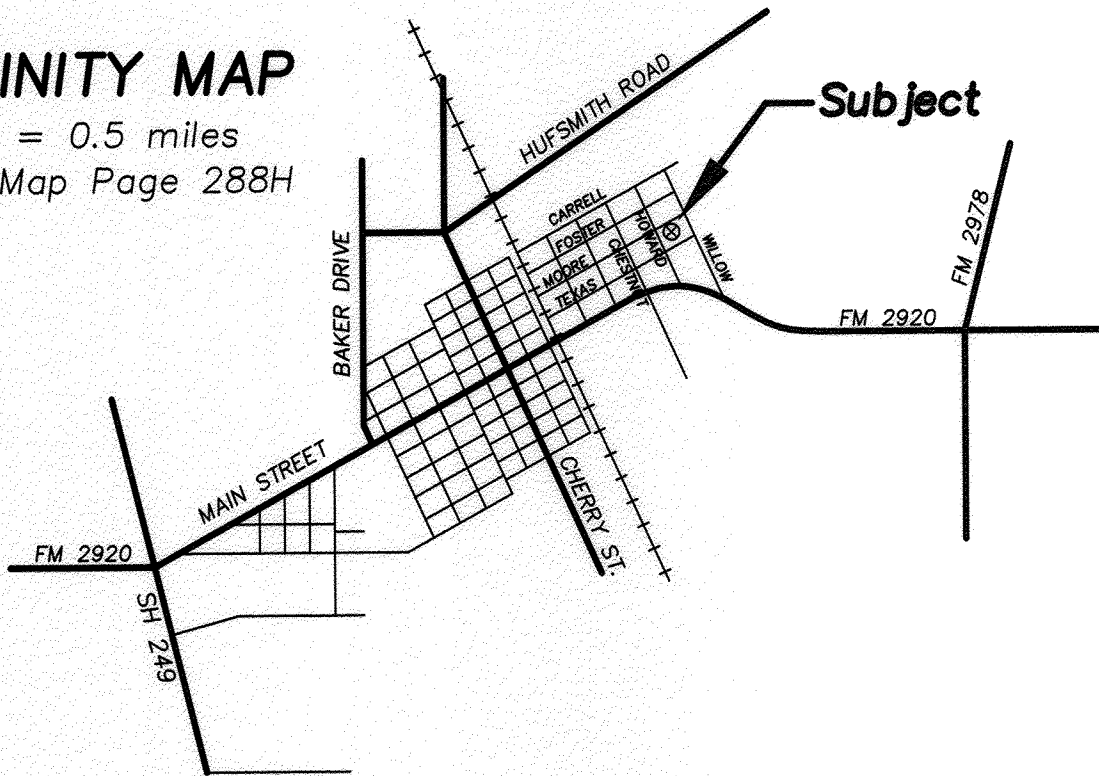
Darrell Roquemore
Vice-Chairman

I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the ____ day of _____, 20____, at ____ o'clock ____ M., and was duly recorded on the ____ day of _____, 20____, at ____ o'clock, ____ M. and filed under Film Code No. ____ of the Map Records of Harris County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.
Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

VICINITY MAP
1" = 0.5 miles
Key Map Page 288H



OWNER:
Clarence and Irene Melancon
6203 Kingscrest Lane
Spring, TX 77389
Ph: 281-257-6222

PREPARED BY:
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

DATE: February 2, 2015

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 restrictions or covenants.

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

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

PUBLIC EASEMENT:
Public easements denoted on this plat are hereby dedicated to the use of 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 and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at 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.



REPLAT: "CJ'S COUNTRY"

A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

(The common line between the lots has been eliminated and the four lots have been consolidated into one.)

Containing: 1 Lot / 1 Block

Regular City Council

Agenda Item

Meeting Date: March 16, 2015

Data Sheet

Topic:

Consideration and Possible Authorization regarding the Redemption of Waterworks and Sewer System Revenue Bonds, Series 1999

Background:

A few months ago, Mr. Shackelford asked if we could look at any of our debt issues to determine if there would be any possible savings from redemption of the issue(s).

After a review of the remaining outstanding debt issues, and discussions with both the financial advisors (Joe Morrow of First Southwest) and bond counsel (Jonathan Frels of Bracewell and Giuliani), we have determined that the City would have savings from the redemption of the Waterworks and Sewer System Revenue Bonds, Series 1999.

The City of Tomball (the “City”) has one series of water and sewer revenue bonds that remain outstanding. They are the Waterworks and Sewer System Revenue Bonds, Series 1999 (the “Series 1999 Bonds”) which funded the Southside Wastewater Treatment Plant expansion in 1999. The Series 1999 Bonds are held by the Texas Water Development Board (the “TWDB”). The Bonds that remain outstanding are currently callable at a price of par plus accrued interest to the date of redemption. Notice of redemption must be given to the bondholders at least 30 days prior to the date fixed for redemption. The principal amount of the Series 1999 Bonds that remain outstanding is \$2,010,000. The reserve fund for the Series 1999 Bonds contains approximately \$770,000. If all of the Series 1999 Bonds are redeemed, the balance in the reserve fund can be contributed to the redemption. According to First Southwest, if the Series 1999 Bonds are called on May 27, 2015, the City would have to contribute funds in the amount of \$1,256,946.92 to fund the redemption in addition to the amounts in the reserve fund.

The City currently has an agreement in place with the Tomball Economic Development Corporation (the “EDC”) pursuant to which the EDC is required to pay a portion of the debt service on the Series 1999 Bonds (as well as the City’s Combination Tax and Revenue Certificates of Obligation, Series 2002; the City issued its General Obligation Refunding Bonds, Series 2011 and General Obligation Refunding Bonds, Series 2013, a portion of which refunded the Series 2002 Certificates in part) related to projects undertaken on behalf of the EDC. If the Series 1999 Bonds are prepaid, the EDC would arguably be responsible for a portion of the funds required to effectuate the redemption.

Here are the steps for undertaking the cash redemption.

- The City and the EDC would need to agree on the amount of funds to be paid by the EDC in connection with the defeasance. It would be helpful to have an amendment to the existing agreement in order to memorialize the revised payment schedule.
- The City would need to adopt a resolution authorizing the redemption of the Series 1999 Bonds. The Resolution would need to be adopted at least 35 days before the redemption date in order to allow sufficient time for notices to go out.
- Notice of redemption would be given by the paying agent to the bondholders at least 30 days before the redemption date.
- Notice of the redemption would be provided to the bond insurer.
- The City would deposit funds with the paying agent to effectuate the prepayment the day before the

redemption date.

Origination:

Finance

Recommendation:

Proceed with the redemption of the Series 1999 bonds by adopting a resolution and negotiate a revised contract that calls for the amounts to be paid by the TEDC to the City.

Funding:

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Series 1999 Revenue Bond Debt Payment Schedule
Agreement Between the City and the TEDC
Present Value Analysis
Cash Flow Analysis

City of Tomball

Water and Sewer System Revenue Bonds, Series 1999

Purpose- Southside Sewer Plant

Issue Date : February 15, 1999

Fiscal Year	Principal	Coupon	Interest	Total P & I
2015	455,000	3.900%	90,568	545,568
2016	470,000	4.000%	72,295	542,295
2017	490,000	4.050%	52,973	542,973
2018	515,000	4.100%	32,492	547,492
2019	535,000	4.100%	10,967	545,967
Total	\$ 2,465,000		\$ 259,295	\$ 2,724,295

The Corporation and the City wish to memorialize the future payments obligations of the Corporation in connection with the Obligations.

The Corporation hereby finds that this Agreement is for the benefit of the Corporation and that all payments made hereunder are for authorized project costs under the Act.

The City and the Corporation hereby find, determine, and declare that the respective meetings of the City Council of the City and the Board of Directors of the Corporation at which this Agreement was approved were open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Agreement, was given, all as required by the applicable provisions of Chapter 551, Texas Government Code, as amended.

AGREEMENT

For and in consideration of the respective promises and mutual covenants and benefits hereinafter set forth, the City and the Corporation agree as follows:

ARTICLE I

THE PROJECTS

Section 1.01 Definitions, Declarations, Findings and Determinations. The definitions, declarations, determinations and findings contained in the recitals to this Agreement are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.02 Payment Obligations. In consideration for the City's issuance of the Obligations and ongoing management of the Obligations, the Corporation agrees to make the following payments to the City.

(a) Series 1999 Bonds, Series 2002 Certificates, Series 2011 Bonds and Series 2013 Bonds. In connection with the Series 1999 Bonds, the Series 2002 Certificates, the Series 2011 Bonds and the Series 2013 Bonds and any obligations issued to refund the Series 1999 Bonds, the Series 2011 Bonds and the Series 2013 Bonds, the Corporation agrees to pay to the City from the Additional Sales Tax the amounts specified in Schedule I, which is attached hereto and incorporated herein for all purposes. If any refunding bonds would extend the maturity of the Obligations, then the City and the Corporation shall negotiate a new payment schedule to replace the attached Schedule I.

(b) The Corporation shall pay to the City the amounts required to be paid in accordance with subsections (a) on or before February 1 of each year.

Section 1.03 Use of Additional Sales Tax. (a) The Corporation agrees to use the Additional Sales Tax, and any interest earned thereon, to make payments to the City in amounts sufficient to meet its obligations under Section 1.02 when due. Unless it receives the prior written consent of the City and except for payments made under other agreements with the City regarding the payment of the principal of and interest on obligations issued for Corporation

projects, the Corporation shall make such payments to the City prior to using the Additional Sales Tax, and any interest earned thereon, for any other lawful purposes of the Corporation.

(b) The Corporation agrees that it will maintain an unencumbered fund balance of not less than \$2,000,000 at all times during the term of this Agreement.

(c) The Corporation agrees that during the term of this Agreement it will not borrow any money, issue any bonds or notes without the written approval of the City.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

Section 2.01 Representations and Warranties of the City. (a) The City hereby confirms the earlier levy by the City of the Additional Sales Tax, and hereby warrants and represents that the City has duly and lawfully ordered the imposition and collection of the Additional Sales Tax upon all sales, uses and transactions as are permitted by and described in the Act throughout the boundaries of the City as such boundaries existed on the date of said election and as they may be expanded from time to time pursuant to applicable law.

(b) The City agrees to take and pursue all action permissible under applicable law to cause the Additional Sales Tax to be collected and remitted and deposited with the Corporation as required by the Act, at the earliest and most frequent times permitted by applicable law.

(c) The City agrees to do and perform or cause to be done and performed all acts and things required to be done or performed by or on behalf of the City under this Agreement.

Section 2.02 Representations and Warranties of the Corporation. (a) The Corporation represents and warrants that it is authorized by applicable law and by its articles of incorporation and bylaws to enter into this Agreement and make the payments to the City in the manner and to the extent provided in this Agreement.

(b) The Corporation represents and warrants that the Projects are authorized projects of the Corporation under the Act, and that the Corporation has taken all action and obtained all approvals required by law and the Corporation's bylaws in connection with the Project and its obligations under this Agreement.

(c) The Corporation agrees to do and perform or cause to be done and performed all acts and things required to be done or performed by or on behalf of the Corporation under this Agreement.

ARTICLE III

MISCELLANEOUS PROVISIONS

Section 3.01 Term. This Agreement shall be in force and effect from the date of execution hereof until the date on which the Obligations are paid in full.

Section 3.02 Repealer. This Agreement supersedes and replaces any prior agreements between the Corporation and the City with respect to the payment of principal and interest on the Obligations.

Section 3.03 Amendments and Supplements. This Agreement may be amended, supplemented or extended by mutual agreement of the parties hereto.

Section 3.04 Merger. This Agreement embodies the entire understanding between the parties hereto and there are no prior effective representations, warranties, or agreements between the parties hereto.

Section 3.05 Multiple Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original instrument and each will have the force and effect of an original and all of which together constitute, and will be deemed to constitute, one and the same instrument.

Section 3.06 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

Section 3.07 Severability. The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application hereof to any person or circumstance 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.

[Execution Page Follows]

EXECUTED in multiple counterparts as of the date first written above.

CITY OF TOMBALL, TEXAS

By: _____
Mayor

ATTEST:

By: _____
City Secretary

TOMBALL ECONOMIC
DEVELOPMENT CORPORATION

By: _____
Vice President, Board of Directors

ATTEST:

By: _____
Secretary, Board of Directors

SCHEDULE I

PAYMENTS DUE FROM THE CORPORATION IN CONNECTION WITH THE OBLIGATIONS

The Corporation will make the annual payments shown in this Schedule I in connection with the Obligations.

<u>Year</u>	<u>Payment Due</u>
2014	\$670,000
2015	\$670,000
2016	\$670,000
2017	\$670,000
2018	\$670,000
2019	\$670,000
2020	\$370,000
2021	\$370,000
2022	\$370,000

City of Tomball, Texas
Cash Call of Waterworks and Sewer System Revenue Bonds, Series 1999
Present Value Analysis at US Treasury Yields

Debt Service Present Value at Treasury Yields

Payment Date	Debt Service Cash Flow	Days from Close of 5/27/2015	Treasury Yields 2/26/2015	Present Value at Treas. Ylds.
8/15/2015	40,847.50	78	0.02%	\$ 40,843.96
2/15/2016	510,847.50	258	0.17%	509,605.30
8/15/2016	31,447.50	438	0.32%	31,203.97
2/15/2017	521,447.50	618	0.49%	512,769.46
8/15/2017	21,525.00	798	0.64%	20,924.74
2/15/2018	536,525.00	978	0.78%	514,346.72
8/15/2018	10,967.50	1,158	0.88%	10,366.41
2/15/2019	545,967.50	1,338	0.98%	507,789.72
	<u>\$ 2,219,575.00</u>			<u>\$ 2,147,850.27</u>
			PV of DS at Treas. Yld	\$ 2,147,850.27
			Call Date Total Cost	\$ 2,035,946.92
			Savings	\$ 111,903.36

Present Value factor derived using treasury yield and semi-annual compounding.
Treasury Yields from the Daily Treasury Yield Curve Rates table and interpolated
for time periods in which a rate was not supplied.

City of Tomball, Texas

Cash Call of Waterworks and Sewer System Revenue Bonds, Series 1999

Cash Flow Analysis

Payment Date	Principal	Coupon	Interest	Call Date	Call Price				Gross Savings
					Principal	Interest	Call Date Expenses	Total	
8/15/2015			\$ 40,847.50	5/27/2015	\$ 2,010,000.00	\$ 23,146.92	\$ 2,800.00	\$ 2,035,946.92	\$ 14,900.58
2/15/2016	\$ 470,000.00	4.00%	40,847.50						40,847.50
8/15/2016			31,447.50						31,447.50
2/15/2017	490,000.00	4.05%	31,447.50						31,447.50
8/15/2017			21,525.00						21,525.00
2/15/2018	515,000.00	4.10%	21,525.00						21,525.00
8/15/2018			10,967.50						10,967.50
2/15/2019	535,000.00	4.10%	10,967.50						10,967.50
	<u>\$ 2,010,000.00</u>		<u>\$ 209,575.00</u>						<u>\$ 183,628.08</u>

Call Date Expenses

Bond Counsel - Call Notice	\$ 2,500.00	Confirmed
Bank of New York - Paying Agent Call Fees	300.00	Confirmed
Bank of New York - Paying Agent Escrow Fees if required	500.00	May not be charged
Total	<u>\$ 3,300.00</u>	
	(500.00)	
Net Expense	<u>\$ 2,800.00</u>	

No Escrow will be required if funds are held at paying agent for less than a day.

Sources and Uses of Funds

<u>Source of Funding</u>	
Reserve Fund Balance	\$ 770,000.00
Other Funds Required	1,265,946.92
	<u>\$ 2,035,946.92</u>
<u>Use of Funding</u>	
Call Price on May 27, 2015	\$ 2,035,946.92