

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



MONDAY, FEBRUARY 16, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, February 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 Scott Knight, The Pointe Fellowship 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 Reports and Announcements

- Tomball Police Department Annual Data Capture Report (SB 1074)
- February 24, 2015 – **Trailride Reception** – 12 Noon at the Depot
- March 2, 2015 – Public Hearing to Consider the Advisability of the Creation of a Public Improvement District (PID 5)
- 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**
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – ***6th 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 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 17, 2015 – **Lions Club Car Show** at the Depot
- ***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:
 - Glenn Windsor - Presentation regarding new utility billing system.

6.0 Approve the Minutes of the February 2, 2015 Regular City Council Meeting

7.0 New Business:

- 7.1 Approve Request by Oil Patch Kids for In-Kind Support for the Use of the Tomball Community Center and One Attendant, on Saturday, May 9, 2015
- 7.2 Approve Request by Tomball Lions Club for City Co-sponsorship and Support for the Annual Car Show, to be held on Sunday, May 17, 2015 at the Depot
- 7.3 Approve Request from Tomball Rotary Club for City Co-sponsorship and Support for the Annual Tomball Rotary Fish Fry, to be held on Saturday, April 25, 2015 at the Depot
- 7.4 Consideration and Possible Action to Approve TRAC Request for Funding of the 2014 Nutcracker Performances, held December 5-7, 2014 at the Tomball High School Auditorium, in the Amount of \$15,400
- 7.5 Approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00

- 7.6 Consideration to approve **ZONING CASE P14-262**: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P14-262**
 - Adopt, on First 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.
- 7.7 Approve **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 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.
- 7.8 Discussion and Possible Action on Waiving the Assessment and Collection of Water and Wastewater Impact Fees for Non-Residential Properties within the Old Town Area Until March 2, 2017, including Possible Action to Adopt, on First Reading, Ordinance 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
- 7.9 Discussion regarding Allowing Brewpub Operations in Old Town Mixed-Use

Area, through Conditional Use Permit for “Distillation of Liquors”

- 7.10 Presentation regarding Body Worn Cameras and Real Time Streaming Vision for Tomball Police Department Officers.
- 7.11 Approve Settlement Agreement between the City of Tomball and Martha Michel Huebner, Trustee of the Michel Family Irrevocable Trust, to Acquire 3.001 Acres of Land, Approximately Located at the Southeast Corner of SH 249 and Holderrieth Road as Part of the M121 Drainage Project in the City of Tomball

8.0 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 February 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: February 16, 2015

Topic:

- Led by Pastor Scott Knight, The Pointe Fellowship 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: February 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

Meeting Date: February 16, 2015

Data Sheet

Topic:

- Tomball Police Department Annual Data Capture Report (SB 1074)
- February 24, 2015 – **Trailride Reception** – 12 Noon at the Depot
- March 2, 2015 – Public Hearing to Consider the Advisability of the Creation of a Public Improvement District (PID 5)
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor - Presentation regarding new utility billing system.

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 Police Department Annual Data Capture Report (SB 1074)

Trailride Reception

Public Hearing - PID 5

Tomball Honky Tonk Music Festival

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

6th Annual 5K Bunny Run and 1 Mile Kids Walk

"Stroll the Toll"

New Utility Billing System - Sample Bill and Late Notice

**TOMBALL POLICE
DEPARTMENT
ANNUAL CONTACT DATA REPORT**



**2014
POLICE CONTACT DATA**

MISSION STATEMENT

Tomball Police Department

Mission Statement

The mission of the Tomball Police Department is to protect and serve the citizens of Tomball. As members of the Tomball Police Department, we dedicate ourselves to providing fair impartial and ethical police service to all members of the community with the highest degree of integrity, professionalism and respect.

Oath of Honor

On my Honor I will never betray my profession, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution, my community, and the Agency I serve.

OPENING STATEMENT



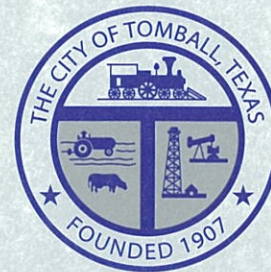
TOMBALL POLICE DEPARTMENT

Chief Billy Tidwell

400 Fannin St., Tomball, TX 77375

Phone: (281) 351-5451 Fax: (281) 351-2615

<http://www.tomballtx.gov>



February 2, 2015

Honorable Mayor and City Council
401 Market Street
Tomball, TX 77375

RE: Annual Data Capture "Racial Profiling" Report

Dear Mayor and Councilmen:

The Tomball Police Department, in accordance with the Texas Code of Criminal Procedure Articles 2.131-2.138, collects police contact data as it relates to identifying and responding to any concerns of racial profiling practices by our officers. We hope that the findings provided in this report will serve as evidence that the Tomball Police Department continues to maintain strong and positive relation with the community we serve.

In this report, you will find statistical data relevant to the public contacts made during the period of January 1, 2014 through December 31, 2014. This information has been analyzed and compared to both the U.S. Census Bureau and the Texas Department of Public Safety data on motorists and citizens residing in the 77375 zip code. As required by law, this information has also been forwarded to the Texas Commission on Law Enforcement (TCOLE).

It is my hope that the information provided within this report helps you better understand the commitment of the Tomball Police Department to continually strengthen the positive relationship with the community leaders whom we represent and the citizens we serve.

Yours truly,

A handwritten signature in blue ink that reads "Billy Tidwell".

Billy Tidwell
Chief of Police

RESPONDING TO THE TEXAS RACIAL PROFILING LAW

TIER 1- PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: TOMBALL POLICE DEPARTMENT

Reporting Date: 01/19/2015

**TCOLE Agency 201228
Number:**

Chief Administrator: BILLY TIDWELL

Agency Contact: Email: btidwell@tomballtx.gov

Information: TOMBALL POLICE DEPARTMENT
400 Fannin St
Tomball TX. 77375

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days

Certification to This Report 2.132 (Tier 1) - Partial Exemption

Article 2.132 (b) CCP Law Enforcement Policy on Racial Profiling

TOMBALL POLICE DEPARTMENT, has adopted a detailed written policy on racial profiling. Our Policy

- 1) Clearly defines acts constituting racial profiling;
- 2) Strictly prohibits peace officers employed by the TOMBALL POLICE DEPARTMENT. From engaging in racial profiling;
- 3) Implements a process by which an individual may file a complaint with the TOMBALL POLICE DEPARTMENT. If the individual believes that a peace officer employed by the TOMBALL POLICE DEPARTMENT. has engaged in racial profiling with respect to the individual;
- 4) Provides public education relating to the agency's complaint process: **PRESS RELEASE**
- 5) Requires appropriate corrective action to be taken against a peace officer employed by the TOMBALL POLICE DEPARTMENT. who after an investigation, is shown to have engaged in racial profiling in violation of the TOMBALL POLICE DEPARTMENT'S policy adopted under this article;

- 6) Requires collection of information relating to motor vehicle stops in which a citation is issued and to arrest made as a result of the individual detained.
 - a) (B) whether a search was conducted and if so, whether the individual detained consented to the search and
 - b) (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7) require the Chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed , to submit an annual report of the information collected under Subdivision(6) to:
 - a) the commission on Law Enforcement Officer Standards and Education; and
 - b) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: _____

A handwritten signature in blue ink, appearing to read "Billy Caldwell", is written over a horizontal line.

Chief of Police

TOMBALL POLICE DEPARTMENT

Date: 1/19/2015

TIER 1 DATA

CHART I

2014 Activity

DEMOGRAPHICS:

	NUMBER	PERCENTAGE
HISPANIC	9,555	24.30%
WHITE	23,751	60.36%
BLACK	3,550	9.01%
ASIAN	1,583	4.01%
AMERICAN INDIAN	146	0.37%
MIDDLE EASTERN	0	0.00%
OTHER	766	1.95%
TOTAL	39,351	100%

** NUMBER OBTAINED FROM THE U.S. CENSUS 2010 Demographic Profile Data for 77375

CONTACTS:

	CITATIONS	PERCENTAGE
HISPANIC	1,357	17.01%
WHITE	5,604	70.10%
BLACK	840	10.50%
ASIAN	118	1.48%
AMERICAN INDIAN	0	0.00%
MIDDLE EASTERN	63	0.80%
OTHER	9	0.11%
TOTAL	7,991	100%

** CITATIONS COUNT OBTAINED FROM TOMBALL RACIAL PROFILING DATA AND TOMBALL MUNICIPAL COURTS

ARRESTS:

	ARREST/RESULT OF STOP	PERCENTAGE ARRESTED
HISPANIC	27	17%
WHITE	113	71%
BLACK	19	12%
ASIAN	1	0%
AMERICAN INDIAN	0	0.00%
MIDDLE EASTERN	0	0.00%
OTHER	0	0.00%
TOTAL	160	100%

**NUMBERS OBTAINED FROM TOMBALL RACIAL PROFILE DATA RECORDS

CHART II

2014 Activity

SEARCHED:

	NUMBER SEARCHED	PERCENTAGE OF TOTAL
HISPANIC	21	10.00%
WHITE	155	74.00%
BLACK	34	16.00%
ASIAN	0	0.00%
AMERICAN INDIAN	0	0.00%
MIDDLE EASTERN	0	0.00%
OTHER	0	0.00%
TOTAL	210	100%

**INFORMATION RECORDED ON CITATIONS, NUMBERS OBTAINED FROM TOMBALL RACIAL PROFILING DATA.

SEARCHED - COMPARISON:

	CONSENSUAL SEARCH		PC/SEARCH	
HISPANIC	10	7.60%	11	14.10%
WHITE	103	78.00%	52	66.67%
BLACK	19	14.40%	15	19.23%
ASIAN	0	0.00%	0	0.00%
AMERICAN INDIAN	0	0.00%	0	0.00%
MIDDLE EASTERN	0	0.00%	0	0.00%
OTHER	0	0.00%	0	0.00%
TOTAL	132	100%	78	100%

**INFORMATION OBTAINED FROM TOMBALL RACIAL PROFILE DATA RECORDS. *PC-PROBABLE CAUSE

	YES	NO
ETHNICITY KNOWN BEFORE STOP?	181	7810

RECOMMENDATIONS

Recommendations

Based on the finding introduced in this report, the Chief of Police, along with the Command Staff will continue their efforts to adopt measures aimed at addressing potential racial profiling problems by:

- Providing further racial sensitivity training to police personnel;
- Disseminate information to all officers regarding the guidelines for acceptable behavior under the Texas Racial Profiling Law through training and policy revision;
- Implementation of an early warning system to monitor the uses of force by agency personnel and an attempt to identify related trends;
- Keep City Council and other city officials informed of measures being implemented by the Tomball Police Department;
- Continue to attend a series of professional seminars on racial profiling;

HOWDY PARTNER!

It's Rodeo time in Tomball and the trail riders are headin' our way again.

Meet the cowboys and cowgirls, enjoy the live music, rodeo clowns and more for some old style Western fun as the riders meander through town!



Trail ride reception on February 24th at the historic Tomball Depot
201 South Elm Street from high-noon 'til 2 p.m.

There'll be free grub, too, like hot dogs, cookies and drinks!
It only happens once a year, so don't miss it . . . Call 281-351-5484.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

MONDAY, MARCH 2, 2015



6:00 P.M.

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER THE
ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO MAKE CERTAIN
IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF
TOMBALL.**

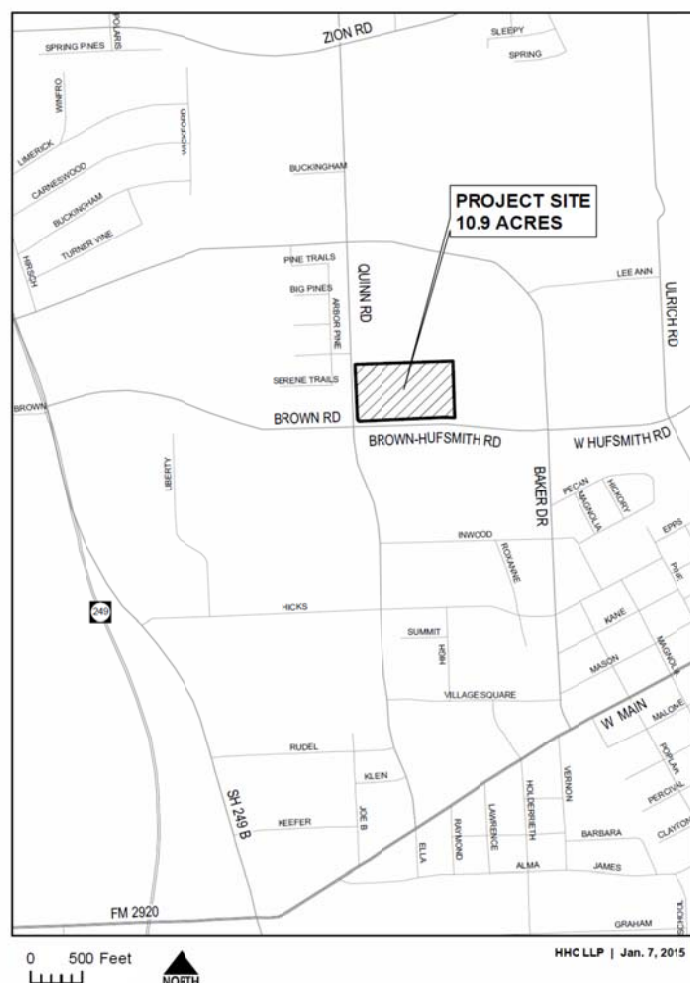
In accordance with Chapter 372.005 Local Government Code the City Secretary has received petitions that request the establishment of a public improvement district (PID). The petitions and a legal description of the property are on file and open for public inspection in the office of City Secretary. A Public Hearing on the advisability of the improvements will be held by the City Council as follows:

TIME: Monday, March 2, 2015 at 6:00 p.m.

PLACE: City Council Chambers, 401 Market Street, Tomball, Texas 77375

GENERAL NATURE OF THE IMPROVEMENTS: The improvements are the construction of public utilities (water, sewer, gas & drainage), paving, landscaping, signage, and other public amenities, and related improvements within the PID. The estimated costs of the improvements, including financing, are \$1,750,000.00 over the life of the PID. The proposed method of assessment is by value, per lot, or per square foot of benefited property. The proposed apportionment of cost is 100% to the PID and 0% to the municipality as a whole.

BOUNDARIES: The boundaries of the proposed Public Improvement District are described in the below map. A full metes and bounds description is on file and open for public inspection in the office of the City Secretary.



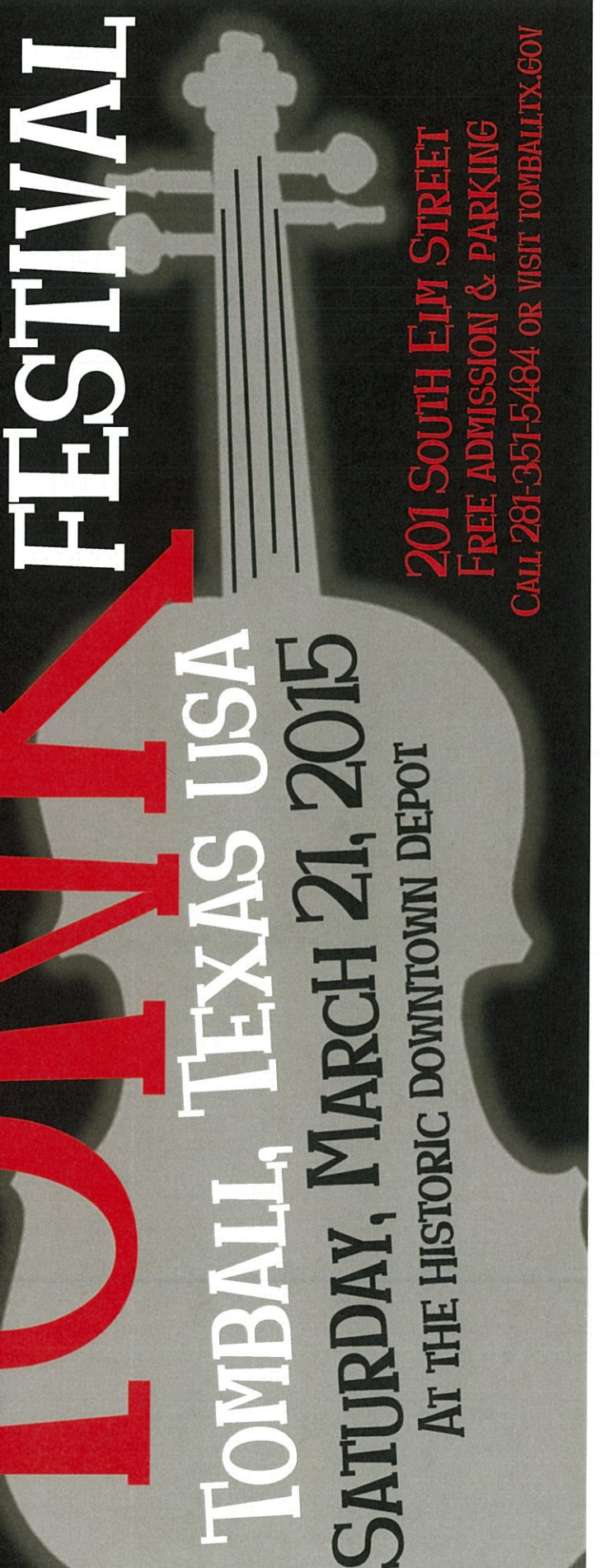
Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

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 9th day of February 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

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.



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
501 James Street
Tomball, TX 77375

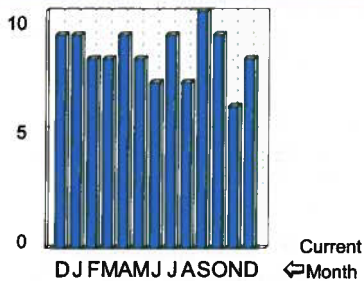
RETURN SERVICE REQUESTED

P: 47 PG: 1 OF 2

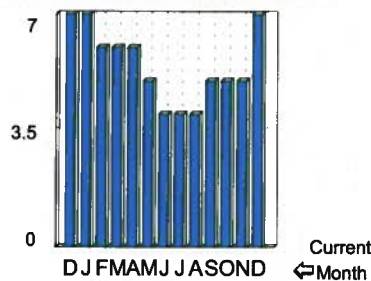


Office Hours: 7:45 a.m. - 5:00 p.m. Mon-Thu, 7:45 a.m. - 4:00 p.m. Fri
Inquiries: (281) 290-1400, After Hours: (281) 351-5451
Use night depository after hours.

YOUR MONTHLY USAGE (IN THOUSANDS)



Water



Gas

SPECIAL MESSAGE

Account Statement

ACCOUNT INFORMATION

ACCOUNT: [REDACTED]
ACCOUNT STATUS: [REDACTED] **ACTIVE**
SERVICE ADDRESS: [REDACTED]
SERVICE PERIOD: 11/22/2014 TO 12/22/2014
BILLING DATE: 01/08/2015
DUE DATE: 01/30/2015

CURRENT CHARGES (GAS)

Meter	Prev	Curr	Usage	Amount
411760	199	206	7	82.25

CURRENT CHARGES (WATER)

Meter	Prev	Curr	Usage	Amount
06303283	1445	1453	8	33.70

CURRENT CHARGES (OTHER)

Description	Amount
SEWER	32.35
GARBAGE	15.70
SERV CHG	1.00
HCRWA FEE	16.00
TAX	1.30

AMOUNT DUE

PAST DUE 143.14
TOTAL CURRENT CHARGES 182.30
TOTAL AMOUNT DUE BY 01/30/2015 325.44
TOTAL DUE IF PAID AFTER 01/30/2015 325.44

A 10% penalty charge will be added if bill is not paid by 4:00 p.m. on the due date. If the TOTAL AMOUNT DUE and all penalties are not paid by the 10th of the month or injunctive relief obtained, all water service will be terminated until the account has been paid in full. A delinquency fee of \$50 will be charged. Failure to receive a bill does not relieve obligation to pay. We do accept money orders, Visa, Mastercard and credit card payments online. Please write your account number on your check or money order. We also offer credit card and bank draft options.

Garage sale signs shall not be displayed for more than 3 consecutive days for each sale, and shall not be placed in right of way or on utility poles. Also, the date of the initial posting shall be displayed on all garage sale signs. For more information, contact the sign administrator (Ken Cole) at 281-290-1406.

Don't forget, garbage bags can still be picked up during the year during regular business hours. No garbage cans are allowed. Garbage pickup is between 7 AM to 7 PM.

Credit card payments can be made online at:
www.tomballtx.gov

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT AND MAKE CHECK PAYABLE TO THE CITY OF TOMBALL

Payment Coupon

ACCOUNT INFORMATION

ACCOUNT: [REDACTED]
ACCOUNT STATUS: [REDACTED] **ACTIVE**
SERVICE ADDRESS: [REDACTED]
SERVICE PERIOD: 11/22/2014 TO 12/22/2014
BILLING DATE: 01/08/2015
DUE DATE: 01/30/2015

AMOUNT DUE

TOTAL DUE BY 01/30/2015 325.44
TOTAL DUE IF PAID AFTER 01/30/2015 325.44

AMOUNT ENCLOSED

\$

Remit Payment To:

City of Tomball
501 James St
Tomball, TX 77375-4623



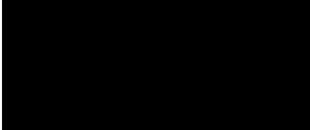


CITY OF TOMBALL
501 James Street
Tomball, TX 77375

LATE NOTICE

00000111101

P: 1 PG: 1 OF 1



ACCOUNT INFORMATION

ACCOUNT:	
SERVICE ADDRESS:	
NOTICE DATE:	02/04/2015
DUE DATE:	02/04/2015
CUTOFF DATE:	02/04/2015
AMOUNT DUE:	\$274.35

Office Hours: 7:45 a.m. - 5:00 p.m. Mon-Thu, 7:45 a.m. - 4:00 p.m. Fri
Inquiries: (281) 290-1400

LATE NOTICE

The Past Due amount must be paid before 02/04/2015, or the water and gas will be turned off and garbage will not be picked up. If the bill is not paid before 02/04/2015 then you will be required to pay a \$50.00 delinquency fee whether the water gets turned off or not. If the water meter gets turned back on and damaged by the customer there will be an additional \$200.00 tampering fee that also will have to be paid before reconnection.

Don't forget, garbage bags can still be picked up during the year during regular business hours.

No garbage cans are allowed. Garbage pickup is between 7 AM to 7 PM.

Use night depository after hours.
After hours call (281) 351-5451 in case of emergency.

Website: www.tomballtx.gov

RETURN THIS PORTION ALONG WITH YOUR PAYMENT AND MAKE CHECK PAYABLE TO THE CITY OF TOMBALL

LATE NOTICE

ACCOUNT INFORMATION

ACCOUNT:	
SERVICE ADDRESS:	
DUE DATE:	02/04/2015
CUTOFF DATE:	02/04/2015

AMOUNT DUE

TOTAL DUE BY 02/04/2015	<u>274.35</u>
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AMOUNT ENCLOSED

\$	Remit Payment To:
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City of Tomball
501 James St.
Tomball, TX 77375-4623



Regular City Council Agenda Item Data Sheet

Meeting Date: February 16, 2015

Topic:

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

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

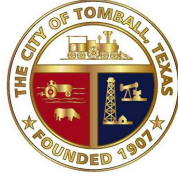
City Secretary

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

ATTACHMENTS:

Draft Minutes of the February 2, 2015 Regular City Council Meeting

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



MONDAY, FEBRUARY 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 Degges
Councilman Hudgens

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
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Detective – Albert Chambers

2.0 The invocation was led by Detective Albert Chambers.

3.0 The pledges to U. S. and Texas Flags were led by Gabriel Gach and Porter Baker, Members of the Tomball High School Student Council.

4.0 No public comments were received.

5.0 Reports and Announcements:

- February 14, 2015 – **2nd Saturday at the Depot**
- February 24, 2015 – **Trailride Reception** – 12 Noon at the Depot
- March 14, 2015 – **2nd Saturday at the Depot**
- March 21, 2015 – **Tomball Honky Tonk Music Festival** and “Texas Two-Step” Washers Tournament
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – **6th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – **Lions Club Car Show** at the Depot
- April 19, 2015 – **“2015 Ride 2 Recovery Texas Challenge” Welcome and Reception** – 9:30 a.m.-11:00 a.m.
- **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 was taken:
 - Glenn Windsor presented the Quarterly Investment Report for the Period Ending December 31, 2014. The Public Funds Investment Act (Title 10, Subtitle F, Chapter 2256 of the Government Code) requires the investment officer to prepare and submit not less than quarterly a written report of investment transactions for all funds covered by the Act. The required report for the quarter ended December 31, 2014 was provided for Council review. As of December 31, 2014, the City of Tomball had \$55,401,833 in securities, investment pools, checking, and cash on hand.

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the January 19, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2015-02, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Amending Sections 50-69 (“Single-Family Estate Residential District”) and 50-76 (“General Retail District”); 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.

8.0 New Business:

- 8.1 Robert Hauck and Craig Meyers presented an update on the status of recommendations made as part of the Community Development Department Development Review Processes Evaluation.

No action taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to set March 2, 2015 as the date for a Public Hearing to approve the proposed Public Improvement District (PID) Number Five (PID-5), Yaupon Trails.

Motion passed unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve **REPLAT: GUSMERI HOME**: A replat of Lots 37 and 38 into New Lot 37 in Block 90 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 90 lying in the Ralph Hubbard Survey (A-383).

Motion carried unanimously.

- 8.4 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Replacement of the Pump, Pump Motor, Piping, Foam Unit and Other Equipment on Booster 2 as Approved in the 2014/2015 Budget, in the Amount of \$55,681.

Motion carried unanimously.

- 8.5 George Shackelford provided information regarding possibilities to restrict parking on certain side streets in the Old Town District due to the narrow width of the streets and the difficulty for emergency vehicles to navigate those streets.

Consensus of Council was unanimous for City staff to solicit property owners' input regarding parking restrictions/prohibitions on their streets and to return with an update.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

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

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 16, 2015

Topic:

Approve Request by Oil Patch Kids for In-Kind Support for the Use of the Tomball Community Center and One Attendant, on Saturday, May 9, 2015

Background:

The Oil Patch Kids are requesting the use of the Tomball Community Center on Saturday, May 9, 2015 for their reunion, from 9:00 a.m. to 3:00 p.m.

The Oil Patch Kids are requesting that Council waive the rental fee for the Community Center and waive the fee for one City employee to be on-site during the event.

The letter requesting these waivers is included for Council's consideration.

The Oil Patch Kids' 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 tourism efforts.

Origination:

Becky Clepper, Oil Patch Kids

Recommendation:

Approve in-kind support of the Oil Patch Kids organization by waiving the Community Center rental fees for May 9, 2015 and the fee for one employee to staff the Community Center

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:

Oil Patch Kide Request

Dear City of Tomball:

The Oil Patch Kids are requesting the use of the Community Center for May 9, 2015 from 9-3 p.m. We are also requesting the fee be waived and the access to one attendant for the use of the day, as well as her fee waived.

Thank You,

Becky Clepper
Oil Patch Kids
Chairman

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Approve Request by Tomball Lions Club for City Co-sponsorship and Support for the Annual Car Show, to be held on Sunday, May 17, 2015 at the Depot

Background:

The Tomball Lions Club is requesting use of Depot Plaza and the surrounding area for its annual car show on Sunday, May 17, 2015. The active event time involving the public is from 8 a.m. to 3 p.m. and the Tomball Lions Club is requesting approval of the following:

1. Two (2) Tomball Police officers for security
2. Use of the city-owned parking lot by the railroad tracks on FM 2920
3. Use of the parking lot across from the Tax office and next to the City Annex building
4. Trash barrels
5. Water barricades to be placed by 7:00 a.m.
6. Two (2) Public Works employees
7. Street Closures around the Depot on Sunday, April 12th:
 - (a) Block of South Elm and FM 2920;
 - (b) Cherry and Market;
 - (c) Fannin and South Walnut;
 - (d) Fannin and South Cherry
8. An open entrance at Walnut and FM 2920 on the south side of FM 2920
9. Restrooms open for the public
10. Waiver of rental fees for the Depot area.

Car show entries will be parked on South Elm between FM 2920 and the Depot, on Market Street between the Depot and Cherry Street, and possibly in the parking lot between the City Annex and across from the Tax office.

This event is approximately 7 hours long; the estimated cost of personnel and in-kind services should be \$1,100 for personnel support from the Public Works and Police Departments and waiver of rental fees for the Depot and Gazebo.

The Lions Club 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 tourism efforts.

Origination:

Mike Baxter - Marketing Director

Recommendation:

Accept the request and approve providing in-kind support

Funding:

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

Mike Baxter and Tim Fowler (Tomball Lions Club)

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

ATTACHMENTS:

Tomball Lions Club Request

To: Tomball City Council

Tomball Lions Club Car Show

Date of Event – May 17, 2015

Time – 8:00 AM to 3:00 PM

Rain Date – May 31, 2015

2 Security Patrol Officers

Use of City Owned Parking Lot by Railroad Tracks on FM 2920.

Use of parking lot across from the Tax Office and next to City Building.

Trash Barrels

Water Barricades to be placed by 7:00 AM.

2 Public Works employees

Street Closures around the depot.

- Block of South Elm and 2920
- Cherry and Market
- Fannin and South Walnut
- Fannin and Cherry

Leave open entrance at Walnut and 2920 on South side of 2920.

Restrooms open for public.

Car Show Entries will be parked on South Elm between 2920 and the Depot. Also entries will be parked on Market Street between the Depot and Cherry Street.

Overflow Car Show Entries will be in the parking lot between the City Annex and across from City Tax Office.

Banner placement approved by Sandra to be placed on Main Street March 30 – April 6, 2015.

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Approve Request from Tomball Rotary Club for City Co-sponsorship and Support for the Annual Tomball Rotary Fish Fry, to be held on Saturday, April 25, 2015 at the Depot

Background:

The Tomball Rotary Association is requesting the use of the Depot and the surrounding area for the 46th Annual Tomball Rotary Fish Fry, to be held Saturday, April 25, 2015.

Attendance at Juergens Park has been declining and the Rotary Club believes that changing the event from Friday evening to a Saturday day-time event and moving to the Depot would increase the number of people attending the event. Additionally, the move would provide a more family-focused event from noon to 3:00 p.m. with childrens' activities and a raffle and would facilitate the sale of beer and wine through a contract with the Empty Glass at the Annual Fish Fry from 3:00 p.m. to 6:00 p.m.. The active event time involving the public is from 12:00 Noon to 6:00 p.m.

The Tomball Lions Club is also requesting approval of the following:

1. Street Closures/City barricades on Saturday, April 25th for Elm, Walnut, Market and Fannin Streets.
2. Two (3) light towers for evening use
3. Use of electricity (plug-ins) at the Depot
4. Trash receptacles and trash pickup
5. Waiver of the rental fees for the Depot.

The Tomball Rotary Club will rent two (2) tents for the event, provide a sanitizing area for the cookers, and provide tables and chairs, as well as paying for two (2) Tomball police officers for security. The Rotary Club and The Empty Glass will adhere to all city ordinances and either the Rotary Club or The Empty Glass will provide the required Certificate of Liability Insurance, naming the City of Tomball as an additional insured on the General Liability Policy containing liquor liability coverage.

This event is approximately 6 hours long; the estimated cost of personnel and in-kind services should be \$1,100 for personnel support from the Public Works and Police Departments and waiver of the rental fees for the Depot and Gazebo.

The Tomball Rotary Club'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 tourism efforts.

Origination:

Craig Bogner, Club Sources Director, Tomball Rotary

Recommendation:

N/A

Funding:

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

Mike Baxter, Marketing Director, and Craig Bogner, Tomball Rotary

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

ATTACHMENTS:

Tomball Rotary Club Request

**Rotary Club of Tomball
46th Annual Fish Fry**

Proposal to City of Tomball

The Rotary Club of Tomball is gearing up for our annual Fish Fry to be held on Saturday, April 25, 2015. All of the proceeds of the fish fry fund several areas:

- 16 scholarships to "Students of the Month" from our local high schools
- Various charitable groups, such as Tomogwa, Families Feeding Families, Wounded Warriors, etc.
- Endowment to sustain scholarship program and future community projects

The Rotary Club has been holding the fish fry at Juergens Park for several years; however, we have seen a decline in attendance at this location. We organized a committee with the purpose of "Lighting Up Rotary" in our community. The following are key elements of change to our fish fry that we want to implement:

- Change from a Friday evening to a Saturday event
- Change the hours: Noon – 6:00 p.m.
 - Focus the noon to 3 hours with a family emphasis:
 - Childrens' activities and raffle
- Focus 3-6 p.m. as our "adult time" with live and silent auction, Live Music, and of course, FISH!
- Sell beer and wine through contract with The Empty Glass

We will rent 2 tents for the event, establish a sanitizing area for the cookers, and provide tables and chairs. We will also pay for two Tomball police officers for security.

We are requesting from the City of Tomball:

- Provide City barricades for Elm, Walnut, Market, and Fannin streets
- 2 light towers for evening
- Plug-in Permission at the Depot
- Trash receptacles and trash pick-up
- Waive rental fees for the Depot

We are excited about the changes we have proposed to the city to improve our fish fry and are looking forward to your support.

Sincerely,

Marilyn Dunagin, President
Rotary Club of Tomball

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Consideration and Possible Action to Approve TRAC Request for Funding of the 2014 Nutcracker Performances, held December 5-7, 2014 at the Tomball High School Auditorium, in the Amount of \$15,400

Background:

On January 27, 2015, the Tourism Advisory Committee considered a request from The Regional Arts Council (TRAC) for financial support/reimbursement for six performances of "The Nutcracker" Ballet, previously held December 5 - 7, 2014 at the Tomball High School Auditorium, in the Amount of \$15,400.

The Committee voted 8 to 2 to recommend denial of the request from TRAC. Additionally, the consensus of the Committee was to recommend that TRAC prepare a complete presentation, including a proposal and application for the July 28, 2015 meeting and that a representative appear on behalf of TRAC to answer any questions presented by the Committee at that meeting.

TRAC's request is presented to Council for consideration and possible action. Holly Cook, Chair of the Tourism Advisory Committee, will be available to address Council's concerns or questions.

Origination:

TRAC

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:

COT letter to J. Parks 11-20-14

HOT application for 2014 Nutcracker funds

TRAC supporting document

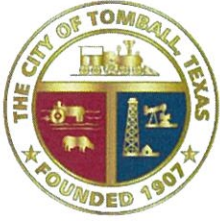
TRAC invoices for 2014

TRACc pie chart for attendance

M. Baxter email to J. Parks 11-11-14

J. Parks email 11-18-14

J. Parks email to COT 1-16-15



City of Tomball

*Gretchen Fagan
Mayor*

*George Shackelford
City Manager*

November 20, 2014

Jennifer Parks
HRB Liaison to TRAC
jmpag@mac.com

Re: Your e-mail dated November 10, 2014

Dear Ms. Parks:

Thank you for your interest in applying for reimbursement funding of "The Nutcracker" through the City of Tomball's 2014-15 Hotel-Motel Tax Fund.

Although the TAC Board did not meet to consider your request at their meeting on October 28, 2014, your request for funding will be considered by the TAC board at the meeting scheduled for January 27, 2015.

We appreciate your interest in the City of Tomball's promotion of tourism and the arts through the Hotel-Motel Tax Fund.

Sincerely,

Glenn Windsor
Finance Director
281-290-1417
gwindsor@tomballtx.gov

cc: George Shackelford, City Manager
Robert Hauck, Assistant City Manager
Mike Baxter, Marketing Director
Betsy Gates, Assistant City Secretary



CITY OF TOMBALL

APPLICATION FOR USE OF HOTEL OCCUPANCY TAX

(Must be submitted no less than 45 days prior to the event)

Applications may be mailed or hand delivered to:

Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375

Applicant Organization: **Tomball Regional Arts Council (TRAC)**

Organization Director: **Paula Whitaker**

Project or Event for which funding is requested: **Houston Repertoire Ballet's "The Nutcracker" featuring the Cypress Philharmonic**

Date of Event: **December 5 – 7, 2014**

Description of project or event for which funding is requested:

Beginning in 1998, Tomball Regional Arts Council has proudly hosted Houston Repertoire Ballet's (HRB's) "The Nutcracker". It has grown to be a 6 show performance series featuring the Cypress Philharmonic's 33 piece orchestra at Tomball High School's Theatre.

TRAC is dedicated to bringing the arts to the Tomball community enriching the lives of the residents and "The Nutcracker" is the highlight of their season.

HRB's "The Nutcracker" is the classic holiday ballet enjoyed by all ages at affordable prices and at an easily accessible venue featuring a live orchestra, professional guest artists, lavish costumes and sets along with exquisite dancing! Ticket prices are kept low - \$22 for adults and \$18 for students and seniors - with group ticketing discounts available to children and seniors groups. There is also a dedicated ticket donation program to children in need, in the past this has featured Boys and Girls Country, a home for children from families in crisis. The Guest

Artists for this year's production include Elizabeth Keller, Joseph Michael Gatti and Joseph Modlin. (Please see the guest artist bio attachment to the grant application).

The production has grown from featuring only ACT II in 1998 to including a live orchestra in 2013 and also features two free matinee performances for all of Tomball ISD's 3rd grade students (capacity of 1,500 is available and filled with junior and high school dance students. These performances do not include the orchestra.) The Arts and Education programming began with a partnership with Tomball ISD's Fine Arts Department and now is a staple of their 3rd grade curriculum fulfilling the arts component. Thus, TRAC bringing "The Nutcracker" to Tomball has allowed it to steadily thrive and grow while meeting the needs of the community and drawing in patrons from neighboring communities.

Location of project or event: Tomball High School Theatre

Leonard Chamber Fine Arts Wing

30330 Quinn Road Tomball, TX 77375

GRANT AMOUNTS:

Amount Requested for 2014-2015	\$ 15,400
Amount Received for 2013-2014	\$ 11,000
% increase requested over last year's grant	40%

2014-2015 Organization Budget Summary

	City Funds	Other Funds	Total
Personnel		\$6,000 (choreography & artistic)	\$6,000.
Contracted Serves artists),	\$500(security)*	\$23,400 (orchestra),	\$10,500 (guest \$34,500.
Travel		\$600 (guest artists)	\$600.
Rental Expense (+ stage crew)	\$14,000*		\$14,000
Depreciation/Mortgage			
Advertising		\$3,000	\$3,000.
Insurance (part of operational budget)			
Other expenses programs, etc)	\$900 (backstage food)*	\$4,600 (costumes, sets,	\$5,500.
Volunteer Time **			
Donated Goods/Services **			
Total	\$15,400	\$48,100	\$63,500.

Grants to an organization will not exceed 35% of the organization's adopted budget

*Please note that all City of Tomball Hotel Occupancy Funds are earmarked to stay in the Tomball Community. The Facility Rental goes directly to Tomball ISD, The Stage Crew are members of Tomball Stage, security is an off duty Tomball Police Man and the backstage food is procured from local establishments.

****As a non-profit 501(c)(3) 100% of HRB's efforts are made possible by the dedication of our parent volunteers and through the generosity of in-kind goods and services. Each dancer's family is required to donate a minimum of 20 hours of volunteer time, but most far exceed this number. During the production, volunteers work back stage both on and off set, costumes, boutique, silent auction, ticketing as well as the "Party Dads". The estimations of this volunteered time and donation of goods and services easily exceeds \$12,000 for "The Nutcracker" performance series alone. The tireless efforts and support of HRB defray huge expenses and go directly towards keeping the cost of the production low for our audience while maintaining its high standards of professionalism. This budget is directly related to the production in Tomball only.**

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

<u>Government</u>	<u>Amount of Funds</u>
Local	_____
County	_____
State	_____
Federal	_____
<u>Other Investors/Contributors</u>	
Individual	\$ 500
Corporate	\$3,750 (ConocoPhillips)*
Foundations	\$5,000 (Houston Endowment)*
<u>Fees</u>	
Admissions	\$49,000
Applications	_____
Vendors	\$5,250 (HRB Boutique, silent auction)
Tuition	_____
 <u>Concessions</u>	 _____
<u>Memberships</u>	_____
<u>Subscriptions</u>	_____
<u>Other</u>	_____
Total	\$63,500

*This represents a 1/2 portion of general operating support grant monies for HRB.

How many people do you expect will visit Tomball from out-of-town as a result of this project or event? Explain the basis of your answer to the preceding question:

We anticipate between 2,500 – 3,000 patrons will visit Tomball for HRB's "The Nutcracker". There are 2,932 seats available for purchase for the performance series. We anticipate 100% of these seats to be filled. (97% were filled in 2014 and we anticipate growth with the success of the addition of the orchestra). This is in addition to the 60 Houston Repertoire Ballet (HRB) dancers, 33 members of the Cypress Philharmonic as well as the 75 other dancers who complete the cast. Historically about 15% of the ticket sales are from the Tomball area, demonstrating its value to the community as a holiday tradition, while bringing in nearly 85% of the patrons from outlying areas. This clearly would mark an increase in revenues for the Tomball area during the busy Holiday season. Tickets are purchased from patrons from all areas of Houston as well as out of the area patrons, who we assume are family members of the artists. (Please note that family members make up a very small percentage of total patrons.)

Are attendees for this event or users of this project expected to stay over-night in Tomball hotels or motels? If you answer yes to this question, state the basis for your answer:

Yes.

Houston Repertoire Ballet is located in the Northwest Houston community known as Copperfield. However, their dancers are as far reaching as Bryan, Bellville, Waller, Spring, Houston and Cypress. The distance associated with residing in such areas as Bryan or Bellville, necessitates the dancers and their families to stay overnight in Tomball hotels or motels. In addition, some dancers may choose to stay in Tomball also because of the long days associated with performing 6 shows in 3 days in addition to the prelude dress rehearsals.

Organization Contact Name, Title, Address and Phone Number:

Jennifer Parks

TRAC Liaison to HRB

jmpag@mac.com

cell: 832-334-1216

The Regional Arts Council (TRAC)

P.O.Box 1321 Tomball, TX 77377-1321

Contact's Signature: _____

Date: _____



VALIDATION OF APPLICATION

The signatory declares that he/she is an authorized official of the applicant, is authorized to make this application, and certifies that the information in this application is true and correct to the best of his/her knowledge. Signatory further declares that applicant, if previously funded by the City of Tomball, has successfully fulfilled all prior Grant contract obligations.

Signature of Authorizing Official

Date

Jennifer M. Parks

Typed Name

TRAC Liaison to HRB

832.334.1216 (cell)

Title within Organization

Telephone

jmpag@mac.com

Email address



NARRATIVE QUESTIONS

Please look at the criteria in the grant guidelines when you answer the following questions. Be specific and give examples. Answers to individual questions should be as brief as possible and should in no case exceed one page.

1. Describe the history and purpose of the organization.

The Regional Arts Council (TRAC) was established more than 22 years ago by a group of Tomball residents who were interested in bringing fine arts events to the Tomball community. The purpose of TRAC, as stated in the by-laws, is summarized as follows: “to promote, advance and support the arts for the enrichment of the residents of South Montgomery and NW Harris Counties...to sponsor cultural events from the performing and visual arts to the purpose of advancing the cultural awareness of the residents...” TRAC’s 14 year affiliation with Houston Repertoire Ballet (HRB) has boosted TRAC’s purpose in the area by presenting the classic holiday favorite, “The Nutcracker” that appeals to all ages. This directly brings an affordable and accessible professionally staged production with beautiful sets and costumes as well as talented dancers and musicians to Tomball fulfilling its mission to draw in patrons to support the community and enrich the residents.

The mission of Houston Repertoire Ballet is:

“HRB is dedicated to the pursuit of excellence in the art of classical ballet, providing a program of the highest quality to local dancers through professional instruction, education and performance experience. To ensure quality, acceptance into the company is limited and by invitation only. The company gives you, talented, dedicated dancers the serious training needed for them to enter the professional world of dance, while providing cultural education and community service to surrounding cities.”

2. Describe how any grant funds will be used.

The City of Tomball Hotel Occupancy Funds are earmarked to stay directly in the Tomball Community. The Facility Rental expenses goes directly to Tomball ISD supporting Tomball’s public school system. In addition the two free shows that HRB performs for Tomball ISD’s 3rd graders fulfills the arts component of their curriculum and brings a live theatre production directly to the students, many for the very first time.

The Stage Crew is comprised of Tomball Stage students and director along with HRB volunteers. This not only supports the Tomball resident students financially, but also gives them valuable experience.

The balance of the funds are used for Tomball security and to provide food for the dancers, orchestra, backstage crew and volunteers between the shows. (This is of course in addition to the food purchased by people involved in the production and patrons before and after the

shows). Food is typically ordered from local Tomball establishments as well as paper products purchased from local discount stores. Historically some places have included, Chilis, Starbucks, Chik Fil A, Pizza, Kroger, Wal-Mart and Target.

3. List the programs and activities for the grant year.

Although TRAC has several activities throughout the year, this grant will be strictly used for HRB's "The Nutcracker" keeping and bringing funds to the Tomball community. This is our most significant event of the year and we hope to extend our relationship with HRB to bring them here for their season which is comprised of a spring performance series, "A Celebration of Dance" and a "Choreography Project" as a season finale. We hope to establish HRB as a brand in the Tomball area to delight area residents with affordable and accessible arts while drawing in outside visitors.

4. Show evidence of growth in community support prior to the grant year. Include the number of performances, exhibitions, audience sizes, services or enrollment. Be sure to include specific information as to the percent of activities taking place within the City of Tomball.

For "The Nutcracker" 2014, we anticipate 100% of seats to be sold. The seating capacity is 2932. In 2013, HRB was joined by a live orchestra, The Cypress Philharmonic, for the first time. This has elevated the production to one that would mirror almost any. With its overwhelming success last year incorporating the orchestra, we expect for sales to reach 100%.

In 2013, "the Nutcracker" was at 97% capacity with three of the four shows only having a handful of individual seats available. With more people knowing about the orchestra for 2014, we expect these last seats to be sold.

In 2012, "The Nutcracker" was at 92% and in 2011 and 2010 it was at 85%.

Houston Repertoire Ballet's "The Nutcracker" continues to exceed their patrons expectations as its continued growth supports the need for high quality arts productions in the Tomball area.

The two free shows for Tomball ISD are based on enrollment in the school district. This program began in 2010, but we had to offer a second show the next year due to its popularity with the principals and its curriculum arts component. Additional seats are filled inviting the junior high and high school dance students.

5. How does your project/event qualify for use of Municipal Hotel Occupancy Tax funds as defined in the Hotel Occupancy Tax Guidelines?

TRAC's sponsorship of bringing HRB's "The Nutcracker" to Tomball directly satisfies "The Guidelines for Expenditures, Requests for Funding, and Reporting" published by the City of Tomball City Council on October 5, 2009 in article #4: "the encouragement, promotion, improvement and application of the arts, including...dance...and other arts related to the presentation, performance, execution and exhibition of these major art forms."

6. How do you publicize your activities? How do you evaluate these efforts and what have you done to increase the effectiveness of your marketing efforts?

As this funding is specifically intended to fund bringing “The Nutcracker” to Tomball, we partner with HRB to extend their in house marketing efforts. HRB has an extensive flyer and poster campaign which extends to the surrounding communities. Their distribution is supported by TRAC members, HRB members as well as National Charity League, a mother daughter organization that supports philanthropies. Specifically in Tomball, press releases are extended in the local paper and The Tomball Potpourri in addition to reserving the banner for local advertisement. In addition, most years HRB dancers attend a Chamber of Commerce Luncheon to hand out pamphlets personally in costume. HRB also utilizes a publicity person in order to ensure local media sources, neighborhood newsletters, etc both online and in print are targeted. They also extend notices via the internet and direct email to previous patrons. New for 2014, HRB is doing direct marketing by gifting all of the younger non-company dancers with a season t-shirt for them to wear as well as delivering magnets promoting their season with ticket orders. After 14 years, “The Nutcracker” has become a staple of the holiday season in Tomball. With the addition of the orchestra, a new audience is drawn to the performance. “The Nutcracker” is also advertised directly with the Cypress Philharmonic on their web site and to their patrons. Please see Calendar Listing for Publicity in Supporting Documents.

7. Explain the public benefits to the City of Tomball that will result from your organization’s efforts.

The most notable benefits are the cultural enrichment to Tomball residents and the students of Tomball ISD. Not only does this production bring patrons to the performances, but it also bring the arts to underserved 3rd grade TISD students. With a direct partnership between Brad Bouley, TISD’s Fine Arts Director, HRB will once again present two free matinee programs to all of TISD’s 3rd grade students. With educational budget cuts, it would be impossible to bring the students to a venue outside of Tomball. In addition HRB does these performances for absolutely no cost to TISD. Simply put it is part of their community engagement serving others while allowing their dancers valuable performance experience. The students also receive free arts and educational booklet. Furthermore, both TRAC and HRB offer scholarships to Tomball Students. HRB has 2 \$750 scholarships available each year to Tomball Stage members continuing their education after graduation.

8. What is your organization doing to bring visitors to Tomball, to stay in local hotels and otherwise support the hospitality industry?

As TRAC brings the arts to Tomball with HRB’s “The Nutcracker” during the busy shopping holiday season, their patrons come to Tomball for the event. Approximately 85% of ticketed sales come from outside of the Tomball area. This means that between 2500 – 3000 patrons are in Tomball during the weekend. This directly puts an out of town population in the Tomball vicinity to dine, shop, run errands, and enjoy Tomball. Furthermore, TRAC is bringing the artists and their families to Tomball. There are approximately 200 individuals directly involved with each production - 2 each Friday, Saturday and Sunday. There are also dress rehearsals in Tomball the Wednesday and Thursday nights prior and the stage crew is in Tomball beginning to set up on Monday and Tuesday. All of these artists and support personnel rely on Tomball to meet their dining and errand needs during this time period. Furthermore as some members of HRB live too far away to commute, they will also stay in the Tomball area for the performance series.

**Tomball Regional Arts Council
Houston Repertoire Ballet
*The Nutcracker***

Supporting Documents

***2014 Guest Artist Information**

***2014 The Nutcracker flyer
(poster is same format)**

***2014 HRB Calendar Listing for Publicity**

***2013 The Nutcracker DVD**

***2013 The Nutcracker Program**

***2013 The Nutcracker Arts and Education Booklet**

***Houston Repertoire Ballet Pamphlet**

***Tomball Independent School District Facility Use Application for TRAC**

***Community Impact Articles highlighting TRAC's commitment to the
Tomball community**

*Please contact Jennifer Parks at impag@mac.com or 832.334.1216 if you would like any other supporting documents such as guest artists contracts, insurance waiver, etc.

INVOICE

Remit Payment To:

Tomball ISD
Ancillary Services
Attn: Tracy Moya
1110 Baker Dr.

Tomball Texas 77375

Contact: Tracy Moya

Phone No: (281) 357-3170 x 6233

DATE	INVOICE NO
12/17/2014	699
DUE DATE	
1/16/2015	

BILL TO
The Regional Arts Council (TRAC)

Elaine Christman
PO Box 1321, 333 S. Cherry St.

Tomball, Tx 77375

Sales Tax Exemption No.

Email elainechristman@yahoo.com

Phone No 832-326-1827

Fax No

FEIN

COMMENT

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net - 30 Days

Schedule ID: 6386

Area:

Building(s):

Event: 12/1/2014 4:00PM - 8:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	Auditorium Professional Technician	4.00	\$30.00	\$120.00	\$0.00	\$120.00
8	Student Technical Assistant	3.00	\$8.00	\$24.00	\$0.00	\$192.00
1	Equipment Delivery	1.00	\$65.00	\$65.00	\$0.00	\$65.00
Event Total Costs				\$209.00	\$0.00	\$377.00

Event: 12/2/2014 3:00PM - 10:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), 1516, Costume Shop 1511, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	Highschool Auditorium 1st four hours	1.00	\$800.00	\$800.00	\$0.00	\$800.00
1	High School Auditorium Hourly	3.00	\$100.00	\$300.00	\$0.00	\$300.00
1	Auditorium Professional Technician	11.00	\$30.00	\$330.00	\$0.00	\$330.00
8	Student Technical Assistant	5.25	\$8.00	\$42.00	\$0.00	\$336.00
Event Total Costs				\$1,472.00	\$0.00	\$1,766.00

Event: 12/3/2014 3:00PM - 10:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), 1516, Costume Shop 1511, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
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Note: * indicates Alternate Event

Printed: 12/17/2014 12:31:01 PM

Page 1 of 4

INVOICE

Remit Payment To:

Tomball ISD
Ancillary Services
Attn: Tracy Moya
1110 Baker Dr.

Tomball Texas 77375

Contact: Tracy Moya

Phone No: (281) 357-3170 x 6233

DATE	INVOICE NO
12/17/2014	699
DUE DATE	
1/16/2015	

BILL TO
The Regional Arts Council (TRAC)

Elaine Christman
PO Box 1321, 333 S. Cherry St.

Tomball, Tx 77375

Sales Tax Exemption No.

Email elainechristman@yahoo.com

Phone No 832-326-1827

Fax No

FEIN

COMMENT

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net - 30 Days
1 High School Auditorium Hourly	7.00	\$100.00 \$700.00	\$0.00 \$700.00
1 Auditorium Professional Technician	8.25	\$30.00 \$247.50	\$0.00 \$247.50
5 Student Technical Assistant	7.25	\$8.00 \$58.00	\$0.00 \$290.00
4 Student Technical Assistant	5.25	\$8.00 \$42.00	\$0.00 \$168.00
Event Total Costs		\$1,047.50	\$0.00 \$1,405.50

Event: 12/4/2014 3:00PM - 10:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), 1516, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	High School Auditorium Hourly	7.00	\$100.00	\$700.00	\$0.00	\$700.00
1	Auditorium Professional Technician	7.25	\$30.00	\$217.50	\$0.00	\$217.50
5	Student Technical Assistant	7.00	\$8.00	\$56.00	\$0.00	\$280.00
4	Student Technical Assistant	6.50	\$8.00	\$52.00	\$0.00	\$208.00
Event Total Costs				\$1,025.50	\$0.00	\$1,405.50

Event: 12/5/2014 8:00AM - 2:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), Band Hall 1506, 1516, Costume Shop 1511, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	Auditorium Professional Technician	4.00	\$30.00	\$120.00	\$0.00	\$120.00
Event Total Costs				\$120.00	\$0.00	\$120.00

Note: * indicates Alternate Event

Printed: 12/17/2014 12:31:01 PM

Page 2 of 4

INVOICE

Remit Payment To:

Tomball ISD
Ancillary Services
Attn: Tracy Moyer
1110 Baker Dr.

Tomball Texas 77375

Contact: Tracy Moyer

Phone No: (281) 357-3170 x 6233

DATE	INVOICE NO
12/17/2014	699
DUE DATE	
1/16/2015	

BILL TO
The Regional Arts Council (TRAC)

Elaine Christman
PO Box 1321, 333 S. Cherry St.

Tomball, Tx 77375

Sales Tax Exemption No.

Email elainechristman@yahoo.com

Phone No 832-326-1827

Fax No

FEIN

COMMENT

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net - 30 Days

Event: 12/6/2014 10:00AM - 9:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), 1516, Costume Shop 1511, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	High School Auditorium Hourly	11.00	\$100.00	\$1,100.00	\$0.00	\$1,100.00
1	Lobby	11.00	\$50.00	\$550.00	\$0.00	\$550.00
1	Administrator on Duty	9.00	\$50.00	\$450.00	\$0.00	\$450.00
1	Auditorium Professional Technician	12.50	\$30.00	\$375.00	\$0.00	\$375.00
4	Student Technical Assistant	9.00	\$8.00	\$72.00	\$0.00	\$288.00
2	Student Technical Assistant	8.00	\$8.00	\$64.00	\$0.00	\$128.00
3	Student Technical Assistant	6.25	\$8.00	\$50.00	\$0.00	\$150.00
2	Custodial Fee	13.50	\$30.00	\$405.00	\$0.00	\$810.00
Event Total Costs				\$3,066.00	\$0.00	\$3,851.00

Event: 12/7/2014 10:00AM - 10:00PM TRAC "The Nutcracker" Ballet - THS

Location: Tomball High-001

Room(s): Auditorium, Lobby, Black Box Theatre with Lights, PARKING LOT ONLY (No Lights), 1516, Costume Shop 1511, 1512, 1514

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	High School Auditorium Hourly	12.00	\$100.00	\$1,200.00	\$0.00	\$1,200.00
1	Lobby	12.00	\$50.00	\$600.00	\$0.00	\$600.00
1	Administrator on Duty	7.00	\$50.00	\$350.00	\$0.00	\$350.00
1	Auditorium Professional Technician	12.00	\$30.00	\$360.00	\$0.00	\$360.00
1	Student Technical Assistant	10.50	\$8.00	\$84.00	\$0.00	\$84.00
2	Student Technical Assistant	9.50	\$8.00	\$76.00	\$0.00	\$152.00
4	Student Technical Assistant	9.00	\$8.00	\$72.00	\$0.00	\$288.00

Note: * indicates Alternate Event

Printed: 12/17/2014 12:31:01 PM

Page 3 of 4

INVOICE

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Tomball ISD
Ancillary Services
Attn: Tracy Moya
1110 Baker Dr.

Tomball Texas 77375

Contact: Tracy Moya

Phone No: (281) 357-3170 x 6233

DATE	INVOICE NO
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DUE DATE	
1/16/2015	

BILL TO
The Regional Arts Council (TRAC)

Elaine Christman
PO Box 1321, 333 S. Cherry St.

Tomball, Tx 77375

Sales Tax Exemption No.

Email elainechristman@yahoo.com

Phone No 832-326-1827

Fax No

FEIN

COMMENT

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net - 30 Days
2 Student Technical Assistant	8.25	\$8.00 \$66.00	\$0.00 \$132.00
2 Custodial Fee	11.75	\$30.00 \$352.50	\$0.00 \$705.00
Event Total Costs		<u>\$3,160.50</u>	<u>\$0.00 \$3,871.00</u>

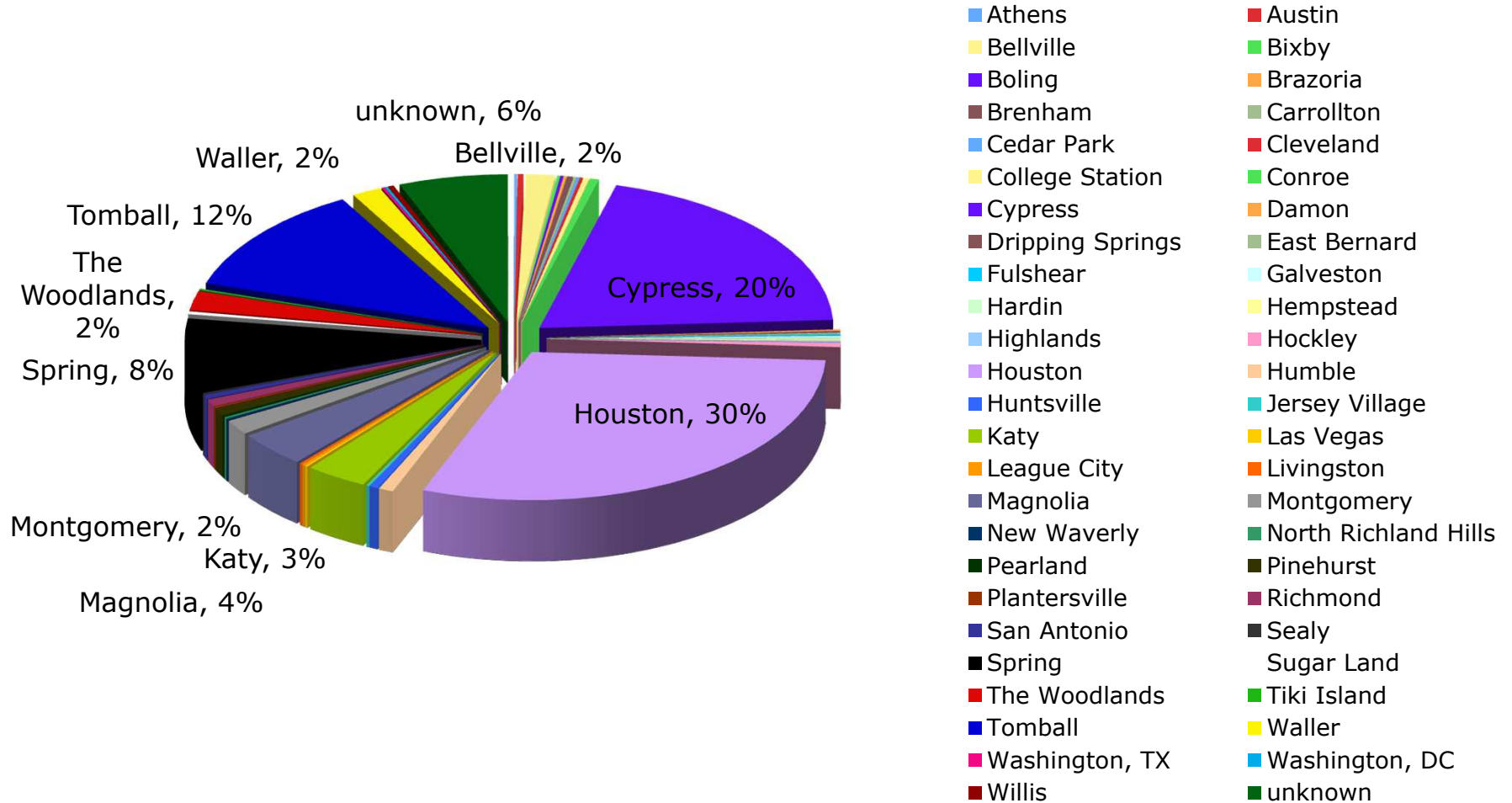
Invoice Total	\$12,796.00
Total Sales Tax	\$0.00
Total Payments	\$0.00
Total Due	\$12,796.00

Note: * indicates Alternate Event

Printed: 12/17/2014 12:31:01 PM

Page 4 of 4

Nutcracker Attendance by City



Athens	1 GA
Austin	2
Bellville	10
Bixby	1 OK
Boling	1
Brazoria	1
Brenham	2
Carrollton	1
Cedar Park	1
Cleveland	1
College Station	2
Conroe	3
Cypress	124
Damon	1
Dripping Springs	1
East Bernard	1
Fulshear	1
Galveston	1
Hardin	1
Hempstead	1
Highlands	1
Hockley	3
Houston	187
Humble	5
Huntsville	3
Jersey Village	1
Katy	21
Las Vegas	1 Nevada
League City	1
Livingston	1
Magnolia	24
Montgomery	10
New Waverly	1
North Richland H	1
Pearland	1

Pinehurst	5
Plantersville	1
Richmond	5
San Antonio	3
Sealy	1
Spring	48
Sugar Land	2
The Woodlands	13
Tiki Island	1
Tomball	74
Waller	10
Washington, TX	1 TX
Washington, DC	1 DC
Willis	2
unknown	37
	622

Betsy Gates

From: Mike Baxter
Sent: Tuesday, November 11, 2014 2:38 PM
To: Jennifer Parks
Cc: Holly Cook (HCook@communitybankoftx.com); Betsy Gates
Subject: RE: TAC Board Meeting of October 28, 2014

Dear Jennifer,

Thanks for the offer of tickets to the HRB performance this season, but unfortunately City employees are not allowed to accept gifts.

Have a wonderful holiday.

Mike Baxter

Marketing Director

City of Tomball

From: Jennifer Parks [<mailto:jmpag@mac.com>]
Sent: Monday, November 10, 2014 12:27 AM
To: Betsy Gates
Cc: George Shackelford; Robert Hauck; Glenn Windsor; Mike Baxter; Doris Speer
Subject: Re: TAC Board Meeting of October 28, 2014

All,

I must admit that TRAC, HRB and myself were disappointed that the City of Tomball did not have the opportunity to review TRAC's application supporting bringing the very best of the arts right to Tomball, HRB's "The Nutcracker" featuring The Cypress Philharmonic.

I trust that our application will be reviewed retroactively at the January 27th meeting, still offering the opportunity of support? And of course supplemental information can be provided prior to the meeting detailing the success of the performance series.

Furthermore, this does afford the opportunity for "The Nutcracker" to be reviewed personally by some members of The City of Tomball.

I would like to extend an invitation to donate 4 tickets to The City of Tomball members for these purposes so that you may experience the artistry and magic of "The Nutcracker" first hand. In addition, it is exciting to see the energy and full house that these productions bring to Tomball.

"The Nutcracker" performance series consists of 2 free abbreviated matinee shows that HRB performs for TISD 3rd grade students on Friday, December 5th at 9:45 and 12:15 as well as 4 full length productions with orchestra. These shows are on Saturday, December 6th at 2:00 and 7:00 and Sunday, December 7th at 1:00 and 4:30.

Please advise me of your ticketing preference.

Elaine Chrisman with TRAC has graciously offered to bring the tickets by or they may simply be held at will call.

As in prior years, we do anticipate a sell-out, so we just ask that they will be used or released prior to the performance.

Best regards,

Jennifer Parks
HRB Liaison to TRAC
jmpag@mac.com
832.334.1216 cell

On Nov 3, 2014, at 2:11 PM November 3, 2014, Betsy Gates <BGates@tomballtx.gov> wrote:

Dear Ms. Parks:

Please see the attached letter for your review.

Thank you-

*Betsy Gates, TRMC, CMC
City of Tomball
401 Market Street
Tomball, Texas 77375
bgates@ci.tomball.tx.us
281-290-1019
Assistant City Secretary/Records Management Coordinator*

<TRAC Letter 10-29-14.PDF>

Betsy Gates

From: Jennifer Parks <jmpag@mac.com>
Sent: Tuesday, November 18, 2014 9:47 AM
To: Betsy Gates
Subject: Re: TAC Board Meeting of October 28, 2014

Ms. Gates,

I wanted to confirm that TRAC's City of Tomball HOT application would be on the agenda for the January 27, 2015 meeting since the Tourism Advisory Committee was not able to meet on October 28, 2014. Please let me know if there is anything that I need to do to ensure this. I will of course send supplemental information as this is after HRB's "The Nutcracker" performance series.

I hope that you and yours enjoy the holiday season!

Best regards,

Jennifer Parks
TRAC Liaison to HRB
jmpag@mac.com
cell: 832-334-1216

On Nov 3, 2014, at 2:11 PM November 3, 2014, Betsy Gates <BGates@tomballtx.gov> wrote:

Dear Ms. Parks:

Please see the attached letter for your review.

Thank you-

*Betsy Gates, TRMC, CMC
City of Tomball
401 Market Street
Tomball, Texas 77375
bgates@ci.tomball.tx.us
281-290-1019
Assistant City Secretary/Records Management Coordinator*

<TRAC Letter 10-29-14.PDF>

Betsy Gates

From: Jennifer Parks <jmpag@mac.com>
Sent: Friday, January 16, 2015 1:30 PM
To: Glenn Windsor
Cc: George Shackelford; Robert Hauck; Mike Baxter; Doris Speer; Betsy Gates
Subject: Re: TAC Board Meeting of October 28, 2014
Attachments: Nutcracker 2014 attendance.xls; 699 TRAC-HRB THE NUTCRACKER BALLET AT THS 12-1-14 TO 12-7-14.pdf

Hello all.. I hope that this finds everyone well in the New Year!

I wanted to include a bit of updated information in support of TRAC's HOT grant application which brought Houston Repertoire Ballet's "The Nutcracker" performance series to Tomball in December, 2014.

Not only was the performance series sold out at nearly 3,000 patrons (only 7 seats remained for all four shows and there was a waiting list at 2 shows), HRB also performed two free Arts and Education Outreach performances for Tomball ISD 3rd grade and high school special education students. These shows included an educational booklet, talk and fulfills the arts component of TISD's curriculum while sharing the arts with more than 1,100 students.

TRAC's support in bringing the arts to Tomball with HRB's The Nutcracker not only has become a tradition for many in the Tomball community, but draws from a vast area.

There are patrons from 53 cities!

12% of the audience is from Tomball, with 88% coming in from other areas to dine and shop before and after the performances!

Please see the attached chart.

In addition, TRAC supports Tomball fiscally by bringing in HRB. There are many associated costs where the funds directly stay in the community.

These include:

- \$12,796. - Tomball ISD (This invoice is attached below)
- \$587. - Food purchased in Tomball for the dancer, backstage and orchestra
- \$495. - Ron McGuillon Tomball Police Department Security
- \$312 - Ad purchased by HRB for Tomball Magnolia Tribune
- \$105. - Flowers purchased at Bloomers Florist in Tomball, TX
- \$72. - Miscellaneous bouquet supplies at Target, WalMart, and Kroger

HRB's company consists of 60 members. There were also 58 younger children who participated in the production as well as 37 Cypress Philharmonic orchestra members.

They are there long hours for dress rehearsals as well as the performance series and invariably their families dine, shop and run errands in the Tomball area and for back stage volunteers to get last minute supplies.

Some exceptional direct expenses include:

*HRB brought in 2 videographers from California to video the show.

Their itemized receipts detail \$1050.20 in hotel expenses at The Hampton Inn in Tomball, TX and \$139. in food.

Tomball, Texas 77375

gwindSOR@tomballtx.gov

281-290-1417

<http://www.tomballtx.gov>

From: Jennifer Parks [<mailto:jmpag@mac.com>]

Sent: Monday, November 10, 2014 12:27 AM

To: Betsy Gates

Cc: George Shackelford; Robert Hauck; Glenn Windsor; Mike Baxter; Doris Speer

Subject: Re: TAC Board Meeting of October 28, 2014

All,

I must admit that TRAC, HRB and myself were disappointed that the City of Tomball did not have the opportunity to review TRAC's application supporting bringing the very best of the arts right to Tomball, HRB's "The Nutcracker" featuring The Cypress Philharmonic.

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"The Nutcracker" performance series consists of 2 free abbreviated matinee shows that HRB performs for TISD 3rd grade students on Friday, December 5th at 9:45 and 12:15 as well as 4 full length productions with orchestra. These shows are on Saturday, December 6th at 2:00 and 7:00 and Sunday, December 7th at 1:00 and 4:30.

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Jennifer Parks
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Thank you-

*Betsy Gates, TRMC, CMC
City of Tomball
401 Market Street
Tomball, Texas 77375
bgates@ci.tomball.tx.us
281-290-1019
Assistant City Secretary/Records Management Coordinator*

<TRAC Letter 10-29-14.PDF>

<JenniferParksTRACResponse Letter 11212014.pdf>

Regular City Council

Agenda Item

Meeting Date: February 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 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 "Buyboard" contract. The Buyboard 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 BuyBoard 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 proceed with the purchase.

Funding: Yes

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:

Purchase of Vehicles

Vehicle Replacement List FY15

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
-------	-------------	-------------	-------	--------

TRIM PACKAGE SILVER

U24-2015 CHEVROLET 2500HD SILVERADO CREW CAB

UTILITY BED WHITE

U28-2015 CHEVROLET 2500HD SILVERADO CREW CAB

UTILITY BED WHITE

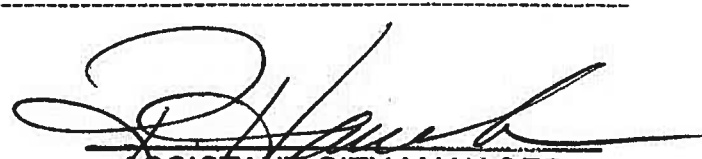
U26-2015 CHEVROLET 2500HD SILVERADO DBL CAB WHITE


CANDICE JOYCE
CANDICE DIRECTOR

*** TOTAL *** 373,019.00

DERED BY : CANDICE JOYCE

PROVED BY: GLENN WINDSOR


ASSISTANT CITY MANAGER

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

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-262**: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P14-262**
- Adopt, on First 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.

Background:

On December 30, 2014, the applicant submitted a rezoning application requesting the property be rezoned from the SF-6 District to the Commercial District.

On February 9, 2015, the Planning and Zoning Commission, after conducting a Public Hearing, unanimously recommended approval of Zoning Case P14-262.

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	

ATTACHMENTS:

Ordinance 2015-03

Notice of Public Hearing

P14-262 Property Owner Notification Letter

P14-262 Staff Report

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.

* * * * *

Whereas, Jose Vasquez has requested that approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family Residential-6 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 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 FEBRUARY 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 2ND DAY OF MARCH 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)
FEBRUARY 9, 2015
&
CITY COUNCIL
FEBRUARY 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, February 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 P14-262: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.

Persons interested in this case will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the request. Should the P&Z vote to table a decision/recommendation on this 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 decision/recommendation is forwarded to the City Council by the P&Z. The application is available for public review 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

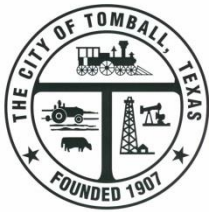
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of February 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled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

Harold Ellis

Harold Ellis

City Planner

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: P14-262

APPLICANT/OWNER: J. Vazquez

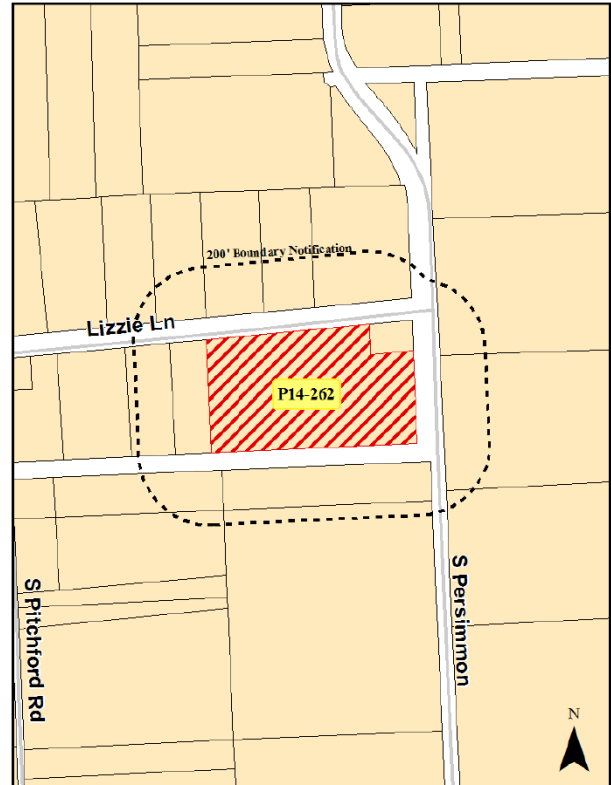
LOCATION: Near the southwest corner of Lizzie and S. Persimmon

PROPOSAL: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.

CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov



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

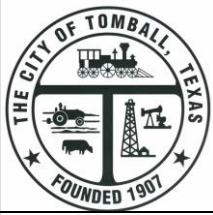
**City Council Public Hearing:
*Monday, February 16, 2015, 6:00 PM**

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

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 inspection Monday through Friday, holidays excepted, 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.

*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: February 9, 2015
City Council Public Hearing Date: February 16, 2015

Zoning Case: P14-262
Property Owner(s): Jose Vasquez
Applicant(s): Jose Vasquez
Legal Description: Lot 1, Block 1, Vasquez-Phoenix
Location: Southwest corner of Lizzie Lane and South Persimmon Street (Exhibit "A")
Area: 4.02 acres
Present Zoning and Use: Single-Family Residential-6 (SF-6) District (Exhibit "B") / Undeveloped land (Exhibit "C")
Comp Plan Designation: Employment/Office (Exhibit "D")
Proposed Zoning and Use: Commercial District¹ / Office and warehouse
Adjacent Zoning and Use:
North: Commercial District / Lizzie Lane and office and warehouse uses
South: Light Industrial (LI) District/ City of Tomball drainage channel, single-family residence, and commercial warehouse.
West: SF-6 District / Undeveloped land and a single-family residence
East: Agricultural and Commercial Districts / South Persimmon Street, agricultural land, and office and warehouse.

BACKGROUND

In December 2014, the property owner, Jose Vasquez, met with City staff to inform them of his desire to develop the subject site with office/warehouses (Exhibit "E") and to inquire into the property's zoning classification. City staff informed Mr. Vasquez of the following:

- The property was zoned SF-6 District;
- The SF-6 District classification did not permit the construction of office/warehouses;

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.

- The property had a Comprehensive Plan future land use classification of Employment/Office which was consistent with the Commercial District;
- City staff would support a rezoning of the property to the Commercial District to allow the office/warehouse use;

Subsequent to these discussions, the property owner turned in a rezoning application (Exhibit “F”) requesting the property be rezoned from the SF-6 District to the Commercial District.

ANALYSIS

The applicant is requesting that the property be rezoned from the SF-6 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 Lizzie Lane and office and warehouse uses; to the south are a City of Tomball drainage channel, a single-family residence, and a commercial warehouse; to the west are undeveloped land and a single-family residence; and to the east are South Persimmon Street, agricultural land, and an office and warehouse use. The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses in the area. Any potential incompatibility of the request with the existing single-family residences to the south and west appears to be minimized by Chapter 50 (Zoning) of the Code of Ordinance’s building setback, landscaping, screening, and buffering requirements for the Commercial District.

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

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 Comprehensive 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.**

The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses in the area. While any adverse impacts of this request have not been identified, any potential incompatibility of the request with the existing single-family residences to the south and west appears to be able to be mitigated by Chapter 50 (Zoning) of the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District.

- 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 Comprehensive Plan.**

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

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2015. No public comment forms have been received as of February 2, 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 P14-262.

EXHIBITS

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

Exhibit "A"
Aerial Photo

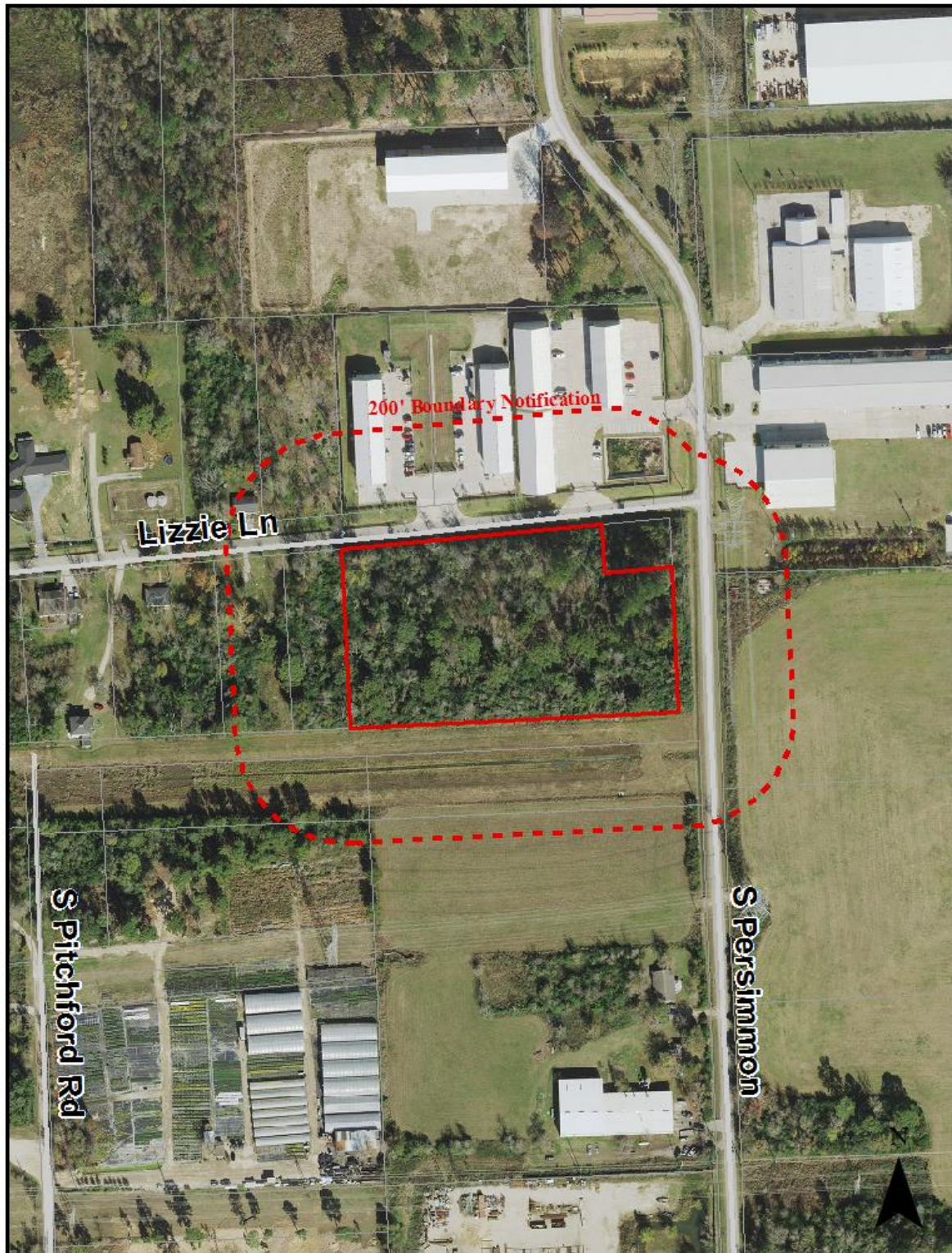
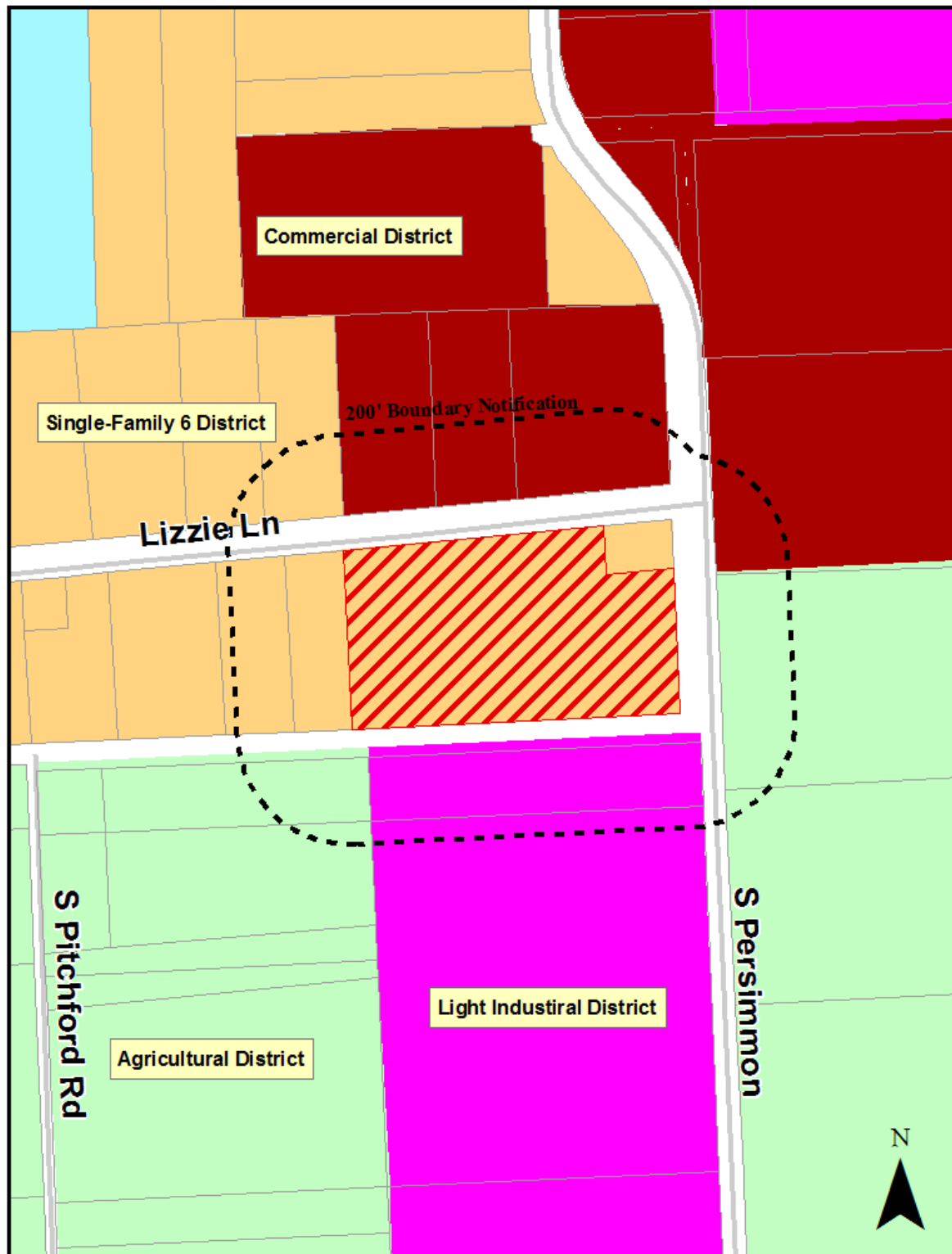


Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site. South Persimmon Street on left.
Source: City of Tomball



Figure 2: Subject site. Lizzie Lane on right.
Source: City of Tomball

Exhibit "D"
Comprehensive Plan Map

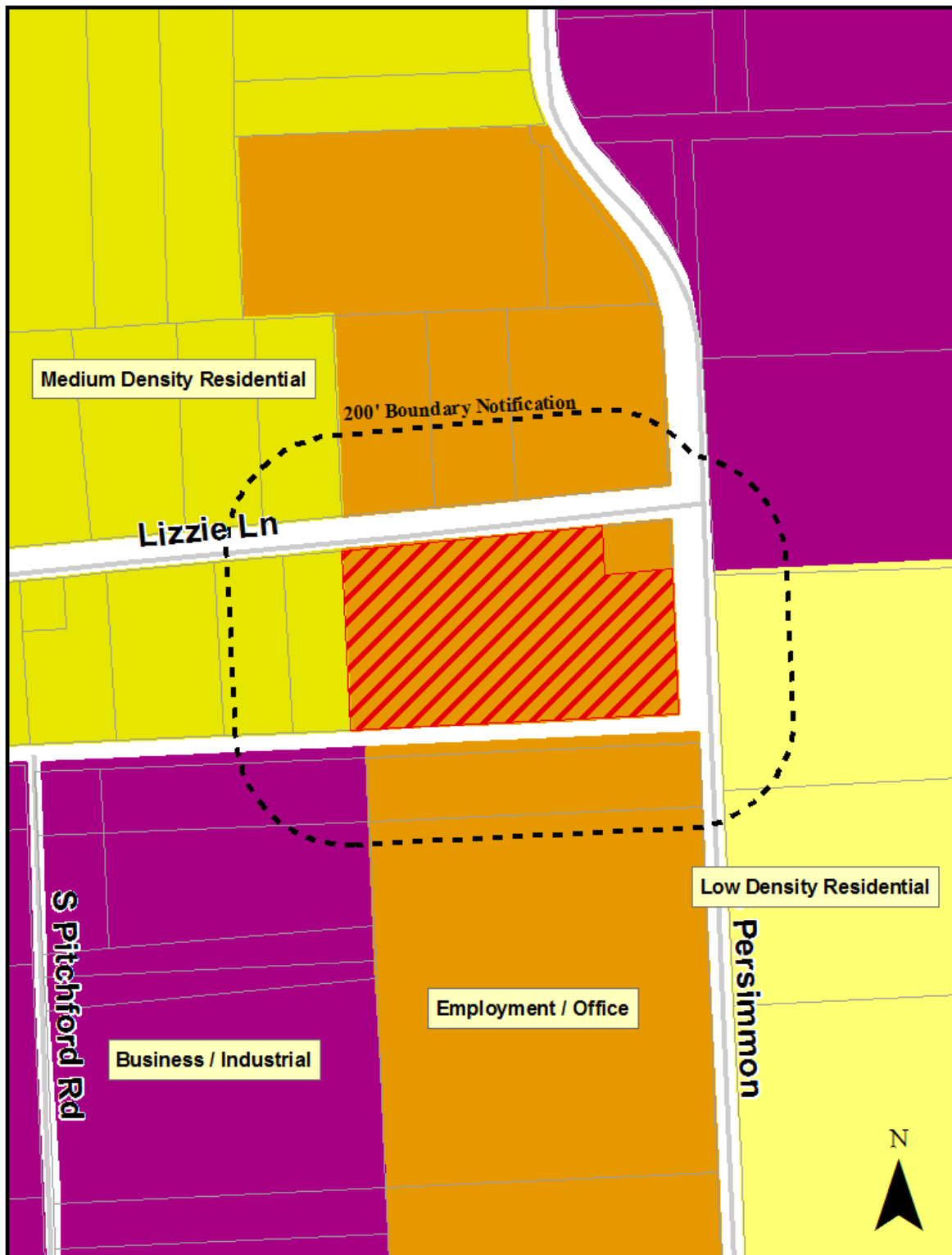


Exhibit “E”

Conceptual Site Plan

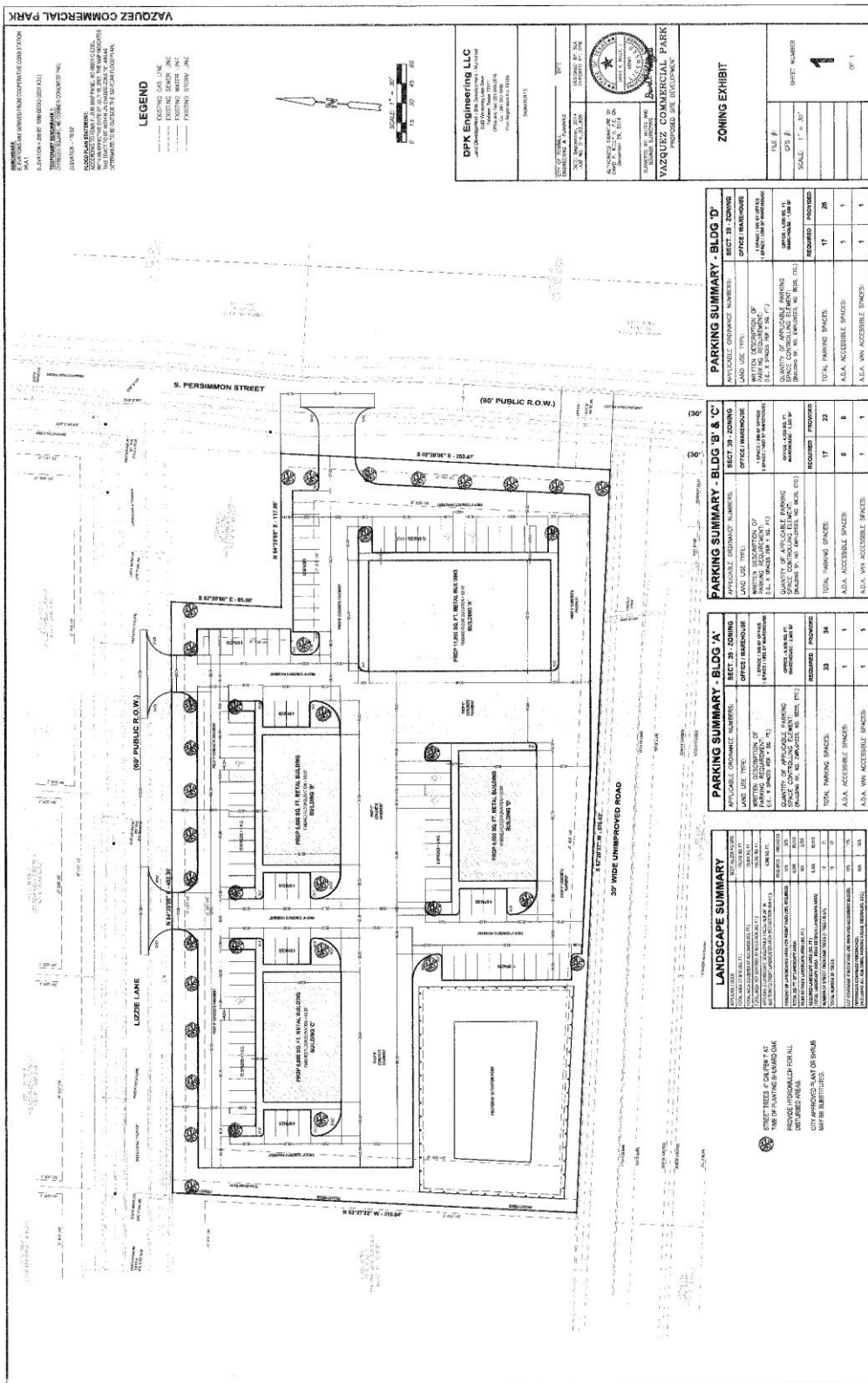
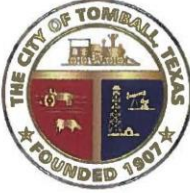


Exhibit "F"
Rezoning Application

114-262

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: J. VAZQUEZ Title: OWNER
Mailing Address: 3007 Woodland Hills Dr City: Kingwood State: TX
Zip: 77339
Phone: 832 287-4912 Fax: () Email: JVC@TEMEXSTEEL.COM

Owner

Name: J. VAZQUEZ Title: OWNER
Mailing Address: 3007 WOODLAND HILLS DR. City: KINGWOOD State: TX
Zip: 77339
Phone: 832 287-4912 Fax: () Email: JVC@TEMEXSTEEL.COM

Engineer/Surveyor (if applicable)

Name: DAVID KELLY/H. KLOK Title: ARCH/ENG
Mailing Address: PO BOX 11732 City: Spring State: TX
Zip: 77391
Phone: 713 877-8000 Fax: () Email: ARCHITECT@NEWVORTEX.COM

Description of Proposed Project: VAZQUEZ COMMERCIAL PARK

Physical Location of Property: LIZZIE LN & S. PERSIMMONS

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

Legal Description of Property: LT 1 BLK 1 VAZQUEZ PHOENIX

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

Current Zoning District: SINGLE FAMILY 6 DISTRICT

Current Use of Property: VACANT

Proposed Zoning District: COMMERCIAL DISTRICT

Proposed Use of Property: COMMERCIAL - SEE ATTACHED
PLANS + ELEVATIONS

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

www.ci.tomball.tx.us

1287940010001 4.0228 Ac.
HCAD Identification Number: _____ Acreage: _____

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.

Maguway by HKLok, Architect 12-29-2014
Signature of Applicant Date

X
Signature of Owner Date 12-19-14

Joe Vazquez, Owner

Vazquez Commercial Park

December 29, 2014

Harold Ellis

Planning Division

Community Development Department

City of Tomball, Texas 77375

Re: Request for Re-Zoning of Lot 1 Block 1 of the Vazquez-Phoenix Plat HCAD 1287940010001

Dear Sirs:

The owner of this property Mr. Joe Vazquez originally purchased the property in conjunction with a set of partners to develop the Vazquez Phoenix plat as a commercial development on the north east and south east corner of Lizzie lane at S. Persimmons in Tomball, Texas 77375.

The partnership split into two parties and the northern section was developed in 2008 while Mr. Vazquez decided to develop his own portion a later date. During this time the City of Tomball has developed a zoning classification for this property as residential and there for Mr. Vazquez has requested that his original concept for a set of commercial buildings be considered for this lot.

The presentation materials attached demonstrate the history of the property from the original plat and the commercial development on the north side of Lizzie lane. A new development study was commissioned by the Owner of DPK Engineering to meet the development standards of a commercial tract in the City of Tomball and the drainage requirements of Harris County.

The development will be designed to meet the architectural and landscape requirements of the City of Tomball with considerate attention paid to the street elevations. The proposed development should be a complement to the neighborhood and the select commercial properties nearby.

We hope the City of Tomball will agree to the request and allow the project to be considered for

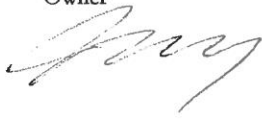
Page 1 of 2

for public review and approval.

Thank you,

Mr. Joe Vazquez

Owner

A handwritten signature in black ink, appearing to read "Joe Vazquez", written in a cursive style.

Regular City Council Agenda Item Data Sheet

Meeting Date: February 16, 2015

Topic:

Approve **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 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.

Background:

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

Origination:

Community Development Department

Recommendation:

Approval

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

Community Development Department, Engineering Division

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

ATTACHMENTS:

Yaupon Trails Sec 1

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 10.9460 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 obducting 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, thereunto authorized this 9 day of Feb., 2015.

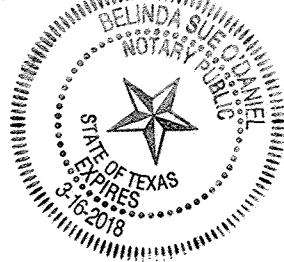
By: Yaupon Trails LTD, LLC,
a Texas limited liability corporation

By: Jean Michael Rebesch, Sole Member

STATE OF Texas
COUNTY OF Galveston

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 9 day of February, 2015.



Barbara Tague
Notary Public in and for the
State of Texas

My Commission Expires:

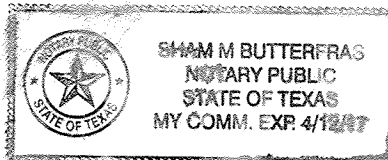
We, Patriot Bank, owners and holders of liens against the property described in the plat known as YAUPON TRAILS SEC 1, said lien being evidenced by instrument of record in Clerk's File Nos. 2013035283 and 2013035284 of the Official Public Records of Harris County, Texas, do hereby in all things subordinate 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: Michael Huss
Printed Name: Michael 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 they 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 10 day of February, 2015.



Sham M. Butterfield
Notary Public in and for the
State of Texas

My Commission Expires:

I, Robert Kness, 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 tied to the nearest survey corner.



Robert Kness
Registered Professional Land Surveyor
Texas Registration No. 6486

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 , 2015.

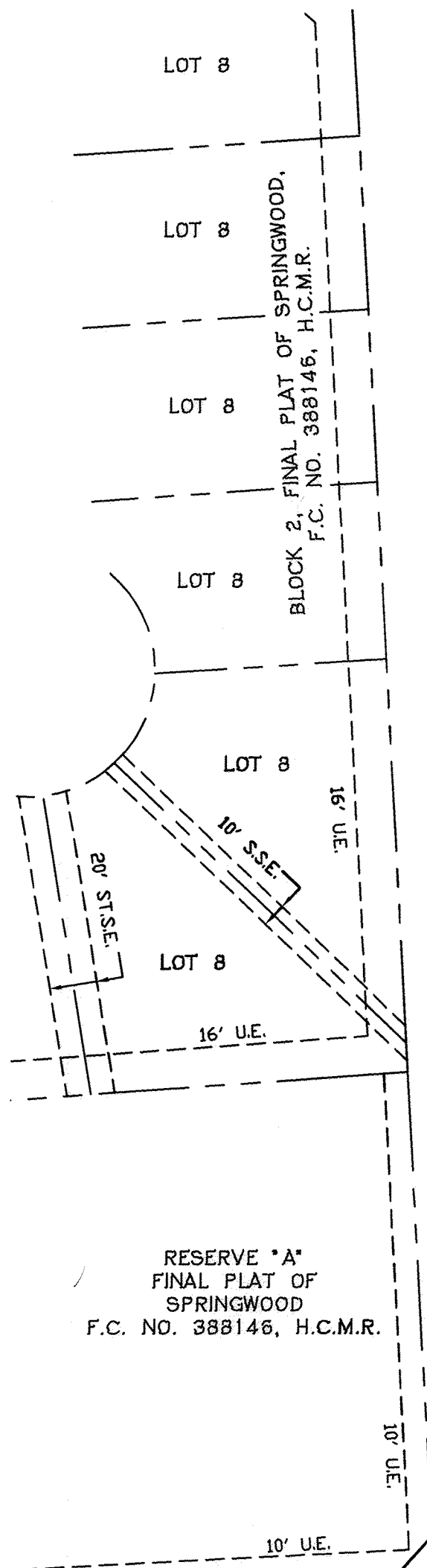
By: Barbara Tague, Chairman
By: Darrell Roquemore, Vice Chairman

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 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 , 2015.

By: Gretchen Fagan, Mayor
By: Doris Speer, 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



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.

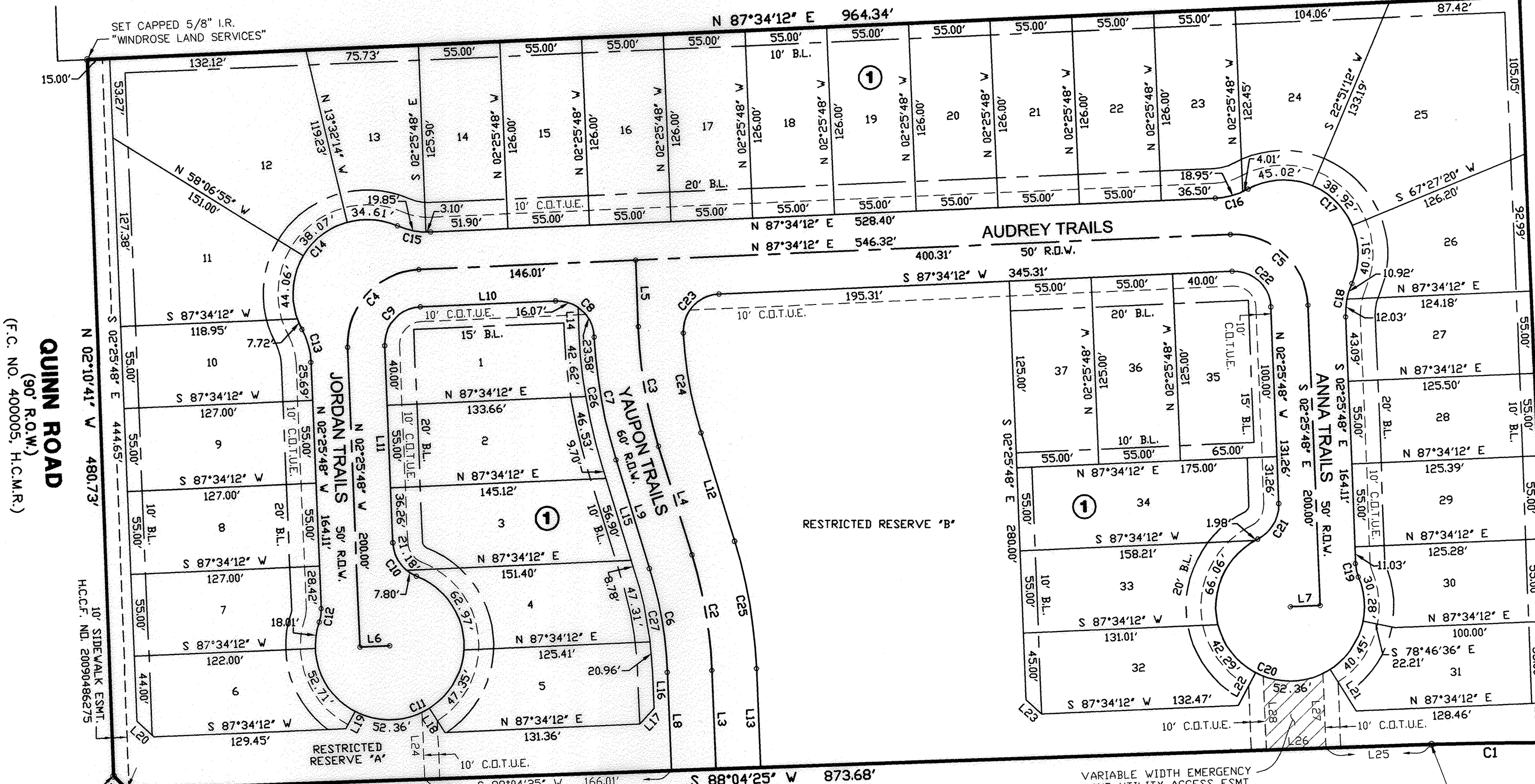
GENERAL NOTES

- 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. 48201C0210L (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 SETBACKS 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.
- 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

RESERVE TABLE

DESCRIPTION	RESERVE USE	AREA
RESTRICTED RESERVE "A"	RESTRICTED TO AMENITIES, LANDSCAPING, AND UTILITY USES	23,205.91 S.F. OR 0.5327 AC.
RESTRICTED RESERVE "B"	RESTRICTED TO DETENTION, AMENITIES, LANDSCAPING AND UTILITY USES	73,373.68 S.F. OR 1.6928 AC.
	TOTAL	96,943.59 S.F. OR 2.2255 AC.

RESTRICTED RESERVE "A"
FINAL PLAT OF
TOMBALL I.S.D. TRANSPORTATION CENTER
SECTION ONE
F.C. NO. 347073, H.C.M.R.

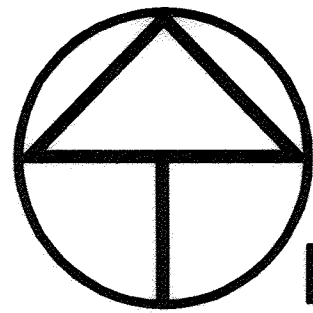


BROWN-HUFFSMITH ROAD
(100' R.O.W.)
(F.C. NO. 400005, H.C.M.R.)

UNRESTRICTED RESERVE "H"
FINAL PLAT OF
LESLIE'S PARK
F.C. NO. 400005, H.C.M.R.

LOT TABLE

LOT	SQUARE FEET	ACREAGE	LOT	SQUARE FEET	ACREAGE
1	8,394.60	0.1927	20	6,930.00	0.1591
2	7,626.25	0.1751	21	6,930.00	0.1591
3	3,338.00	0.1914	22	6,930.00	0.1591
4	7,177.85	0.1648	23	6,908.44	0.1586
5	7,525.56	0.1728	24	8,973.46	0.2060
6	7,210.84	0.1655	25	14,951.48	0.3432
7	6,911.75	0.1587	26	8,417.37	0.1932
8	6,985.00	0.1604	27	6,900.11	0.1584
9	6,985.00	0.1604	28	6,899.63	0.1584
10	6,899.52	0.1584	29	6,893.45	0.1583
11	10,319.48	0.2369	30	6,683.41	0.1534
12	14,397.95	0.3305	31	7,444.63	0.1709
13	7,648.31	0.1756	32	7,818.00	0.1795
14	6,929.90	0.1591	33	7,513.27	0.1725
15	6,930.00	0.1591	34	9,515.88	0.2185
16	6,930.00	0.1591	35	7,990.87	0.1834
17	6,930.00	0.1591	36	6,875.00	0.1578
18	6,930.00	0.1591	37	6,875.00	0.1578
19	6,930.00	0.1591			



NORTH

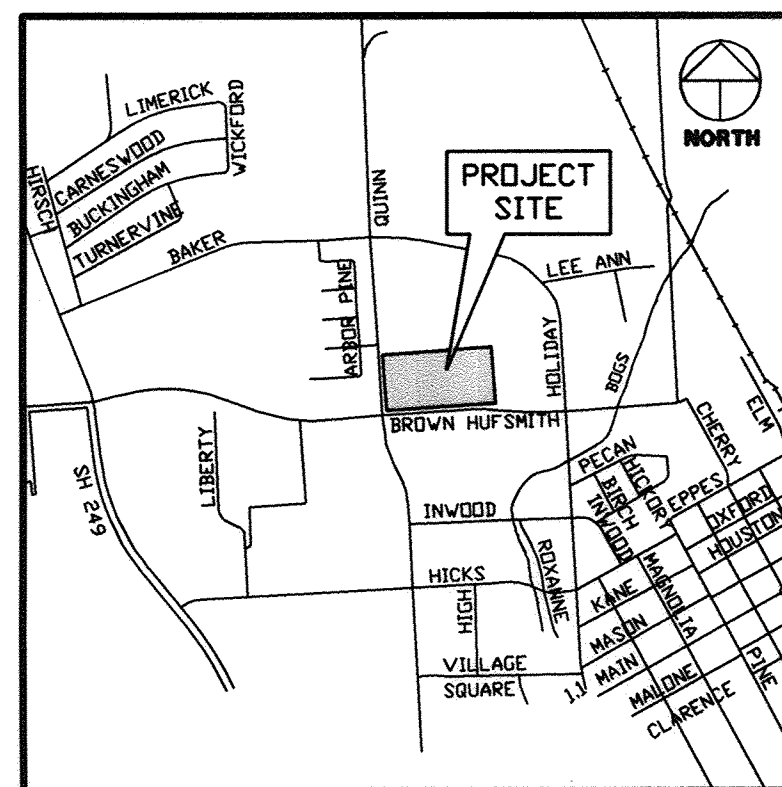
SCALE: 1" = 60'

SET CAPPED 5/8" I.R.
"WINDROSE LAND SERVICES"
FND 5/8" I.R. FOR REF.
N 61°52'39" E, 0.27'

SET CAPPED 5/8" I.R.
"WINDROSE LAND SERVICES"
FND 5/8" I.R. FOR REF.
N 13°05'16" W, 0.28'

SET CAPPED 5/8" I.R.
"WINDROSE LAND SERVICES"
FND 5/8" I.R. FOR REF.
N 13°05'16" W, 0.28'

UNRESTRICTED RESERVE "F"
FINAL PLAT OF LESLIE'S PARK
F.C. NO. 400005, H.C.M.R.



HARRIS COUNTY, TEXAS
VICINITY MAP
SCALE: 1" = 2000'

ABBREVIATIONS

FND - FOUND
H.C.C.F. - HARRIS COUNTY CLERK FILE
H.C.D.R. - HARRIS COUNTY DEED RECORDS
H.C.M.R. - HARRIS COUNTY MAP RECORDS
IP - IRON PIPE
IR - IRON ROD
NO. - NUMBER
PG. - PAGE
R.O.W. - RIGHT-OF-WAY
SQ. FT. - SQUARE FEET
VOL. - VOLUME
ESMT. - EASEMENT
BL. - BUILDING LINE
D.E. - DRAINAGE ESMT.
C.D.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
S.T.S.E. - STORM SEWER EASEMENT
U.E. - UTILITY EASEMENT

I, Stan Stanart, 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 , 2015, at o'clock M., and duly recorded on , 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 Stanart
County Clerk
of Harris County, Texas

By:
Deputy

YAUPON TRAILS SEC 1

A SUBDIVISION OF
10.9460 ACRES OR 476,809.38 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
FEBRUARY 2, 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 Wilcrest, Suite 325
Houston, Texas 77042
Phone (713) 458-2282 Fax (713) 461-1151
Professional Development Consultants
Land Surveying, Platting, Project Management, GIS Services
Firm Registration No. 10108800

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Discussion and Possible Action on Waiving the Assessment and Collection of Water and Wastewater Impact Fees for Non-Residential Properties within the Old Town Area Until March 2, 2017, including Possible Action to Adopt, on First Reading, Ordinance 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

Background:

Ordinance 2013-01, which previously waived the assessment and collection of water and wastewater impact fees within the Old Town Area, is set to expire on March 15, 2015.

Origination:

Bryan Hutson, The Hutson Group

Recommendation:

N/A

Funding:

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

Community Development Department

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

ATTACHMENTS:

Bryan Hutson Letter

Impact Fee Waiver Area Map

Ordinance No. 2015-04

HG
HUTSON GROUP
PROPERTY DEVELOPMENT
& MANAGEMENT
family owned and operated

108 S Pine St
Tomball, Texas 77375

713.678.0152
hutsongroup.com

February 9, 2015

MAYOR GRETCHEN FAGAN
CITY COUNCIL
City of Tomball
401 Market St
Tomball, Texas 77375

RE: Impact Fees and the Old Town Tomball historic district

Mayor Fagan and City Council:

Old Town Tomball is currently on the cusp of commercial success, but in a careful, controlled and responsible manner. Its appeal to local 'mom and pop'-style businesses that epitomize the family-friendly atmosphere we cherish here is critical. Over the past two years, we've seen an influx of solid small family-run businesses gravitating away from town-style shopping areas surrounding Tomball to our own authentic 100-year-old historic district. Such new businesses include yoga studios, organic coffee shops, bakeries, upscale wine bars and pubs, restaurants, cafes, boutique retail shops and live music venues. We are also in preliminary stages of bringing Old Town Tomball its first authentic microbrewery. Another first for Tomball (and Texas) is Tejas Chocolates—Texas' only true independent bean-to-bar chocolate production company—which has already begun build-out and preparation to open at 200 N Elm, Old Town's oldest standing building. Old Town Tomball is gathering momentum and truly becoming a destination the entire city can be proud.

To help facilitate this recent growth, the City Council on February 18, 2013, passed Ordinance 2013-1, which set the stage for our historic district to blossom and become more attractive to new businesses. Specifically, Ordinance 2013-1 suspended all impact fees for the Old Town Tomball area for a period of two (2) years. These calculated fees can be devastating to a new small business and effectively eliminate the possibility of any smaller restaurants opening in Old Town.

This reality is punctuated by the story of the former Snookie's Fish Camp Restaurant that was the catalyzing force for the 2-year moratorium on impact fees in 2013. Snookie's Restaurant was conceived and opened in Old Town by the Holyfields, a local Tomball family. Unfortunately, the City of Tomball required payment of a \$49,000 impact fee, based on the new usage of the building, from the Holyfields as a condition prior to their restaurant receiving its certificate of occupancy to begin operations. The Holyfield family had no hope of being able to fund an extra \$49,000 City fee on top of using their life savings to build out and open a restaurant. The issue was further complicated when it was realized that the impact fee for a bar to open in Old Town was around \$2,000. The City's own impact fee ordinance effectively encouraged bars and pubs to line the streets of Old Town Tomball at the expense of local family restaurants.

As a direct result, Ordinance 2012-31 was quickly put into effect to suspend the fees. Very soon after, Ordinance 2013-1 was enacted to waive impact fees in Old Town until March 1, 2015.

The expiration date of March 1, 2015, is upon us and could very well threaten to bring Old Town development to an immediate grinding halt. Small businesses will be excluded from opening here and local families looking to realize their dream of their own small-town bistro will look elsewhere. Because of the impact fee barrier to entry, Old Town will become home to the only businesses that can afford the fees, such as large national chains. Old Town could simply become another generic chain-business venue like so many other shopping centers surrounding Tomball.

In an effort to show the immense positive impact Ordinance 2013-1 has had upon Tomball, I've included a list of businesses that have opened since the impact fee waiver went into effect February 18, 2013. None of these businesses would be in Old Town Tomball were it not for the 2-year waiver.

Business	Type	Address	Owner
Turquoise Door	Upscale Co-Op Retail	212 W Main	Jaime Carlton
Lunch Ladies Cafe	Restaurant/Cafe	214 W Main	Danel Macaluso
Lagniappe of The Woodlands	Catering Service	214 W Main	Danel Macaluso
Birds of a Feather	Boutique Retail	406 W Main	Francesca Garcia
Frosted Bakery	Sweets Bakery	307 W Main	Jennifer Rockey
Whistle Stop Express	Restaurant/Take-Out	104 N Elm	Cindy Vincik
Mi Pottery	Family Pottery Crafts	106 N Elm	Shelley Barreda
Sawyer's Place	Event Hosting/Parties	106 N Elm	Sawyer Matson
Burlap Ranch	Specialty Boutique	110 Commerce	Melissa Scott
Frou Frou Galore	Upscale Co-Op Retail	120 W Main	Ariana Hauser
Legacy Beauty Academy	Cosmetology School	112 Commerce	Gaylene Green
Horton Photography	Boudoir Photography	111 Houston	Jennifer Horton
The Craftery	Full Service Restaurant	200 N Elm	Scott Moore
Tejas Chocolates	Chocolate Bar Crafting	200 N Elm	Scott Moore
Doggie in Wonderland	Upscale Pet Boutique	100 Houston	Cynthia Fagan
Jane and John Dough Bakery	Full Service Bakery	208 N Elm	John Blankmeyer
Jane and John Dough Bakery	Organic Craft Coffee	208 N Elm	Jane Wild
Gina's Wellness and Massage	Massage Day Spa	105 Houston	Gina Murray
Wild Spirit Yoga	Yoga Studio	104 Houston	Jennifer Hennrich
Snookie's Fish Camp	Full-Service Restaurant	106 Market	Rachael Holyfield
Brautigam's Grill	Full-Service Restaurant	106 Market	Michael Kelly
The Empty Glass	Upscale Wine Bar	104 Market	Dana Kelly
Nonnie's Cafe	Restaurant/Cafe	102 Market	Laura Wilson
Cisco's Salsa Company	Full-Service Restaurant	209 Commerce	Laura Wilson
Cherry Street Antiques	Antique Co-Op	106 N Cherry	Chuck Harper

There have been additional stores and restaurants as well as several expansions open during this timeframe, but the building usage remained the same and were not required to pay additional impact fees.

We respectfully request City Council extend the impact fee waiver for an additional two (2) years to continue to provide additional opportunities for small businesses to locate in the historic Old Town Tomball area. We believe this is critical to its continued growth.

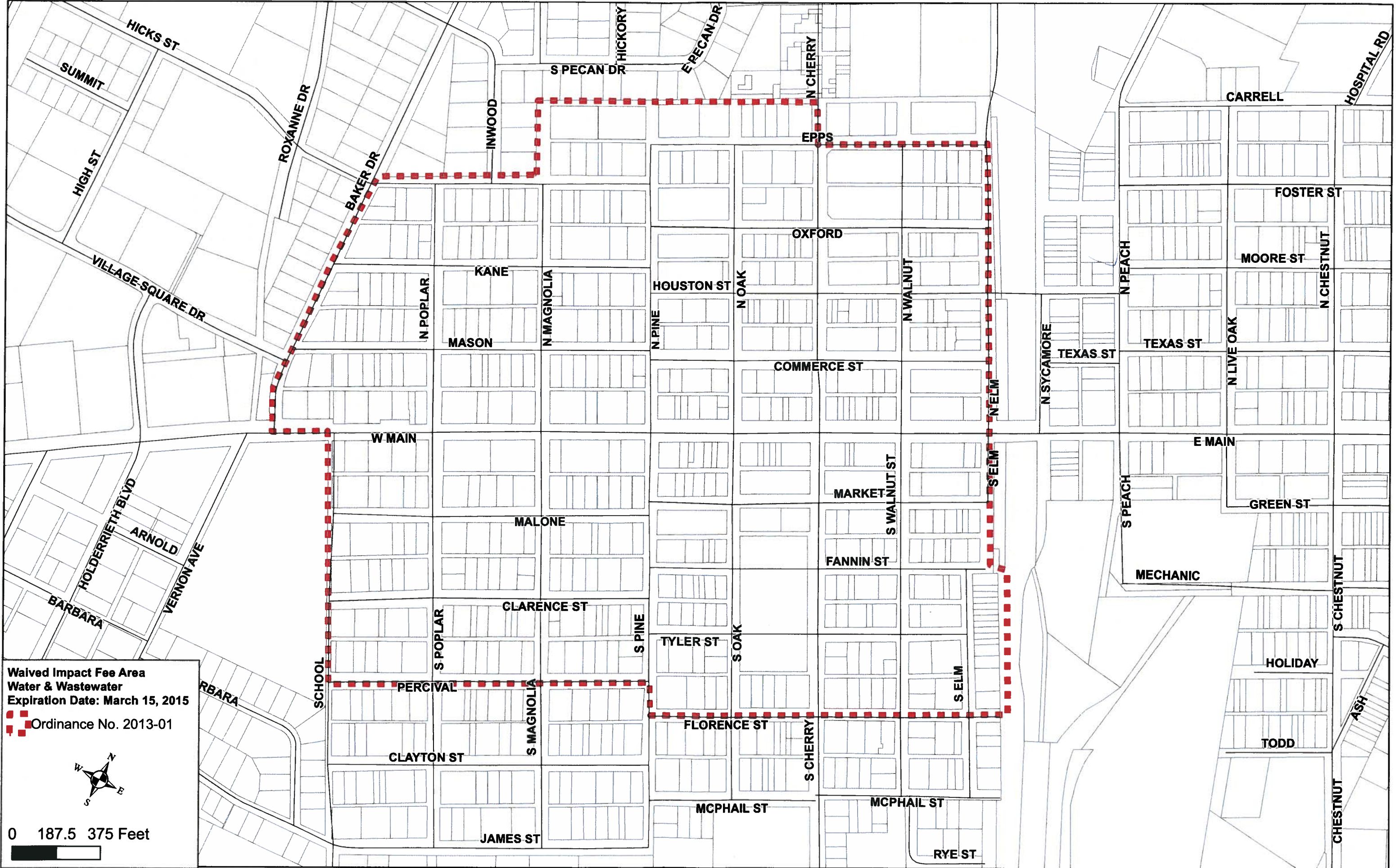
Respectfully submitted
THE HUTSON GROUP

A handwritten signature in black ink, appearing to read 'Bryan H. Hutson', with a long horizontal line extending to the right.

Bryan H. Hutson, JD
owner / attorney

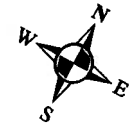
cc: *Rodney K Hutson via email*

G:\GISData\Projects\DSP\DSP.mxd



Waived Impact Fee Area
Water & Wastewater
Expiration Date: March 15, 2015

■ Ordinance No. 2013-01



0 187.5 375 Feet



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 NON-RESIDENTIAL 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.

* * * * *

WHEREAS, on or about August 4, 2014, the City Council of the City of Tomball, Texas adopted a Capital Improvements Plan and Impact Fees for Water and Wastewater Utilities; and

WHEREAS, the City Council desires to waive impact fees for water and wastewater utilities for non-residential properties located 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; **NOW, THEREFORE,**

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

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

Section 2. The assessment and collection of Impact Fees for water and wastewater utilities for the development of non-residential 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 are hereby waived until March 2, 2017.

Section 3. 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.

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 FEBRUARY 2015.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN DEGGES
COUNCILMAN TOWNSEND
COUNCILMAN KLEIN QUINN

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF MARCH 2015.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN DEGGES
COUNCILMAN TOWNSEND
COUNCILMAN KLEIN QUINN

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 16, 2015

Topic:

Discussion regarding Allowing Brewpub Operations in Old Town Mixed-Use Area, through Conditional Use Permit for "Distillation of Liquors"

Background:

Currently, "distillation of liquors" is allowed with a Conditional User Permit (CUP) in Light Industrial. This item is presented to Council for discussion regarding a City-initiated change to allow brewpub operations through the use of a Conditional User Permit for "distillation of liquors" the Old Town Mixed-Use (OTMU) area.

Origination:

Mayor

Recommendation:

N/A

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

City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: February 16, 2015

Topic:

Presentation regarding Body Worn Cameras and Real Time Streaming Vision for Tomball Police Department Officers.

Background:

City Council has expressed interest in body worn cameras for Tomball Police Officers. This presentation will include discussion regarding advantages and disadvantages of body worn cameras, types of cameras, pricing, policies, national research results and legal issues.

The discussion will include as a facet of this technology package, the ability to implement real time streaming cameras for the L3 Mobile Vision cameras currently installed in all TPD patrol vehicles.

Origination:

Police Department

Recommendation:

None

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

Billy Tidwell

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

Regular City Council

Agenda Item

Meeting Date: February 16, 2015

Data Sheet

Topic:

Approve Settlement Agreement between the City of Tomball and Martha Michel Huebner, Trustee of the Michel Family Irrevocable Trust, to Acquire 3.001 Acres of Land, Approximately Located at the Southeast Corner of SH 249 and Holderrieth Road as Part of the M121 Drainage Project in the City of Tomball

Background:

The above-described tract of Land is needed for use as a drainage channel as part of the M121 West Drainage Project. The M121 Drainage Project was approved by City Council in the FY 2011-2012 annual Budget. This project will provide drainage and detention for the M121 West Drainage Basin.

Origination:

City Attorney

Recommendation:

Approval of Settlement Agreement

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:

Proposed Settlement Agreement

SETTLEMENT AGREEMENT AND
RELEASE OF ALL CLAIMS

THIS SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS (the “Agreement”) is made and entered into by and between the City of Tomball, Texas (“Tomball”) and Martha Michel Huebner, Trustee of the Michel Family Irrevocable Trust (the “Trust”), all collectively referred to as the “Parties.”

WHEREAS, Tomball is a home-rule municipal corporation organized and operating under the laws of the State of Texas, and having the right of eminent domain and power of condemnation; and

WHEREAS, Martha Michel Huebner is the Trustee of the Michel Family Irrevocable Trust; and

WHEREAS, Tomball seeks to acquire 3.001 acres of land situated in the Claudia N. Pillot Survey, Abstract No. 632, more particularly being a portion of that 69.3 acre residue of a 72.3 acre tract of land conveyed to Martha J. Michel, Trustee of the Michel Family Irrevocable Trust by an instrument of record in File No. S832035, Official Public Records of Real Property of Harris County, Texas, for the M121 Drainage Project in the City of Tomball, such tract being more particularly described in the metes and bounds description attached hereto as “Exhibit A,” and incorporated herein for all purposes (the “Property”); and

WHEREAS, the Parties desire to enter into an agreement for Tomball to acquire the Property in accordance with the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the Parties have agreed to the following terms:

1.. The Trust agrees to convey the Property to Tomball by Special Warranty Deed attached hereto as Exhibit “B”.

2. Tomball agrees to pay to the Trust the total sum of \$275,000.00.

3. Additionally, Tomball agrees to assign twenty (20) acre feet of floodplain mitigation or stormwater detention storage credits to the Trust.

4. Tomball further agrees to pay to the Trust the sum of \$12,800.00 for the construction of a permanent fence. Tomball agrees to coordinate with the Trust during the construction process to aid in defining the location for the permanent fence and by giving the Trust sufficient time to construct a permanent fence before the construction process begins on the Property.

5. Tomball further agrees that all roads constructed or reconstructed as a part of the M121 drainage channel project to be constructed of sufficient quality and specifications to handle oil and gas drilling equipment, well maintenance equipment and oil and gas service trucks. This requirement will be applicable to all cattle guards installed during the project.

6. Each Party to this Agreement is acting voluntarily and on its or his own free will, and that it is in no way relying upon any promise, warranty, representation, or agreement of any kind whatsoever, made directly or indirectly, by any agent, employee, or attorney of the other Party.

7. Each Party shall be responsible for all attorney’s fees and related costs and expenses incurred on its behalf.

8. This Agreement shall be deemed to have been jointly prepared by all Parties hereto, and no ambiguity of this Agreement shall be construed against any Party based upon the identity of the author of this Agreement or any portion thereof.

9. This Agreement shall be governed, construed, interpreted, and the rights of the Parties determined, in accordance with the laws of the State of Texas.

10. The statements and representations contained herein are to be considered contractual in nature and not merely recitations of fact.

11. In the event any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity shall not affect any other provision herein.

12. All references herein in the singular shall be construed to include the plural where applicable, the masculine to include the feminine and neuter genders, and all covenants, agreements, and obligations herein assumed by the Parties shall be deemed to be joint and several covenants, agreements, and obligations of the several persons named herein.

13. This Agreement shall be binding on each and every Party to this Agreement, and their successors, officers, directors, employees, assigns, heirs, executors, administrators, agents, legal representatives, and any of the companies or entities associated with them as owners, subsidiaries, or any other related capacity with respect to any and all of the claims that each Party may have, or has brought against the other Party.

14. Each of the signatories signing this Agreement represents and warrants that it is authorized to execute this Agreement and bind its or his principals to the terms and provisions hereof. Each Party warrants that any action required to be taken in order for this Agreement to be binding on it has been duly and properly taken prior to the execution of this Agreement.

15. This Agreement shall be binding on and inure to the benefit of the successors and assigns of the Parties hereto.

16. The representations, warranties, covenants, and agreements set forth herein shall survive the execution hereof.

17. This Agreement may be executed in multiple counterparts, each which taken together shall constitute one and the same instrument. The Parties agree that this Agreement contains the entire understanding of the Parties and that no prior agreements, representations, warranties, or understandings, whether written or oral, will be enforceable.

18. The Parties hereto mutually and simultaneously by these presents authorize and direct their respective attorneys to execute and deliver for entry such instruments as may be necessary to obtain dismissal of the above-mentioned litigation, with prejudice, to the rights of all Parties, each Party bearing its own attorney's fees and costs. The Parties agree that the settlement date shall be the date of the execution of this Agreement.

19. Each Party hereto acknowledges that it has read and understands the effect of the above and foregoing mutual Agreement, and executes same of its own free will and accord for the purposes and consideration set forth.

20. All ad valorem taxes on the Property have been paid through the 2014 tax year and taxes for the 2015 tax year shall be assumed by Tomball.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective this _____ day of _____, 2015.

CITY OF TOMBALL, TEXAS

By: _____
George Shackelford, City Manager

ATTEST:

Doris Speer, City Secretary

MICHEL FAMILY IRREVOCABLE TRUST

Martha Michel Huebner, Trustee

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared George Shackelford, City Manager of the City of Tomball, Texas, 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 consideration therein expressed, in the capacity therein stated, and as the act and deed of the City.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2015.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared, Martha Michel Huebner, Trustee of the Michel Family Irrevocable Trust, 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2015.

Notary Public In and For the State of _____

My Commission Expires: _____

(SEAL)