

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



MONDAY, JANUARY 5, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 5, 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 Rick Brown, Senior Pastor, ChristBridge Fellowship

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 Presentations:

- Recognition of ***“Old Town Heroes”***
- City Secretary Office – ***2014 Exemplary Five-Star Designation*** from the Texas Department of State Health Services, Vital Records Division
- City Secretary - ***Master Registrar Certification***

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 Approve the Minutes of the December 15, 2014 Regular City Council Meeting

8.0 Old Business:

- 8.1 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.
- 8.2 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.
- 8.3 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.

- 8.4 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

9.0 New Business:

- 9.1 Administer Oath of Office to Director of Public Works, David Esquivel

- 9.2 Appoint/Reappoint Members to the Tourism Advisory Committee

- 9.3 Approve 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 *Aprobar la Resolución Nro. 2015-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 9 de mayo de 2015; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.*

Chấp thuận Nghị Quyết số 2015-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 9 tháng Năm, 2015; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2015-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2015年5月9日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

- 9.4 Approve Resolution No. 2015-02, a Resolution of the City Council of the City of

Tomball, Texas, Designating the Official Newspaper for 2015 for Publication of Matters Pertaining to the City of Tomball

- 9.5 Approve 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
- 9.6 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.
- 9.7 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
- 9.8 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. 551.072 – 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

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 31st day of December 2014 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 5, 2015

Topic:

- Led by Rick Brown, Senior Pastor, ChristBridge Fellowship

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 5, 2015

Topic:

- Recognition of “*Old Town Heroes*”
- City Secretary Office – *2014 Exemplary Five-Star Designation* from the Texas Department of State Health Services, Vital Records Division
- City Secretary - *Master Registrar Certification*

Background:

The City Secretary's Office has again received the *Exemplary Five-Star Designation* from the Texas Department of State Health Services, Vital Records Division - this is the fourth year.

Tomball was one of only six cities in the State of Texas to receive the 2014 *Exemplary Five Star* designation, which requires meeting or exceeding stringent requirements set forth by the State, including registration of 98% of the City's birth records within one business day, attending annual and regional conferences, and averaging 10 days or less to complete death record registrations.

The *Exemplary Five-Star Designation* is the State's highest honor for vital statistics registrars and would not be possible without the hard work and dedication of each member of the City Secretary's Office.

Origination:

City Secretary Office

Recommendation:

N/A

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:

2014 Five Star Award Winners

2014 Exemplary Five-Star Award Criteria



Exemplary Winners

<i>City of Pharr</i>	<i>City of Tomball</i>	<i>Guadalupe County Clerk</i>
<i>Hunt County Clerk</i>	<i>Kaufman County Clerk</i>	<i>Northeast Texas PHD</i>
<i>Wood County Clerk</i>	<i>City of Grapevine</i>	<i>City of Bryan</i>
<i>Hood County Clerk</i>	<i>Grayson County Clerk</i>	<i>Abilene-Taylor County PHD</i>
<i>City of Baytown</i>	<i>City of Bedford</i>	<i>Collin County</i>
<i>Parker County Clerk</i>	<i>Rusk County Clerk</i>	<i>Waco/McLennan County PHD</i>
<i>Tarrant County Clerk</i>	<i>Dallas County Clerk</i>	<i>Cooke County Clerk</i>

Winners

<i>Aransas County Clerk</i>	<i>Bee County Clerk</i>	<i>Brazoria County Clerk</i>
<i>Brown County Clerk</i>	<i>Caldwell County Clerk - Prec 3</i>	<i>Castro County Clerk</i>
<i>Chambers County Clerk</i>	<i>City of Arlington</i>	<i>City of Austin</i>
<i>City of Beaumont</i>	<i>City of Brownsville</i>	<i>City of College Station</i>
<i>City of Galena Park</i>	<i>City of Harlingen</i>	<i>City of Keller</i>
<i>City of Laredo</i>	<i>City of Lubbock</i>	<i>City of McAllen</i>
<i>City of Mission</i>	<i>City of San Marcos</i>	<i>City of Temple</i>
<i>City of Terrell</i>	<i>City of Victoria</i>	<i>Comal County</i>
<i>Coryell County - Prec 3-4</i>	<i>Crane County Clerk</i>	<i>Denton County Clerk</i>
<i>Ector County</i>	<i>El Paso County Clerk</i>	<i>Ellis County Clerk</i>
<i>Fort Bend County Clerk</i>	<i>Gaines County Clerk</i>	<i>Galveston County Clerk</i>

<i>Hays County Clerk</i>	<i>Johnson County Clerk</i>	<i>Lampasas County Clerk</i>
<i>Matagorda County Clerk</i>	<i>Midland County Clerk</i>	<i>Navarro County Clerk</i>
<i>Polk County Clerk</i>	<i>Roberston County -Prec 1</i>	<i>San Antonio City Clerk</i>
<i>Scurry County</i>	<i>Smith County Clerk</i>	<i>Swisher County</i>
<i>Waller County Clerk</i>	<i>Webb County Clerk</i>	<i>Wilbarger County Clerk</i>
<i>Williamson County Clerk</i>		<i>Wise County Clerk</i>

Texas Department of State Health Services
Vital Statistics Unit

2014 Five Star Criteria for Local Registrars

To qualify for the exemplary award, your facility must meet ALL exemplary designation criteria.

To qualify as a recognized winner, your facility must meet qualifications for ALL criteria.

Qualifications Criteria

1. Timeliness

Average no more than 18 days for all death registrations, including manual, drop-to-paper, and fully electronic, from the date of the event to filing in the state office between January 1, 2014 and September 30, 2014.

Local registration offices averaging 10 days or less will qualify for an Exemplary Five-Star designation.

2. Managing Registration

Submit a fully completed local registrar self-assessment survey provided by the Vital Statistics Unit no later than September 30, 2014. The survey is available at www.texasvsu.org. A documented Site Visit from your Area Representative will meet this criteria.

3. Remote Birth Access System

Local registrars using the Remote Birth Access system must have a search-to-print ratio of 50% or greater from January 1, 2014, to September 30, 2014.

Example: Conducted 250 searches for birth certificates on the remote system and, out of those 100 searches, printed 217 birth records. $217/250 = 86.8\%$ print ratio. If you would like to check your monthly %, you may do so at www.texasvsu.org.

4. Training

Attended the 2013 Annual Vital Statistics Conference or attend one of the 2014 regional Vital Statistics Conferences scheduled in late June.

Local registrars or their staff who attend both the 2013 Annual Conference and one of the 2014 Regional Conferences will qualify for an Exemplary Five-Star designation.

5. Birth Registration

Register 90% of birth records (if any) in the Record Acceptance Queue within **one business day** between January 1, 2014, and September 30, 2014.

Local Registrars who register 98% or more birth records (if any) in the Record Acceptance Queue within one business day will qualify for an Exemplary Five-Star designation.

Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 2015

Topic:

- 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

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 2015

Topic:

Approve the Minutes of the December 15, 2014 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 - December 15, 2014 Regular City Council Meeting

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



MONDAY, DECEMBER 15, 2014

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 Stoll
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
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
Community Development Coordinator – Amelia Vasquez
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Neef-Fiore
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Kenny Rodgers, Anointed Faith Family Church

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

4.0 No comments were received.

5.0 Presentations were made by Mayor Fagan to the ***Broussard Community Park Sponsors*** in recognition of their contributions of time, resources, labor, etc. to the construction day at Broussard Community Park.

6.0 Reports and Announcements:

- December 24-25, 2014 – Christmas Holiday – City Offices Closed; open Friday, December 26, 2014
- January 1, 2015 – New Year’s Day Holiday – City Offices Closed; open Friday, January 2, 2015
- ***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:
 - Rosalie Dillon presented a report on the success of the City’s ***“Christmas on Commerce”***.
 - Denise Neef-Fiore presented a report on the success of the City’s ***“Lamp Post Decorating Contest”***.
 - Councilman Stoll requested consideration and possible action for the purchase of body cameras for Tomball police officers at a future Council meeting
 - Councilman Townsend requested City staff to provide information for Council consideration of methods to mitigate parking problems in the depot area during festivals and other City events, particularly visitors parking in private property owners’ front yards.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 1, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Resolution No. 2014-29-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and 2978 Panormus LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a multi-use project (Peck Station) on approximately 34.495 acres of land generally located at the northwest corner of FM 2978 and FM2920 in Tomball, Texas. 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.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-42, 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 Gas Line Easement across a Certain 0.0125 Acre Tract of Land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the Map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such Gas Line Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; 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 Degges, to approve Tomball Art League Request for In-Kind Support of Two Annual Art Shows at the Tomball Community Center, to be Held Saturday, March 7, 2015 and Saturday, September 19, 2015
- 9.2 Consideration to Approve **ZONING CASE P14-227**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-227** at 6:25 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:25 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-43 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First 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.

- 9.3 Consideration to Approve **ZONING CASE P14-232**: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning 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, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-232** at 6:31 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:31 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-44 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First 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.

- 9.4 Consideration to Approve **ZONING CASE P14-239**: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-239** at 6:37 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:37 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2014-45 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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.

Motion to Amend was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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, with the additional amendment to restrict Auto Parts Sales (new or rebuilt; with outside storage or display) and Tire

Sales (outdoors, with outside storage) in the Old Town & Mixed Use (OT&MU) District. 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, as Amended, carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute the Grant Application for the Houston-Galveston Area Council (H-GAC) 2015 TIP Call for Projects for FM 2920 (Main Street) From Tomball Parkway (Business SH 249) to Willow Street.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute the Grant Application for the Houston-Galveston Area Council (H-GAC) 2015 TIP Call for Projects for FM 2920 (Main Street) From Tomball Parkway (Business SH 249) to Willow Street, and to authorize allocation of matching funds in the amount of \$3,000,000, for the proposed project.

Motion, as amended, carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to ratify the Purchase of Real Property and Authorize City Manager to Execute Contract Assignment of Buyer's Interest from Douglas E. Carter to the City of Tomball for Lots 1-6, Block 27, Elm Street in Tomball, Texas; Property Owned by Jason S. Fuselier and Lori K. Fuselier.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to ratify the Purchase of Real Property and Authorize City Manager to Execute the Contract Assignment of Buyer's Interest from Douglas E. Carter to the City of Tomball for Lot 5, Block 26, 100 Florence Street, Tomball, Texas; property owned by Malinda R. Edmonds.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Settlement Agreement and Release of All Claims between the City of Tomball, Texas, and Jana's Dirt, L.L.C.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2014-47 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First 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.

- 9.10 Council recessed at 7:28 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

Upon reconvening in regular session at 7:48 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of January 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

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.

Background:

On May 12, 2014, City staff identified an addition that had been constructed at the subject site without receiving permits from the City of Tomball.

On May 13, 2014, Mike Dutka, an employee of the applicant, met with City staff to inquire how to rectify the situation.

On May 14, 2014, the applicant turned in a rezoning application requesting the property be rezoned from the SF-20 District to the Commercial District.

On July 21, 2014, Tomball City Council voted to deny the rezoning request but directed City staff to develop a text amendment to allow "Dance/Drama/Music School" land uses with a CUP in the SF-20 District. The text amendment was approved by City Council on October 6, 2014.

On October 22, 2014, Nancy Gomez submitted a CUP application and concept plan showing the addition.

On December 8, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-227.

Origination:

Nancy Gomez

Recommendation:

Adopt Ordinance No. 2014-43 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2014-43

P14-227 Staff Report

Notice of Public Hearing

P14-227 Property Owner Notification Letter

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.

* * * * *

Whereas, the owner of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, in the City of Tomball, Harris County, Texas, (the "Property"), has requested a CUP to operate a "Dance/Drama/Music School;" and

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

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

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

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

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

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

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

Section 2. A CUP to operate a “Dance/Drama/Music School” at the Property, in accordance with the concept plan, attached hereto as Exhibit “A,” and subject to the terms and conditions set forth below, is hereby granted to Nancy Gomez Revocable Living Trust.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

1. The site shall be developed and operated in substantial compliance with Exhibit “A.”

Section 7. 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 8. 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 15TH DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<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 5TH DAY OF JANUARY 2015.

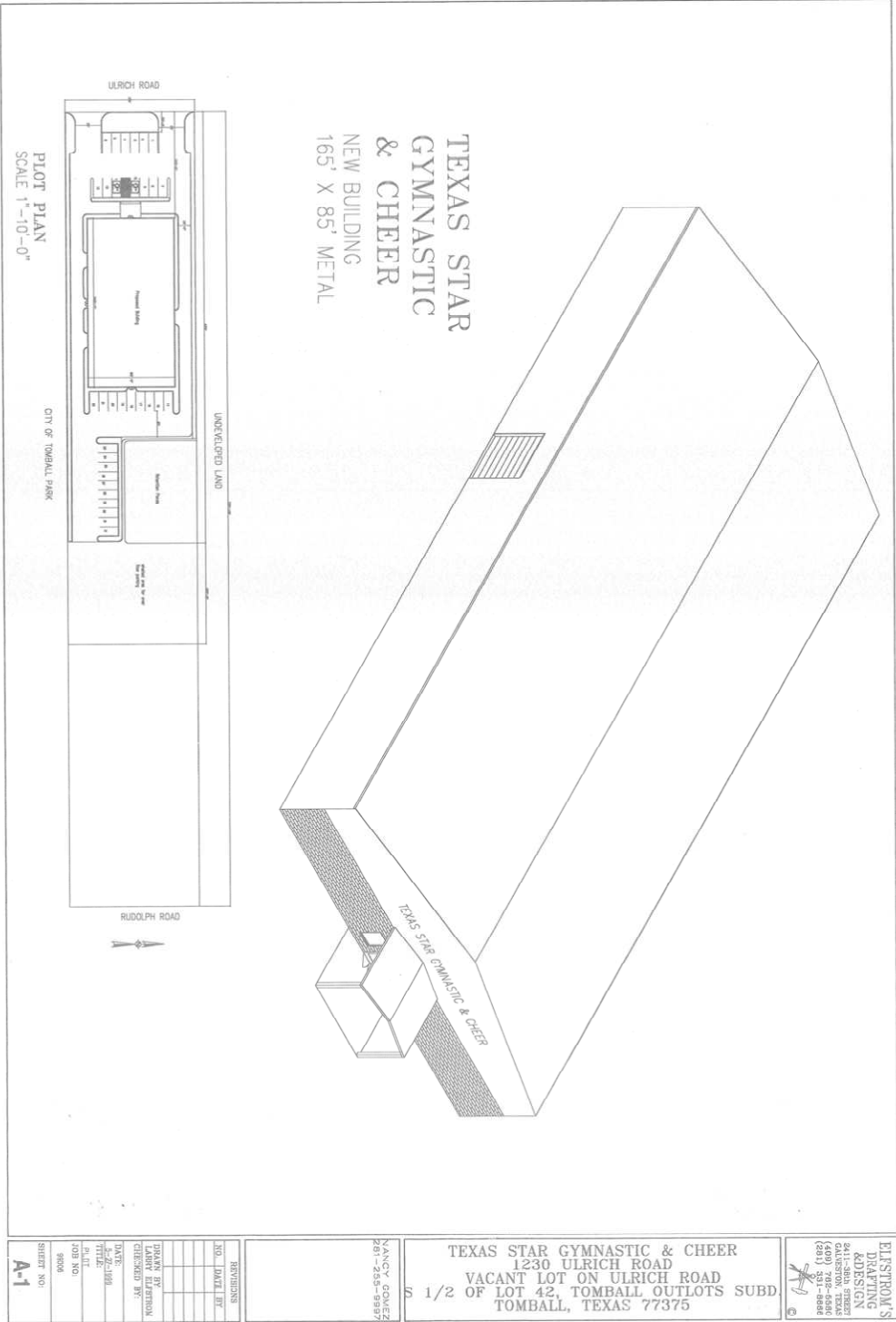
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A" Concept Plan





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: December 8, 2014

City Council Public Hearing Date: December 15, 2014

Rezoning Case: P14-227

Property Owner(s): Nancy Gomez Revocable Living Trust

Applicant(s): Nancy Gomez

Legal Description: Tract 42B, Tomball Outlots

Location: Between Ulrich Road and Rudolph Road, north of East Hufsmith Road (Exhibit "A")

Area: 2.46 acres

Comp Plan Designation: Low Density Residential (Exhibit "B")

Present Zoning and Use: Single-Family Estate Residential-20 (SF-20) District (Exhibit "C") / Texas Star Gymnastics (Exhibit "D")

Proposed Use(s): Texas Star Gymnastics

Request: CUP to allow for an expansion of Texas Star Gymnastics

Adjacent Zoning & Land Uses:

North:	SF-20-E District / Vacant land and single-family residential
South:	SF-20-E District / City of Tomball Park (Jerry Matheson Park)
West:	SF-20-E District / Ulrich Road and City of Tomball Park (Juergens Park)
East:	SF-20-E District / Rudolph Road and vacant land

BACKGROUND

On May 12, 2014, City staff identified that an addition (Exhibit "D") had been constructed at the subject site without receiving permits from the City of Tomball. On May 13, 2014, Mike Dutka, an employee of the applicant, met with City staff to inquire how the situation could be rectified. City staff informed Mr. Dutka that the site was zoned SF-20 District and that the existing land use, Texas Star Gymnastics, was classified as a "Dance/Drama/Music School" per Section 50-82 of the Tomball Code of Ordinances which was not a permitted land use. As this land use classification was not a permitted use in the SF-20 District, Mr. Dutka was informed that no new construction could be permitted without first having the property rezoned to a district allowing this use by right. On May 14, 2014, the applicant turned in a rezoning application requesting the property be rezoned from the SF-20 District to the Commercial District. On July 21, 2014, Tomball City Council voted to deny the rezoning request but directed staff to propose a text amendment to allow the "Dance/Drama/Music School" land use with a CUP in the SF-20 District. The City Council directed text amendment was approved by City Council on second reading on October 6, 2014. On

October 22, 2014, Nancy Gomez submitted this CUP application (Exhibit “E”) and concept plan (Exhibit “F”) showing the awning described above.

ANALYSIS

According to Section 50-81 of the Tomball Code of Ordinances, when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as Low Density Residential which “includes residential development on minimum 20,000 square foot lots (approximately ½ acre) with the intent to provide for a larger lot development pattern. This designation may also include such supporting land uses as parks and recreational facilities, religious institutions, and schools to serve local residents.” The gymnastics school land use appears to be consistent with the Comprehensive Plan because it is permitted by CUP in the SF-20 District which is the district most compatible with the Low Density Residential classification.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

According to Chapter 50 (Zoning) of the Tomball Code of Ordinances, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.” As shown below, the lot and awning are well in excess of the minimum development standards of the SF-20 District. As a result, the external effect of the awning on the existing and planned uses of adjoining property and neighborhood appear to be mitigated.

Development Standard	SF-20 District	Awning/Lot
Height	45' (max.)	10'
Lot Area	20,000 SF (min.)	107,000 SF
Lot Width	100' (min.)	126'
Lot Depth	150' (min.)	818'
Front Setback	35' (min.)	90' (Ulrich Rd.); 700' (Rudolph Rd.)
Side Setback	25' (min.)	40'

Additionally, there do not appear to be any adverse impacts of the existing gymnastics operations.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Chapter 50 (Zoning) of the Tomball Code of Ordinances;**

Should the CUP application be approved, the applicant will be required to submit a full site plan application, and supporting documents, to the City for review and approval before construction. The awning shown on the concept plan appears to be generally consistent with Chapter 50 (Zoning) of the Tomball Code of Ordinances.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. The gymnastics school in general and the awning in particular are not out of character with the other sports and recreation land uses in the vicinity including Jerry Matheson Park, Juergens Park, Texas Prospects baseball academy, Wayne Stovall Park, and the future private tennis club to the east of Texas Prospects.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-227, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

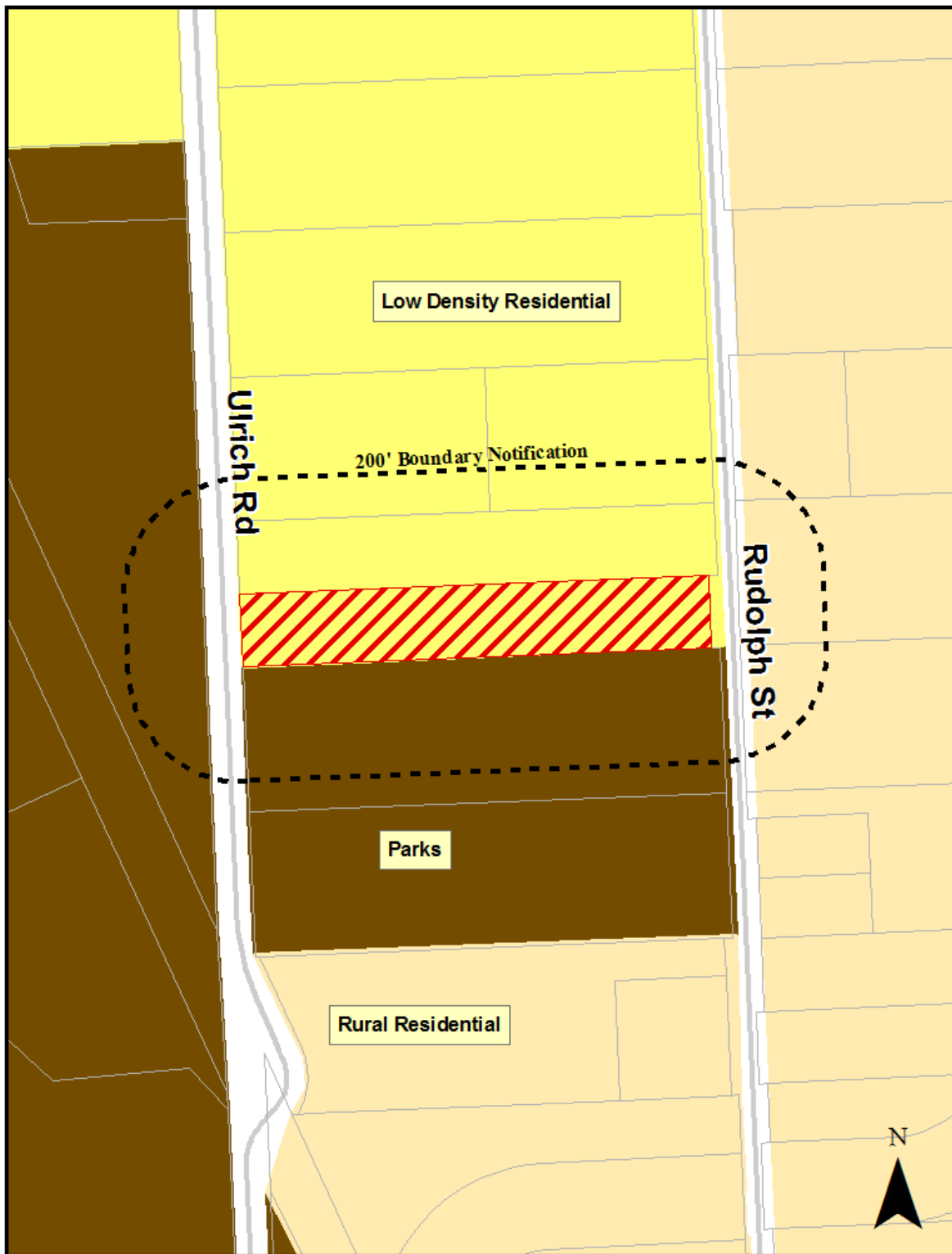


Exhibit "C"
Zoning Map

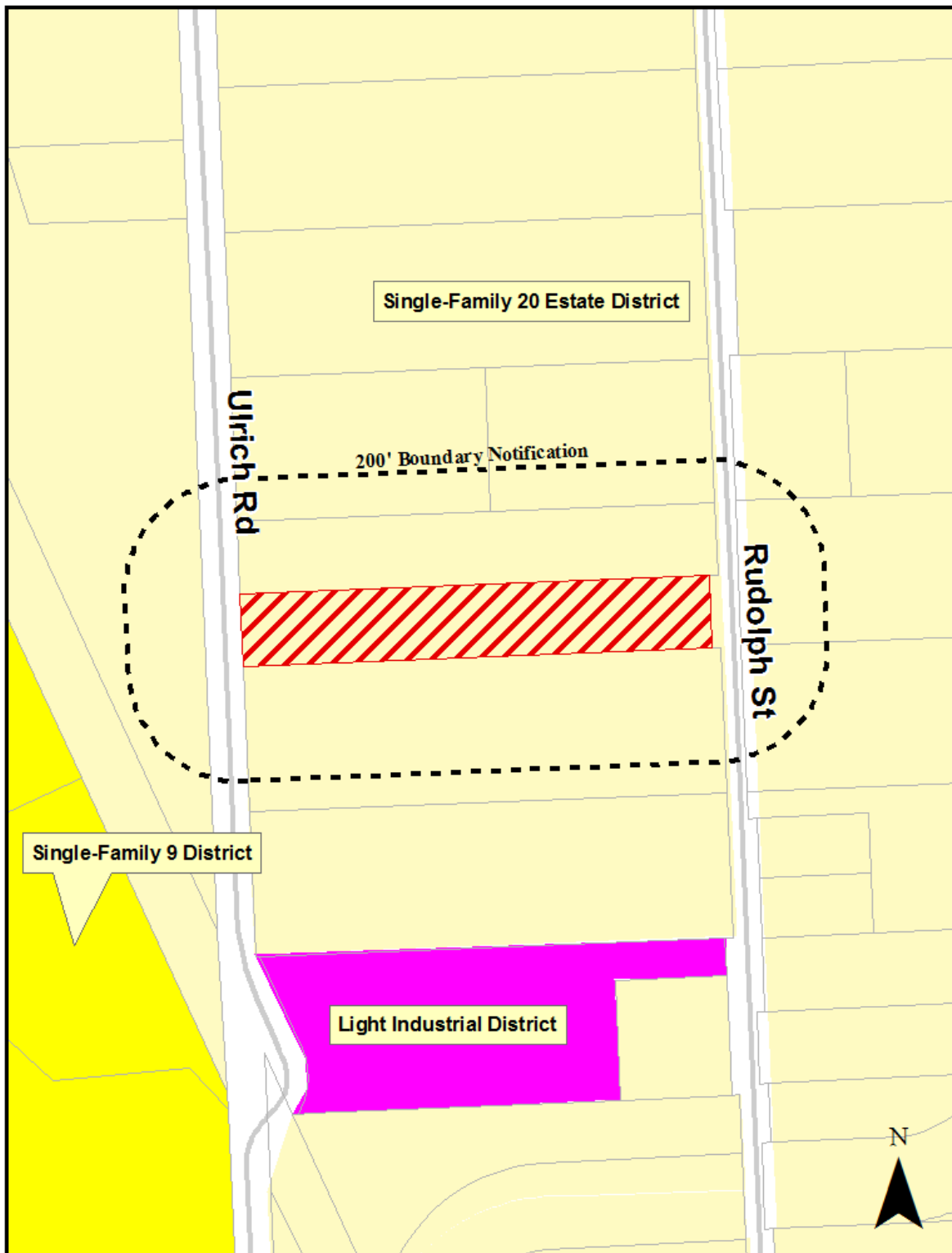


Exhibit “D”
Site Photo



Figure 1: Subject site.
Source: City of Tomball

Exhibit "E"
CUP Application



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

814-227

Revised 1/20/09

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: Nancy A. Gomez Title: President
Mailing Address: 1230 Ulrich Road City: Tomball State: Tx
Zip: 77375
Phone: (281) 255-9997 Fax: () Email: NGomez6883@sbcglobal.net

Owner

Name: Nancy A. Gomez Revocable Living Trust Title: President
Mailing Address: 32210 Spinnaker Run City: Magnolia State: Tx
Zip: 77354
Phone: (281) 734-2506 Fax: () N/A Email: NGomez6883@sbcglobal.net

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Metal Awning

Physical Location of Property: 1230 Ulrich Road Tomball
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 42B Tomball Outlets
[Survey Abstract No. and Tracts; or platted Subdivision Name with Lots Block]

HCAD Identification Number: 0352820000080 Acreage: 108,900 SF

Current Use of Property: Gymnastic School (Dance/Drama/Music Schools)

Proposed Use of Property: Gymnastic School (Dance/Drama/Music Schools)

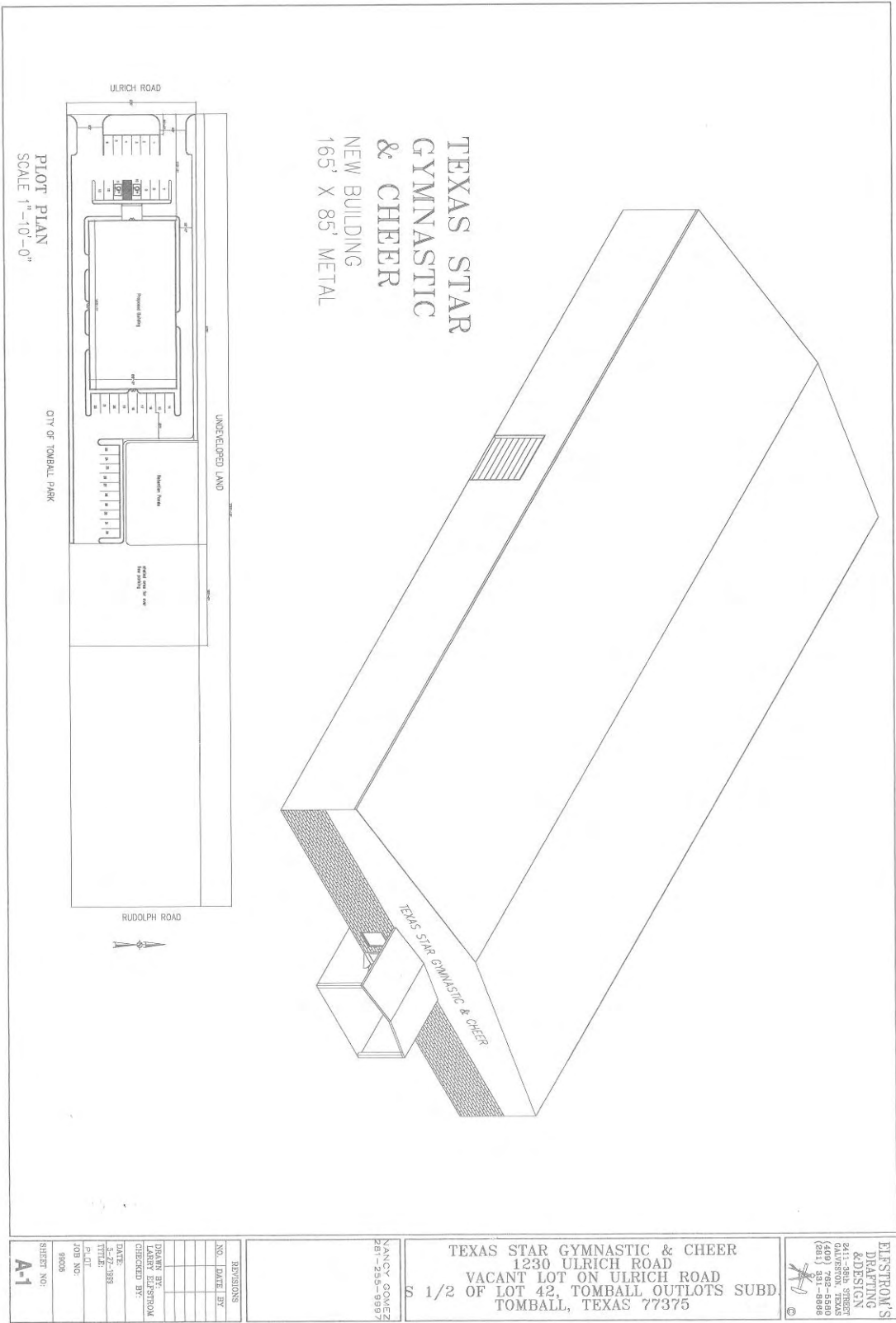
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

x Nancy A. Gomez 10/21/14
Signature of Applicant Date

x Nancy A. Gomez 10/21/14
Signature of Owner Date

Exhibit "F"
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning 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, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

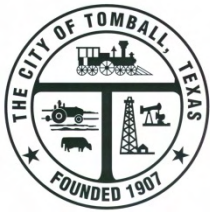
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of December by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez
Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P14-227

APPLICANT: Nancy Gomez

LOCATION: Between Ulrich Road and Rudolph Road, north of East Hufsmith Road

PROPOSAL: Request for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is located in the Single-Family Estate Residential-20 District.

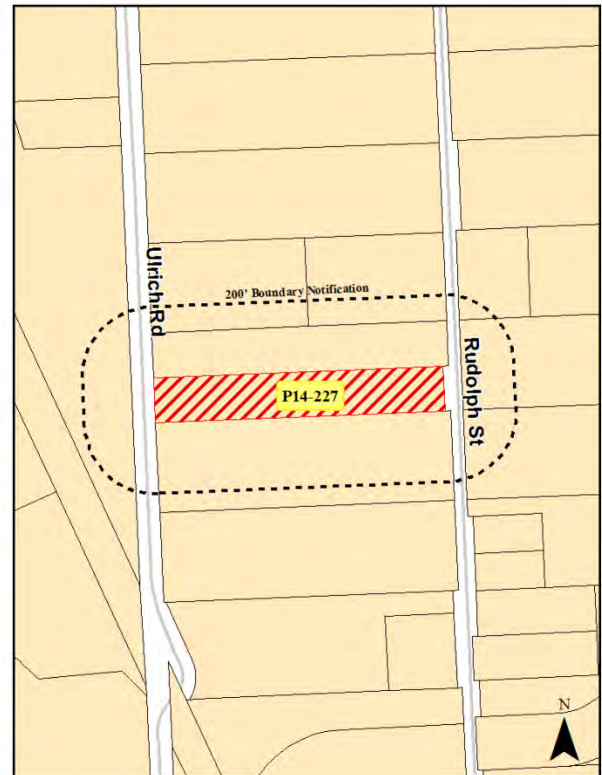
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public 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.



**Planning & Zoning Commission
Public Hearing:
Monday, December 8, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, December 15, 2014, 6:00 PM**

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 5, 2015

Topic:

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.

Background:

On October 15, 2014, Rich Norris, the property owner's land broker, met with City staff to inquire about the property's zoning classification.

On October 29, 2014, the property owner turned in a rezoning application requesting the property be rezoned from the Multi-Family District to the Commercial District.

On December 8, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-232.

Origination:

Pamela Castelain

Recommendation:

Adopt Ordinance No. 2014-44 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. 2014-44

P14-232 Staff Report

P14-232 Property Owner Notification Letter

Notice of Public Hearing

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.

* * * * *

Whereas, Pamela Castelain has requested that approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, generally located south of Baker Drive, west of State Highway 249, 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 Multifamily Residential 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 15TH DAY OF DECEMBER 2014.

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

SECOND READING:

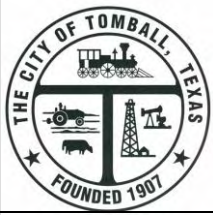
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JANUARY 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Hearing Date: December 8, 2014
City Council Public Hearing Date: December 15, 2014

Zoning Case: P14-232

Property Owner(s): Pamela Castelain

Applicant(s): Pamela Castelain

Legal Description: Tract 7D-3, Abstract 34, Joseph House Survey

Location: South of Baker Drive, west of State Highway 249 (Exhibit "A")

Area: 1.13 acres

Present Zoning and Use: Multifamily Residential (MF) District (Exhibit "B") /
Undeveloped land (Exhibit "C")

Comp Plan Designation: Commercial (Exhibit "D")

Proposed Zoning and Use: Commercial District¹ / Any use permitted by right in the
Commercial District

Adjacent Zoning and Use:

- North:** MF and Commercial Districts / Undeveloped land and a former motorsports sales and service facility
- South:** MF District / Apartment complex
- West:** MF District / Apartment complex
- East:** Commercial District / State Highway 249

BACKGROUND

On October 15, 2014, the property owner's land broker, Rich Norris, met with City staff to inquire about the property's zoning classification. City staff informed him that the property was zoned MF District and had a Comprehensive Plan land use designation of Commercial. Mr. Norris informed City staff that because the property had never been, was not currently, and was not anticipated to be used for multi-family purpose, the property owner would likely be requesting a rezoning. On October 29, 2014, the property owner turned in a rezoning application (Exhibit "E") requesting the property be rezoned from the MF District to the Commercial District.

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

ANALYSIS

The applicant is requesting that the property be rezoned from the MF 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 undeveloped land and former motorsports sales and service facility; to the south and west is an apartment complex; and to the east is State Highway 249. The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses to the north and south along State Highway 249. Additionally, the Commercial District appears to be compatible with the apartment complex to the south and west. The Commercial District establishes larger building setbacks when a use permitted in this district is constructed adjacent to single-family, duplex (two family), patio home, or single-family attached districts. The implication is that the Commercial District uses may be compatible when adjacent to these districts and uses with the establishment of larger building setbacks. The adjacent MF District and apartment complex use are not included in this list and are therefore considered to be generally compatible with the uses permitted in the Commercial District.

The MF and Commercial Districts are the predominant zoning classifications in the vicinity of the subject site, and nonresidential uses and zoning districts comprise the majority of the general FM 249 corridor. To the north are the MF and Commercial Districts; to the south and west is the MF District; and to the east is the Commercial District. As described above, the Commercial District appears to be compatible with the surrounding zoning classifications and uses.

The Comprehensive Plan designates the subject site as Commercial. According to the Comprehensive Plan, “Commercial is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional office uses such as physicians, accountants, or therapy offices would be permitted.” The Commercial District appears to be compatible with the Commercial 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 uses in the vicinity of the subject site.

- 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. There are currently water and natural gas available at this site but sanitary sewer will likely need to be extended to and through this site before development will be permitted to occur.

- 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 Commercial Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 27, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-232.

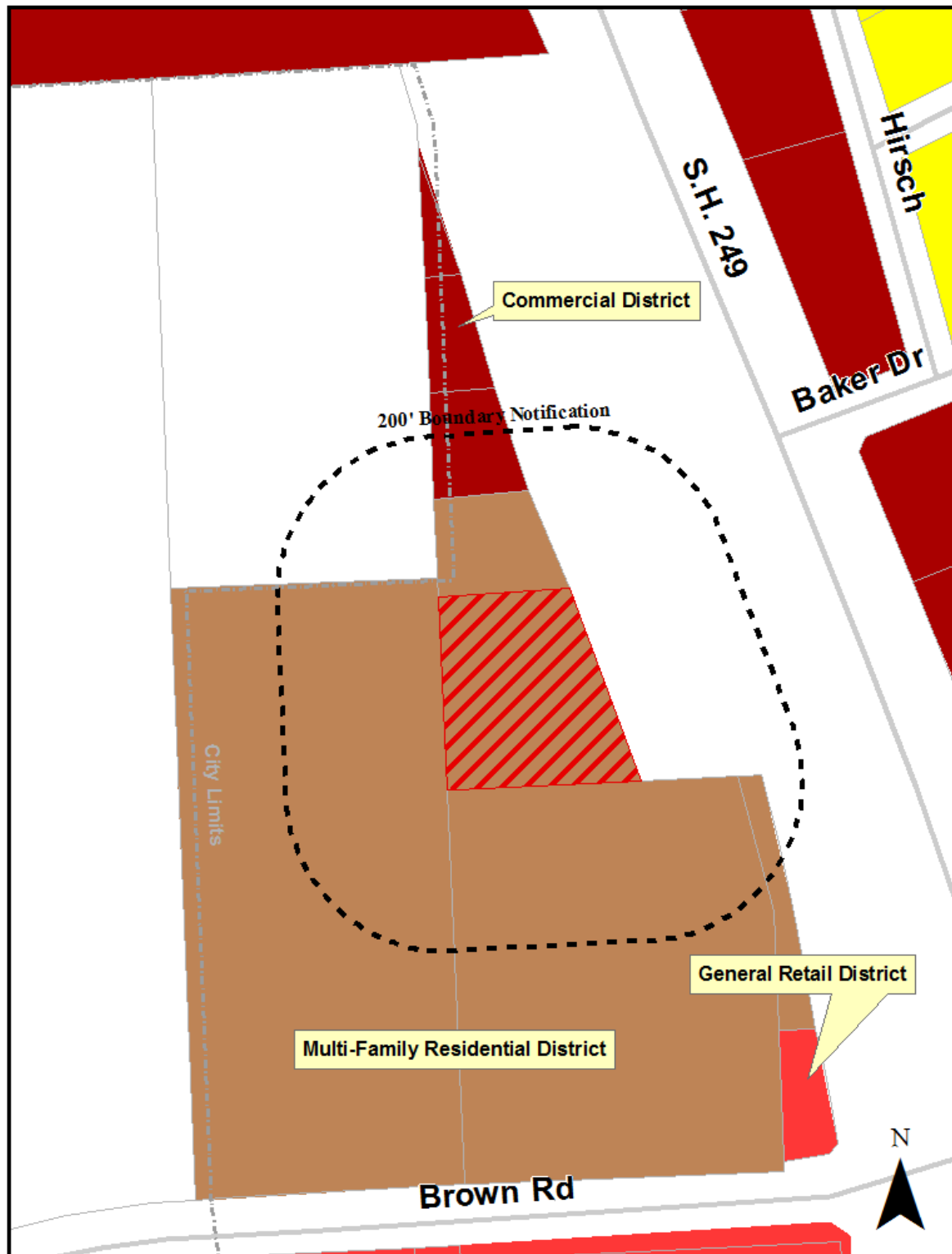
EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: City of Tomball

Exhibit "D"
Comprehensive Plan Map

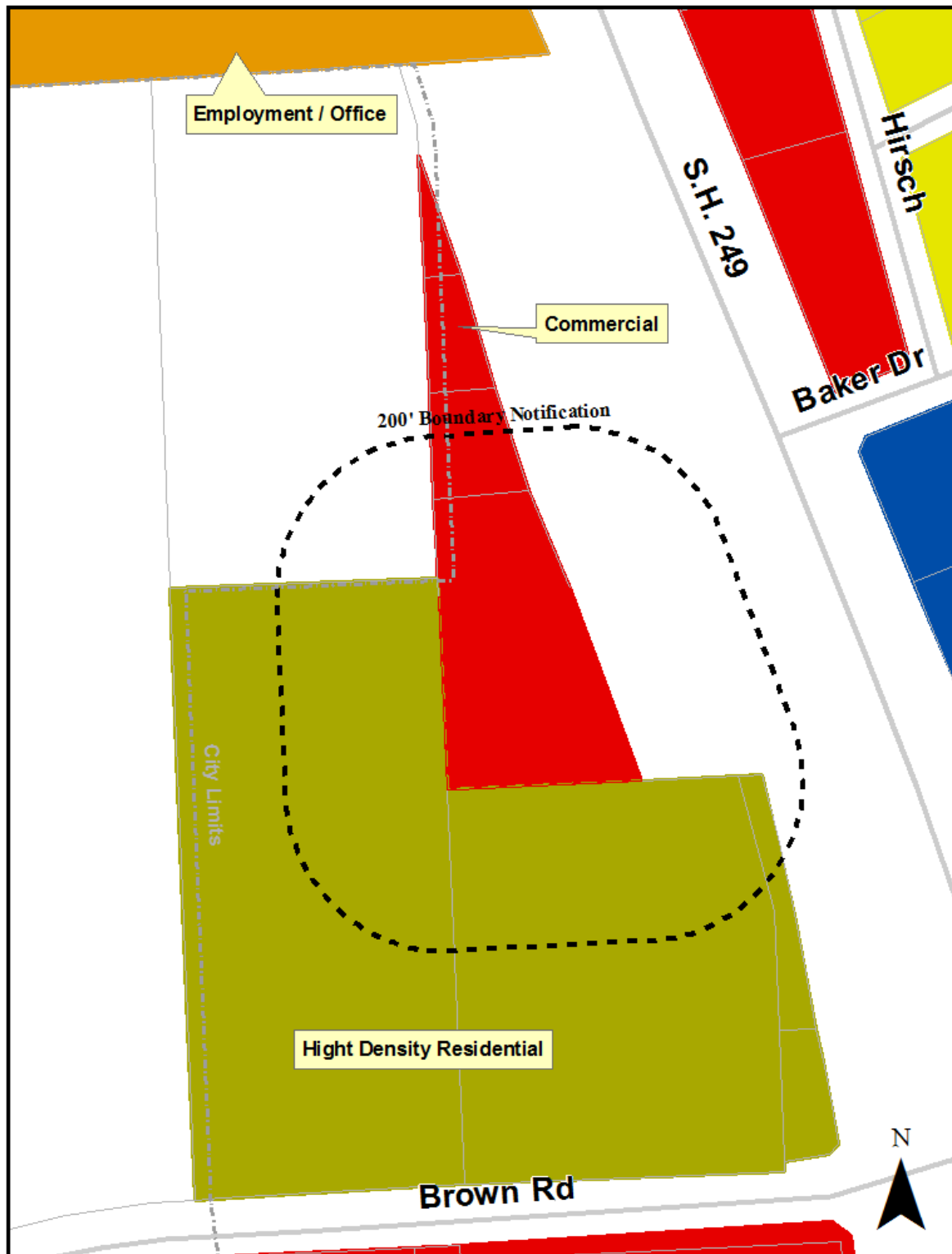


Exhibit "E"
Rezoning Application

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: Pamela B. Castelain Title: Mrs.
Mailing Address: P.O. Box 4626 City: Huntsville State: AL
Zip: 35815
Phone: (256) 797-7770 Fax: (888) 453-5192 Email: pamelacastelain@gmail.com

Owner

Name: Pamela B. Castelain Title: Mrs.
Mailing Address: P.O. Box 4626 City: Huntsville State: AL
Zip: 35815
Phone: (256) 797-7770 Fax: (888) 453-5192 Email: pamelacastelain@gmail.com

Engineer/Surveyor (if applicable)

Name: Robert A. LaPlant, Jr. Title: Registered Land Surveyor, St. of TX
Mailing Address: 17150 Butte Creek Ste 135 City: Houston State: Texas
Zip: 77090
Phone: (281) 440-8890 Fax: () none Email: laplantsurveying@gmail.com

Description of Proposed Project: Commercial / restaurant / retail (site of Viewpoint Restaurant & retail bldg 1971-1997)

29903 & 29915 S.H. 249 (Tomball Parkway) - in front of traffic light at Baker Road; 1.1 miles north of FM 2920, and immediately south of Lone Star College, adjacent to Kawasaki store.

Physical Location of Property: Tract has 250+/- front feet along the west line of Highway 249, Tomball, TX.

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

1.1286 Ac. Tract in the J. House Survey, Abs. 34, Harris Co, TX, being a portion of that called 2.4506 ac.

Legal Description of Property: tract conveyed to Jacques Castelain, et ux in deed recorded under Harris Co Clerk's File Number F256163.

Ref: Tr. 7D-3, TX DOT Tract "508" Remainder [Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

Current Zoning District: Multi-family Residential (recent zoning)

Current Use of Property: Vacant land since 1997 TX DOT taking of Viewpoint Restaurant & retail bldg.; awaiting highway construction.

Proposed Zoning District: Commercial

Proposed Use of Property: commercial (unknown at this time)

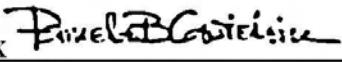
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 040-270-0001-0417 Acreage: 1.1286 acres

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

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

X 

October 28, 2014

Signature of Applicant

Date

X 

October 28, 2014

Signature of Owner

Date

Attachments include:

Nine pages including Letter from Owner, Survey, TXDOT plat, Metes & Bounds description, HCAD Owner & Property Information, 2013 Paid Property Tax Receipt, 2012 Paid Property Tax Receipt.

Ten Page Powerpoint containing the maps and description for Tract 7D-3, Abstract 34, J House Survey, 1.1286 acres, Harris County, Tomball, Texas. HCAD acct. no. 040-270-001-0417

City of Tomball
Planning & Zoning
Community Development Department
501 James Street,
Tomball, TX 77375
Attention: Rodney Schmidt, MPSA
Assistant City Planner

October 28, 2014

RE: 29903 & 29915 S.H. 249
TR7D-3 ABST 34 J House
(1.1286 acres including driveways)
HCAD #0402700010417
Owner: Pamela B Castelain

Dear Mr. Schmidt & Tomball City Planners:

I am the current owner of the subject property, and my late husband and I used to have our restaurant on the property (the Viewpoint Restaurant) from 1972-1997 as well as tenants in a smaller building at 29903 S.H. 249 as retail tenants. The 7,000 sq. ft. restaurant and smaller building were sold to the Texas DOT in a Condemnation proceeding in 1997 for the widening of S.H. 249.

It has come to my attention last week that our Remainder (TR 7D-3 ABST 34 J HOUSE 1.1286 ACRES) on SH 249 has been re-zoned to multi-family, probably due to the apartments behind us. However, we have only had a commercial business on our property, and our buildings had highway frontage adjacent to the Kawasaki store to the north. The Remainder has 205 +/- frontage feet on S.H. 249 with driveways by the TXDOT for access. Also, the HCAD Real Property Account Information shows our zoning as currently being "General Commercial Vacant".

It is my understanding that there will be a zoning hearing in December 8, 2014. Would it be possible for our land to be added to the hearing in order to correct the zoning from multi-family to commercial? I understand that the highway construction has started again, so we will want to move forward with putting our land to commercial use in preparation for the highway completion.

I appreciate your help in this matter.

Sincerely,



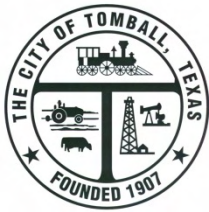
Pamela B. Castelain

Mailing address:

P. O. Box 4626, Huntsville, AL 35815

(256) 797-7770 (AL) & (239) 263-0026 (FL cell)

App.Docs. Page 1



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: P14-232

APPLICANT: Pamela Castelain

LOCATION: South of Baker Drive, west of State Highway 249

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning 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.

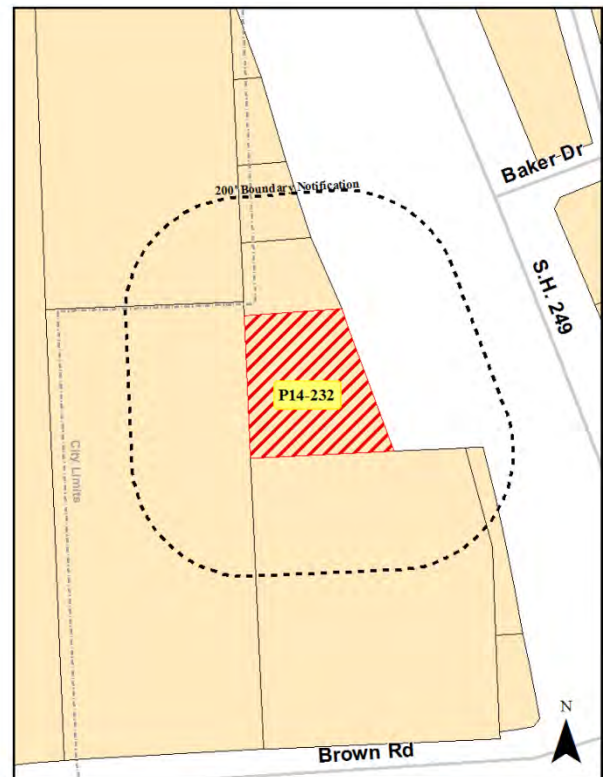
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public 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.



**Planning & Zoning Commission
Public Hearing:
Monday, December 8, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, December 15, 2014, 6:00 PM**

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

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning 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, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of December 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.

Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 2015

Topic:

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.

Background:

On October 20, 2014, City Council directed City staff to bring forward amendments to Section 50-82(b) ("Use Charts") of the Tomball Code of Ordinances to restrict certain transportation and auto service-related uses in the Old Town & Mixed Use (OT&MU) District.

On December 8, 2014, the Planning and Zoning Commission, after conducting a public hearing, unanimously recommended approval of Zoning Case P14-239.

Origination:

City of Tomball

Recommendation:

Approval

Funding:

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

Community Development Department

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

ATTACHMENTS:

Ordinance No. 2014-45- Revised

P14-239 Staff Report

Notice of Public Hearing

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.

* * * * *

WHEREAS, the City of Tomball has requested that Section 50-82(b) (“Use Charts”) 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 Chapter 50 (Zoning) 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 requested amendments to Chapter 50 (Zoning) of the Tomball Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the requested amendments to Chapter 50 (Zoning) 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. Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances is hereby amended as follows:

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Transportation and Auto Services													
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)									P	P	P		1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)									P	P	P	C	1 space per 300 square feet
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡									P	P	P		See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)									P	P	P	C	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡									C	P	P		See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display									C	P	P	C	See Section 50-112
Auto parts sale (new or rebuilt; with outside storage or display)									C	P	P		1 space per 200 square feet
Auto rental									P	P	P	C	1 space per 200 square feet
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡									P	P	P		See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display									P	P	P		See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Auto storage or auto auction ‡										C	P		1 space per 1,000 square feet
Bus or truck storage										P	P		1 space per 1,000 square feet
Tire sales (outdoors, with outside storage) ‡										C	P		1 space per 1,000 square feet
Truck and bus leasing ‡										P	P		1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡										P	P		1 space per 1,000 square feet
Truck terminal ‡										P	P		See Section 50-112

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 15TH DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN 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 5TH DAY OF JANUARY 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: December 8, 2014

City Council Public Hearing Date: December 15, 2014

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

BACKGROUND

On October 20, 2014, City Council directed City staff to bring forward amendments to Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances to restrict certain transportation and auto service-related land uses in the Old Town & Mixed Use (OT&MU) District. The red text below are City staff’s recommendations for amending the “Transportation and Auto Services” section of the use chart.

ANALYSIS

Section 50-82(b) of the Tomball Code of Ordinances currently allows numerous transportation and auto service-related land uses in the OT&MU District by right and with a conditional use permit (CUP) that do not appear to be consistent with the intent of the district. The OT&MU District is intended to preserve and enhance the image, character, and unique qualities of the City's historic original business district. City staff has reviewed the transportation and auto service-related land uses and has proposed the following changes.

- Only allowing all-terrain vehicle sales, new and used auto dealers, motorcycle sales, and personal watercraft sales in the OT&MU District to be conducted indoors and with a CUP;
- Allowing auto rental only with a CUP in the OT&MU District; and
- Prohibiting auto storage/auction, bus or truck storage, truck and bus leasing, truck sales and service, and truck terminals entirely from the OT&MU District.

These changes appear to protect the unique character of the OT&MU District but also give the Planning & Zoning Commission and City Council the flexibility to determine the impact and feasibility of certain transportation and auto service-related land uses on a case-by-case basis through the CUP process.

PROPOSED AMENDMENTS

Section 50-82(b) (“Use Charts”)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Transportation and Auto Services													
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display) ‡									P	P	P	P	1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)									P	P	P	C	1 space per 300 square feet
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡									P	P	P	P	See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)									P	P	P	C	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡									C	P	P	P	See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display									C	P	P	C	See Section 50-112
Auto rental									P	P	P	P C	1 space per 200 square feet
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡									P	P	P	P	See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display									P	P	P	P	See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display									P	P	P	C	See Section 50-112
Auto storage or auto auction ‡										C	P	E	1 space per 1,000 square feet
Bus or truck storage										P	P	E	1 space per 1,000 square feet
Truck and bus leasing ‡										P	P	E	1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡										P	P	E	1 space per 1,000 square feet
Truck terminal ‡										P	P	E	See Section 50-112

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on November 24, 2014. No public comment forms have been received as of December 3, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-239.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 8, 2014
&
CITY COUNCIL
DECEMBER 15, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 8, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 15, 2014, 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 P14-227: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a “Dance/Drama/Music School.” The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

ZONING CASE P14-232: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning 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, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

ZONING CASE P14-239: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of December 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.

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

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

Background:

Origination:

Olson & Olson

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2014-47

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.

* * * * *

WHEREAS, the City of Tomball, Texas ("City") owns a roadway right-of-way 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 and is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes ("Right-of-Way"); and

WHEREAS, the City Council of the City has determined that public necessity and convenience no longer require the existence of the Right-of-Way; and

WHEREAS, the City Council has determined that the Right-of-Way should be vacated, abandoned, and closed for the reason that it is no longer needed by the City; and

WHEREAS, the City Council desires to convey the Right-of-Way to the owner of the property on which the Right-of-Way exists; now, therefore,

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

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

Section 2. That the City Council of the City of Tomball, Texas, hereby finds and determines that the public convenience and necessity no longer require the continued existence of the Right-of-Way described in Section 3 hereof.

Section 3. That the portion of that certain Right-of-Way dedicated to the public and 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 and is more particularly described in Exhibit "A", is hereby vacated, abandoned, and closed.

Section 4. That the City Manager is authorized to execute a special warranty deed conveying Right-of-Way described in Section 3 hereof to the owners of the property on which the Right-of-Way is located in exchange for the receipt of fair market value for the Right-of-Way.

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 15TH DAY OF DECEMBER 2014.

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>

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 5TH DAY OF JANUARY 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this _____ day of _____, 2015,
by Gretchen Fagan, Mayor of the City of Tomball, Texas, a municipal corporation, on behalf of
said corporation.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

After Recording Return To:

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

EXHIBIT A

PROPERTY DESCRIPTION FOR TRACT A

DESCRIPTION OF A TRACT OF LAND CONTAINING 1.2748
ACRES (55, 531 SQUARE FEET) SITUATED IN THE JESSE PRUITT
SURVEY, A-629.
HARRIS COUNTY, TEXAS

Being a tract of land containing 1.2748 acres (55.531 square feet) situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, 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 the residue of a 1.382-acre tract (Michel Road) as conveyed unto the City of Tomball by deed recorded in County Clerk's File No. J819957, Film Code No. 002-64-1844 of the Official Public Records of Real Property of Harris County, Texas. Said 1.2748-acre tract being more particularly described by metes and bounds as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING at a found 1/2-inch iron rod located in the west right-of-way line of Cherry Street (80 feet wide) for the common east corner of Lot 168 and Lot 172 of said Tomball Townsite, the northeast corner of said 1.382-acre tract, and the tract herein described;

THENCE South 02° 29' 18" East with the west right-of-way line of said Cherry Street, the east line of said Lot 172 and said 1.382-acre tract, a distance of 80.00 feet to a found 2-inch aluminum disk for the southeast corner of said 1.382-acre tract, and the tract herein described;

THENCE South 87° 26' 00" West departing the west right-of-way line of said Cherry Street, with the south line of said 1.382-acre tract, a distance of 631.03 feet to a point located in the proposed north right-of-way line of Medical Complex Drive (120 feet wide) for the southwest corner of the tract herein described;

THENCE North 59° 02' 44" West with the proposed north right-of-way line of Medical Complex Drive, a distance of 145.89 feet to a 1-inch pinched pipe found for the common corner of Lots 167, 168, 171, and 172 of said Tomball Townsite, and the northwest corner of said 1.382 acre tract and the tract herein described;

THENCE North 87° 28' 35" East with the north line of said Lot 172, and said 1.382-acre tract and the south line of said Lot 168, a distance of 752.77 feet to the POINT OF BEGINNING and containing 1.2748 acres (55,531 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated December 13, 2011, and titled "MEDICAL COMPLEX DRIVE EXPANSION PROJECT, SEGMENT 3, HARRIS COUNTY, TEXAS".

**COBB, FENDLEY &
ASSOCIATES, INC.**
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242
Job No. 1116-008-01
TRACT A
December 13, 2011



Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 2015

Topic:

Administer Oath of Office to Director of Public Works, David Esquivel

Background:

Origination:

City Manager/Assistant 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 5, 2015

Topic:

Appoint/Reappoint Members to the Tourism Advisory Committee

Background:

The Tourism Advisory Committee (TAC) consists of nine (9) positions. City residents were appointed to Positions 1, 2, and 3, city business owners or employees were appointed to Positions 4, 5, and 6, and members of the hotel industry were appointed to Positions 7, 8, and 9.

The following 3-year terms are expiring and appointments/reappointments must be made for the following positions:

- Representing Tomball Residents:
 - Ken Shuman - Position 1
- Representing Businesses located within Tomball:
 - Holly Cook - Position 4
- Representing a Hotel or Motel located within Tomball:
 - Kevin Lala, America's Best Value Inn of Tomball - Position 7

Mr. Shuman has resigned his position; Mrs. Cook and Mr. Lala have requested reappointment to the Tourism Advisory Committee. Appointees to Positions 1, 4 and 7 will serve three-year terms expiring December 1, 2017.

Attached are Mrs. Cook's and Mr. Lala's applications, along with attendance records of the TAC board members; we have received two applications from other individuals interested in serving on the Tourism Advisory Committee:

Stephen Hughes
Cary Raspberry.

Mayor Fagan recommends the reappointment of Mrs. Cook and Mr. Lala to their respective positions and the appointment of Stephen Hughes to Resident Position 1.

Copies of the applications for Resident representation are provided for Council consideration.

Origination:

City Secretary

Recommendation:

Reappointment of Holly Cook, and Kevin Lala; appointment of _____

Funding:

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

City Secretary

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

ATTACHMENTS:

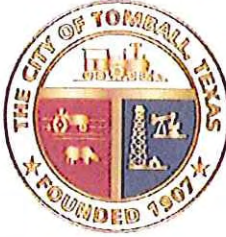
Application - Holly Cook - Business

Application - Kevin Lala - Hotel Industry

Application - Cary Rasberry - Resident

Application - Stephen Hughes - Resident

TAC Attendance - 2013-2014



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type of Print Clearly:

Date: November 2, 2010

Name: Holly O. Cook

Phone: 832-859-8628

Address: 990 Village Sq Dr R-100 Tomball TX 77375

Phone: 713-948-9304 (Home)

Email: hcook@texascitizensbank.com

Phone: 713-948-9304 (Work)

I have lived in Tomball 8 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

☐
☒
☐

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel of
motel, with offices within the city limits of Tomball
an Employee or Officer of a hotel or motel located in the city
limits of Tomball

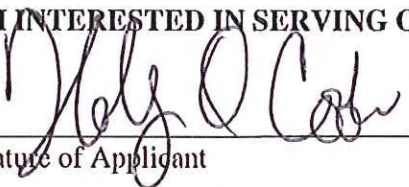
Occupation: Vice President, Banking Center Manager Texas Citizens Bank

Professional and/or Community Activities: Ambassador for the Tomball Chamber, Volunteer for Titans Youth Football, Facilitator and Advisory Member for Network Tomball, Chairman of the 2011 Chairman's Ball (Tomball Chamber), Volunteer Tomball Museum Center

Additional Pertinent Information/References: I have been very active in the Chamber for many years, and look forward to working to be more involved in the City of Tomball. I can provide a list of references if needed.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

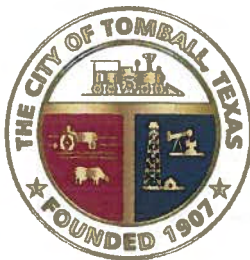
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type or Print Clearly:

Date: 11/7/10

Name: KEVIN LALA

Phone: 214-454-1030
(Home)

Address: 14110 TOMBALL PKWY

Phone: _____
(Work)

Email: KEVIN1171@HOTMAIL.COM

I have lived in Tomball ___ years.

I am ☒ am not ___ a U.S. Citizen

I am applying as (please check all that apply):

- ☐ a Tomball Resident, residing within the city limits of Tomball
- ☐ an Employee, Owner, Officer or Director of a business, other than a hotel or motel, with offices within the city limits of Tomball
- ☒ an Employee, Owner, or Officer of a hotel or motel located in the city limits of Tomball

Occupation: PRESIDENT of AMERICAS BEST VALUE INN of
TOMBALL. NEW PROJECT.

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



CITY OF TOMBALL

2012 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2012 applications expire on December 31, 2014; a new application will be required in 2015.

Please Type of Print Clearly:

Date: 7/7/14

Name: Cary E. Rasberry

Phone:

(Home) cell

Address: Tomball, TX

Phone:

(Work)

Email:

I have lived in Tomball 15 years. I am am not a U.S. Citizen

not consecutive, 3yrs currently

I am applying as (please check all that apply):

X

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel of
motel, with offices within the city limits of Tomball
an Employee or Officer of a hotel or motel located in the city
limits of Tomball

Occupation: Psychologist, Marketing Consultant, Notary Public

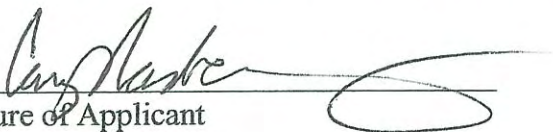
Part-time Minister to Church of Christ

Previous School Teacher and Certified Pharmacy Technician

Professional and/or Community Activities: Tomball Little League Board Member
Previous Vice President of Tomball Parks + Rec Board
Vice Pres of Decker Prairie Cemetery Association
Local business Representative to Chamber of Commerce
Additional Pertinent Information/References: Have lived and Traveled in over 35 countries
Bruce Hilgert, Pete Gloyer
MA in Counseling Psychology ; PhD intern in Health Psychology
Father of 2 sons and Tomball "Homeboy"

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



Board Member Election on Disclosure

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

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

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

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

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

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

☐ home address

☐ home telephone number

☒ personal email address

☒ cell or pager numbers not paid for by the City

☐ emergency contact information

☒ information that reveals whether I have family members.

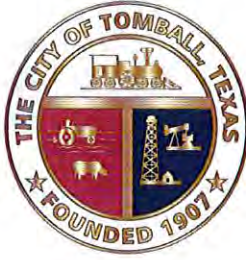
☐ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Board Member's Signature

Date

Cary Rasberry

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2013 applications expire on December 31, 2015; a new application will be required in 2016.

Please Type or Print Clearly:

Date: December 4, 2014

Name: Stephen Hughes

Phone: 281-814-2611

Address: _____

Phone: 713-523-4722 (Home)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 8 years. I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

- ☒ a Tomball Resident, residing within the city limits of Tomball
☐ an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
☐ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

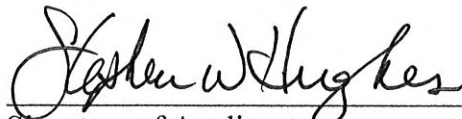
Occupation: Director of Finance (The Center for Hearing and Speech)
<shughes@centerhearingandspeech.org>

Professional and/or Community Activities: Houston Nonprofit Finance Manager Group
Member- Christ Bridge Fellowship

Additional Pertinent Information/References: Pat Bailey, Rick Brown, Shirley
Jackson

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256

Tourism Advisory Committee Attendance 2014

January 28, 2014 – Postponed due to weather

February 4, 2014 (Regular)

Holly Cook
Ken Shuman - [absent](#)
Mary Harvey
Jeffie Cappadonna - [absent](#)
Laura Wilson
Rodney Hutson
Kevin Lala
Prakash Patel
Ronald Tocci

**April 22, 2014
Meeting cancelled**

July 15, 2014 (Regular)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Laura Wilson - absent
Rodney Hutson - [absent](#)
Kevin Lala - [absent](#)
Prakash Patel - [absent](#)
Ronald Tocci

**October 28, 2014 (Regular) NO
QUORUM**

Holly Cook
Ken Shuman-[absent](#)
Mary Harvey
Jeffie Cappadonna-[absent excused](#)
Laura Wilson-[absent](#)
Rodney Hutson
Kevin Lala
Prakash Patel – [absent excused](#)
Ronald Tocci – [absent excused](#)

Ken Shuman resigned October 7, 2014

Tourism Advisory Committee Attendance 2013

January 28, 2013 (Regular)

Holly Cook
Ken Shuman - [absent](#)
Mary Harvey
Jeffie Cappadonna
Laura Wilson - [absent](#)
Rodney Hutson
Kevin Lala - [absent](#)
Prakash Patel - [absent](#)
Ronald Tocci

July 22, 2013 CANCELLED-NO QUORUM

Holly Cook
Ken Shuman - [absent](#)
Mary Harvey
Jeffie Cappadonna
Laura Wilson
Rodney Hutson - [absent](#)
Kevin Lala - [absent](#)
Prakash Patel - [absent](#)
Ronald Tocci - [absent](#)

April 22, 2013 Meeting cancelled

July 30, 2013 (Regular)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Laura Wilson
Rodney Hutson
Kevin Lala
Prakash Patel
Ronald Tocci

October 22, 2013 (Regular)

Holly Cook
Ken Shuman-[absent](#)
Mary Harvey
Jeffie Cappadonna-[absent](#)
Laura Wilson-[absent](#)
Rodney Hutson
Kevin Lala
Prakash Patel
Ronald Tocci

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

Approve 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

Aprobar la Resolución Nro. 2015-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 9 de mayo de 2015; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2015-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 9 tháng Năm, 2015; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2015-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2015年5月9日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

Background:

Resolution No. 2015-01 orders the Regular City Officer's Election, which will be held on Saturday, May 9, 2015 for Council Position 2 and Council Position 4.

The first day to file an Application for Place on Ballot is Wednesday, January 28, 2015; the last day to file an Application for Place on Ballot is Friday, February 27, 2015 at 5:00 p.m. Early Voting will be held April 27-May 1 and May 4-5, 2015.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 28, and Tuesday, May 5, 2015. Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 13, 2015; early voting for the Runoff Election would begin June 1, 2015 and end June 9, 2015.

The contract between Hart Intercivic and the City includes personnel training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election and the special election. The anticipated expenses for the May 9, 2015 election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2014-2015 budget should be sufficient to cover anticipated costs.

As in previous years, a provision has been included in Section 2 to authorize the City Secretary to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified pool of Election Clerks if either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties for whatever

reason.

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2015-01

Funding: Yes

Account Number: 100-114-6371

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2015-01

RESOLUTION NO. 2015-01

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S 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; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 9th day of May, 2015, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**COUNCIL POSITION 2
COUNCIL POSITION 4**

Section 2: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

Patsy Kinsey, Presiding Judge
Latrell Shannon, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code. If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election

officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$12.25; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.25 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4: The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 28, 2015 and Tuesday, May 5, 2015.

Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary

for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8: Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 9: The first day to file an application for place on ballot is January 28, 2015. All candidates for election for the Office of City Council, Position 2 and City Council, Position 4 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 27, 2015 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 13, 2015. Early voting for the Runoff Election will begin June 1, 2015 and end June 9, 2015. All terms, conditions, and provisions established for the May 9, 2015 Regular City Officers Election shall apply to the Runoff Election.

Section 11: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this 5th day of January 2015.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2015-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 9 DE MAYO DE 2015; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

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

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 9 de mayo de 2015, elección en al cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

CONCEJAL, POSICIÓN 2

CONCEJAL, POSICIÓN 4

Sección 2: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Patsy Kinsey, Juez Presidente
Latrell Shannon, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas. Si el Juez Presidente o el Juez Presidente alterno no pueden desempeñar sus funciones asignadas, la secretaria de la ciudad está autorizada a seleccionar un Juez presidente Actuante o un Juez Alterno Actuante de entre los funcionarios electorales calificados, según sea necesario.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$12.25 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$11.25 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser hacerse conformidad con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente esta abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en

persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 28 de abril de 2015 y el martes 5 de mayo de 2015.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de papel y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

Sección 6: Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

Sección 7: Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierran las casillas de votación.

Sección 8: Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 28 de enero de 2015. Todos los candidatos para el cargo de Concejal Municipal, Posición 1 y Concejal Municipal, Posición 5, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 27 de febrero de 2015 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 13 de junio de 2015. La votación anticipada de la Elección de Desempate comenzará el 1 de junio de 2015 y terminará el 9 de junio de 2015. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 9 de mayo de 2015 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

PASADA, APROBADA y RESUELTA este día 5 de enero de 2015.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2015-01

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO
THỨ BẢY, NGÀY 9 THÁNG NĂM, 2015; CHỈ ĐỊNH CÁC ĐỊA
ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH
BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA
THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO
CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI
TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

* * * * *

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

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong
toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 9 tháng
Năm, 2015, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành
Phố Tomball nói trên, gồm có:

VI TRÍ

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 2
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 4**

Mục 2: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử,
phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00)
chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ
nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

Patsy Kinsey, Trưởng Ban Điều Hành
Latrell Shannon, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của
NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ

như đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas. Nếu Trưởng Ban Điều Hành Bầu Cử hoặc Trưởng Ban Điều Hành Dự Khuyết đều không thể thực hiện các nhiệm vụ được chỉ định, Thư Ký Thành Phố được phép chọn ra một Quyền Trưởng Ban hoặc Quyền Trưởng Ban Dự Khuyết từ các Thư Ký Phụ Trách Cuộc Bầu Cử hội đủ điều kiện, nếu cần.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban Điều Hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$12.25; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$11.25 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Thư Ký Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 28 tháng Tư, 2015 và Thứ Ba, ngày 5 tháng Năm, 2015.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và trong bất kỳ trường hợp nào

không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu bầu gửi bằng thư. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Tổng Thư Ký Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu giấy sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Tổng Thư Ký Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mướn các viên chức phụ trách bầu cử tại đây được cấp phép.

Mục 6: Thư Ký Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

Mục 7: Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố sau khi đóng cửa phòng phiếu.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp Tiểu Bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo Luật Về Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của Thành Phố Tomball sẽ được bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 28 tháng Giêng, 2015. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 2 và Vị Trí 4, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 27 tháng Hai, 2015 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 13 Tháng Sáu, 2015. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 1 Tháng Sáu, 2015 và kết thúc ngày 9 tháng Sáu, 2015. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 9 tháng Năm, 2015 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày 5 tháng Giêng, 2015.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

決議案編號 2015-01

TOMBALL市市議會決議及指示將於2015年5月9日星期六召開市政府官員普選；指定該選舉之投票地點及委派選舉工作官員；指揮該選舉公告之發佈；指定如有需要的二次決選日期；以及提供舉行該選舉的相關細節

* * * * *

由德克薩斯州TOMBALL市議會決議的適用條款如下：

第一條： 特此指示德克薩斯州Tomball市在2014年5月10日，星期六舉行普選，在該項選舉中將由符合資格的選民選舉Tomball市下列官員，即是：

席位

市議會席位2

市議會席位4

第二條： 構成一個選舉區目前的市政區界限，下列投票所開放投票的時間將為上午七時(7:00)至下午七時(7:00)，在此指派於指定之投票所辦理投票事宜的官員如下：

投票所

Tomball市政廳
401 Market Street
Tomball, Texas 77375

執行選舉官員

Patsy Kinsey, 主理法官
Latrell Shannon, 替代主理法官

依照德克薩斯州選舉法32.009條規定，在此授權并指派市府秘書向法官們提交此**決議書**副本作為其任命之書面通知。如果主理法官或替代主理法官均無法執行其委派職責，在需要時授權市府秘書於符合資格的選舉書記中選擇一位代理主理或代理替代主理法官。

主理法官將有權委派不超過七名書記協助舉辦此項選舉，但在任何情況下主理法官不得委派兩名以下的書記。提述之選舉官員也將擔任此項選舉的提前投票選票委員會的工作；該選區的主理法官亦同時擔任提前投票選票委員會的主理法官。

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$12.25；提前投票書記及選舉書記之酬薪為每小時\$11.25。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工作是必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

第四條： 市府秘書在此委派提前投票之選舉書記；市府秘書應將依照德克薩斯州選舉條例第83.001條及該條款下列相關條款規定委派提前投票之代表書記或書記。此項選舉的提前投票地點在此指定於：

市政廳
德州Tomball市
401 Market Street
Tomball, Texas 77375

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45)至下午五時(5:00)、週二上午七時四十五分(7:45)至下午七時四十五分(7:45)、週五上午七時四十五分(7:45)至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005 (d) 條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2015年4月28日，星期二及2015年5月5日，星期二開放每日12小時供個人出席的提前投票；

提述之書記不得允許任何人在書記辦公室非正常工作日內進行個人出席提前投票，在該辦公室未對外開放時，在任何情況之下絕不允許任何人進行個人出席提前投票。上述提前投票地點亦為辦理選票申請及郵寄選票書記辦公室的通訊地址。依據德州選舉條例規定，提前投票書記應保存每位進行個人出席提前投票和寄發郵寄選民的名冊。名冊應保持州務卿批核之格式。

第五條： 所有選票均依照的州選舉條例進行準備。郵寄提前投票將使用紙張選票，個人出席提前投票和選舉日投票將使用eSlate 直接記錄電子 (DRE)投票系統，兩者均為eSlate DRE 投票系統之部分。州務卿已核準市議會在此通過提前投票及選舉日使用eSlate直接記錄電子 (DRE) 投票系統。所有舉辦選舉、材料採購、以及選舉人員的僱聘之必要支出在此業經授權。

第六條： 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

第七條： 此項選舉公告的發佈依照德克薩斯州選舉條例之規章，公告回執亦應按上述條例進行。市長將開具所有有關此項選舉必要的命令及令狀，每項選舉回執在投票所關閉后應提交市府秘書。

第八條： 提述之選舉將依據德克薩斯州憲法第11章，第11條之規定辦理，德克薩斯州選舉條例及1965年聯邦投票權法案修正案規定市行政單位超過兩年的任期，必須在空缺發生的120日內填補該項空缺，唯有Tomball市正式合格的居民選民才能取得投票資格。

第九條： 開始申請參選選票席位的第一天為2015年1月28日。所有競選市議會席位2及市議員辦公室市議會席位4之候選人必須在2015年2月27日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

第十條： 如果需要進行二次決選，二次決選定於2015年6月13日。二次決選的提前投票將於2015年6月1日開始并於2015年6月9日結束。2015年5月9日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

第十一條： 在此依法授權及指示市府秘書發佈上述選舉公告。

於2015年1月__5__日通過，核準并決議。

GRETCHEN FAGAN, 市長
Tomall市

此證：

DORIS SPEER, 市府秘書
Tomall市

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

Approve Resolution No. 2015-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2015 for Publication of Matters Pertaining to the City of Tomball

Background:

Section 3.06 of the Home Rule Charter requires the City Council to annually designate a public newspaper of general circulation in the City as the official newspaper for all legal notices—ordinances, public hearing notices, election notices, and other matters required to be published by the Charter, Tomball ordinances, the Constitution or state or federal laws.

The major portion of the City's official advertising involves legal notices, some of which are quarter-page ads required to run as display ads. Although the official newspaper must be used for the City's legal notices, staff members also run notices in both papers, depending on the type of advertisement or if it is necessary to meet state or charter deadlines. For example, HR may run employment ads in both papers, the Houston Chronicle, and trade magazines, depending on the market we are trying to reach, and the Marketing Department may run display ads in either the official newspaper or in both papers, depending on which paper has the best publication date for the event.

Each year, City staff solicits advertising rate proposals from the Potpourri (Houston Community Newspapers) and the Tomball-Magnolia Tribune for Council's consideration in designating the official newspaper. A tabulation of the proposals received is attached, along with proposals and additional information provided by each newspaper. Rates were solicited for legal notices (the major portion of Tomball's advertising expenditures) and for non-legal notices (display ads, Tax Rate and Budget Notices, i.e., large displays in the body of the paper instead of the classified/legals section). Rates were not solicited from the Houston Chronicle because the majority of our notices are legal notices and the Chronicle's Ultimate Tomball rates for legal notices are substantially higher than either the Potpourri or the Tribune; for example, a single publication of the notice of application for the City's storm sewer system, required by the state, cost \$2,279.56.

A tabulation sheet is provided, indicating the quotes received for each sample provided to the newspapers. The rates presented by each newspaper indicate that the cost of legal notices in the Tribune may generally be less expensive than similar notices in the Potpourri, depending on the finished size and location requirements of each notice. No display/retails ads were provided by the Potpourri for comparison; however, in comparing display ad costs between the two papers for 2014, neither newspaper showed a clear cost advantage.

Both the Tribune and the Potpourri have Internet sites and we have enjoyed excellent relationships with both newspapers. The Tribune states a total circulation of 49,190 direct mail customers in the Tomball-Magnolia-Pinehurst area. The Potpourri states current circulation numbers of 17,200 home-delivery customers in Tomball. Both newspapers provide locations where papers can be picked up. The Tribune's publication date is on Monday and the Potpourri's publication date is on Wednesday.

In 2014, the Tribune was designated as the official city newspaper. During 2014, the City paid \$45,225.57 to the Tribune for legal notices and advertising (including \$24,194.40 for the 2014 Charter Amendment Election) and \$5,152.57 to the Potpourri (primarily for marketing/display advertising).

Designations of the official newspaper for the last fifteen years have been:

2014 - Tomball Magnolia Tribune
2013 - Tomball Magnolia Tribune
2012 - Tomball Magnolia Tribune
2011 - Tomball Magnolia Tribune
2010 - Tomball Magnolia Tribune, changed mid-year to The Potpourri
2009 - The Potpourri
2008 - Tomball Magnolia Tribune
2007 - The Potpourri
2006 - The Potpourri
2005 - The Potpourri
2004 - The Potpourri
2003 - The Potpourri
2002 - The Potpourri
2001 - Tomball Magnolia Tribune
2000 - The Potpourri.

The proposal from each newspaper is attached, along with information regarding the cost of publications in each newspaper for 2014.

Origination:

Home Rule Charter/City Secretary

Recommendation:

N/A

Funding: Yes

Account Number: Responsible Departments, Acct. 6335

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2015-02

Tabulation of Responses

Potpourri Proposal and Sample Ads

Tribune Proposal and Sample Ads

Costs of Publication - Potpourri

Costs of Publication - Tribune

RESOLUTION NO. 2015-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, DESIGNATING THE OFFICIAL
CITY NEWSPAPER FOR 2015 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

WHEREAS, the Home Rule Charter of the City of Tomball, Section 3.06 – Official Newspaper, states:

“The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas.”

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates the _____ to be named the official newspaper for 2015 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

PASSED AND APPROVED BY A VOTE OF ___ TO ___ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 5TH DAY OF JANUARY 2015:

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Rate Quotes for Sample Newspaper Ads - 2015			
	Tomball Magnolia Tribune		Houston Community Newspapers
1. Notice of Tax Revenue Increase	\$582.75		\$300.00
2. Notice of Vote on Tax Rate	\$74.00		\$80.00
3. Notice to Bidders	\$75.60		\$172.90
(Boxed Ad)	\$222.00		\$172.90
4. Mayor's Coffee (color/display)	\$302.00		
5. Ordinance No. 2014-39	\$40.50		
Ordinance No. 2014-40	\$39.60		
Ordinance No. 2014-41	\$38.70		
Ordinance No. 2014-42	\$45.00		
(boxed ad rates would be significantly higher)			
6. Trail Ride Reception (color/display)	\$357.50		
7. Notice of Intention to Issue Certificates of Obligation	\$54.00		
(Boxed Ad)	\$148.00		
8. Notice of Special Election	\$223.20		
(Boxed Ad)	\$740.00		
9. Public Notice of Test (we only publish as line ad - 4 languages)	\$79.20		
(Boxed Ad)	\$222.00		
10. Notice of Public Hearing	\$88.20		
(Boxed Ad)	\$259.00		
11. Notice of Availability for Review - CAFR	\$68.40		
(Boxed Ad)	\$185.00		
12. Notice of Public Hearing - Park Grant Application	\$288.00		
(Boxed Ad)	\$851.00		
13. 2014 Property Tax Rates - Line Ad (never run this way)	\$4,884.00		
(We only run as Boxed Display Ad)	\$582.75		
Highlighted = preferred method of publication (line ad versus boxed or display ad)			

Doris Speer

From: Susan Curr <scurr@hcnonline.com>
Sent: Tuesday, December 02, 2014 4:32 PM
To: Doris Speer
Subject: RE: Designation of Official Newspaper for 2015
Attachments: Tombal Proposal.pdf

Doris

Thank you for this opportunity. Our Tomball Potpourri is a Wednesday pub and final deadline is 4pm Friday. It is a home delivered, residential newspaper. The Tomball Potpourri distributes to zip codes 77375 and 77377. Both with 8,600 circulation totaling 17,200. Location of local office is; 21901 Tomball Parkway, Suite 500, Houston TX 77070. Attached you will find the Tomball Potpourri newspaper requirements, mechanics and pricing. This is special pricing for you, and is based on a year contract with the Tomball Potpourri being your newspaper of record.

Thank you again
Susan

Susan Curr
Houston Community Newspapers
Legals Account Specialist
281-378-1025
Fax 1-855-441-6397 Toll Free
scurr@hcnonline.com

Thank you for your interest in The Houston Community Newspapers

From: Doris Speer [<mailto:DSpeer@tomballtx.gov>]
Sent: Tuesday, December 02, 2014 9:26 AM
Subject: Designation of Official Newspaper for 2015

Good afternoon –

I am requesting information to provide to Council for its designation of the official newspaper for 2015.

Please provide the following information regarding your newspaper:

1. Date published each week and deadline for submittals for publication;
2. Method of delivery to various customers (commercial, residential, etc.);
3. Distribution numbers and area(s);
4. Physical location of local office.

I have attached samples of possible notices that may be published in your paper during 2015. Please provide:

1. the finished size of each notice, both in columns and inches;
2. the cost of each notice.

As information, under Tex. Gov't Code § 2051.042, the provision requires that the newspaper must:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
 - (2) be published at least once each week;
 - (3) be entered as second-class postal matter in the county where published;
- and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice. Tex. Gov't Code § 2051.044

Please provide this information no later than Monday, December 29, 2014, as I plan to submit the designation of the official newspaper to Council at the January 5, 2015 meeting.

Please contact me if you have any questions.

Doris Speer
City Secretary/RMO, TRMC, CMC
401 Market Street
Tomball, Texas
Pop: 10,753 (2010 Census)
(ofc) 281-290-1002
(fax) 281-351-6256
(email) dspeer@tomballtx.gov
(email) dspeer@ci.tomball.tx.us <mailto:dspeer@ci.tomball.tx.us>

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.

Tomball Potpourri

NEWSPAPER REQUIREMENTS

General Circulation:

Please give circulation area (subdivisions, street boundaries, etc.). This is necessary to determine if the newspaper is circulated within the entity the publication is for.

Tomball Texas
Zip Codes: 77375, 77377

The newspaper must:

devote at least 25% of space to general interest items, Yes ☒ No ☐

be published at least once a week, Yes ☒ No ☐

have been published for at least the last 12 month, Yes ☒ No ☐

be entered as second-class postal matter in the county of publication, Yes ☒ No ☐

Postal Permit # 386-1805
(Please attach copy)

Person completing this form Susan Curr

Date 12/2/14 Title Legal Advertising Consultant

Classifieds

MECHANICS		
Columns	Inches	picas
1	1.638	9.83
2	3.388	20.33
3	5.138	30.83
4	6.888	41.33
5	8.638	51.83
6	10.388	62.33
Length	20.5"	

ROP Modular Sizes

Modular Size	Column Size	Actual Size
Full Page	6 column x 20.5"	10.388" x 20.5"
3/4 Page	5 column x 17"	8.638" x 17"
1/2 Page (H)	6 column x 10"	10.388" x 10"
1/2 Page (V)	3 column x 20"	5.138" x 20"
1/3 Page	4 column x 10"	6.888" x 10"
1/4 Page (H)	6 column x 5"	10.388" x 5"
1/4 Page (V)	3 column x 10"	5.138" x 10"
1/8 Page (H)	3 column x 5"	5.138" x 5"
1/8 Page (V)	2 column x 7.5"	3.388" x 7.5"
1/16 Page (H)	4 column x 2"	6.888" x 2"
1/16 Page (V)	2 column x 4"	3.388" x 4"

Notice of Tax Revenue Increase

The **CITY OF TOMBALL, TEXAS** conducted public hearings on October 3, 2011 and October 10, 2011 on a proposal to increase the total tax revenues of the **CITY OF TOMBALL, TEXAS** from properties on the tax roll in the preceding year by 32.25 percent.

The total tax revenue raised last year at last year's tax rate of \$0.251455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, was \$2,841,514.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$3,744,913.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$3,793,305.

The **CITY OF TOMBALL** is scheduled to vote on the tax rate that will result in that tax increase at public meetings to be held on **October 17, 2011** at 6:00 p.m. and on **October 24, 2011** at 5:30 p.m. at **Tomball City Hall, 401 Market Street, Tomball, Texas.**

The tax information above is published as a requirement of State Law.
Your individual taxes will not increase unless Harris County Appraisal
District has appraised your property at a higher value.

Regular section - ROP (modular sizes only)
1/4 pg v 3 col x 10"
5,138" x 10"
\$300.
(\$10.00 per)

Notice of Vote on Tax Rate
The CITY OF TOMBALL, TEXAS
is scheduled to vote on the tax rate at
public meetings to be held
on **September 20, 2010** at 7:00 p.m.
and on **October 4, 2010** at 7:00 p.m.
at **TOMBALL CITY HALL**
401 Market Street, Tomball, Texas

The tax information above is published as a courtesy. Your individual taxes will not increase unless Harris County Appraisal District has appraised your property at a higher value. The tax rate for the City of Tomball remains the same for the fifth year.

Regular Section - ROP (modular sizes only)
11/16/22 page 2 x 4 or 4 x 2
3.388" x 4" or 6.888" x 2"
\$80. (\$10.00 per sq ft)

NOTICE TO BIDDERS

The City of Tomball shall accept sealed bids to purchase, or to exchange other land for, the following land and improvements owned by the City and located at 101 South Walnut Street in the City:

A 0.1148-acre tract of land called Lots 11 and 12, Block 3, out of the Tomball Townsite, Harris County, Texas.

A **minimum** total purchase bid of **\$150,000** is required; or alternatively, a bid for the exchange of other land with a minimum appraised value of **\$150,000**. Additionally, the City of Tomball will only consider a bid for the exchange of land if such land is located within the Old Tomball Townsite.

Sealed bids shall be addressed to the City Secretary, City of Tomball, 401 Market Street, Tomball, Texas, 77375, and shall be labeled "**Project Number 2011-04, DO NOT OPEN**" and shall be marked with the Bidder's name and address. Any bid received after the time specified will be returned unopened. Any bid that does not conform in all material respects to the Notice to Bidders will be considered non-responsive. Bids will be accepted until 9:00 A.M., Tuesday, May 3, 2011, at which time all bids shall be opened and read aloud.

Each bidder is required to submit a cashier's or certified check issued by a bank satisfactory to the City of Tomball in an amount of not less than (1%) of the total amount of the bid submitted for purchase, or (1%) of the appraised value of the other land for exchange, as a guarantee that the bidder will enter into a sales contract within 15 days after notice of award of the contract to him. A pro forma copy of the sales contract may be obtained from Doris Speer, City Secretary, City of Tomball, 401 Market Street, Tomball, Texas 77375. It shall be each bidder's sole responsibility to inspect the property and obtain information regarding the condition and all factors relative to the sale. All such information may be obtained from the City Secretary's office, at the address provided above.

Upon consideration of the bids, the City of Tomball reserves the right to accept or to reject any or all bids, to waive any informality or technicality, to make any investigation deemed necessary concerning the bidder's ability to complete the sale, and accept what, in the City's judgment, is the most advantageous bid.

~~42 lines x 2 columns = 84 x .90 = \$75.60~~

2002 x 4.75
\$ 172.90

See next page
for proof

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Classifieds - Legal Notices

2.00 x 4.75"

3.388" x 4.75"

\$ 172.90

(\$18.20 per)

THE TRIBUNE

Please provide the following information regarding your newspaper:

1. Date published each week and deadline for submittals for publication:
Published every Monday and Deadline is Wednesday by 5 p.m.
2. Method of delivery to various customers (commercial, residential, etc.):
Mailed through the US Postal Service
3. Distribution numbers and area(s):
Distribution is 49,190 and we mail to Tomball, Magnolia and Pinehurst
4. Physical location of local office:
517 West Main St., Tomball, TX 77375

Kind Regards,
Georgia Keen (art director)
for
Nancy Nygaard (publisher)

Notice of Tax Revenue Increase

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**The tax information above is published as a requirement of State Law.
Your individual taxes will not increase unless Harris County Appraisal
District has appraised your property at a higher value.**

Boxed Display Ad
3 columns x 10.5" = 31.5 x \$18.50 = \$582.75

Notice of Vote on Tax Rate

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is scheduled to vote on the tax rate at
public meetings to be held
on **September 20, 2010** at 7:00 p.m.
and on **October 4, 2010** at 7:00 p.m.
at **TOMBALL CITY HALL**
401 Market Street, Tomball, Texas

The tax information above is published as a courtesy. Your individual taxes will not increase unless Harris County Appraisal District has appraised your property at a higher value. The tax rate for the City of Tomball remains the same for the fifth year.

Boxed Display Ad

2 columns x 2 inches = 4 x \$18.50 = \$74.00

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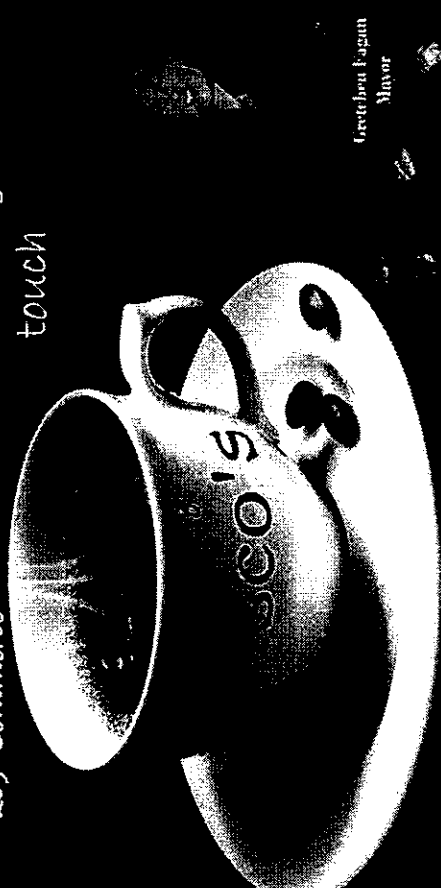
Line Ad: 42 lines x 2 columns = 84 x .90 = \$75.60

Boxed Display Ad: 2 columns x 6" = 12 x \$18.50 = \$222.00

Tuesday, October 7, 2014
 Start Time 5:30 P.M.
 Sol de Luna
 (Cisco's Banquet Room)
 207 Commerce

Mayor's coffee

Stop by to get in
 touch



For more information, call 281-290-1002 or visit ci.tomball.tx.us

Boxed Display Ad with Color:

3X4 = 12 x \$18.50 = \$222.00 + \$80 for color = \$302.00

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT - 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 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. FIRST READING PASSED AND APPROVED NOVEMBER 17, 2014.

Line Ad = \$40.50
Boxed Display Ad:
1 col. x 6 in. x \$18.50
= \$111.00

ORDINANCE NO. 2014-40

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, PINE COUNTRY OF TOMBALL SECTION 2 REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL-9 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTH OF F.M. 2920, WEST OF TOMBALL CEMETERY ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS. FIRST READING PASSED AND APPROVED NOVEMBER 17, 2014.

Line Ad = \$39.60
Boxed Display Ad:
1 col. x 6 in. x \$18.50
= \$111.00

ORDINANCE NO. 2014-41

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.04 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 9, BLOCK 1, LIBERTY SPRINGS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT-1 DISTRICT TO THE SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED SOUTH OF BROWN-HUFF SMITH ROAD, EAST OF LIBERTY LANE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS. FIRST READING PASSED AND APPROVED NOVEMBER 17, 2014.

Line Ad = \$38.70
Boxed Display Ad:
1 col. x 6 in. x \$18.50
= \$111.00

ORDINANCE NO. 2014-42

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 GAS LINE EASEMENT ACROSS A CERTAIN 0.0125 ACRE TRACT OF LAND BEING OUT OF AND A PART OF THE WILLIAM HURD SURVEY, A-378, TOMBALL, HARRIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF COMMERCIAL RESERVE NO. 7 OF TOMBALL PARKWAY PLAZA, THE MAP OF WHICH IS RECORDED IN VOLUME 331, PAGE 10 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, LOCATED IN THE CITY OF TOMBALL, TEXAS; VACATING, ABANDONING AND CLOSING SAID PORTION OF SUCH GAS LINE EASEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST A QUITCLAIM DEED QUITCLAIMING THE CITY'S INTEREST IN SAID ABANDONED EASEMENT; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. FIRST READING PASSED AND APPROVED DECEMBER 1, 2014.

Line Ad = \$45.00
Boxed Display Ad:
1 col. x 6.5 in. x \$18.50
= \$120.25

HOWDY PARTNER!

It's Rodeo time in Tomball and the trail riders are headin' our way.
Meet the cowboys and cowgirls, and enjoy grub, live music and more for
some old style Western fun as the riders meander through town!



Trail ride reception on February 21st at the historic Tomball Depot
201 South Elm Street from high-noon-thirty 'til 2 p.m.
It only happens once a year, so don't miss it . . . Call 281-351-5484.

Boxed Display Ad with Color:

3 columns x 5" = 15 x \$18.50 = \$277.50 + \$80 for color = \$357.50

**NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Tomball, Texas (the "City"), will meet at City Hall, 401 Market Street, Tomball, Texas, at 6:00 p.m. on the 5th day of December, 2011, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, in the maximum aggregate principal amount of \$14,500,000, payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City's water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purpose of evidencing the indebtedness of the City for all or any part of the costs associated with the construction of streets, sidewalks and related drainage improvements, including right-of-way acquisition for the Medical Center Drive project, the construction of drainage improvements, [including right-of-way acquisition of the M121 West Drainage project], and the cost of professional services incurred in connection therewith.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 20th day of October, 2011.

Doris Speer
City Secretary
City of Tomball, Texas

Line Ad: 30 lines x 2 columns = 60 x .90 = \$54
Boxed Display Ad: 2 columns x 4" = 8 x \$18.50 = \$148

NOTICE OF SPECIAL ELECTION
(AVISO DE ELECCIÓN ESPECIAL)
(THÔNG BÁO CUỘC BẦU CỬ ĐẶC BIỆT)
(特別選舉通知)

To the Registered Voters of the City of Tomball, Texas: (Para los votantes registrados de la Ciudad de Tomball, Texas:)
(Gửi Các Cử Tri Ghi Danh của Thành Phố Tomball, Texas) (致Tomball市・Texas已註冊選民:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on November 4, 2014, for voting in a special election the purpose of the electorate deciding the following issue: "For/Against the Sale of All Alcoholic Beverages Including Mixed Beverages" in the City of Tomball, Texas.

(Se notifica por el presente que los lugares de votación indicados abajo estarán abiertos de 7:00 a.m. a 7:00 p.m. el día 4 de noviembre de 2014 para votar en una elección especial con el fin de que los votantes decidan sobre el siguiente asunto: "A favor/En contra de la venta de todas las bebidas alcohólicas, incluidas las bebidas mezcladas" en la Ciudad de Tomball, Texas.)

(Thông báo theo đây được đưa ra rằng các địa điểm bỏ phiếu được liệt kê dưới đây sẽ mở cửa từ 7 giờ sáng đến 7 giờ tối vào ngày 4 tháng Mười Một, 2014 để toàn bộ cử tri quyết định vấn đề sau: "Thuận/Chống việc Bán Tất Cả Các Loại Đồ Uống Có Chứa Bao Gồm Cả Đồ Uống Hỗn Hợp" trong Thành Phố Tomball, Texas.)

(茲此通知下列投票所將在2014年11月4日，上午7:00至下午7:00開放，在一特別選舉中投票為全體選民決定以下問題："贊成/反對酒精飲料的銷售包括混合飲料"於Tomball市・Texas。""贊成/反對酒精飲料的銷售包括混合飲料"於Tomball市・Texas。")

LOCATION OF POLLING PLACE: (LOCALIDAD DEL LUGAR DE VOTACIÓN) (ĐỊA ĐIỂM BỎ PHIẾU) (投票所地點):

401 Market Street, Tomball, Texas 77375.

Early voting by personal appearance will be conducted each weekday at: 401 Market Street, Tomball, Texas 77375, between the hours of 7:45 a.m. and 5:00 p.m., Monday, Wednesday, and Thursday, between the hours of 7:45 a.m. and 7:45 p.m. on Tuesday, and between the hours of 7:45 a.m. and 4:00 p.m. on Friday, beginning on October 20, 2014 and ending on October 31, 2014.

(La votación anticipada en persona se llevará a cabo cada día hábil en: 401 Market Street, Tomball, Texas 77375, en el horario de 7:45 a.m. a 5:00 p.m., los lunes, miércoles y jueves, en el horario de 7:45 a.m. a 7:45 p.m. los martes, y en el horario de 7:45 a.m. a 4:00 p.m. los viernes, a partir del 20 de octubre de 2014 y hasta el 31 de octubre de 2014, inclusive.)

(Thủ tục dịch thân tới bỏ phiếu sớm sẽ được tiến hành hàng tuần tại: 401 Market Street, Tomball, Texas 77375, từ 7 giờ 45 sáng đến 5 giờ chiều, Thứ Hai, Thứ Tư, và Thứ Năm, từ 7 giờ 45 sáng và 7 giờ 45 sáng vào Thứ Ba, và từ 7 giờ 45 sáng đến 4 giờ chiều Thứ Sáu vào ngày 20 tháng Mười, 2014 và kết thúc vào ngày 31 tháng Mười, 2014.)

(親自出席提前投票將於每個工作日舉行於: 401 Market Street, Tomball, Texas 77375，星期一，星期三和星期四上午7:45至下午5:00之間，星期二上午7:45至下午7:45之間，星期五上午7:45至下午4:00之間，開始於2014年10月20日，結束於2014年10月31日。)

Applications for ballot by mail shall be mailed to: (Las solicitudes de boletas de votación para votar por correo deben ser enviadas por correo a:) (Các đơn xin lá phiếu bầu qua thư phải được gửi về:) (申請郵寄選票應該寄至下列地址:)

Doris Speer

(Name of Early Voting Clerk) (Nombre del Oficial de Votación Anticipada)

(Tên Thư Ký phụ trách Bỏ Phiếu Sớm) (提前投票書記員姓名)

401 Market Street

(Address) (Dirección) (Địa chỉ) (地址)

Tomball, TX 77375

(City) (Ciudad) (Thành phố) (城市)

(Zip Code) (Código Postal) (Mã Vùng) (郵編)

Applications for ballot by mail presented in person must be received no later than the close of business on October 7, 2014.

(Las solicitudes de bolates de votación por correo entregadas en persona deben ser recibidas no más tarde que al cierre del horario de oficina del 7 de octubre de 2014.) (Đơn xin lá phiếu gửi qua thư gửi trực tiếp phải được nhận không trễ hơn cuối giờ làm việc vào ngày 7 tháng Mười, 2014.) (親自郵寄選票申請必須在2014年10月7日，營業結束時間前寄達。)

Issued this the 25th day of August 2014. (Emitido este día 25 de agosto de 2014)

(Được ban hành ngày 25 tháng 8 năm 2014) (在2014年8月25日發行。)

(signed) Gretchen Fagan

Signature of Mayor (Firma del Alcalde) (Chữ Ký của Thị Trưởng) (市長簽名)

Line Ad: 62 lines x 4 columns = 248 x .90 = \$223.20

Boxed Display Ad: 4 columns x 10 lines = 40 x \$18.50 = \$740.00

**PUBLIC NOTICE OF TEST OF AUTOMATIC
TABULATING EQUIPMENT**

Notice is hereby given that the automatic tabulating equipment that will be used in the Special City Election to be held on November 4, 2014, will be tested on Tuesday, October 14, 2014, at 9:00 a.m., at City Hall, 401 Market Street, to ascertain that it will accurately count the votes cast for all offices and on all measures.

(signed) Doris Speer
Signature of Officer

Line Ad: 12 lines x 2 columns =
24 x .90 = \$21.60

**AVISO PÚBLICO DE PRUEBA DEL EQUIPO DE
TABULACIÓN AUTOMÁTICA**

Se notifica por el presente que el equipo de tabulación automática que se usará en la Elección Especial de la Ciudad a celebrarse el 4 de noviembre de 2014, será sometido a prueba el día martes 14 de octubre de 2014 a las 9:00 a.m. en City Hall, 401 Market Street, para asegurar que contará con exactitud los votos emitidos para todos los cargos y medidas.

(firmada) Doris Speer
Firma del funcionario

Line Ad: 12 lines x 2 columns =
24 x .90 = \$21.60

**自動
製表機測試公開通知**

特此通知是既然自動製表設備，將在特別市選舉中用來舉行 2014 年 11 月 4 日，將星期二 2014 年 10 月 14 日，在 9:00 上午，在市政廳，401 市場街，以確定它會準確地計算票數的情況下為所有辦事處和所有措施時考驗。

(簽名) Doris Speer
官員簽名

Line Ad: 11 lines x 2 columns =
22 x .90 = \$19.80

**THÔNG BÁO CÔNG KHAI VỀ VIỆC KIỂM TRA
MÁY KIỂM PHIẾU TỰ ĐỘNG**

Thông báo bằng văn bản này là cho rằng thiết bị tự động tabulating sẽ được sử dụng trong cuộc bầu cử đặc biệt thành phố được tổ chức vào ngày 4 tháng 11 năm 2014, sẽ được kiểm tra ngày thứ ba 14 tháng 10, năm 2014, lúc 9:00 giờ sáng, tại City Hall, 401 Market Street, để xác định rằng nó sẽ chính xác đếm phiếu bầu cho tất cả các văn phòng và trên tất cả các hiện pháp.

(ký tên) Doris Speer
Chữ ký của Viên Chức Điều Hành

Line Ad: 9 lines x 2 columns =
18 x .90 = \$16.20

Boxed Display Ad: 2 columns x 6" = 12 x \$18.50 = \$222.00

**NOTICE OF PUBLIC HEARING
at the
TOMBALL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, AUGUST 18, 2014
6:00 P.M.**

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday August 18, 2014 at 6:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Adopting
the City of Tomball's Budget for
Fiscal Year 2014-2015.**

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on July 28, 2014.

CERTIFICATION

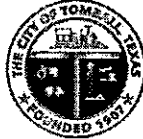
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 23rd day of July 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*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.

Line Ad: 49 lines x 2 columns = 98 x .90 = \$88.20
Boxed Display Ad: 2 columns x 7" = 14 x \$18.50 = \$259.00

**NOTICE OF AVAILABILITY FOR REVIEW
OF THE
CITY OF TOMBALL
COMPREHENSIVE ANNUAL FINANCIAL REPORT
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013**



Notice is hereby given, as required under Section 8.24 of the City of Tomball Home Rule Charter, that the Comprehensive Annual Financial Report (Annual Audit) for Fiscal Year ending September 30, 2013 of the City of Tomball, Texas will be on file and available for public inspection and review during normal business hours, beginning on March 24, 2014 at:

**Tomball City Hall
401 Market Street
Tomball, Texas 77375.**

Individuals interested in reviewing the Comprehensive Annual Financial Report (Annual Audit) for Fiscal Year ending September 30, 2013 should contact the office of the City Secretary, 401 Market Street, Tomball, Texas.

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 18th day of March 2014

Doris Speer,
City Secretary, TRMC, CMC

Line Ad: 38 lines x 2 columns = 76 x .90 = \$68.40
Boxed Display Ad: 2 columns x 5" = 10 x \$18.50 = \$185.00

NOTICE OF PUBLIC HEARING
at the
TOMBALL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS



MONDAY, AUGUST 18, 2014
6:00 P.M.

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday August 18, 2014 at 6:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Council Consideration, Approval and Submission
of a Grant Application to the Texas Parks and Wildlife Outdoor Recreation Grant
Program for the Proposed Development of a New City Park, said Park being located
at 1414 Hufsmith, Tomball, Texas, described below:**

A 16.6372 acre (724,718.60 square foot) tract of land being all of a called 16.637 acre tract of land described in a deed from Rivera Assisted Living, LLC, to BD Broussard Real Estate Partnership, LLC, as recorded under Harris County Clerk's File Number W130528, in the John S. Smith Survey, Abstract Number 730, City of Tomball, Harris County, Texas, said 16.6372 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD83):

BEGINNING at a 5/8-inch iron rod found in the north line of the John S. Smith Survey, Abstract Number 730, common with the south line of the Joseph Miller Survey, Abstract Number 50, in the west line of a called 3.563 acre tract of land described in a deed recorded in Volume 5295, Page 424, of the Harris County Deed Records, for the southeast corner of a called 6.000 acre tract of land described in a deed from John C. Foley, et ux, to Harris County, as recorded under Harris County Clerk's File Number G917446, and for the northeast corner hereof;

THENCE, South 02 degrees 29 minutes 42 seconds East, a distance of 602.37 feet, with the west line of said called 3.563 acre tract and the west line of a called 8.6232 acre tract of land described in a deed from TXI Operations, LP, to Cemex Construction Materials South, LLC, as recorded under Harris County Clerk's File Number 20110321048, to a 5/8-inch iron rod found in the west line of said called 8.6232 acre tract, for the northeast corner of a called 6.383 acre tract of land described in a deed from John C. Foley, et al, to Dewey Adkison, Jr., as recorded under Harris County Clerk's File Number V581316, and for the southeast corner hereof;

THENCE, North 89 degrees 18 minutes 11 seconds West, a distance of 390.29 feet to a 5/8-inch iron rod found for the northwest corner of said called 6.383 acre tract and the northeast corner of a called 43.52 acre tract of land described in a deed from FB Holdings, LLC, to RMDMG LTD, as recorded under Harris County Clerk's File Number 20100169651, and being an angle point in the south line hereof;

THENCE, South 87 degrees 58 minutes 59 second West, a distance of 985.71 feet, with the north line of said called 43.52 acre tract and the north line of a called 5 3/4 acre tract of land described in a deed from Jerry Allen Stokley, et ux, to Melvin Lee Stokley, as recorded under Harris county Clerk's File Number P056582, to a 5/8-inch iron rod found in the easterly right-of-way line of Huffsmith Road (width varies), for the northwest corner of said called 5 3/4 acre tract, and the southwest corner hereof;

THENCE, with the easterly right-of-way line of said Huffsmith Road, North 21 degrees 28 minutes 55 seconds East, a distance of 624.16 feet to a 5/8-inch iron rod with "CLR" cap set for the southwest corner of a called 9.663 acre tract of land described in a deed from John C. Foley, et ux, to Lone Oaks Holdings, LLC, as recorded under Harris County Clerk's File Number W039500, and for the northwest corner hereof;

THENCE, North 87 degrees 23 minutes 50 second East, a distance of 1121.71 feet, with the south line of said called 9.663 acre tract and the south line of the aforementioned called 6.000 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 16.6372 acres (724,718.60 square feet) of land.

A copy of the Proposed Grant Application as filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on July 28, 2014.

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 23rd day of July 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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.

Line Ad: 80 lines x 4 columns = 320 x .90 = \$288.00
Boxed Display Ad: 4 columns x 11.5" = 46 x \$18.50 = \$851.00

2014 Property Tax Rates in City of Tomball

This notice concerns the 2014 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's effective tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's rollback tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:	
Last year's operating taxes	\$1,662,244
Last year's debt taxes	\$3,430,229
Last year's total taxes	\$5,092,473
Last year's tax base	\$1,491,403,845
Last year's total tax rate	\$0.341455/\$100

This year's effective tax rate:	
Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,082,886
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,478,882,427
=This year's effective tax rate	\$0.343697/\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:	
Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,064,955
÷ This year's adjusted tax base	\$1,478,882,427
=This year's effective operating rate	\$0.342485/\$100
x 1.08=this year's maximum operating rate	\$0.369883/\$100
+ This year's debt rate	\$0.230055/\$100
= This year's total rollback rate	\$0.599938/\$100
-Sales tax adjustment rate	\$0.225668/\$100
=Rollback tax rate	\$0.374270/\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2014 tax rate equal to the effective tax rate of \$0.343697 per \$100 of value, taxes would increase compared to 2013 taxes by \$94,692.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	12,281,443
Special Revenue Funds	929,881

Schedule B - 2014 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2010 Refunding Bonds	270,000	19,970	0	289,970
Series 2011 Refunding Bonds	513,000	113,085	0	626,085
2011 Lease - Fire Truck	535,464	20,615	0	556,079
2015 Lease - Fire Truck	68,104	27,200	0	95,304
Series 2012 Certificates of Obligation	585,000	459,819	0	1,044,819
Series 2013 Refunding Bonds	490,000	57,888	0	547,888
Series 2013 Certificates of Obligation	340,000	184,913	0	524,913
Total required for 2014 debt service				\$3,685,058
- Amount (if any) paid from Schedule A				\$213,000
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2014				\$3,472,058
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2014				\$0
= Total debt levy				\$3,472,058

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$3,405,840 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston, Houston, TX 77002.

Name of person preparing this notice: Mike Sullivan
Title: Harris County Tax Assessor-Collector
Date Prepared: 08/28/2014

Boxed Display Ad: 3 columns x 10.5 = 31.5 x \$18.50 = \$582.75
Line Ad: 88 lines x 3 columns = 264 x \$18.50 = \$4,884.00

.2/29/2014 12:44 PM

12/29/2014 12:11 PM
 ENDOR SET: 00 CITY OF TOMBALL
 BANK: BANK1 OPERATING ACCOUNT- WF
 DATE RANGE: 1/01/2014 THRU 12/29/2014

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
105078	I-168224__1213	HOUSTON COMMUNITY NEWSPAPERS AD-CHRISTMAS ON COMMERCE	R	1/08/2014	553.30		114867		553.
105078	I-168224__0314	HOUSTON COMMUNITY NEWSPAPERS AD-HONKY TONK FEST	R	4/09/2014	553.30		115718		553.
105078	I-168224__0414	HOUSTON COMMUNITY NEWSPAPERS AD-RAILS & TAILS MUDBUG FEST	R	5/21/2014	553.30		116132		553.
105078	I-168224__0514	HOUSTON COMMUNITY NEWSPAPERS AD-CHILI CHALLENGE	R	6/11/2014	553.30		116335		553.
105078	I-168224-0714	HOUSTON COMMUNITY NEWSPAPERS AD-PW UTILITIES POSITION	R	8/27/2014	1,832.77		117040		1,832.
105078	I-168224__0914	HOUSTON COMMUNITY NEWSPAPERS AD-BUGS, BREW, BBQ	R	10/09/2014	553.30		117452		553.
105078	I-168224-1014	HOUSTON COMMUNITY NEWSPAPERS AD-BLUEGRASS FESTIVAL #347935	R	11/25/2014	553.30		117947		553.

* T O T A L S *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	7	5,152.57	0.00	5,152.
HAND CHECKS:	0	0.00	0.00	0.
DRAFTS:	0	0.00	0.00	0.
EFT:	0	0.00	0.00	0.
NON CHECKS:	0	0.00	0.00	0.

TOTAL ERRORS: 0

VENDOR SET: 00	BANK: BANK1	TOTALS:	NO	7	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
					5,152.57	0.00	5,152.
BANK: BANK1	TOTALS:		7		5,152.57	0.00	5,152.
REPORT TOTALS:			7		5,152.57	0.00	5,152.

VENDOR SET: 00 CITY OF TOMBALL
BANK: BANK1 OPERATING ACCOUNT- WF
DATE RANGE: 1/01/2014 THRU 12/29/2014

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHE AMOU
304339	TOMBALL MAGNOLIA TRIBUNE NOTICE-INSPEC VOTE MACH, TEST NOT OF PUB HEARING-BOA 12/23 NOTICE OF ORD 2013-24&2013-26	R R R	1/08/2014 1/08/2014 1/08/2014	189.00 90.00 68.40		114881 114881 114881		347.
304339	TOMBALL MAGNOLIA TRIBUNE NOTICE ORD 2013-24, 2014-01&02	R	1/22/2014	83.70		115002		83.
304339	TOMBALL MAGNOLIA TRIBUNE NOTICE-REQ FOR QUALIFICATIONS NOTICE OF INVITATION TO BID	R R	1/29/2014 1/29/2014	126.00 84.60		115069 115069		210.
304339	TOMBALL MAGNOLIA TRIBUNE NOTICE ORD 2014-01&02 &2014-04	R	2/05/2014	90.00		115129		90.
304339	TOMBALL MAGNOLIA TRIBUNE NOTICE TO BIDDERS LEGAL NOTICE ORD	R R	2/20/2014 2/20/2014	158.40 113.40		115257 115257		271.
304339	TOMBALL MAGNOLIA TRIBUNE RETAIL AD-DON'T DIG	R	2/26/2014	111.00		115306		111.
304339	TOMBALL MAGNOLIA TRIBUNE REQUEST FOR PROPOSAL #2014-03 NOTICE OF PUB HEAR-RES 2007-22 NOTICE-ACCEPT APPS BOARDS, COMM	R R R	3/06/2014 3/06/2014 3/06/2014	219.60 117.00 97.20		115363 115363 115363		433.
304339	TOMBALL MAGNOLIA TRIBUNE AD FOR HONKY TONK FEST NOTICE OF ORD 2014-05	R R	3/19/2014 3/19/2014	709.00 15.30		115500 115500		724.
304339	TOMBALL MAGNOLIA TRIBUNE CANCEL ELEC, ORD 2014-05&06 NOTICE OF PUB HEAR, BOA 4/10/14	R R	4/02/2014 4/02/2014	234.00 118.80		115664 115664		352.
304339	TOMBALL MAGNOLIA TRIBUNE RETAIL AD-BUNNY RUN 3/31 & 4/7 SPECIAL ELEC CHRTR AMENDMENTS	R R	4/16/2014 4/16/2014	635.00 24,000.00		115814 115814		24,635.
304339	TOMBALL MAGNOLIA TRIBUNE NOICE OF PUB HEAR-PZ, CC TEST OF AUTO TABULATING EQUIP INSPECTION OF VOTING MACHINES LEGAL NOTICE OF ORD 2014-06	R R R R	4/23/2014 4/23/2014 4/23/2014 4/23/2014	100.80 113.40 81.00 17.10		115879 115879 115879 115879		312.

A/P HISTORY CHECK REPORT

PAGE:

12/29/2014 12:43 PM
 VENDOR SET: 00 CITY OF TOMBALL
 BANK: BANK1 OPERATING ACCOUNT- WF
 DATE RANGE: 1/01/2014 THRU 12/29/2014

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHE AMOU
04339	TOMBALL MAGNOLIA TRIBUNE RETAIL AID-RAILS&TAILS FEST	R	5/07/2014	662.75		115997		662.
04339	TOMBALL MAGNOLIA TRIBUNE AD-MAY 2ND SATURDAY NOTICE OF ORD 2014-08 TO 11	R	5/14/2014	662.75		116081		912.
04339	TOMBALL MAGNOLIA TRIBUNE NOTICE OF PUB HEAR-LAND USE NOTICE OF ORD 2014-08 TO 11 NOTICE OF PUB INVOLVEMENT SWMP	R	5/21/2014	194.40		116175		493.
04339	TOMBALL MAGNOLIA TRIBUNE INVITATION TO BID NOTICE OF PUB HEARING,P&Z AD-MEMORIAL DAY CHILI CHALLENG	R	5/29/2014	64.80		116217		791.
04339	TOMBALL MAGNOLIA TRIBUNE NOTICE OF ORD 2014-12	R	6/04/2014	14.40		116272		14.
04339	TOMBALL MAGNOLIA TRIBUNE NOTICE OF PROJ 2014-06 NOTICE OF ORD 2014-12& 2014-14 AD-JUNE 2014 2ND SATURDAY	R	6/19/2014	158.40		116437		542.
04339	TOMBALL MAGNOLIA TRIBUNE NOTICE TO BID 2014-07 AD-CREATURE FEATURE NOTICE OF ORD 2014-15	R	7/02/2014	86.40		116530		762.
04339	TOMBALL MAGNOLIA TRIBUNE PUBLIC HEARING-BOA MEETING ORD 2014-14, PUB HEAR-ANNEX 4TH OF JULY AD PUBLIC HEARING-P&Z,CC MEETINGS NOTICE OF PUBLIC HEARING	R	7/09/2014	81.00		116624		1,836.
04339	TOMBALL MAGNOLIA TRIBUNE AD-JULY 2ND SAT TEEN BEACH	R	7/16/2014	662.75		116685		662.
04339	TOMBALL MAGNOLIA TRIBUNE NOTICE TO BIDDERS PROJ 2014-08 AD-CREATURE FEATURE NOTICE OF ORD 2014-15	R	7/24/2014	169.20		116751		844.

VENDOR SET: 00 CITY OF TOMBALL
 BANK: BANK1 OPERATING ACCOUNT- WF
 DATE RANGE: 1/01/2014 THRU 12/29/2014

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHE AMOU
904339	I-62808							
	TOMBALL MAGNOLIA TRIBUNE							
	LEGAL NOTICE-WTR SYS FLUSH	R	8/13/2014	407.00		116949		407.
904339	I-62851							
	TOMBALL MAGNOLIA TRIBUNE							
	NOTICE OF ORD 2014-18& 2014-22	R	8/20/2014	58.50		117007		
	NOTICE PUB HEAR-ADOPT BUDGET	R	8/20/2014	176.40		117007		
	RETAIL AD-08/14 2ND SAT	R	8/20/2014	354.00		117007		
	CREATURE FEATURE AD	R	8/20/2014	662.75		117007		
	NOTICE OF ORD 2014-18 THRU 22	R	8/20/2014	197.10		117007		
	DONT DIG AD	R	8/20/2014	111.00		117007		1,559.
904339	I-63059							
	TOMBALL MAGNOLIA TRIBUNE							
	RETAIL AD MUSIC FEST	R	9/05/2014	662.75		117106		
	LEGAL NOTICE ORD 2014-19 ETC	R	9/05/2014	294.30		117106		957.
904339	I-63166							
	TOMBALL MAGNOLIA TRIBUNE							
	NOTICE OF PROPERTY TAX RATES	R	9/10/2014	582.75		117178		
	NOTICE OF ORD 2014-23&25-28	R	9/10/2014	168.30		117178		751.
904339	I-63178							
	TOMBALL MAGNOLIA TRIBUNE							
	2ND SAT AD-BARNYARD	R	9/17/2014	357.50		117285		
	AD-SHERINE'S STRIDE	R	9/17/2014	662.75		117285		1,020.
904339	I-62870							
	TOMBALL MAGNOLIA TRIBUNE							
	LEGAL NOTICE 125 BOA/P&Z	R	9/24/2014	203.40		117372		
	NOTICE PUB HEAR ZONING/BOA	R	9/24/2014	214.20		117372		
	NOTICE TO BIDDERS 2015-01	R	9/24/2014	183.60		117372		
	ORD 2014-26, 30, 31, 33, 34, 35	R	9/24/2014	188.10		117372		
	AUCTION AD	R	9/24/2014	17.10		117372		
	AD-BUGS, BREW, BBQ	R	9/24/2014	662.75		117372		1,469.
904339	I-63289							
	TOMBALL MAGNOLIA TRIBUNE							
	NOTICE OF BOA	R	10/01/2014	99.00		117417		99.
904339	I-63351							
	TOMBALL MAGNOLIA TRIBUNE							
	NOTICE OF PUB HEAR-P&Z, CC	R	10/09/2014	88.20		117479		88.
904339	I-62869							
	TOMBALL MAGNOLIA TRIBUNE							
	AD-APPROVAL FOR PARK IN TOMBAL	R	10/15/2014	576.00		117521		
	AD-MAYOR'S COFFEE	R	10/15/2014	302.00		117521		957.
	NOTICE OF TEST-ENG, SPN, VIET	R	10/15/2014	79.20		117521		
904339	I-63415							
	TOMBALL MAGNOLIA TRIBUNE							
	AD FOR ZOMBALL	R	10/15/2014	582.75		117554		582.

VENDOR SET: 00 CITY OF TOMBALL
BANK: BANK1 OPERATING ACCOUNT- WF
DATE RANGE: 1/01/2014 THRU 12/29/2014

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHE AMOU
904339	TOMBALL MAGNOLIA TRIBUNE NOTICE OF ELECTION-4 LANGUAGES I-63466 I-63469 I-63493	R R R	10/22/2014 10/22/2014 10/22/2014	223.20 163.80 672.00		117635 117635 117635		1,059.
904339	TOMBALL MAGNOLIA TRIBUNE 125 NOTICE-PUBLIC HEARING 6/9	R	10/30/2014	97.20		117696		97.
904339	TOMBALL MAGNOLIA TRIBUNE 2 NOTICE OF PUBLIC HEARING	R	11/06/2014	185.40		117760		185.
904339	TOMBALL MAGNOLIA TRIBUNE AD-WATER SYST FLUSH 10/27-11/3	R	11/13/2014	407.00		117844		407.
904339	TOMBALL MAGNOLIA TRIBUNE 125 NOTICE-ORD.2014-36/37/38	R	11/20/2014	114.30		117907		114.
904339	TOMBALL MAGNOLIA TRIBUNE 125 NOTICE-P&Z 12/8 & CC12/15 I-63733 I-63740	R R	12/04/2014 12/04/2014	95.40 116.10		118001 118001		211.
904339	TOMBALL MAGNOLIA TRIBUNE 125 NOTICE-ORD.2014/39-42	R	12/17/2014	163.80		118138		163.

* T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOU
REGULAR CHECKS:	38	45,225.57	0.00	45,225.
HAND CHECKS:	0	0.00	0.00	0.
DRAFTS:	0	0.00	0.00	0.
EFT:	0	0.00	0.00	0.
NON CHECKS:	0	0.00	0.00	0.
VOID CHECKS:	0	VOID DEBITS	0.00	
		VOID CREDITS	0.00	

TOTAL ERRORS:	0	INVOICE AMOUNT	DISCOUNTS	CHECK AMOU
		45,225.57	0.00	45,225.
VENDOR SET: 00	BANK: BANK1 TOTALS:			
BANK: BANK1	TOTALS:	45,225.57	0.00	45,225.
REPORT TOTALS:		45,225.57	0.00	45,225.

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

Approve 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

Background:

Attached for Council consideration is the proposed 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.

If Council approves the proposed contract, Harris County will provide original documents for execution. Once executed by the City, the documents will be presented for execution by Judge Emmett in Commissioner's Court.

Origination:

Harris County

Recommendation:

Approve the Contract and authorize the Mayor to execute the 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 Agreement between Harris County and City of Tomball

AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement is made and entered into by and between HARRIS COUNTY, a body corporate and politic under the laws of the State of Texas, hereinafter designated "County," and the CITY OF TOMBALL, a home rule municipality under the laws of the State of Texas, hereinafter designated "City."

WHEREAS, City desires to institute fitness and art programs at the Tomball Community Center located at 221 Market Street in Tomball, Texas, for the residents of City and County; and

WHEREAS, County desires to assist City in doing so;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, it is hereby agreed as follows:

I. CITY'S OBLIGATIONS

A. City shall establish and organize Zumba Body Fitness, Beginning/Intermediate/Advanced Line Dancing, and Art classes at the Tomball Community Center, to be held two or three days per week according to a schedule agreed upon by City and County's senior program director, with the exclusion of holidays.

B. City shall enroll participants in these classes with the assistance of County's senior program director.

C. City, along with County, shall mutually select and agree upon the class instructors.

D. City shall keep attendance records of each class to determine the sustainability of each class.

II. COUNTY'S OBLIGATIONS

A. County shall assist with the long-term maintenance of the fitness and art programs at the Tomball Community Center by funding the cost of the class instructors, promoting the classes, and monitoring monthly participation and attendance.

B. County, to the extent that funds are available, shall perform its obligations hereunder in a manner similar to that at County community centers, and should County be unable to fund its obligations hereunder, then in that event City's sole remedy in regard to this Agreement shall be to terminate same.

III. TERM OF AGREEMENT

The initial term of this Agreement shall be for a period of fourteen (14) months, beginning February 1, 2015 and ending March 31, 2016, and thereafter shall automatically renew for four (4) successive terms of twelve (12) months (April 1 – March 31), unless either party provides written notice to the other party at least thirty (30) days prior to the beginning of the subsequent term that the party will not renew for a subsequent term.

IV. TERMINATION

This Agreement may be terminated by either party, with or without cause, upon thirty (30) days prior written notice to the other party.

V. RELATIONSHIP

Nothing contained in this Agreement shall be deemed or construed by County and City, nor by any third party, as creating the relationship of principal and agent, partnership, or joint venture between County and City. It is understood and agreed that neither any provisions contained in this Agreement, nor any acts of County and City, shall be deemed to create any relationship between County and City other than the contractual relationship established under this Agreement. It is also understood and agreed that neither County nor its personnel will be considered employees, agents, partners, joint venturers, or servants of City. It is further understood and agreed that neither City nor its personnel will be considered employees, agents, partners, joint venturers, or servants of County.

VI. NOTICE

Unless otherwise provided in this Agreement, any notice, communication, request, reply, or advice herein provided or permitted to be given, made, or accepted by either party to the other party must be in writing and given or served by depositing the same in the United States mail, postage prepaid, addressed to the party to be notified, or by delivering the same to any officer of the party to be notified as follows:

If to County:	Harris County
	1001 Preston, 9th Floor
	Houston, Texas 77002
	Attention: County Judge

With a copy to: Harris County Commissioner, Precinct 4
Community Centers & Senior Adult Program
1731 Hugh Road
Houston, Texas 77067
Attention: Director

If to City: City of Tomball
401 Market Street
Tomball, Texas 77375
Attention: Mayor

Either party may change its address pursuant to this article upon written notice to the other party.

VII. ASSIGNMENT

No assignment of this Agreement or the rights and obligations hereunder shall be valid without the prior written consent of the non-assigning party.

VIII. GOVERNING LAW

This Agreement shall be construed and governed according to the laws of the State of Texas, and venue shall be in Harris County, Texas.

IX. WAIVER OF BREACH

The waiver by either party of the breach or violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach hereof.

X. NON-DISCRIMINATION

The parties shall not discriminate against any person because of race, creed, national origin, religion, color, sex, age, or disabilities as defined in the American with Disabilities Act.

XI. SEVERABILITY

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, such portion shall be deemed severed from this Agreement and the remaining parts shall continue in full force as though such invalid or unenforceable provision had not been part of this Agreement.

XII.
ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and no prior or contemporaneous written or oral promises or representations shall be binding. This Agreement shall not be amended, changed, or extended except by written instrument signed by the parties.

EXECUTED in triplicate originals this _____ day of _____ 2015.

APPROVED AS TO FORM:

VINCE RYAN
County Attorney

HARRIS COUNTY

By _____
M. SCOTT BRESK
Assistant County Attorney

By _____
ED EMMETT
County Judge

ATTEST:

CITY OF TOMBALL

DORIS SPEER
City Secretary

By _____
GRETCHEN FAGAN
Mayor

APPROVED:

COUNTERSIGNED:

ROSALIE DILLON
Manager, Community Center

GLENN WINDSOR
Finance Director

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the _____ day of _____ 2015, with the following members present, to-wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN HARRIS COUNTY AND THE CITY OF TOMBALL FOR FITNESS AND ART PROGRAMS AT THE TOMBALL COMMUNITY CENTER

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Yes No Abstain

Judge Ed Emmett
Comm. El Franco Lee
Comm. Jack Morman
Comm. Steve Radack
Comm. R. Jack Cagle

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED that the County Judge is authorized to execute, for and on behalf on Harris County, an Agreement between Harris County and the City of Tomball for fitness and art programs at the Tomball Community Center, the Agreement being incorporated by reference for all purposes as though fully set out in this Order word for word.

December 11, 2014

The Honorable R. Jack Cagle
Harris County Commissioner, Precinct 4
1001 Preston, 9th Floor
Houston, Texas 77002

Attention: Jan Sexton

Re: Proposed agreement between Harris County and the City of
Tomball for fitness and art programs at the Tomball
Community Center; *C. A. File No. 14GEN1710*

Dear Commissioner Cagle:

Transmitted herewith please find triplicate originals of the referenced agreement, which we have prepared pursuant to your request. Please review the agreement carefully and let us know if you desire any changes.

Thank you for your attention to this matter.

Sincerely,

VINCE RYAN
County Attorney

By M. SCOTT BRESK
Senior Assistant County Attorney

VR:MSB
Attachment

Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 2015

Topic:

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.

Background:

The Planning and Zoning Commission voted 5-0 to approve the Pine Country of Tomball, Section Two, Reserve "A" Replat with contingencies on December 8, 2014. The plat has been corrected and is now being forwarded to the City Council for approval consideration.

Origination:**Recommendation:****Funding:**

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

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

ATTACHMENTS:

Pine Counrty of Tomball, Section Two, Reserve "A" Replat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, The Joseph Family Limited Partnership, LTD, acting by and through Russell E. Brown, Trustee, hereinafter referred to as owner (whether one or more) of the 2.0000 acre tract described in the above and foregoing plat of PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT, do hereby make and establish said subdivision of said property according to all liens, dedications and restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever, unobstructed aerial easements, five (5) feet, six (6) inches in width for perimeter lots seven (7) feet for back to back lots from a plane sixteen (16) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

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

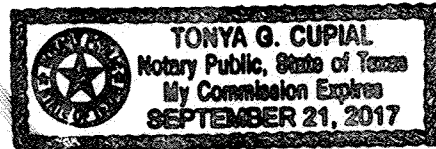
WITNESS my hand in the City of Tomball this 12th day of December, 2014.

Russell E. Brown

Russell E. Brown, Trustee
The Joseph Family Limited Partnership, LTD

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared RUSSELL E. BROWN, TRUSTEE, 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, and as the act and deed of said corporation.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of December 2014
Tonya G. Cupial
Notary Public in and for the State of Texas
My Commission Expires: 9-21-17



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

WITNESS MY HAND AND SEAL OF OFFICE, at Houston, Texas, the day and date last above written.

Stan Stanart
Clerk of the County Court
Harris County, Texas

By: _____
Deputy

CITY OF TOMBALL

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 show hereon and authorized the recording of this plat this ____ day of _____

By: _____
Gretchan 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.

George Shackelford
City Manager

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

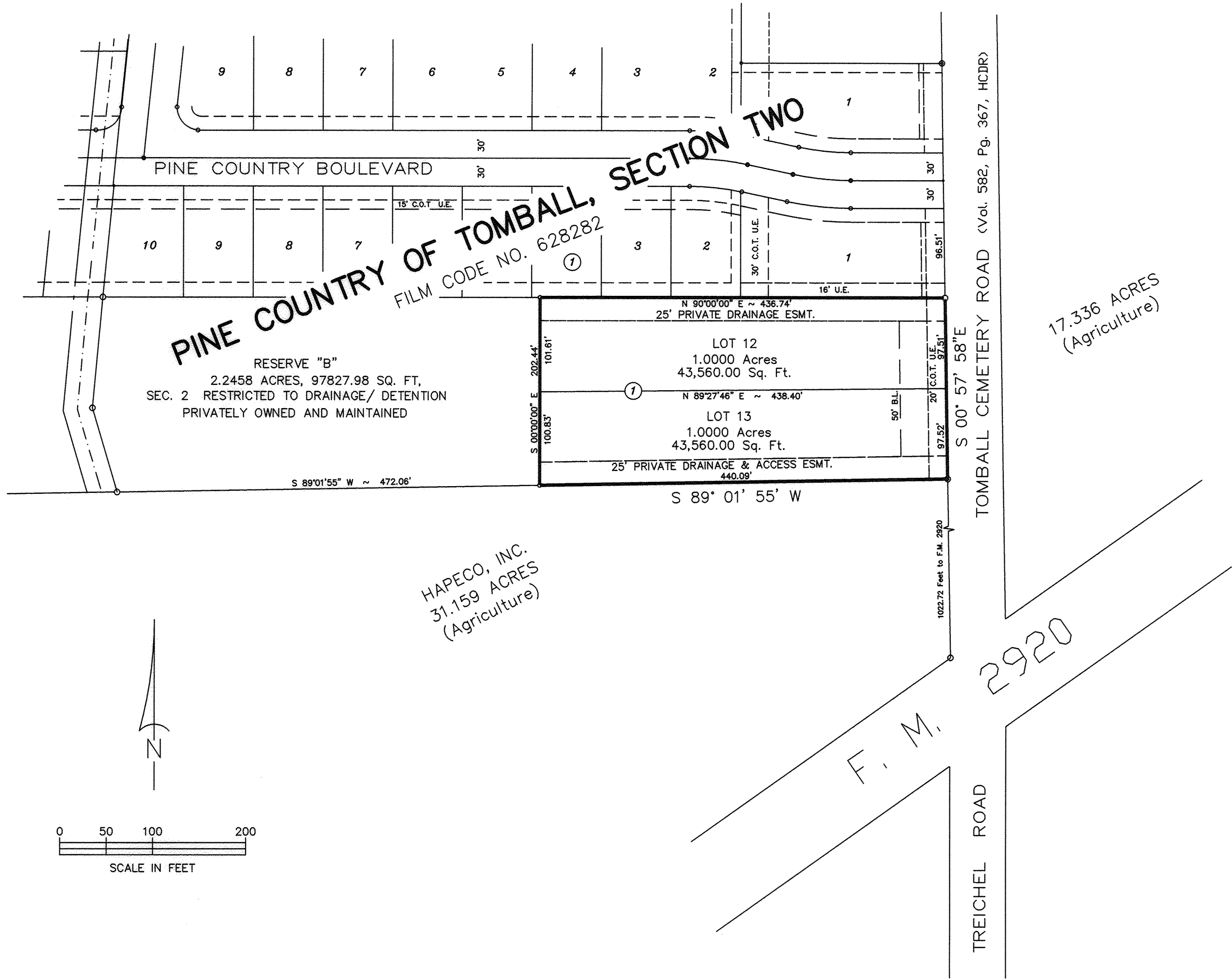
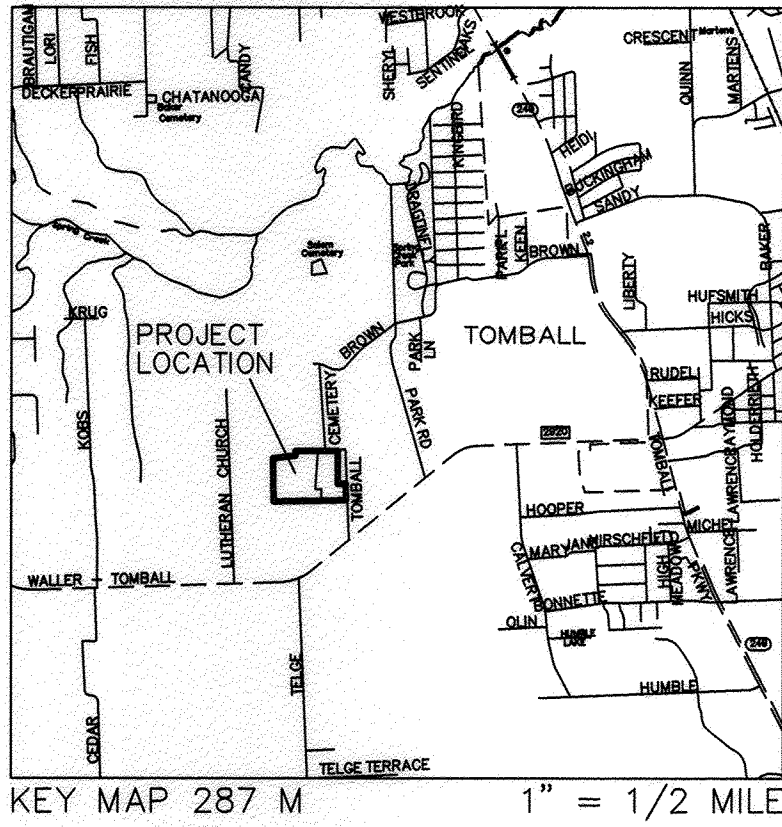
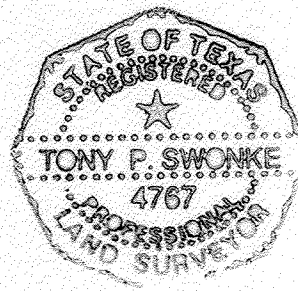
This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT", in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this ____ day of _____, 2014.

Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

I, Tony Swonke, am a 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 lot corners have been marked with iron rods having an outside diameter of not less than five-eighths inch (5/8"); that 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.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767



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

FLOOD INFORMATION:
According to FEMA FIRM Panel No. 48201C 0210 L (Effective Date June 18, 2007), this property is in Zone "X" and not within the 0.2% Annual Chance Flood Plain.

OWNER
The Joseph Family
Limited Partnership, LTD
16020 Pine Country Blvd.
Tomball, TX 77377
281-255-3238

SURVEYOR
TONY SWONKE LAND SURVEYING
700 KANE STREET
TOMBALL, TEXAS 77375
281-351-7789

DATE: November 27, 2014

NOTES

- #1 All oil/gas pipelines or pipeline with ownership through the subdivision have been shown.
- #2 All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- #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 minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- #4 This plat does not attempt to amend or remove any valid covenants or restrictions.
- #5 The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

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.
2 Lots / 1 Blocks / 0 Reserves
Replatted to convert former Reserve "A" into two residential lots.

Regular City Council

Agenda Item

Meeting Date: January 5, 2015

Data Sheet

Topic:

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

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:

Funding:

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

Community Development Director

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

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 _____ DAY OF
_____ 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 _____ DAY OF
_____ 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: January 5, 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. 551.072 – 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

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	