

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



MONDAY, JANUARY 19, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 19, 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 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 John Holiday, Powerhouse Church of God in Christ

3.0 Pledges to U.S. and Texas Flags

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

5.0 Reports and Announcements

- 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***
- 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 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 action will be taken

6.0 Approve the Minutes of the January 5, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance 2015-01, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, of Article I, in General, of Chapter 34, Signs, to Add a Definition of Obsolete Sign; by Amending Section 34-6, Sign Maintenance and Removal, of Article I, in General, of Chapter 34, Signs, to Add a New Subsection (c) Requiring Signs with No Sign Face or Message for a Period of 120 Days to be Removed; Amending Section 34-7 (a), Miscellaneous Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Restrict the Size of Banner Signs to 32 Square Feet; Amending Section 34-9, Off-premises Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Add a New Sentence to Subsection (c) to Require Removal of Any Off-premises Sign for a Business or Entity Which No Longer Exists for more than 120 Consecutive Days; by Amending Section 34-11, Changeable Electronic Variable Message Signs, of Article I, in General, of Chapter 34, Signs to Exclude Changeable Electronic Variable Message Signs from the Old Town Area; by Amending Section 34-14, Prohibited Signage, of Article I, in General, of Chapter 34, Signs, to Prohibit Obsolete Signs; by Amending Section 34-45, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 34, Signs to Limit On-premises Signs Other than Integrated Business Development Signs as Defined in Subsection 34-8(c)(3); Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing a Penalty for Violation of any Part of this Ordinance in an Amount Not to Exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings Related Hereto

8.0 New Business:

- 8.1 Accept Resignation of Associate Municipal Court Judge, Laryssa Korduba-Hrncir and Approve the Appointment of and Contract with Cindy Bennett Smith and Michael R. Tiffin as Associate Municipal Court Judges, with terms expiring August 31, 2016, as required by Government Code, Section 29.005, and City

Code of Ordinances, Section 28-3.

- 8.2 Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.
- Conduct Public Hearing on **ZONING CASE P14-255**
 - Adopt, on First 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.
- 8.3 Review and Approve the 2015 Compensation Amendment to the ESD 15 Fire Protection Interlocal Agreement for Fire Protection, Fire Suppression, and Rescue Services
- 8.4 Approve the Following Plats as Recommended by the Planning and Zoning Commission:
- **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.
 - **REPLAT TENNIS VENTURE TRACT**: A replat of that certain 4.017 acre tract of land in the Ralph Hubbard Survey, Abstract No. 383, in Harris County, Texas, out of and a part of Lot 64 of FIVE ACRE TRACTS~TOMBALL TOWNSITE, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.
- 8.5 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.071 – Private consultation with City Attorney in closed meeting regarding Cause No. 1028316; *City of Tomball, Texas v. Edgar C. Ray*, in the County Court at Law No. 3 of Harris County, Texas.
- 8.6 Consideration and possible action regarding settlement of Cause No. 1028316; *City of Tomball, Texas v. Edgar C. Ray*, in the County Court at Law No. 3 of Harris County, Texas

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of January 2015 by 6:00 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: January 19, 2015

Topic:

- Led by Pastor John Holiday, Powerhouse Church of God in Christ

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: January 19, 2015

Topic:

- 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***
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
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- 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 action will be taken

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Trailride Reception

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.

Regular City Council Agenda Item Data Sheet

Meeting Date: January 19, 2015

Topic:

Approve the Minutes of the January 5, 2015 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

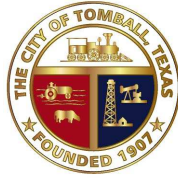
City Secretary

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

ATTACHMENTS:

Draft Minutes - January 5, 2015 Regular City Council Meeting

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



MONDAY, JANUARY 5, 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 Hudgens
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Center Manager – Rosalie Dillon
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Neef-Fiore
Assistant City Secretary/Deputy Registrar – Betsy Gates
Administrative Assistant/Deputy Registrar – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Bayani

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

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

4.0 The following public comments were received:

Steve Hughes - Expressed his interest in being appointed to the
1123 Summit, 77375 Tourism Advisory Committee as a Resident Member

Rick Brown - Expressed his support for the appointment of Steve
24102 Doverwick, 77375 Hughes to the Tourism Advisory Committee

Nancy Nygaard - Expressed her desire that the Tomball-Magnolia Tribune
515 W. Main, 77375 be designated as the official newspaper for the City of
Tomball for 2015

5.0 Presentations were made by Mayor Fagan in Recognition of “Old Town Heroes”. Mayor Fagan and George Shackelford made presentations to the City Secretary’s Office for receiving the 2014 Exemplary Five-Star Designation Award from the Texas Department of State Health Services, Vital Records Division, and to Doris Speer for achieving Master Registrar Certification from the State Department of Health Services.

6.0 Reports and Announcements:

- January 10, 2015 – **2nd Saturday at the Depot – to be Held in the Community Center**
- ***Walk Tomball!*** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 15, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-43, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances by Granting a Conditional Use Permit (Cup) to Nancy Gomez Revocable Living Trust to Operate a “Dance/Drama/Music School;” Said Property Being Approximately 2.46 Acres, and Being Legally Described As Tract 42b, Tomball Outlots, Generally Located Between Ulrich Road and Rudolph Road, North of East Hufsmith Road; Providing Requirements and Conditions For This Cup; Providing For Severability; Providing For a Penalty of an

Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; and Providing For Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-44, 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 1.13 Acres of Land, Legally Described as Tract 7d-3, Abstract 34, Joseph House Survey, Within The City Of Tomball, Harris County, Texas, From The Multifamily Residential District to The Commercial District; Said Property Being Generally Located South of Baker Drive, West of State Highway 249; Providing For The Amendment of The Official Zoning Map of The City; Providing For Severability; Providing For a Penalty Of an Amount Not To Exceed \$2,000 For Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing For Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2014-45, an Ordinance of the City Of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances By Amending Section 50-82(B) ("Use Charts"); 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 Aye

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-47, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Roadway Right-of-Way Designated Michel Road, Such Portion Containing 1.2748 Acres of Land Located in the Jesse Pruitt Survey, Abstract Number 629 and being out of Lot 172, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas and being out of a Residue of a 1.382 Acre Tract of Land Conveyed to the City of Tomball, Texas by Deed Recorded in the Harris County Clerk's Records File No. J819957, Film Code No. 002-64-1844 of the Official Public Records of Real Property of Harris County, Texas, Said Tract being more Particularly Described in Exhibit "A" Attached Hereto; Vacating, Abandoning, and Closing Said Portion of Such Road Right-of-Way; Authorizing the City Manager to Execute and the City Secretary to Attest a Special Warranty Deed Conveying the City's Interest in Said Abandoned Roadway Right-of-Way; and Containing Other Provisions Relating to the Subject. 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.

9.0 New Business

- 9.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the appointment of David Esquivel as the new Director of Public Works.

Motion carried unanimously.

Mayor Fagan administered the Oath of Office to new Director of Public Works, David Esquivel.

- 9.2 Motion was made by Councilman Degges, second by Councilman Hudgens, to Reappoint Holly Cook and Kevin Lala to their respective Positions 4 and 7 on the Tourism Advisory Committee and to appoint Steve Hughes as the new resident member, Position No. 1, on the Tourism Advisory Committee.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt Resolution No. 2015-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 9, 2015; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Approve Resolution No. 2015-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2015 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Degges, second by Councilman Townsend, to approve an Agreement between Harris County and the City of Tomball for the Purpose of Funding Zumba Body Fitness, Beginning/Intermediate/Advanced Line Dancing, and Art classes at the Tomball Community Center and Authorize the Mayor to Execute the Agreement.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A"**
REPLAT: A residential subdivision of 2.0000 acres located in the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas being a replat of Reserve "A" of Pine Country of Tomball ~ Section Two, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 628282 of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Degges, second by Councilman Townsend, to read Ordinance No. 2015-01 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance 2015-01, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, of Article I, in General, of Chapter 34, Signs, to Add a Definition of Obsolete Sign; by Amending Section 34-6, Sign Maintenance and Removal, of Article I, in General, of

Chapter 34, Signs, to Add a New Subsection (c) Requiring Signs with No Sign Face or Message for a Period of 120 Days to be Removed; Amending Section 34-7 (a), Miscellaneous Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Restrict the Size of Banner Signs to 32 Square Feet; Amending Section 34-9, Off-premises Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Add a New Sentence to Subsection (c) to Require Removal of Any Off-premises Sign for a Business or Entity Which No Longer Exists for more than 120 Consecutive Days; by Amending Section 34-11, Changeable Electronic Variable Message Signs, of Article I, in General, of Chapter 34, Signs to Exclude Changeable Electronic Variable Message Signs from the Old Town Area; by Amending Section 34-14, Prohibited Signage, of Article I, in General, of Chapter 34, Signs, to Prohibit Obsolete Signs; by Amending Section 34-45, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 34, Signs to Limit On-premises Signs Other than Integrated Business Development Signs as Defined in Subsection 34-8(c)(3); Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing a Penalty for Violation of any Part of this Ordinance in an Amount Not to Exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings Related Hereto. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

Council requested that City staff bring a text amendment to the zoning ordinance back to Council to allow private schools to have the same CEVMS signage as publicly funded schools.

9.8 Council recessed at 7:08 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.087 – Deliberations Regarding Economic Development
- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Director of Public Works

Upon reconvening in regular session at 7:35 p.m., no action was taken.

10.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of January 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: January 19, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance 2015-01, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, of Article I, in General, of Chapter 34, Signs, to Add a Definition of Obsolete Sign; by Amending Section 34-6, Sign Maintenance and Removal, of Article I, in General, of Chapter 34, Signs, to Add a New Subsection (c) Requiring Signs with No Sign Face or Message for a Period of 120 Days to be Removed; Amending Section 34-7 (a), Miscellaneous Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Restrict the Size of Banner Signs to 32 Square Feet; Amending Section 34-9, Off-premises Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Add a New Sentence to Subsection (c) to Require Removal of Any Off-premises Sign for a Business or Entity Which No Longer Exists for more than 120 Consecutive Days; by Amending Section 34-11, Changeable Electronic Variable Message Signs, of Article I, in General, of Chapter 34, Signs to Exclude Changeable Electronic Variable Message Signs from the Old Town Area; by Amending Section 34-14, Prohibited Signage, of Article I, in General, of Chapter 34, Signs, to Prohibit Obsolete Signs; by Amending Section 34-45, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 34, Signs to Limit On-premises Signs Other than Integrated Business Development Signs as Defined in Subsection 34-8 (c)(3); Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing a Penalty for Violation of any Part of this Ordinance in an Amount Not to Exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings Related Hereto

Background:

Ordinance No. 2015-02 was developed after a discussion at City Council on October 20, 2014 about desirable revisions to Chapter 34-Signs. The proposed revisions include:

- Defining obsolete signs and prohibiting obsolete nonconforming signs after a period of 180 consecutive days
- Requiring the restoration or removal of signs with no face, copy, transcript, reproduction, model, likeness, image, advertisement or written material for period of 120 consecutive days
- Requiring the removal of off-premises signs for a business or entity which no longer exists or has ceased to operate for more than 120 consecutive days
- Restricting banner signs to a maximum size of 32 square feet
- Prohibition of new changeable electronic variable message signs (CEVMS) in the Old Town Area
- Clarification that on-premises ground signs shall not have a face area exceeding 300 square feet

Origination:

Community Development Department

Recommendation:

Adopt Ordinance No. 2015-02 on Second Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2015-01

ORDINANCE NO. 2015-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 34-1, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO ADD A DEFINITION OF *OBSOLETE SIGN*; BY AMENDING SECTION 34-6, SIGN MAINTENANCE AND REMOVAL, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO ADD A NEW SUBSECTION (c) REQUIRING SIGNS WITH NO SIGN FACE OR MESSAGE FOR A PERIOD OF 120 DAYS TO BE REMOVED; AMENDING SECTION 34-7 (a), MISCELLANEOUS SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO RESTRICT THE SIZE OF BANNER SIGNS TO 32 SQUARE FEET; AMENDING SECTION 34-9, OFF-PREMISES SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO ADD A NEW SENTENCE TO SUBSECTION (c) TO REQUIRE REMOVAL OF ANY OFF-PREMISES SIGN FOR A BUSINESS OR ENTITY WHICH NO LONGER EXISTS FOR MORE THAN 120 CONSECUTIVE DAYS; BY AMENDING SECTION 34-11, CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS TO EXCLUDE CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS FROM THE OLD TOWN AREA; BY AMENDING SECTION 34-14, PROHIBITED SIGNAGE, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO PROHIBIT OBSOLETE SIGNS; BY AMENDING SECTION 34-45, SIZE LIMITATION, OF ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS, OF CHAPTER 34, SIGNS TO LIMIT ON-PREMISES SIGNS OTHER THAN INTEGRATED BUSINESS DEVELOPMENT SIGNS AS DEFINED IN SUBSECTION 34-8(C)(3); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR VIOLATION OF ANY PART OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER VIOLATION WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING FOR SEVERABILITY; AND MAKING OTHER FINDINGS RELATED HERETO.

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WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of the citizens of Tomball to amend the sign regulations of the City to prohibit obsolete signs and signs for entities no longer in existence; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding the following definition to Section 34-1, Definitions, of Article I, In general, of Chapter 34, Signs, such definition to read as follows:

“*Obsolete sign* shall mean any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service, or activity that has ceased to operate on the premises upon which the sign or sign structure is located for a period of 180 days or more.”

Section 3. The Code of Ordinances is further amended by adding a new subsection (c) as underscored below to Section 34-6, Sign maintenance and removal, of Article I, In general, of Chapter 34, Signs, and renumbering current subsection (c) to subsection (d) and current subsection (d) to subsection (e), with the new subsection (c) to read as follows:

“(c) Any sign lawfully erected and maintained that has no sign face, copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be in violation of this section, and as such shall be restored to use or removed by the owner or permittee within thirty (30) days after notice by the Sign Administrator of such violation.”

Section 4. The Code of Ordinances is further amended by adding the language underscored below to Section 34-7 (a), Miscellaneous Sign Provisions, of Article I, In General, of Chapter 34, Signs, with the new Section 34-7 (a) to read as follows:

“(a) *Banner signs.* A property shall be limited to one on-premises or one off-premises banner signs, with a maximum size of 32 square feet. All banners signs shall be considered temporary in nature, as defined in this chapter. Excluding signs as specified under section 34-5(b)(2) and (b)(3)d.”

Section 5. The Code of Ordinances is further amended by adding to Subsection (c) of Section 34-9, Off-premises sign provisions, of Article I, In general, of Chapter 34, Signs, the language underscored below, with the new Subsection (c) to read as follows:

“(c) Any off-premises sign structure lawfully erected and maintained, which has no copy, transcript, model, likeness, image, advertisement, or written material for 120 consecutive days, is hereby declared to be in violation of this section and, as such, shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation. Any off-premises sign for a business or entity which no longer exists or has ceased to operate for more than 120 consecutive days is hereby declared to be in violation of this section and, as such, shall be removed by the owner or permittee within thirty (30) days after notice by the Sign Administrator.”

Section 6. The Code of Ordinances is further amended by adding to Subsection (a) of Section 34-11, Changeable electronic variable message signs, of Article I, In general, of Chapter 34, Signs, the language underscored below, with the new Subsection (a) to read as follows:

“(a) Changeable electronic variable message signs (CEVMS) shall be prohibited within the corporate limits and the extraterritorial jurisdiction of the city, except that changeable electronic variable message signs shall be permitted for properties not located in the “Old Town Area” adjacent to all state rights-of-ways and for public tax-supported schools to provide public information. Changeable electronic variable message signs may be permitted on properties not adjacent to a state right-of-way upon application to and approval by the city council. No new permit shall be issued for the installation, erection, or replacement of a CEVMS, including any conversion or modification of an existing sign to a CEVMS, within the corporate limits or the extraterritorial jurisdiction of the city, except as provided herein.”

Section 7. The Code of Ordinances is further amended by adding a new subsection (9) to Section 34-14, Prohibited signage, of Article I, In general, of Chapter 34, Signs, with the new Subsection 9 to read as follows:

“(9) Obsolete nonconforming signs.”

Section 8. The Code of Ordinances is further amended by amending Subsection (a) of Section 34-45, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 34, Signs, by adding new Subsection (e) to read as follows:

“(e) No on-premises sign, other than on-premises ground signs permitted by subsection 34-8(c)(3), shall be established, constructed, or erected which has a face area exceeding 300 square feet, including cutouts, but excluding uprights.

Section 9. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Section 12. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City’s Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JANUARY 2015.

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: January 19, 2015

Data Sheet

Topic:

Accept Resignation of Associate Municipal Court Judge, Laryssa Korduba-Hrncir and Approve the Appointment of and Contract with Cindy Bennett Smith and Michael R. Tiffin as Associate Municipal Court Judges, with terms expiring August 31, 2016, as required by Government Code, Section 29.005, and City Code of Ordinances, Section 28-3.

Background:

Alternate Municipal Court Judge Laryssa Korduba Hrncir has submitted her resignation from the Tomball Municipal Court. This leaves the Court with two vacant Associate Judge positions.

Our Alternate Municipal Court Judges are appointed for two-year terms of office beginning on September 1 of each odd-numbered calendar year and extending through August 31 of the next odd-numbered calendar year. As these are mid-term appointments to fill vacancies, the terms of office would begin January 20, 2015 and continue through August 31, 2016.

Alternate Judges are private vendors/contractors, not City employees. Our Presiding Judge, Brett Peabody, and staff reviewed submissions from several excellent applicants and conducted interviews. We wish to recommend the appointment of Cindy Bennett Smith and Michael Tiffin to the two Alternate Municipal Judge positions.

Mrs. Smith has been a practicing attorney in the area since 2001, lives in the Cypress area, and her practice allows her the flexibility to serve Tomball. Mr. Tiffin has been a practicing attorney since 1983, lives in Tomball, is retired and wishes to serve Tomball.

Origination:

City Manager's Office

Recommendation:

Appoint Alternate Municipal Court Judges as proposed.

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Korduba Resignation

Resume - Cindy Bennett Smith

Resume - Michael R. Tiffin

From: Laryssa Korduba <legal@KordubaRogers.com>
Date: January 11, 2015, 8:35:50 PM CST
To: Doris Speer <DSpeer@tomballtx.gov>, Gretchen Fagan
<gretchen@gretcheninsure.com>
Cc: Laryssa Korduba <lkorduba@kordubalaw.com>, Brett <brett@peabodylaw.net>
Subject: Resignation

Dear George, Gretchen, Doris, and Brett :

It is with sincere sadness I must tender my resignation as a Municipal Judge for my beloved City of Tomball.

Thank you allowing me the honor of serving along side all of you in one of the greatest small towns I have ever seen.

Because of the experience and lessons I have learned from working with each of you, I was able to win my election and move into another are of service as a JP for our county.

I will NEVER forget where I came from. Please know anytime you need me or just invite me I will be there for you all and for Tomball.

With deep respect,
Laryssa Korduba

This message, as well as any files or documents attached to it, contains information which may be privileged, confidential and exempt from disclosure under applicable law. It is intended only for the use of the person or entity to which it is addressed. Unless you are the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, distribution or other use of this message is strictly prohibited. You may not use, copy or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender immediately by reply e-mail, telephone or fax and destroy all forms of this message

Nothing in this message is intended to constitute an Electronic signature for purposes of the Uniform Electronic Transactions Act (UETA) or the Electronic Signatures in Global and National Commerce Act ("E-Sign") unless a specific statement to the contrary is included in this message.

CINDY BENNETT SMITH

• 832/515-9897 • CSmith@CBLLP.com

LEGAL EXPERIENCE

Admitted to Practice, November 2001

June 2014-
Present

Counts Bonacci & Smith
Partner- Commercial Litigation

Represent business clients in all aspects of civil litigation from initial client meeting through final disposition. Manage heavy caseload at a busy litigation practice, with more than forty cases in active litigation at one time. Supervision and management of staff and contract attorneys.

September 2011-
Present

BENNETT SMITH & ASSOCIATES, P.C.
Sole Practitioner- General Litigation

Represent individuals and small business clients in litigation matters. Manage pre-trial practice, including discovery, drafting and arguing motions and settlement negotiations. Prepare trial materials and handle trials. Representation has included a wide array of matters, including traffic offenses, family law, wills, contractual dealings, employment matters and misdemeanor offenses. Handle personnel matters.

May 2010-
September 2011

CONTRACT ATTORNEY

The Law Office of Matthew J. Mussalli- *General Business Practice*
Handling of motion practice, appearances and argument at hearings and depositions as needed for two-attorney firm; form business entities, including Limited Partnerships, Corporations and Limited Liability Companies; drafting organizational documents and bylaws of newly formed entities.

Counts & Bonacci- *Commercial Litigation and Business Transactions*
Assignments for boutique firm included reorganizing over three dozen entities for investment client, involving withdrawal of members and officers, reinstatement of standing with Texas Secretary of State, winding down of certain entities, drafting of amended bylaws and member agreements and forming new entities.

Ramey Chandler Mckinnely & Zito- *Insurance Defense*
First party representation of insurance companies against Hurricane Ike claims. Such representation included analyzing claims handling and adjustment process, developing case strategy and motion practice.

April 2007-
May 2010

HILL FINKEL & KING- Houston, Texas
Associate- Insurance Defense

Represented clients, directly and as retained by insurance companies, against wide variety of claims, including toxic tort, personal injury, premises liability, negligence, labor and employment and complex commercial litigation claims. Such representation included developing case strategy, conducting settlement negotiations, motion practice, conducting and defending depositions and case management.

January 2002-
April 2007

JOHNSON DELUCA KENNEDY & KURISKY- Houston, Texas
Associate-Commercial Litigation

Represented clients in a wide array of business disputes, including complex litigation, class actions, contractual dealings, oil and gas, insurance defense, creditors' rights, fraud, bankruptcy, labor and employment, and general business issues. Responsible for drafting successful briefs to First and Fourteenth Courts

of Appeals in Houston, Fifth Circuit Court of Appeals and Texas Supreme Court. Interviewed, hired and supervised law clerks for Fall, Spring and Summer semesters.

March 2000-
January 2002

STUMPF CRADDOCK MASSEY & PULMAN- Houston, Texas

Associate-Commercial Litigation

Managed collection files by filing suit, seeking judgments, and executing on judgments; legal research and writing related to commercial litigation issues.

PROFESSIONAL EXPERIENCE

May 1988- June 2003

- Fifteen years of experience in the broadcast radio industry, including management of staff of 30, budgeting across multiple departments, on-air work, station programming, conducting research and focus group studies, producing advertisements, drafting promotional copy and marketing materials for stations such as KLOL-FM, Houston; KTBZ-FM, Houston; KILT-FM, Houston, KTRH-FM, Houston, and WCXR-FM, Washington D.C.

EDUCATION

Legal

SOUTH TEXAS COLLEGE OF LAW, Houston, Texas

J.D., May 2001, Class Standing: top 25%

Honors and Activities

Deans List Honors, Fall 2000, Spring 2001

President of Sports and Entertainment Law Society, 2000-2001

Vice President of Sports and Entertainment Law Society, 1999-2000

Casenotes published in Texas Sports and Entertainment Law Journal, Fall 1999, Spring 2000, Spring 2001.

Undergraduate

TEXAS TECH UNIVERSITY, Lubbock, Texas

Bachelor of Science in Communications, May 1989

Honors and Activities

Dean's List Honors, Spring 1985, Fall 1986

UNIVERSITY OF HOUSTON, London Program

Junior year spent studying abroad in London, England 1986-1987



Justice For All

MICHAEL R. TIFFIN
ATTORNEY AT LAW

Board Certified -- Criminal Law

Texas Board of Legal Specialization

RESUME

EDUCATION

Doctor of Jurisprudence
South Texas College of Law
Houston, Texas
January, 1983

Master of Arts, Public Administration and Planning
University of Houston/CLC
Clear Lake City, Texas
December, 1977
G.P.A.-3.5/4.0

Bachelor of Science, Criminal Justice
Sam Houston State University
Huntsville, Texas
May, 1970
G.P.A.-3.1/4.0

Graduate - John Reagan High School
Houston, Texas
January, 1967

WORK EXPERIENCE

2010 - Present **Criminal Defense Attorney**
 Sole Practitioner

Law Office of Michael R. Tiffin: I was responsible for maintaining a small business entity including payroll, account management, office management, file management, docket control and management along with the day to day practice of law.

1997 to 2010 **Ninth Judicial District Attorney**
 Michael McDougal/Brett Ligon

Assistant District Attorney: As the Chief prosecutor in the 9th, 284th, 410th, and 221st District Courts, I was responsible for day to day office operations, including, but not limited to, the trial of cases, supervision and training of one or more attorneys, and investigator, and a legal assistant, Grand Jury scheduling and presentation, overseeing ongoing criminal investigations, etc.

1995 - 1997

**Montgomery County Attorney
Assistant County Attorney**

Assistant County Attorney: I was assigned to the Trial Division to prosecute and try misdemeanor criminal cases. Additionally, I was solely responsible for the docket management and control of all cases assigned to my court. I was also responsible for grant preparation, review and preparation of appeals, argument of cases in Appellate Courts, maintenance of equipment assigned to my court, as well as overseeing ongoing criminal cases that were assigned to my court.

1994 - 1995

**Criminal Defense Attorney
Sole Practitioner**

Law Office of Michael R. Tiffin: I was responsible for maintaining a small business entity including payroll, account management, office management, file management, docket control and management along with the day to day practice of law.

1993 - 1994

**Ninth Judicial District Attorney
Daniel C. Rice**

Assistant District Attorney: I was responsible for day to day office operations, including, but not limited to, the trial of cases, supervision of employees, account administration, budget preparation, grant preparation, Grand Jury scheduling and presentation, overseeing ongoing criminal investigations, etc. Additionally, I taught Criminal Law courses at North Harris College, including The Penal Code and The Code of Criminal Procedure, on a part-time basis.

1988 - 1993

**Montgomery County Attorney
D.C. Jim Dozier**

Chief of the Criminal Division: I was responsible for the day to day operation of the

largest of three divisions in the office, including but not limited to, trial of cases, training of attorneys, docket management (three County Courts at Law, five Justice of the Peace Courts, and one District Court with juvenile jurisdiction), supervision of personnel, scheduling of personnel, budget preparation, grant preparation, review and preparation of appeals, argument of cases in Appellate Courts, maintenance of equipment assigned to the Criminal Division, overseeing ongoing criminal cases, etc.

1986 - 1988

**Criminal Defense Attorney
Sole Practitioner**

Law Office of Michael R. Tiffin: I was responsible for maintaining a small business entity including payroll, account management, office management, file management, docket control and management along with the day to day practice of law.

1983 - 1986

**Harris County District Attorney
John Holmes/Bert Graham**

Assistant District Attorney: I was assigned to the Trial Bureau to prosecute and try criminal cases ranging from misdemeanors to felonies. Additionally, I was solely responsible for the docket management and control of all cases assigned to my court.

1973 - 1983

**United States Department of Justice
Drug Enforcement Administration
B. G. Corbit/Marion Hambrick**

Special Agent/Criminal Investigator: I was responsible for the investigation of violations relating to the federal and State Controlled Substance Acts, including undercover operations, initiating complex conspiracy investigations, investigating RICO and Continuing Criminal Enterprise operations, intense surveillance operations, initiating Title III investigations, and executing general arrest, search, and seizure powers.

1971 - 1973

**United States Department of Treasury
Bureau of Customs
Gus Hermann**

Special Agent/Criminal Investigator: I was assigned to the Internal Affairs Division where I was responsible for conducting investigations (criminal and administrative) relating to integrity and conduct within the Customs Service. These duties included undercover

operations, surveillance operations, and the execution of general arrest, search, and seizure powers. I was given a Special Achievement Award for service in December of 1973.

1969 - 1971

**Texas Department of Corrections
Diagnostic Unit
D. V. McKaskle**

Correctional Officer: I was primarily responsible for the day to day supervision of convicted felons.

PROFESSIONAL AFFILIATIONS

Pi Kappa Alpha Fraternity
Secretary, Pledge Trainer
Who's Who in American Colleges and Universities
Texas Narcotics Officers Association
Director - East Region, Vice President
Federal Criminal Investigator's Association
Southwest Baseball Umpire's Association
Southwest Football Official's Association
Northwest 45 Sports Association
President
Texas District and County Attorney's Association

PROFESSIONAL TRAINING

Treasury Law Enforcement Officer Training School
Special Agent Training School
Institute of Contemporary Corrections and Behavioral Sciences/Law Enforcement and Police
Science
Conspiracy Investigation Training/DEA National Training Institute
Law Enforcement Instructor Development/FBI National Academy
Financial Investigative Techniques/IRS Criminal Division
Financial Investigations/DEA National Training Institute
Professional Liability/State Bar of Texas
Advanced Criminal Law /State Bar of Texas
How to Offer and Exclude Evidence/State Bar of Texas
Civil Law Seminar/Texas District and County Attorney's Association
Criminal Law Update/Texas District and County Attorney's Association
Investigation and Prosecution of Obscenity and Child Pornography/Statewide Law
Enforcement Coordinating Committee on Obscenity and Child Pornography

(REVISED -- JULY, 2010)

Prosecuting the Juvenile Offender/Texas District and County Attorney's Association
Rules of Criminal Evidence/Texas District and County Attorney's Association
Trial Advocacy Course/Texas Criminal Defense Lawyer's Association
Investigator's Seminar/Texas District and County Attorney's Association

ADDITIONAL INFORMATION

Admitted to State Bar of Texas/May 1983
Admitted to practice before the Southern, Eastern, and Western Districts of Texas
Admitted to practice before The Fifth Circuit Court of Appeals
Admitted to practice before The United States Supreme Court
Advanced Instructor/Texas Commission on Law Enforcement Standards and Education
Commissioned Peace Officer/Texas Commission on Law Enforcement Standards and Education--Basic, Intermediate, Advanced, and Masters Certificates
Board Certified--Criminal Law/Texas Board of Legal Specialization/December 1993

REFERENCES -- Upon Request

Regular City Council

Agenda Item

Meeting Date: January 19, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

- Conduct Public Hearing on **ZONING CASE P14-255**
- Adopt, on First 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.

Background:

On January 12, 2015, City staff brought two amendments to the Tomball Code of Ordinances to the Planning and Zoning Commission for their consideration and recommendation to City Council. The first was a recommendation to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks. The second recommendation was to amend Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height. The first amendment is based upon recent Board of Adjustments case activity, and the second amendment was directed by Council in response to a recent Conditional Use Permit case pertaining to maximum height of a proposed hotel in Tomball.

On January 12, 2015, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-255. Specifically, the Commission recommended a reduction in the side yard setback for the SF-20-E zoning district to 15' and an increase in the maximum building height in the General Retail district to 70'.

Origination:

City of Tomball

Recommendation:

Approval

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Notice of Public Hearing

Ordinance No. 2015-02

P14-255 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JANUARY 12, 2015
&
CITY COUNCIL
JANUARY 19, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, January 12, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, January 19, 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 P14-255: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

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 applications are 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 8th day of January 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez
Amelia Vasquez
Secretary of the Board

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

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.

* * * * *

WHEREAS, the City of Tomball has requested that Sections 50-69 and 50-76 of the Tomball Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Sections 50-69 and 50-76 of the Tomball Code of Ordinances;

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the amendments to Sections 50-69 and 50-76 of the Tomball Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Sections 50-69 and 50-76 of the Tomball Code of Ordinances.

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

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

Section 2. Sections 50-69 and 50-76 of the Tomball Code of Ordinances are hereby amended as follows:

Section 50-69(d)(2)(b): Minimum side yard: 15 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

Section 50-76(c): Height regulations. The maximum height in the GR district shall be:
a. Not to exceed 70 feet, for the main buildings.
b. One story for accessory buildings.

Section 3. Chapter 50 (Zoning) of the Tomball Code of Ordinances shall be revised and

amended as indicated above.

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JANUARY 2015.

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

SECOND READING:

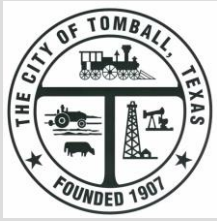
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF FEBRUARY 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: January 12, 2015

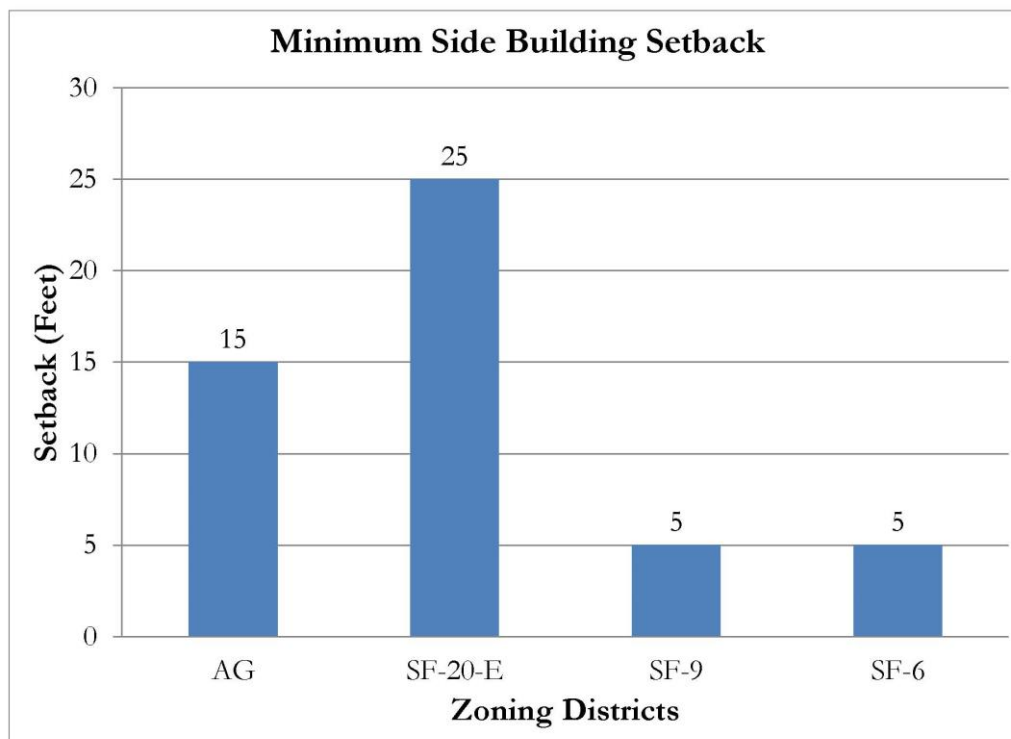
City Council Public Hearing Date: January 19, 2015

ZONING CASE P14-255: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

ANALYSIS

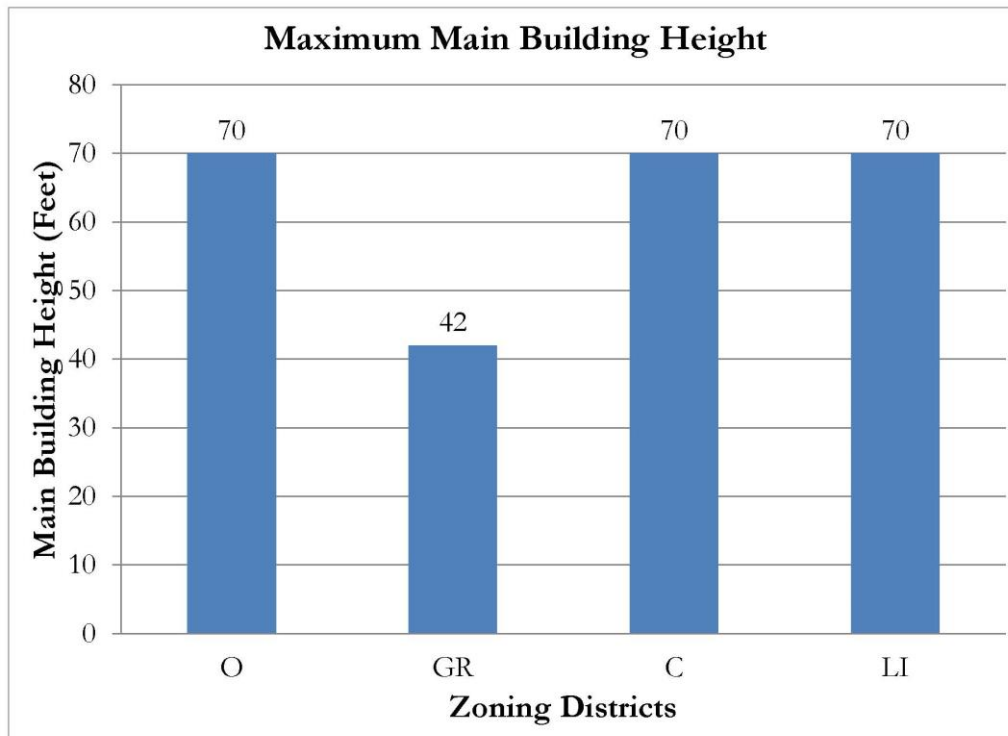
Single-Family Estate Residential-20 (SF-20-E) District Minimum Side Building Setback

Section 50-69(d) establishes a minimum 25-foot side building setback on a minimum 20,000 square foot lot in the SF-20-E District. The 25-foot setback constitutes 50% of the overall minimum lot width. Section 50-68(d) establishes a minimum 15-foot side building setback on a minimum 43,560 square foot lot in the Agricultural District. The 15-foot setback constitutes 30% of the overall minimum lot width. Typically, zoning ordinances establish larger minimum building setbacks in feet and percent of lot width as the minimum lot size increases. Currently, the SF-20-E District has a larger side building setback in feet and percent of lot width than the Agricultural District despite its smaller minimum lot size. City staff is proposing to reduce the minimum side building setback in the SF-20-E District from 25- to 10-feet to facilitate the typical reduction in building setback distance and percent of lot width expected with reductions in minimum lot sizes.



General Retail District Maximum Building Height

Section 50-76(c) establishes a maximum 42-foot main building height in the General Retail District. Sections 50-75, 50-77, and 50-78 establish a maximum 70-foot main building height in the Office, Commercial, and Light Industrial Districts, respectively. Typically, zoning ordinances establish larger maximum main building heights as the zoning districts allow more and more intense uses. Currently, the Office District, which is a less intense district than the General Retail District allows a larger maximum main building height than the General Retail District. City staff is proposing to increase the maximum main building height in the General Retail District from 42-feet to 70-feet to facilitate the typical increase in maximum main building height expected with increasingly intense zoning districts.



Additionally, Section 50-76(c)(c) allows building heights to exceed the 42-foot and one story for main and accessory buildings, respectively, in the General Retail District with a conditional use permit from City Council. However, Section 50-33(f) grants the Board of Adjustments, not City Council, authority to grant variances from maximum main building heights. City staff is proposing to remove Section 50-76(c)(c) to ensure the authorities granted to the Board of Adjustments in Section 50-33 are consistent throughout Chapter 50 (Zoning) of the Code of Ordinances.

PROPOSED AMENDMENTS

Section 50-69(d)(2)(b): Minimum side yard: ~~25 feet~~ 10 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

Section 50-76(c): Height regulations. The maximum height in the GR district shall be:

- a. Not to exceed ~~42~~ 70 feet, for the main buildings.
- b. One story for accessory buildings.
- ~~c. Additional height may be approved by CUP.~~

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on December 22, 2014. No public comments have been received as of January 2, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-255.

Regular City Council Agenda Item Data Sheet

Meeting Date: January 19, 2015

Topic:

Review and Approve the 2015 Compensation Amendment to the ESD 15 Fire Protection Interlocal Agreement for Fire Protection, Fire Suppression, and Rescue Services

Background:

Since the inception of the Fire Protection Interlocal Agreement between the City and ESD #15, an annual calculation has been made to determine the compensation. This calculation has been based on applying a \$.03 tax rate to the assessed value and then dividing the results by 2 with half of the tax remaining with the ESD and the balance being used to compensate the City for providing fire and rescue services into the ESD's jurisdiction.

The amount for 2015 is calculated to be \$87,600 vs the 2014 amount of \$67,500.

Origination:

Fire Department

Recommendation:

Staff recommends approval of the amendment

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

Randy Parr

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

ATTACHMENTS:

Yearly Compensation Amendment

**YEARLY COMPENSATION AMENDMENT TO
INTERLOCAL AGREEMENT FOR
FIRE PROTECTION, FIRE SUPPRESSION,
AND RESCUE SERVICES**

This **AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION, FIRE SUPPRESSION AND RESCUE SERVICES** (herein "Agreement") is entered into effective the 1st day of January 2015, by and between **HARRIS COUNTY EMERGENCY SERVICES DISTRICT ESD NO. 15** ("District"), a political subdivision of the State of Texas, organized and operating pursuant to the provisions of Chapter 775 of the Health and Safety Code and **THE CITY OF TOMBALL, TEXAS** for **TEN AND NO/100 (\$10.00) DOLLARS**, the mutual covenants and agreements herein contained, and other good and valuable consideration. Accordingly, **DISTRICT** and **CITY OF TOMBALL** agree to the following:

I. RECITATIONS

The **DISTRICT** and **CITY OF TOMBALL** entered into an Interlocal Agreement For Fire Protection, Fire Suppression And Rescue Services (the Agreement) effective January 1, 2011 and terminating December 31, 2015. Each year the District and City must agree upon the amount of compensation under articles II and III of the Agreement in order for the Agreement to continue from year to year during the original term.

II. TERMS OF COMPENSATION

- a) During the Calendar Year 2015, the Compensation to be paid by **DISTRICT** to **CITY OF TOMBALL** for the services to be provided by **CITY OF TOMBALL** hereunder shall be as follows: **DISTRICT** to pay to **CITY OF TOMBALL** eighty seven thousand, six hundred dollars (\$87,600.00) for calendar year 2015. Compensation for subsequent years will be determined by mutual agreement between the District and the City in each separate year as provided in Articles II and III of the Agreement contract and supported by independent resolutions of the governing bodies of the District and the City.

- b) In the event DISTRICT shall choose to terminate the Agreement during the term, the compensation paid to the date of termination shall be non refundable. In the event CITY OF TOMBALL terminates this Agreement during the term, the compensation paid or due and payable shall be refundable to DISTRICT based on a pro rata basis (to wit, the percentage of the term completed as of the termination date).
- c) The CITY OF TOMBALL has the sole discretion to determine how these funds are expended.
- d) All other terms and conditions under the original Agreement are still in full force and effect.

CITY OF TOMBALL, TEXAS

By: _____
Print Name: _____
Title: _____
Date: _____

Address for Notice:
401 Market
Tomball, Texas 77375

Acknowledged
TOMBALL FIRE DEPARTMENT

By: _____
Print Name: **Randall F. Parr**
Title: **Fire Chief**

Address for Notice:
1200 Rudel
Tomball, Texas 77375

**HARRIS COUNTY EMERGENCY
SERVICES DISTRICT NO. 15**

By: Charlie Hall
Print Name: **Charlie Hall**
Title: **District President**
Date: JAN 8, 2015

Address for Notice:
P.O. Box 1709
Tomball, Texas 77377-1709

Copy for notices:
Coveler & Katz, P.C.
820 Gessner, Suite 1710
Houston, Texas 77024

Regular City Council Agenda Item Data Sheet

Meeting Date: January 19, 2015

Topic:

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

- **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.
- **REPLAT TENNIS VENTURE TRACT**: A replat of that certain 4.017 acre tract of land in the Ralph Hubbard Survey, Abstract No. 383, in Harris County, Texas, out of and a part of Lot 64 of FIVE ACRE TRACTS~TOMBALL TOWNSITE, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.

Background:

The Planning and Zoning Commission voted to approve the R & R Estate plat with contingencies on Monday, January 12, 2015 and the Replat Tennis Venture Tract plat with contingencies on Monday, October 13, 2014. The plats have been corrected and are now being presented to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Approval

Funding:

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

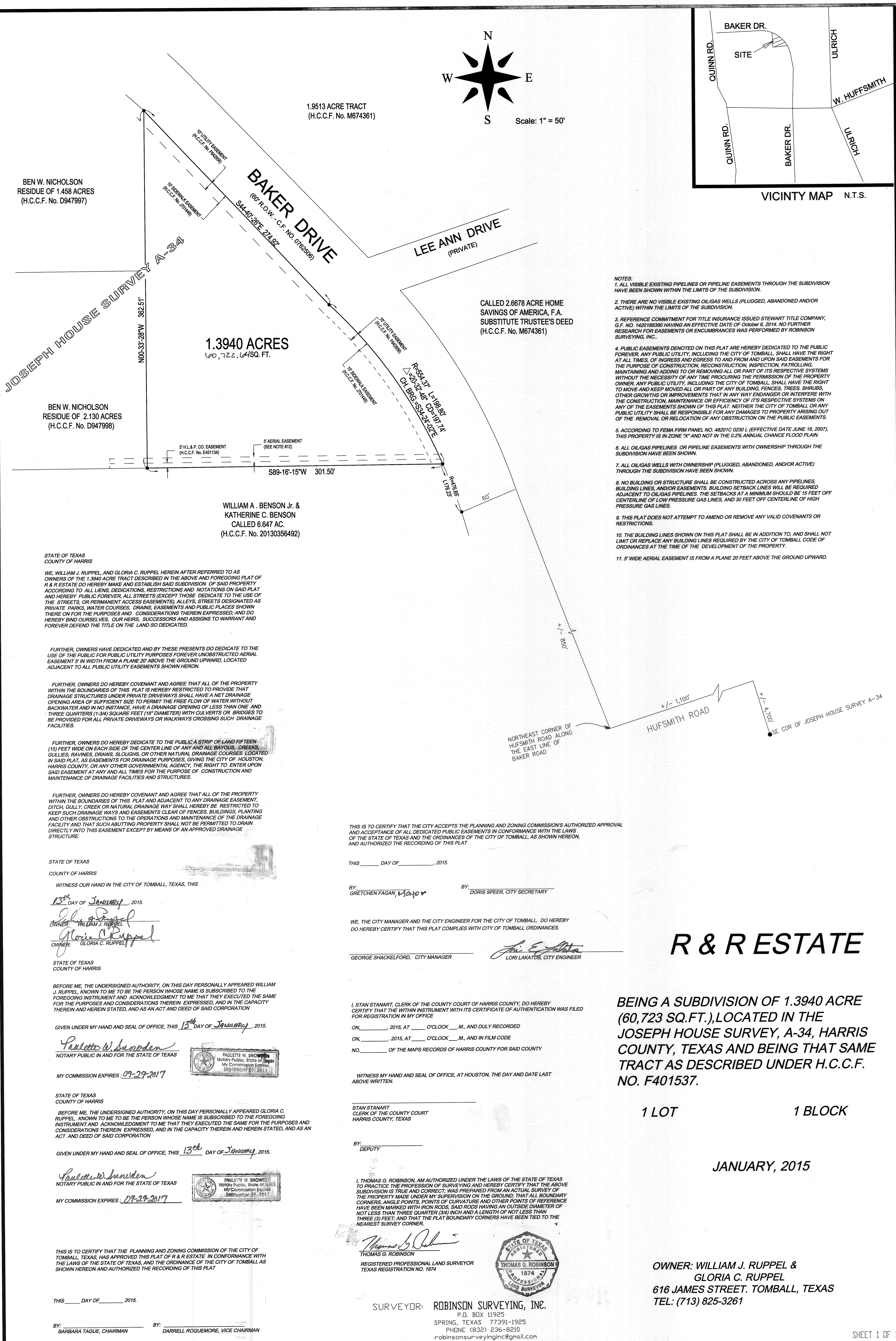
Community Development Department, Engineering Division

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

ATTACHMENTS:

R&R Estate

Replat Tennis Venture Tract



STATE OF TEXAS
COUNTY OF HARRIS

I, Valeriano Suico, Manager of Tennis Venture, LLC, hereinafter referred to as owner of the 4.017 acre tract described in the above and foregoing plat of "TENNIS VENTURE TRACT", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owner has dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground upward, located adjacent to all public utility easements shown hereon.

FURTHER, owner does hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

FURTHER, owner does hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS my hand, this 10 day of Dec., 2014.

Valeriano Suico -- Manager

STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 DAY OF Dec., 2014.

Notary Public in and for the State of Texas

My Commission expires on the 6 day of July, 2017

I, Tony P. Swonke, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this ____ day of ____, 2014.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of "TENNIS VENTURE TRACT" is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "TENNIS VENTURE TRACT", in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this ____ day of ____, 2014.

Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the ____ day of ____, 20__, at ____ o'clock __ M., and was duly recorded on the ____ day of ____, 20__, at ____ o'clock, __ M. and filed under Film Code No. ____ of the Map Records of Harris County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.

Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

I, Rayford L. Stokes, Trustee to Tennis Venture, LLC., owner and holder of a lien against property described in the plat known as "TENNIS VENTURE TRACT", said lien being evidenced by instrument recorded under Harris County Clerk's File No. 2014-03337721 of the Official Public Records of Real Property of Harris County, Texas, do hereby in all things subordinate to said plat said lien and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Rayford L. Stokes, Trustee

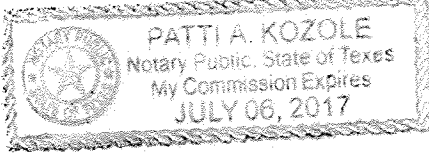
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Rayford L. Stokes, known to me to be the person whose name is subscribed to the foregoing instrument and have acknowledged to me that he has executed same for the purposes and consideration therein expressed, and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 DAY OF Dec., 2014

Notary Public in and for the State of Texas

My Commission expires on the 6 day of July, 2017



PREPARED BY:

Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

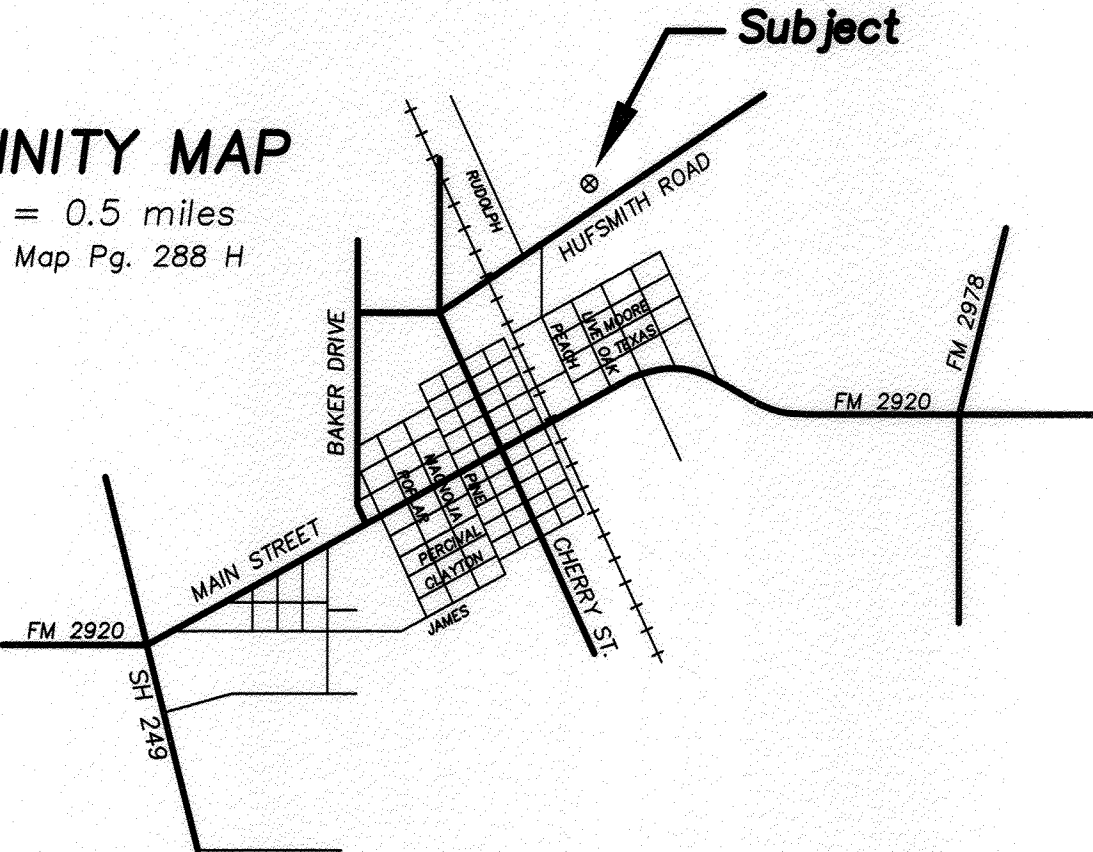
OWNER:

Tennis Venture,
Limited Liability Company
43 Golden Orchard Place
The Woodlands, TX 77345

DATE: December 7, 2014

VICINITY MAP

1" = 0.5 miles
Key Map Pg. 288 H



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

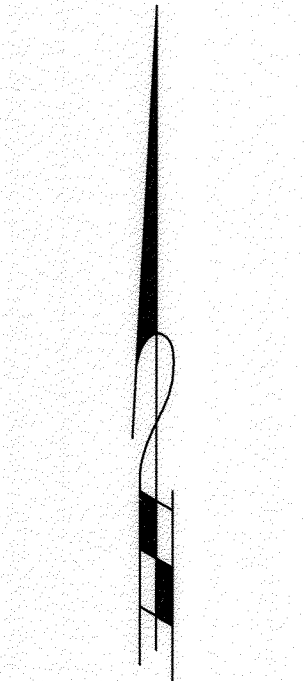
Note #2 All oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.

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

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

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

NOTE #6: This property possibly subject to conditions and stipulations of that certain pipeline easement granted to Humble Oil and Refining Company as set forth in instrument recorded in Volume 1267, Page 196, of the Deed Records of Harris County, Texas, although no evidence of said pipeline exists on this tract.



East line of the
Josephine Survey
Abstract No. 34

Southwest corner
of the Ralph Hubbard
Survey

Northwest corner
of the William Hurd
Survey

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

LOT 60
Vol. 2, Pg. 65
HCCP No. 2008-0509892
(Vacant)
3.087 Ac.

LOT 63
Vol. 2, Pg. 65
HCCP No. 2008-0509892
(Vacant)
4.9133 Ac.

LOT 61
Vol. 2, Pg. 65
HCCP No. 2008-0509892
(Vacant)

LOT 1

4.0170 Acres
(174,980.52 Sq. Ft.)

60 Ft. Bldg. Line (from existing R-O-W)

20 Ft. Utility Easement dedicated to the City of Tomball

25-Foot-Wide R-O-W Dedication for Road Widening

HUFSMITH ROAD
(50 Ft. R-O-W per Vol. 2, Pg. 65, HCCMR)

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

REPLAT:

"TENNIS VENTURE TRACT"

A replat of that certain 4.017 acre tract of land in the Ralph Hubbard Survey, Abstract No. 383, in Harris County, Texas, out of and a part of Lot 64 of FIVE ACRE TRACTS~TOMBALL TOWNSITE, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.

Containing: 1 LOT / 1 BLOCK

Regular City Council Agenda Item Data Sheet

Meeting Date: January 19, 2015

Topic:

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

- Sec. 551.071 – Private consultation with City Attorney in closed meeting regarding Cause No. 1028316; *City of Tomball, Texas v. Edgar C. Ray*, in the County Court at Law No. 3 of Harris County, Texas.

Background:**Origination:**

City Manager

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: January 19, 2015

Topic:

Consideration and possible action regarding settlement of Cause No. 1028316; City of Tomball, Texas v. Edgar C. Ray, in the County Court at Law No. 3 of Harris County, Texas

Background:

Origination:

City Attorney

Recommendation:

N/A

Funding:

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

City Secretary

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