

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



MONDAY, NOVEMBER 18, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 18, 2013 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor James Clark, First Baptist Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

accordance with law.]

5.0 Reports and Announcements

- November 19, 2013 – **25th Anniversary of Lone Star College-Tomball**
- November 21, 2013 – **Ribbon-Cutting** at the Depot Restrooms – 11:30 a.m.
- November 23, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 28-29, 2013 – **Thanksgiving Holiday** – City Offices Closed
- December 13-15, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 14, 2013 – **“Christmas on Commerce” – a 2nd Saturday at the Depot Event**, from 10:00 a.m.-8:00 p.m.
- December 24-25, 2013 – **Christmas Holiday** – City Offices Closed
- January 1, 2014 – **New Year’s Day Holiday** – City Offices Closed
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Introduce Christine Brookshire, New Accountant

6.0 Approve the Minutes of the November 4, 2013 Regular City Council Meeting.

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2013-20, an Ordinance Reducing the Prima Facie Speed Limit established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon SH249 Frontage Roads/Access Roads, from the Intersection of the SH 249 Frontage Roads/Access Roads and Holderrieth Road, to the North Intersection of the Tomball Bypass and Business 249, within the Corporate Limits of the City of Tomball as set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance.

8.0 New Business:

- 8.1 Accept Resignation of Councilmember Rick Brown, Position 3
- 8.2 Approve Resolution No. 2013-31, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, January 18, 2014; 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

Aprobar la Resolución Nro. 2013-31, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball, Texas, que Ordena una Elección Especial de Funcionario Municipal, a Celebrarse en la Ciudad de Tomball el Sábado 18 de Enero de 2014; que Designa los Lugares de Votación y Nombra los

Funcionarios Electorales para Dicha Elección; que Instruye la Entrega del Aviso de Dicha Elección; que Designa la Fecha para una Elección de Desempate en Caso de ser Necesaria; y que Dispone los Detalles Relativos a la Celebración de Dicha Elección

Chấp thuận Nghị Quyết Số 2013-31, Một Nghị Quyết Và Lệnh Của Hội Đồng, Thành Phố Tomball, Texas, Ra Lệnh Một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt, Sẽ Được Tổ Chức Tại Thành Phố Tomball Vào Thứ Bảy, Ngày 18 Tháng Một, 2014; Chỉ Định Các Địa Điểm Bỏ Phiếu Và Bổ Nhiệm Các Viên Chức Bầu Cử Cho Cuộc Bầu Cử Đó; Chỉ Thị Đưa Ra Ngày Cho Cuộc Bầu Cử Chung Cuộc Nếu Cần; Và Đưa Ra Các Chi Tiết Liên Quan Đến Việc Tổ Chức Cuộc Bầu Cử Đó

批准決議案編號2013-31號決議, Texas州Tomball市市議會決議及命令之內容包括: 於2014年1月18日(週六)在Tomball市舉行市政官員特別選舉; 為上述選舉指定投票地點並任命選舉官員; 就發出本選舉之通知作出指示; 指定複選舉行日期(如果需要舉行複選); 以及就本選舉之舉行事宜作出具體規定。

- 8.3 Discussion and Possible Appointment of Council Representative to Northwest EMS Board
- 8.4 Appoint Member to the Tomball Legacy Fund, Inc. Board of Directors, Position 7
- 8.5 Consideration to approve **ZONING CASE P13-157**: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.
 - Conduct a Public Hearing on **ZONING CASE P13-157**
 - Adopt of First Reading, Ordinance No. 2013-21, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance, by approving a Planned Development District ("PDD") of approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-

904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas; amending the official Zoning Map of the City to reflect the PDD to be known as Planned Development District #5 (PDD-5); adopting a Concept Plan and regulations applicable to PDD-5; 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.

- 8.6 Consideration to approve **ZONING CASE P13-158**: Request by Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

- Conduct a Public Hearing on **ZONING CASE P13-158**
- Adopt on First Reading, Ordinance No. 2013-22, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by changing the zoning district classification of approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, from the Planned Development - 1 District to the Office District; said property being generally located southerly of Brown Road between State Highway 249 and Quinn 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.

- 8.7 Consideration to approve **ZONING CASE P13-161**: Request by the City of Tomball to amend Section 38.2 ("Use Charts") of the City's Zoning Ordinance by allowing a "Residential Use" with a Conditional Use Permit in the Office District.

- Conduct a Public Hearing on **ZONING CASE P13-161**
- Adopt on First Reading, Ordinance No. 2013-23, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by amending Section 38.2 ("Use Charts") by allowing a "Residential Use" with a Conditional Use Permit in the Office District; 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.

- 8.8 Approve **FINAL PLAT TUCKER MEADOWS**; A Subdivision of 4.6756-Acre Tract, being Comprised of 4.3285-Acre Tract and 0.5000-Acre Tract situated in Chauncey Goodrich Survey, Abstract 311, Harris County, Texas.

8.9 Approve Preparation of Request for Qualifications to Prepare an Evaluation and Analysis of the City's Development Review Process

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of November 2013 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: November 18, 2013

Topic:

- Led by Pastor James Clark, First Baptist Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council Agenda Item Data Sheet

Meeting Date: November 18, 2013

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: November 18, 2013

Topic:

- November 19, 2013 – **25th Anniversary of Lone Star College-Tomball**
- November 21, 2013 – **Ribbon-Cutting** at the Depot Restrooms – 11:30 a.m.
- November 23, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 28-29, 2013 – **Thanksgiving Holiday** – City Offices Closed
- December 13-15, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 14, 2013 – **“Christmas on Commerce” – a 2nd Saturday at the Depot Event**, from 10:00 a.m.-8:00 p.m.
- December 24-25, 2013 – **Christmas Holiday** – City Offices Closed
- January 1, 2014 – **New Year’s Day Holiday** – City Offices Closed
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Introduce Christine Brookshire, New Accountant

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: November 18, 2013

Topic:

Approve the Minutes of the November 4, 2013 Regular City Council Meeting.

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

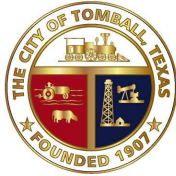
City Secretary

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

ATTACHMENTS:

Draft Minutes - November 4, 2013 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, NOVEMBER 4, 2013
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 were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Councilmembers absent:

Councilman Hudgens – Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
HR Director – Lisa Coe
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Internal Operations Director-NWEMS – Terry Rogers

2.0 The invocation was led by Pastor Rick Brown, ChristBridge Church

3.0 The pledges to the U. S. and Texas Flags were led by Martha Roquemore and Megan Whatley, representing Tomball High School.

4.0 No Public Comments were received.

5.0 Presentations: Mayor Fagan made the following presentations:

- **Mayor's "Man of the Year"** to State Representative Allen Fletcher and Harris County Commissioner R. Jack Cagle
- **SH 249 Groundbreaking Photos** to Participants in the 249 Groundbreaking and Participating Restaurants
- **Eagle Scout, Cameron James Arnold**
- Mayor Fagan and Lisa Coe presented a check in the amount of \$2,180.59 to Judy Deyo, Executive Director-TOMAGWA, and Robert Hauck, President-TOMAGWA Board of Directors, on behalf of **TOMAGWA**, and representing proceeds resulting from the October 12, 2013 *Sherine's Stride* Breast Cancer event.

6.0 Reports and Announcements:

- November 5, 2013 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m. – 207 Commerce (Sol de Luna)
- November 9, 2013 – **Woodforest Run at the Depot** – 8:00 a.m.
- November 9, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- November 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- November 23, 2013 – **48th Annual Tomball Holiday Parade** – 10:00 a.m.
- December 13-15, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 14, 2013 – **"Christmas on Commerce" – a 2nd Saturday at the Depot Event**, from 10:00 a.m.-8:00 p.m.
- **Walk Tomball!** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on **"Zomball in Tomball Do-Over" at the Depot and Tomball Blue Grass Festival**
 - Councilman Townsend reminded the audience that the Supreme Court will be voting on prayer at Council meetings this week.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 21, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance 2013-19, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by amending Section 38.2 ("Use Charts") by creating a new land use called "Fortune Telling and Similar

Activities,” permitting it only with a Conditional Use Permit in the Light Industrial District, and assigning it a parking requirement of one parking space per three hundred (300) square feet of building area; and amending Section 45.2 (“Definitions”) by creating a definition for “Fortune Telling and Similar Activities,” 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>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Mayor Fagan advised that the Request to approve a Letter of Acceptance Binding and Obligating Tandem Energy to Abide by the conditions Prescribed in Section 30-51 of City Ordinance No. 2008-23 in Lieu of a Surety Bond will be removed from the November 4, 2013 agenda.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Brown, second by Councilman Townsend, to reappoint Jeffie Cappadonna, Dr. Rodney Hutson, and Ron Tocci to their current respective positions as Members of the Tourism Advisory Committee for Terms Expiring December 5, 2013.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues in the Amount of \$30,000 for SCCHA's 2013-2014 Fiscal Budget for Annual Operations.

Motion to Amend was made by Councilman Townsend, second by Councilman Brown, to approve the Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues for SCCHA's 2013-2014 Fiscal Budget for Annual Operations in an Amount up to \$40,000, with the additional \$10,000 above the \$30,000 originally budgeted allocated from grant funds to be designated for the fees associated with the surveying and replatting process required by the City.

Motion, as Amended, carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Request by The Regional Arts Council (TRAC) for Financial Support through Hotel-Motel Tax Revenues in the Amount of \$11,000, for Four Performances of "The Nutcracker" Ballet, to be held December 7 and 8, 2013 at the Tomball High School Auditorium.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2013-30, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of Ed Heathcott to the Board of Directors of the Harris County Appraisal District.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Dodson, to authorize the City Manager to Execute Documents related to the Acquisition of Approximately 2.25 Acres of Land near the Intersection of East Hufsmith and Stanolind Roads in Order to Acquire a Site for a Third City Fire Station and a Training Tower Capable of Being Utilized by Both the Fire and Police Departments. Vote was as follows:

Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.7 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Professional Services Agreement with Cobb Fendley and Associates in the Amount of \$60,000 for the Design of Pipeline Lowering for Medical Complex Drive, Segment 3.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2013-20 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2013-20, an Ordinance Reducing the *Prima Facie* Speed Limit Established for Vehicles under the Provisions of

§545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon SH 249 Frontage Roads/Access Roads, from the Intersection of the SH 249 Frontage Roads/Access Roads and Holderrieth Road, to the North Intersection of the Tomball Bypass and Business 249, within the Corporate Limits of the City of Tomball as set out in This Ordinance; and Providing a Penalty of a Fine in an Amount not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. Vote was as follows:

Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of November 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2013-20, an Ordinance Reducing the Prima Facie Speed Limit established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon SH249 Frontage Roads/Access Roads, from the Intersection of the SH 249 Frontage Roads/Access Roads and Holderrieth Road, to the North Intersection of the Tomball Bypass and Business 249, within the Corporate Limits of the City of Tomball as set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance.

Background:

On October 21, 2013, the Harris County Toll Road Authority requested a temporary reduction of the speed limit on the existing SH 249 frontage roads from Holderrieth Road to the north intersection of the Tomball Bypass and Business 249. The existing speed limit is 45 miles per hour and the reduced speed limit being requested is 40 miles per hour. The reduced speed limit would remain in effect through completion of the project's construction.

Origination:

Harris County Toll Road Authority

Recommendation:

Adopt Ordinance No. 2013-20 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:

Harris County Toll Road Authority's Request Letter
Ordinance no. 2013-20

October 21, 2013

Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, TX 77375

SUBJECT: Request for Temporary Reduction in Speed Limit on SH 249

Dear Mr. Shackelford:

The Harris County Toll Road Authority (HCTRA) will soon begin construction of the Tomball Tollway (SH 249) main lanes from north of Spring-Cypress Road to the north intersection of the Tomball Bypass and Business 249. The construction zone for this project requires safe and effective traffic control for both the traveling public and those associated with the project's construction. In partnership with the Texas Department of Transportation (TxDOT), we request that the City of Tomball approve an ordinance reducing the speed limit to 40 miles per hour on the SH 249 frontage roads, from the intersection of the SH 249 frontage roads and Holderrieth Road, to the north intersection of the Tomball Bypass and Business 249. We further request that this temporary reduction in speed limit be in effect from the earliest possible date until completion of the project's construction, which is currently estimated to be March 1, 2015. Our contractors will install the new regulatory speed limit signs as part of the construction and reinstall signs with the current speed limit at the completion of construction.

Attached is TxDOT Form 1204 that we have submitted to TxDOT (Houston District) to lower the SH 249 frontage road speed limits through the project, south of the City of Tomball. Thank you for your assistance with this matter. Please contact me at 713-587-7875 if you have any questions or need additional information.

Sincerely,



Scott Hopman, P.E.
Project Manager
Attachment

cc: John Tyler, P.E., HCTRA
Quinton Alberto, P.E., HCTRA
Pam Elmer, P.E., TxDOT
Sargon Youhannazad, TxDOT
Karen McBride, P.E.

Request for Regulatory Construction Speed Zone

District: Houston	Highway: SH 249
Contact Person:	Contact Phone Number:

Type of work:	☒ 2 - Lane closure w/ barrier	☒ 4 - One-way traffic signal
☐ 1 - Shoulder activity	☒ 2 - Temporary diversion	☐ 4 - Unpaved surface
☐ 1 - Lane encroachment	☐ 3 - Lane closure w/o barrier	

Type of Work	Posted Speed	Construction Speed Limit
1	≥ 65 mph ≤ 60 mph	May be 5 mph below posted speed May not be used
2	≥ 80 mph = 75, 70 or 65 mph ≤ 60 mph	May be as low as 65 mph May be 10 mph below the posted speed May be 5 mph below the posted speed
3	≥ 80 mph ≤ 75 mph	May be as low as 65 mph May be 10 mph below the posted speed
4	≥ 55 mph ≤ 50 mph	May be as low as 45 mph May be 10 mph below the posted speed

Section	Section 1	Section 2	Section 3	Section 4
County	Harris	Harris	Harris	Harris
Highway	SH 249	SH 249	SH 249	SH 249
City Name (or Rural)	Rural	Rural	Rural	Tomball
Pre-construction Posted Speed	50	50	50	45
Proposed Construction Speed	40	40	40	40
Control-Section-Job	720-03-103	720-03-103	720-03-102	720-03-102
Beginning Mile Point	8.809	6.129	5.021	4.516
Ending Mile Point	6.129	5.021	4.516	2.067
Length	2.680	1.108	0.505	2.449
Project Number	HCTRA 801	HCTRA 804	HCTRA 802	HCTRA 802

Indicate below whether or not your form submission includes attachment(s):

☒ YES

☐ NO

Submit by E-mail

Instructions:

If you accessed this form from within the eForms System, once you have opened it, click the "Take Form Offline" icon (bottom, left) and save the form to your computer. If you accessed the form from a web page link, you can also use File>Save As on the top menu bar to save the form to your computer.

Once you have completed your form, you may save it and submit it by clicking the "Submit by E-mail" button on page 1. This opens your e-mail client and automatically attaches your completed form to a pre-addressed e-mail. Simply click "Send," and you're done.

Types of Work:							
Condition	Shoulder Activity	Lane Encroachment	Lane Closure with Barrier	Temporary Diversion	Lane Closure w/o Barrier	One-Way Traffic Signal	Unpaved Surface
	Activity closer than 10 ft but not closer than 2 ft from the edge of the traveled way	Activity encroaches to the edge of the traveled way	Activity requires a lane closure with workers protected by a barrier	Activity requires a temporary diversion be constructed	Activity requires a lane closure with workers within 10 feet of travel way unprotected by barrier	Activity uses a one-way traffic signal to direct traffic through construction area	Activity requires traffic to travel on an unpaved surface
Factors	1, 2	1, 2, 3, 4, 6	3, 4, 6, 7	3, 4, 6, 8	1, 3, 4, 6, 7	3, 6, 8	5, 6
Current Speed Limit (MPH)	Potential Construction Speeds (MPH)						
85	80	80, 75, 70 or 65		80, 75, 70 or 65		80, 75, 70, 65, 60, 55, 50 or 45	
80	75	75, 70 or 65		75, 70 or 65		75, 70, 65, 60, 55, 50 or 45	
75	70	70 or 65		70 or 65		70, 65, 60, 55, 50 or 45	
70	65	65 or 60		65 or 60		65, 60, 55, 50 or 45	
65	60	60 or 55		60 or 55		60, 55, 50 or 45	
60	None	55		55 or 50		55, 50 or 45	
55	None	50		50 or 45		50 or 45	
50	None	45		45 or 40		45 or 40	
45	None	40		40 or 35		40 or 35	
40	None	35		35 or 30		35 or 30	
35	None	30		30 or 25		30 or 25	
30	None	25		25 or 20		25 or 20	
25	None	20		20 or 15		20 or 15	

Note: Buffer zones may be needed for speed transitions ≥ 15 mph.

Factors:

- 1- Workers present for extended periods within 10 feet of traveled way unprotected by barriers
- 2- Horizontal curvature that might increase vehicle encroachment rate
- 3- Lane width reduction of 1 foot or more with a resulting lane width less than 11 feet
- 4- Barrier, traffic control devices or pavement edge drop off within 2 feet of traveled way
- 5- Reduced design speed for stopping sight distance
- 6- Unexpected conditions
- 7- Traffic congestion created by lane closure
- 8- Reduced design speed for detour roadway or transitions

ORDINANCE NO. 2013-20

AN ORDINANCE REDUCING THE *PRIMA FACIE* SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON SH249 FRONTAGE ROADS/ACCESS ROADS, FROM THE INTERSECTION OF THE SH 249 FRONTAGE ROADS/ACCESS ROADS AND HOLDERRIETH ROAD, TO THE NORTH INTERSECTION OF THE TOMBALL BYPASS AND BUSINESS 249, WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR THE VIOLATION OF THIS ORDINANCE.

* * * * *

WHEREAS, §545.356, Texas Transportation Code, provides that whenever the governing body of the City shall determine, upon the basis of an engineering and traffic investigation, that any *prima facie* speed therein set forth when a highway, or part of a highway, is under repair, construction or maintenance, said governing body may determine and declare a reasonable and safe *prima facie* speed limit thereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

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

Section 1. Upon the request of the Harris County Toll Road Authority, working in partnership with the Texas Department of Transportation, and upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following *prima facie* speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (A) Along SH 249 Frontage Roads/ Access Roads, from the intersection of the SH 249 Frontage Roads/ Access Roads and Holderrieth Road, to the north intersection of the Tomball Bypass and Business 249, the speed limit shall be "40 MPH."

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 4TH DAY OF NOVEMBER 2013.

COUNCILMAN HUDGENS	<u>ABSENT</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE ____ DAY OF _____, 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council Agenda Item Data Sheet

Meeting Date: November 18, 2013

Topic:

Accept Resignation of Councilmember Rick Brown, Position 3

Background:

A copy of Councilmember Rick Brown's resignation is presented for Council consideration and acceptance.

Origination:

Councilmember Rick Brown, Position 3

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:

Councilmember Rick Brown Resignation Letter

October 28, 2013

Gretchen Fagan
Mayor-City of Tomball
401 Market St.
Tomball, TX 77375

Dear Mayor,

It is with some regret that I must tell you I will soon become ineligible to represent our city on City Council.

As you know, Karen and I sold our house in January of this year. Our plan was to rent for awhile and then downsize from a one-story to a two-story home. We had expected to find something inside the city limits so that I could fulfill this term.

What we found instead was very little to choose from at this time. The options were either not something we were interested in or too large for this season of our lives. We expanded our search parameters a bit and found a house that is perfect for us, but it is just outside the city limits in Wimbledon Country (off of Kuykendall).

We wanted to wait to say anything until we got through the inspection and got to a "hard approval" on the financing. At this point it looks as if November 22 will be our closing date. That would mean that my resignation should be effective at midnight on November 18 (which will be my last meeting as a councilman).

My only regret in this personal move is not being able to fulfill the entire second term. It has been my privilege and honor to serve with you, the other Councilmen, and the City staff over the past three and a half years.

I want to thank you for the support and encouragement you have given me and especially for the quality leadership you have provided our city. I believe we have all accomplished some good things for Tomball and have helped the city move forward in a progressive and responsible way.

I will continue to support our city as a church leader and an active member of this great community.

Sincerely,


Rick Brown

Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-31, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, January 18, 2014; 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

Aprobar la Resolución Nro. 2013-31, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball, Texas, que Ordena una Elección Especial de Funcionario Municipal, a Celebrarse en la Ciudad de Tomball el Sábado 18 de Enero de 2014; que Designa los Lugares de Votación y Nombra los Funcionarios Electorales para Dicha Elección; que Instruye la Entrega del Aviso de Dicha Elección; que Designa la Fecha para una Elección de Desempate en Caso de ser Necesaria; y que Dispone los Detalles Relativos a la Celebración de Dicha Elección

Chấp thuận Nghị Quyết Số 2013-31, Một Nghị Quyết Và Lệnh Của Hội Đồng Thành Phố Tomball, Texas, Ra Lệnh Một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt, Sẽ Được Tổ Chức Tại Thành Phố Tomball Vào Thứ Bảy, Ngày 18 Tháng Một, 2014; Chỉ Định Các Địa Điểm Bỏ Phiếu Và Bổ Nhiệm Các Viên Chức Bầu Cử Cho Cuộc Bầu Cử Đó; Chỉ Thị Đưa Ra Ngày Cho Cuộc Bầu Cử Chung Cuộc Nếu Cần; Và Đưa Ra Các Chi Tiết Liên Quan Đến Việc Tổ Chức Cuộc Bầu Cử Đó

批准決議案編號2013-31號決議， Texas州Tomball市市議會決議及命令之內容包括：於2014年1月18日（週六）在Tomball市舉行市政官員特別選舉；為上述選舉指定投票地點並任命選舉官員；就發出本選舉之通知作出指示；指定複選舉行日期（如果需要舉行複選）；以及就本選舉之舉行事宜作出具體規定。

Background:

Councilman Brown's resignation creates a vacancy which, according to Tomball's Home Rule Charter, must be filled by special election. Additionally, Article XI, Section 11 of the Constitution of Texas provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs; Tomball has three-year terms. The Secretary of State's Office concurs with the use of a non-uniform election date within the timeframe required by the Constitution.

An election calendar, containing the required dates and actions for the special election, is attached. The filing period for place on ballot will begin November 19, 2013 and end December 19, 2013, for all candidates. Early voting by personal appearance will begin January 6, 2014 and end January 14, 2014, with two 12-hour days on January 7 and January 14. Election Day will be Saturday, January 18, 2014, 7:00 a.m.-7:00 p.m.

Should a run-off election prove necessary, Resolution No. 2013-31 sets February 15, 2014 as the date for the runoff election, with early voting from February 3 through February 11. February 15 complies with the requirement under Texas State Election Code Section 2.025 that a run-off election must be held not earlier than the 20th day nor later than the 30th day after the final canvass of the main election.

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2013-31, ordering the special election on January 18, 2014 and possible runoff election on February 15, 2014.

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:

Resolution No. 2013-31 - English

Resolution No. 2013-31 - Spanish

Resolution No. 2013-31 - Vietnamese

Resolution No. 2013-31 - Mandarin

Election Calendar - January 18, 2014 Special Election

RESOLUTION NO. 2013-31

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF
THE CITY OF TOMBALL, TEXAS, ORDERING A SPECIAL
CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY
OF TOMBALL ON SATURDAY, JANUARY 18, 2014;
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: An unexpired term remains for Council Position 3, due to the resignation of Council Member Rick Brown, effective Midnight, November 18, 2013.

Section 2: It is hereby ordered that a Special City Officer's Election be held in and throughout the CITY OF TOMBALL, TEXAS, on the 18th day of January 2014, at which election the following officer shall be elected by the resident qualified electors in and for the said CITY OF TOMBALL, to-wit:

POSITION

COUNCIL POSITION 3.

Section 3: 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

Mary Coats, Presiding Judge
Patsy Kinsey, 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, assisted by the City Secretary, 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 \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25.00 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, January 7, 2014 and Tuesday, January 14, 2014.

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 November 19, 2013. All candidates for election for the Office of City Councilman, Council Position 3, must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on December 18, 2013 in order for their names to be included on the Official Ballot.

The first day for write-in candidates to file an application for place on ballot is November 19, 2013. All write-in candidates for election for the Office of City Councilman, Council Position 3, must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on December 18, 2013 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, February 15. Early voting for the Runoff Election will begin February 3, 2014 and end February 11, 2014. All terms, conditions, and provisions established for the January 18, 2014 Special City Officer's 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 18th day of November 2013.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

UNA RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, QUE ORDENA UNA ELECCIÓN ESPECIAL DE FUNCIONARIO MUNICIPAL, A CELEBRARSE EN LA CIUDAD DE TOMBALL EL SÁBADO 18 DE ENERO DE 2014; QUE DESIGNA LOS LUGARES DE VOTACIÓN Y NOMBRA LOS FUNCIONARIOS ELECTORALES PARA DICHA ELECCIÓN; QUE INSTRUYE LA ENTREGA DEL AVISO DE DICHA ELECCIÓN; QUE DESIGNA LA FECHA PARA UNA ELECCIÓN DE DESEMPATE EN CASO DE SER NECESARIA; Y QUE DISPONE LOS DETALLES RELATIVOS A LA CELEBRACIÓN DE DICHA ELECCIÓN

* * * * *

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

Sección 1: Hay un mandato sin finalizar para la Posición 3 del Consejo debido a la renuncia del Concejál Rick Brown, vigente a partir de la medianoche del 18 de noviembre de 2013.

Sección 2: Por la presente se ordena que se realice una Elección Especial para Funcionario Municipal en toda la CIUDAD DE TOMBALL, TEXAS, el día 18 de enero de 2014, en la cual los electores calificados y residentes elegirán el siguiente funcionario para la mencionada CIUDAD DE TOMBALL, a saber:

POSICIÓN

POSICIÓN 3 DEL CONSEJO.

Sección 3: Los límites actuales de la Ciudad conformarán un precinto electoral, los lugares de votación estarán abiertos para votar desde las siete de la mañana (7:00 a.m.) hasta las siete de la tarde (7:00 p.m.) en el siguiente lugar de votación, y por la presente se designan a los siguientes funcionarios para llevar a cabo la elección en dicho lugar de votación:

LUGAR DE VOTACIÓN

City Hall de Tomball
401 Market Street
Tomball, Texas 77375

FUNCIONARIOS ELECTORALES

Mary Coats, Juez Presidente
Patsy Kinsey, Juez Presidente Alterno.

Por la presente, se autoriza e instruye a la Secretaria de la Ciudad a entregar una copia de esta RESOLUCIÓN a los jueces en calidad de aviso por escrito de su designación según lo exige la Sección 32.009 del Código Electoral de Texas. Si fuera necesario y el Juez Presidente o el Juez Presidente Alternativo no pudiera desempeñar sus funciones asignadas, la Secretaria de la Ciudad está autorizada a escoger un Juez Presidente Actuante o Juez Presidente Alternativo Actuante entre los Oficiales Electorales calificados.

El Juez Presidente estará autorizado, con la ayuda de la Secretaria de la Ciudad, a nombrar a no más de siete (7) oficiales para colaborar en la celebración de dicha elección, pero bajo ninguna circunstancia el Juez Presidente nombrará menos de dos oficiales. Dichos funcionarios electorales además actuarán como el Consejo de Boletas de Votación Anticipada para dicha elección; el Juez Presidente para dicho precinto electoral también actuará como Funcionario que preside el Consejo de Boletas de Votación Anticipada.

El Juez de la Elección será compensado con una tarifa por hora de \$12.00; los oficiales de votación anticipada y los oficiales electorales serán compensados con una tarifa por hora de \$11.00 según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado. El Juez de la Elección será compensado con una cantidad de \$25.00 por la entrega de equipamiento y suministros de la elección según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado, si dicha entrega fuera necesaria. La Ciudad pagará por cualquier capacitación requerida para los jueces y los oficiales de la elección de la Ciudad. Los jueces y los oficiales también recibirán el reembolso de los gastos de transporte y se les pagarán las tarifas por hora establecidas por el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de las Elecciones para la votación anticipada; la designación de uno o más suboficiales para la votación anticipada por la Secretaria de la Ciudad se realizará de acuerdo con la Sección 83.001 y siguientes del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección como:

City Hall
Ciudad de Tomball, Texas
401 Market Street
Tomball, Texas 77375

Dichos oficiales mantendrán dicha oficina abierta durante el horario laboral regular de City Hall, es decir, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cinco de la tarde (5:00 p.m.) los lunes, miércoles y jueves, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta siete cuarenta y cinco de la tarde (7:45 p.m.) los martes, y de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cuatro de la tarde (4:00 p.m.) los viernes, durante cada día de votación anticipada que no es un sábado, un domingo o un feriado oficial estatal, a partir del doceavo

(12.vo) día y siguiendo hasta el cuarto (4.to) día anteriores a la fecha de dicha elección. Según lo requiere la Sección 85.005(d) del Código Electoral, la votación anticipada en persona en el principal lugar de votación de la votación anticipada se realizará por un mínimo de 12 horas durante dos días de semana, si el periodo de votación anticipada consta de seis o más días de semana; por tanto, la votación anticipada en persona se realizará por 12 horas el martes 7 de enero de 2014 y el martes 14 de enero de 2014.

Dichos oficiales no le permitirán a nadie votar con anticipación en persona durante ningún día que no sea un día laboral regular para la oficina del oficial, y bajo ninguna circunstancia le permitirán a nadie votar con anticipación en persona en cualquier horario en el cual dicha oficina no está abierta al público. El lugar descrito anteriormente para la votación anticipada también es la dirección postal del oficial a la cual se deben enviar las solicitudes de boleta de votación y las boletas de votación por correo. El oficial de votación anticipada, de acuerdo a las disposiciones del Código Electoral de Texas, mantendrá una lista que incluye cada persona que vota con anticipación en persona y cada persona a la que se le envía una boleta de votación por correo. La lista tendrá una forma aprobada por el Secretario de Estado.

Sección 5: Las boletas de votación serán preparadas de acuerdo con el Código Electoral de Texas. Las boletas de votación de papel se usarán para la votación anticipada por correo y el Sistema de votación electrónico de registro directo (DRE) eSlate se usará para la votación anticipada en persona y para la votación del Día de Elección, las cuales forman parte del Sistema de votación DRE eSlate. Por la presente el Consejo Municipal adopta para uso en la votación anticipada y la votación del día de la elección el Sistema de votación electrónico de registro directo (DRE) eSlate según lo aprobó el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la realización de la elección, la compra de materiales para la misma y el empleo de todos los funcionarios electorales.

Sección 6: Por medio de la presente se autoriza e instruye a la Secretaria de la Ciudad a proporcionar todos los suministros necesarios para llevar a cabo dicha elección.

Sección 7: El aviso de esta elección se otorgará de acuerdo con las disposiciones del Código Electoral de Texas y los resultados de dicho aviso se realizarán según lo dispone el mencionado Código. El Alcalde emitirá todas las órdenes y los escritos necesarios para dicha elección, y los resultados de dicha elección serán entregados a la Secretaria de la Ciudad después del cierre de los lugares de votación.

Sección 8: Dicha elección se llevará a cabo de acuerdo con las disposiciones de la Sección 11 del Artículo XI de la Constitución de Texas, que dispone que una municipalidad que tiene mandatos que superan los dos (2) años debe cubrir cualquier vacante dentro de los 120 días posteriores a que se produzca dicha vacante, el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas. Solo los electores residentes y debidamente calificados de la Ciudad de Tomball cumplirán los requisitos para votar.

Sección 9: El primer día para presentar la solicitud para obtener un lugar en la boleta de votación es el 19 de noviembre de 2013. Todos los candidatos para el Cargo de Concejal de la Ciudad, Posición 3 del Consejo, deben presentar sus nombres ante la Secretaria de la Ciudad de la Ciudad de Tomball antes de las 5:00 P.M. del 18 de diciembre de 2013 a fin de que sus nombres sean incluidos en la Boleta Oficial de Votación.

Para los candidatos por escrito, el primer día para presentar la solicitud para obtener un lugar en la boleta de votación es el 19 de noviembre de 2013. Todos los candidatos por escrito para la elección para el Cargo de Concejal de la Ciudad, Posición 3 del Consejo, deben presentar sus nombres ante la Secretaria de la Ciudad de la Ciudad de Tomball antes de las 5:00 P.M. del 18 de diciembre de 2013 a fin de que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En caso de necesidad de una Elección de Desempate, se designa el sábado 15 de febrero como la fecha de la Elección de Desempate. La votación anticipada para la Elección de Desempate comenzará el 3 de febrero de 2014 y finalizará el 11 de febrero de 2014. En la Elección de Desempate se aplicarán todos los términos, las condiciones y las disposiciones estipulados para la Elección Especial de Funcionario Municipal del 18 de enero de 2014.

Sección 11: Por la presente se autoriza e instruye a la Secretaria de la Ciudad a dar Aviso de dicha elección según lo requiere la ley.

APROBADA Y RESUELTA, este 18 de noviembre de 2013.

GRETCHEN FAGAN, Alcalde
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ TOMBALL, TEXAS, RA LỆNH MỘT CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ ĐẶC BIỆT, SẼ ĐƯỢC TỔ CHỨC TẠI THÀNH PHỐ TOMBALL VÀO THỨ BẢY, NGÀY 18 THÁNG MỘT, 2014; CHỈ ĐỊNH CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC BẦU CỬ CHO CUỘC BẦU CỬ ĐÓ; CHỈ THỊ ĐƯA RA NGÀY CHO CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI TIẾT LIÊN QUAN ĐẾN VIỆC TỔ CHỨC CUỘC BẦU CỬ ĐÓ

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

Mục 1: Một nhiệm kỳ chưa hết hạn đối với Ủy Viên Hội Đồng Vị Trí Số 3, do sự từ nhiệm của Ủy Viên Hội Đồng Rick Brown, có hiệu lực từ mười hai giờ đêm, ngày 18 tháng Mười, 2013.

Mục 2: Theo đây ra lệnh rằng một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt sẽ được tổ chức trong và trên khắp THÀNH PHỐ TOMBALL, TEXAS, vào ngày 18 tháng Một, 2014, tại đó viên chức sau đây sẽ được bầu chọn bởi các cử tri cư dân hội đủ điều kiện trong và cho THÀNH PHỐ TOMBALL, như sau:

VI TRÍ

ỦY VIÊN HỘI ĐỒNG VỊ TRÍ SỐ 3.

Mục 3: Ranh giới hiện tại của Thành Phố cấu thành một phân khu bầu cử, các quầy phiếu sẽ được mở cửa cho việc bỏ phiếu từ bảy (7) giờ sáng cho đến bảy (7) giờ tối, tại địa điểm bỏ phiếu sau đây, và theo đây chỉ định các viên chức để tiến hành cuộc bầu cử tại địa điểm nói trên:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC TUYỂN CỬ

Mary Coats, Trưởng Ban Điều Hành
Patsy Kinsey, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây ủy quyền và hướng dẫn cung cấp một bản sao của NGHỊ QUYẾT này cho các trưởng ban điều hành cuộc bầu cử là thông báo trên giấy tờ về việc bổ nhiệm này theo như yêu cầu của Mục 32.009 của Bộ Luật Tuyển Cử Texas. Nếu Trưởng Ban Điều Hành hoặc Trưởng Ban Điều Hành Dự Khuyết không thể thực hiện các nhiệm vụ được giao, Thư Ký Thành Phố được chỉ định để bầu chọn một Quyền Trưởng Ban Điều Hành hoặc Quyền Trưởng Ban Điều Hành Dự Khuyết từ các Thư Ký Phụ Trách Tuyển Cử hội đủ điều kiện, như cần thiết.

Trưởng Ban Điều Hành sẽ có thẩm quyền bổ nhiệm, với sự hỗ trợ của Thư Ký Thành Phố, để chỉ định không quá bảy (7) thư ký nhằm giúp tổ chức cuộc bầu cử, nhưng trong mọi trường hợp Trưởng Ban Điều Hành không bao giờ được chỉ định ít hơn hai thư ký. Các viên chức phụ trách tuyển cử nói trên cũng đảm nhận Ủy Ban Đặc Trách Về Bỏ Phiếu Sớm cho cuộc bầu cử đó; Trưởng Ban Điều Hành của phân khu bầu cử đó cũng đảm nhận vị trí Viên Chức Điều Hành của Ủy Ban Đặc Trách Về Việc Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả thù lao theo giờ ở mức \$12.00; các thư ký phụ trách bỏ phiếu sớm và thư ký phụ trách tuyển cử được trả thù lao theo giờ ở mức \$11.00 như được quy định tại Tiểu Mục 3, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thù lao với số tiền là \$25.00 cho việc giao nhận thiết bị và vật tư bầu cử như quy định tại Tiểu Mục, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang, nếu việc giao nhận đó là cần thiết. Thành Phố sẽ trả cho bất kỳ việc đào tạo cần thiết nào của các trưởng ban điều hành và thư ký phụ trách tuyển cử của Thành Phố. Các trưởng ban điều hành và thư ký cũng sẽ được hoàn trả chi phí đi lại và sẽ được thanh toán ở mức chi phí theo giờ quy định đối với thời gian đào tạo.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký Phụ Trách Tuyển Cử cho việc bỏ phiếu sớm; việc chỉ định một phụ tá thư ký hoặc các phụ tá thư ký bởi Thư Ký Thành Phố sẽ chiếu theo Mục 83.001 và *phần sau đó* của Bộ Luật Tuyển Cử Texas. Địa điểm bỏ phiếu sớm cho cuộc bầu cử theo đây được chỉ định như sau:

Tomball City Hall
Thành Phố Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Các thư ký nói trên sẽ mở cửa văn phòng trong suốt các giờ mà Tòa Thị Chính Thành Phố thường mở cửa làm việc, đó là, từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến năm (5:00) giờ chiều ngày Thứ Hai, Thứ Tư và Thứ Năm, từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bảy giờ bốn mươi lăm phút (7:45) tối ngày Thứ Ba, và từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bốn (4) giờ chiều ngày Thứ Sáu, vào mỗi ngày bỏ phiếu sớm không phải là ngày Thứ Bảy, Chủ Nhật, hoặc một ngày nghỉ lễ chính thức của tiểu bang, bắt đầu từ ngày mười hai (12) và tiếp tục cho đến ngày mừng bốn (4) trước ngày của cuộc bầu cử. Theo yêu cầu tại Mục 85.005 (d), Bộ Luật Tuyển Cử, địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12

giờ vào hai ngày trong tuần, nếu thời hạn bỏ phiếu sớm gồm sáu ngày trong tuần trở lên; do vậy, thủ tục đích thân tới bỏ phiếu sớm sẽ được tiến hành trong 12 giờ vào Thứ Ba, ngày 7 tháng Một, 2014 và Thứ Ba, ngày 14 tháng Một, 2014.

Các thư ký nói trên sẽ không cho phép bất kỳ người nào thực hiện thủ tục đích thân tới bỏ phiếu sớm vào bất kỳ ngày nào không phải là một ngày làm việc thông thường đối với văn phòng thư ký, và trong mọi trường hợp các thư ký sẽ không cho phép bất kỳ người nào thực hiện thủ tục đích thân tới bỏ phiếu sớm vào bất kỳ thời gian nào mà văn phòng đó không mở cửa cho công chúng. Địa điểm mô tả trên đây cho việc bỏ phiếu sớm cũng là địa chỉ thư tín của thư ký mà các đơn xin lá phiếu bầu và lá phiếu bỏ phiếu bằng thư có thể được gửi đến. Chiều theo các điều khoản của Bộ Luật Tuyển Cử Texas, thư ký phụ trách bỏ phiếu sớm sẽ lưu giữ các bản danh sách ghi tên từng cử tri đích thân tới bỏ phiếu sớm và mỗi người nhận được lá phiếu để bầu qua thư. Danh sách sẽ được duy trì theo mẫu được Tổng Trưởng Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Tuyển Cử Texas. Các lá phiếu giấy sẽ được sử dụng cho việc bỏ phiếu sớm và Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) sẽ được sử dụng cho thủ tục đích thân tới bỏ phiếu sớm và bỏ phiếu vào Ngày Bầu Cử, cả hai là một phần của Hệ Thống Bỏ Phiếu eSlate DRE. Hội Đồng Thành Phố theo đây thông qua việc sử dụng trong việc bỏ phiếu sớm và vào ngày bầu cử Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) được Tổng Trưởng Tiểu Bang thông qua. Tất cả các khoản chi phí cần thiết để tiến hành cuộc bầu cử, việc mua tài liệu theo đó và tuyển dụng tất cả các viên chức tuyển cử theo đây được phép thực hiện.

Mục 6: Tổng Trưởng Thành Phố theo đây được phép và được chỉ thị cung cấp toàn bộ các đồ tiếp liệu tuyển cử cần thiết để tiến hành cuộc bầu cử đó.

Mục 7: Thông báo cuộc bầu cử này sẽ được đưa ra chiếu theo các điều khoản của Bộ Luật Tuyển Cử Texas và kết quả của thông báo đó sẽ được thực hiện như được quy định trong Bộ Luật nói trên. Thị Trưởng ban hành tất cả các lệnh và chỉ thị cần thiết cho cuộc bầu cử, và số phiếu bầu của cuộc bầu cử sẽ được gửi cho Tổng Trưởng Thành Phố ngay sau khi các địa điểm bỏ phiếu đóng cửa.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo các điều khoản của Điều XI, Mục 11, của Hiến Pháp Texas, quy định rằng chính quyền địa phương có nhiệm kỳ không vượt quá hai (2) năm phải bổ sung bất kỳ vị trí trống nào trong vòng 120 ngày sau khi vị trí trống đó xảy ra, Bộ Luật Tuyển Cử Texas và Đạo Luật Quyền Bầu Cử Liên Bang 1965, như được tu chính. Chỉ các cử tri cư dân hội đủ điều kiện của Thành Phố Tomball sẽ hội đủ điều kiện bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn xin một ví trí trên lá phiếu là ngày 19 tháng Mười Một, 2013. Tất cả các ứng cử viên cho cuộc bầu cử vào Chức Vụ Ủy Viên Hội Đồng Thành Phố, Ủy Viên Hội Đồng Vị Trí Số 3, phải cung cấp tên cho Thư Ký Thành Phố Tomball, Texas đến 5 giờ chiều ngày 18 tháng Mười Hai, 2013 để tên của các ứng cử viên đó được ghi trên Lá Phiếu Chính

Thứ.

Ngày đầu tiên đối với các ứng cử viên ghi thêm đề nộp đơn xin một vị trí trên lá phiếu là ngày 19 tháng Mười Một, 2013. Tất cả các ứng cử viên ghi thêm cho cuộc bầu cử vào Chức Vụ Ủy Viên Hội Đồng Thành Phố, Ủy Viên Hội Đồng Vị Trí Số 3, phải cung cấp tên cho Thư Ký Thành Phố Tomball, Texas đến 5 giờ chiều ngày 18 tháng Mười Hai, 2013 để tên của các ứng cử viên ghi thêm đó được ghi trên Lá Phiếu Chính Thức.

Mục 10: Trường hợp Cuộc Bầu Cử Chung Cuộc cần thiết, ngày của Cuộc Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy, ngày 15 tháng Hai. Việc bỏ phiếu sớm cho Cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 3 tháng Hai, 2014 và kết thúc vào ngày 11 tháng Hai, 2014. Tất cả các điều khoản, điều kiện và quy định được thiết lập cho Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt ngày 18 tháng Một, 2014 sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cho phép và chỉ thị đưa ra Thông Báo của cuộc bầu cử nói trên theo yêu cầu của luật pháp.

ĐƯỢC THÔNG QUA và QUYẾT NGHỊ vào hôm nay ngày 18 tháng Mười Một, 2013.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

2013-31號決議

TEXAS州TOMBALL市市議會決議及命令之內容包括：於2014年1月18日(週六)在TOMBALL市舉行市政官員特別選舉；為上述選舉指定投票地點並任命選舉官員；就發出本選舉之通知作出指示；指定複選舉行日期(如果需要舉行複選)；以及就本選舉之舉行事宜作出具體規定。

* * * * *

TEXAS州TOMBALL市市議會決議如下：

第1條： 鑒於議會成員Rick Brown之辭職申請將於2013年11月18日午夜12時生效，屆時，議會職位3任期未滿。

第2條： 現命令於2014年1月18日在TEXAS州TOMBALL市舉行市政官員特別選舉，藉此由TOMBALL市合資格居民選民投票選出以下本市官員：

職位

議會職位3

第3條： 本市之當前範圍可構成一選區；下列投票地點應於上午七時(7:00)至晚上七時(7:00)開放，以便選民進行投票；現任命以下人士擔任選舉官員，負責執行該投票地點之選舉：

投票地點

Tomball City Hall
401 Market Street
Tomball, Texas 77375

選舉官員

Mary Coats , 首席選舉法官
Patsy Kinsey , 後補首席選舉法官。

根據Texas州選舉法第32.009條之規定，現授權並指示市政秘書向選舉法官提供本決議之副本，作為其書面委任通知。若首席選舉法官或候補首席選舉法官無法行使其職責，則市政秘書有權在必要時選擇一名合資格之選舉書記員擔任代理首席選舉法官或代理候補首席選舉法官。

首席選舉法官有權在市政秘書的幫助下，任命不超過七(7)名書記員來協助舉行本次選舉，但在任何情況下，首席選舉法官任命之書記員均不得少於兩人。上述選舉成員官員還應擔任本次選舉的提前投票選票委員會，本選區之首席選舉法官還應擔任提前投票選票委員會首席官員。

依據州選舉法第 3 篇第 32.091(a)條之規定，選舉法官應獲得時薪為\$12.00 美元的報酬；提前投票書記員和選舉書記員應獲得時薪為\$11.00 美元的報酬。依據州選舉法第 3 篇第 32.091(a)條之規定，如需運送選舉設備及用品，選舉法官應獲得金額為\$25.00 美元的報酬。本市選舉法官與書記員的一切必要培訓費用應由本市承擔。法官與書記員的差旅費用應亦予以報銷，且培訓期間應按照規定時薪獲得報酬。

第4條： 現任命市政秘書為提前投票的選舉書記員，並由市政秘書依照Texas州選舉法第83.001條及以下條款之規定，任命一名或多名提前投票書記員助手。本選舉之提前投票地點為：

City Hall
City of Tomball, Texas

401 Market Street
Tomball, Texas 77375

上述書記員應確保上述辦公室於市政廳正常辦公時間開放：即從選舉日前十二(12)天至前四(4)天期間，於週一、週三及週四的上午七時四十五分(7:45)至下午五時(5:00)開放，週二的上午七時四十五分(7:45)至晚上七時四十五分(7:45)開放，週五的上午七時四十五分(7:45)至下午四時(4:00)開放，週六、週日及法定節假日除外。依據選舉法第85.005(d)條規定，若提前投票的舉行時間超出（含）六個工作日，則在主要提前投票地點舉行的親自出席提前投票應於其中2個工作日至少持續12小時；故此，將於2014年1月7日（週二）及2014年1月14日（週二），舉行為時12小時的親自出席提前投票。

上述書記員不得允許任何人士於非書記員辦公室正常工作日進行親自出席提前投票，並且在任何情況下，都不得允許任何人士於非書記員辦公室面向公眾開放的時間進行親自出席提前投票。選票申請與郵寄選票亦可寄往上述提前投票地點，收件人為上述書記員。依據Texas州選舉法規定，提前投票書記員應記錄一份名單，上面載有每位參加親自出席提前投票的選民及每位寄送郵寄選票的選民。該名單應採用州務卿許可的形式記錄。

第5條： 所有選票都應依照Texas州選舉法製備。紙質選票應當用於郵寄方式的提前投票，eSlate直接記錄式電子投票系統(DRE)應當用於親自出席提前投票和選舉日投票。市議會依據州務卿之授權，現決定在提前投票和選舉日投票中採用eSlate直接記錄式電子投票系統（DRE）。舉行本次選舉、購買相關材料及僱傭所有選舉官員所需的一切支出亦在此予以批准。

第6條： 現授權並指示市政秘書佈置所有必要的選舉用品以舉行本次選舉。

第7條： 本選舉通知應依據Texas州選舉法之規定發出；上述通知的回執確認亦應

依據上述選舉法規定執行。市長應簽發本選舉的所有必要命令及令狀；投票關閉后，應向市政秘書提交本選舉的選票報告。

第8條： 本次選舉應依照Texas州憲法第XI條第11款之規定舉行。Texas州憲法規定，若任期超過兩(2)年的市政職位出現空缺，則應於120天內，根據Texas州選舉法與經修訂的1965年聯邦投票權法案，予以填補。只有合資格的Tomball市居民選民有資格進行投票。

第9條： 自2013年11月19日起，可提交選票席位申請書。競選市議員職位（議會職位3）的所有候選人應於2013年12月18日下午5:00前將其姓名提交至Texas州Tomball市市政秘書，以便其姓名得以載入正式選票。

自2013年11月19日起，自填候選人亦可提交選票席位申請書。競選市議員職位（議會職位3）的所有自填候選人應於2013年12月18日下午5:00以前將其姓名提交至Texas州Tomball市市政秘書，以便其姓名得以載入正式選票。

第10條： 如需舉行複選，則舉行日期定為2014年2月15日（週六）。複選提前投票將於2014年2月3日開始，直至2014年2月11日結束。為2014年1月18日市級官員特殊選舉制定的所有條款、條件及規定同樣適用於複選。

第11條： 現授權並指示市政秘書根據法律規定發出本次選舉的通知。

本決議已於2013年11月18日**通過並獲准**。

2013-31號決議

頁5/ 5

GRETCHEN FAGAN , 市長

Tomball市

見證：

DORIS SPEER , 市政秘書

Tomball市

**CITY OF TOMBALL
GENERAL ELECTION CALENDAR
CANDIDATES AND MEDIA**

JANUARY 18, 2014

DATE	DAY	ACTION
November 18, 2013 (-61)	Monday	Council orders Special Election to fill vacancy; first day to issue Election Order. Runoff – February 15, 2014
November 19, 2013 (-60)	Tuesday	First day for filing application for place on ballot or declaration of write-in candidacy
December 18, 2013 (-31)	Wednesday	Last day to file application for place on ballot. Deadline is 5 p.m. First campaign finance report is due by 5 p.m. Last day to register to vote in 1/18 election. Last day to withdraw.
December 20, 2013 (-29)	Friday	Conduct 1 p.m. drawing for place on ballot. Drawing for campaign location on parking lot – 1 p.m.
January 3, 2014 (-15)	Friday	Last day to receive application from voter in person for ballot to be voted by mail – (by close of business - 4 p.m.)
January 6, 2014 (-12)	Monday	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE.
January 7, 2014 (-11)	Tuesday	Extended hours for early voting by personal appearance (7:45 A.M. TO 7:45 P.M.).
January 10, 2014 (-8)	Friday	Second campaign finance report is due – 5 p.m. deadline
January 14, 2014 (-4)	Tuesday	LAST DAY OF EARLY VOTING BY PERSONAL APPEARANCE <i>Extended Hours (7:45 A.M. TO 7:45 P.M.)</i>
January 15, 2014 (-3)	Wednesday	Last day for timely filing of semi-annual report of contributions and expenditures.
JANUARY 18, 2014 (0)	Saturday	ELECTION DAY, 7 a.m. – 7 p.m. UNOFFICIAL TABULATION OF RESULTS

**CITY OF TOMBALL
GENERAL ELECTION CALENDAR
CANDIDATES AND MEDIA**

JANUARY 18, 2014

<u>DATE</u>	<u>DAY</u>	<u>ACTION</u>
January 27, 2014 (+9)	Monday	CANVASS OF ELECTION – REGULAR COUNCIL MEETING, 6 P.M. RUN-OFF ELECTION SET FOR FEBRUARY 15, 2014, IF NECESSARY.
July 15, 2014	Monday	Last day for timely filing of semiannual report of contributions and expenditures.

Regular City Council Agenda Item Data Sheet

Meeting Date: November 18, 2013

Topic:

Discussion and Possible Appointment of Council Representative to Northwest EMS Board

Background:

Due to the resignation of Councilman Rick Brown, who currently serves as the City Council's representative on the Northwest EMS board, this item is placed on the agenda for Council's consideration and possible appointment of a new Council representative to serve on the NWEMS board.

I recommend the appointment of Councilman Derek Townsend as the City Council's representative on the Northwest EMS Board of Directors.

Origination:

Mayor Fagan

Recommendation:

The appointment of Councilman Derek Townsend as the City Council's representative on the Northwest EMS Board of Directors.

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: November 18, 2013

Topic:

Appoint Member to the Tomball Legacy Fund, Inc. Board of Directors, Position 7

Background:

Under Ordinance No. 2013-08, establishing the Tomball Legacy Fund, Inc. board, the Mayor and Councilmembers serve as the first six members and Council is required to appoint a seventh board member.

The member serving in Position 7 is not required to reside within the corporate limits of the City and his/her term of office will coincide with the Mayor's term of office.

Councilman Dodson has nominated Brett Tynes to serve on the Tomball Legacy Fund, Inc. board of directors. Additional nominations will be accepted during the Council meeting.

Origination:

Ordinance No. 2013-08

Recommendation:

N/A

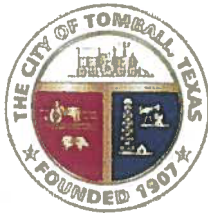
Funding:**Party(ies) responsible for placing this item on agenda:**

City Secretary

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

ATTACHMENTS:

Brett Tynes - Application



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type of Print Clearly:

Date: 1-29-2010

Name: Brett Tynes

Phone:

Address: _____

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

City/State/Zip: Tomball, TX 77375

Email: btynes@hiddenvul.com

I have lived in Tomball 12+ years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Investment Manager / Business Owner

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

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

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

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

Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

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

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

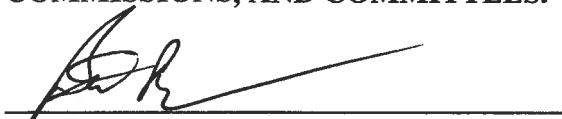
() Tomball Economic Development Corporation

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

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

Fourth Wednesday each month, 4 p.m.

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



Signature of Applicant

Please return this application to:

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

Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-157**: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-90408O; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

- Conduct a Public Hearing on **ZONING CASE P13-157**
- Adopt of First Reading, Ordinance No. 2013-21, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance, by approving a Planned Development District ("PDD") of approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-90408O; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas; amending the official Zoning Map of the City to reflect the PDD to be known as Planned Development District #5 (PDD-5); adopting a Concept Plan and regulations applicable to PDD-5; 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 17, 2013, City staff met with the property owner, Mr. Breaux, to discuss the expansion of his business, Breaux Machine Works, at the subject site. Mr. Breaux was informed that his property is zoned General Retail District which does not permit the expansion of a machine shop. He was informed that if he wished to expand his facility, he would be required to have the property rezoned to a district which not only permitted this particular land use, but was consistent and compatible with the Zoning districts and uses within the State Highway 249 corridor.

On October 1, 2013, the City received a Planned Development District (PDD) application from the applicant, Jackie Moon, for the subject site requesting the machine shop use be expanded. A Concept Plan was submitted with the PDD application which proposes numerous improvements including adding over 70,000 square feet of building area, providing on-site parking stalls to meet the demand of the increased building area, screening and buffering all outdoor storage areas, and bringing the entire site into conformance with the

landscaping requirements of the City.

The Planning and Zoning Commission voted to recommend approval of Zoning Case P13-157 on November 11, 2013, with a 5-0 unanimous vote.

Origination:

Jackie Moon, on behalf of Breaux Properties, LTD

Recommendation:

Adopt Ordinance No. 2013-21 on First Reading

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification Letter
P13-157 Staff Report
Ordinance No. 2013-21

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

ZONING CASE P13-158: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

ZONING CASE P13-161: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance by allowing a “Residential Use” with a Conditional Use Permit in the Office District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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.

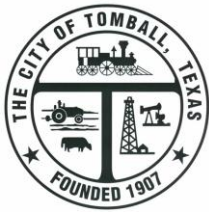
C E R T I F I C A T I O N

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 7th day of **November 2013** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



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: P13-157

APPLICANT: Jackie Moon, on behalf of Breaux Properties, LTD

LOCATION: Northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

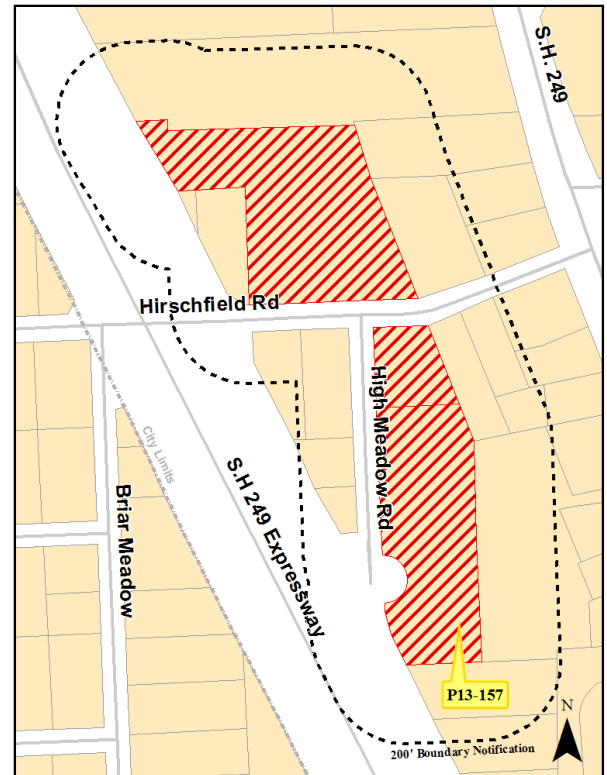
CONTACT: Rodney Schmidt

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.

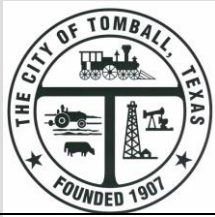


**Planning & Zoning Commission
Public Hearing:
Monday, November 11, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, November 18, 2013, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 11, 2013

Rezoning Case: P13-157

Property Owner(s): Breaux Properties, LTD

Applicant: Jackie Moon

Legal Description: Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-90408O; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349

Location: Northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway (Exhibit "A")

Area: 8.55 acres

Present Zoning and Use: General Retail and Agricultural Districts (Exhibit "B") / Machine Shop

Comp Plan Designation: Commercial (Exhibit "C")

Proposed Zoning and Use: Planned Development District #5 / Machine Shop

Adjacent Zoning & Land Uses:

North: General Retail District / Building materials sales

South: Agricultural District / Vacant

- West:** Agricultural District, General Retail District, and Conditional Use Permit #8 / State Highway 249 Expressway, High Meadow Road, vacant, single-family residence, office/warehouse, and feed and grain store
- East:** General Retail District / Minor auto repair, furniture and appliance store, auto parts sale, eating establishment, medical office, office/warehouse, convenience store, multi-use strip center, and drinking establishment

BACKGROUND

On May 17, 2013, City staff met with the property owner, Mr. Breaux, to discuss the expansion of his business, Breaux Machine Works, at the subject site. Mr. Breaux was informed that his property is zoned General Retail District which does not permit the expansion of a machine shop. He was informed that if he wished to expand his facility, he would be required to have the property rezoned to a district which not only permitted this particular land use, but was consistent and compatible with the Zoning districts and uses within the State Highway 249 corridor. On October 1, 2013, the City received a Planned Development District (PDD) application from the applicant, Jackie Moon, for the subject site requesting the machine shop use be expanded (Exhibit “D”). A Concept Plan was submitted with the PDD application which proposes numerous improvements including adding over 70,000 square feet of building area, providing on-site parking stalls to meet the demand of the increased building area, screening and buffering all outdoor storage areas, and bringing the entire site into conformance with the landscaping requirements of the City (Exhibit “E”).

ANALYSIS

There are several existing land uses in the area. To the north of the subject site is a building materials sales facility; to the south is vacant land; to the west is State Highway 249 Expressway, High Meadow Road, vacant land, a single-family residence, office/warehouses, and a feed and grain store; and to the east is a minor auto repair facility, furniture and appliance store, auto parts store, eating establishment, office/warehouse, medical office, convenience store, multi-use strip center, and drinking establishment (Exhibit “F”). The Rezoning to PDD appears to be compatible with the existing land uses in the area except for the single-family residence across High Meadow Road to the west. However, the 25-foot front building setback and 10-foot landscape buffer along High Meadow Road proposed on the Concept Plan appears to sufficiently buffer the machine shop use from the single-family residence.

There are a number of Zoning districts in the area. To the north of the subject site is the General Retail District; to the south is the Agricultural District; to the west are the Agricultural District, General Retail District, and Conditional Use Permit #8 permitting a feed and grain store; and to the east is the General Retail District. The proposed PDD appears to be compatible with the existing Zoning districts in the area given the provisions shown on the Concept Plan.

The Comprehensive Plan's Future Land Use (FLU) map identifies the site as Commercial. The Comprehensive Plan (CP) states, "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." The proposed rezoning does not appear to be consistent with the CP land use designation of Commercial. However, the CP states, "At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the CP. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the FLU but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations (City staff responses in red):

- Will the proposed development enhance the City economically?

The expansion of the facility would appear to generate higher property taxes for the City than if the property were to remain in its current configuration. Additionally, the expanded facility may generate more employees which will likely equate to more sales tax revenue from those employees eating and shopping in the City and possibly more property tax revenue from new home construction.

- Will the proposed development enhance the City aesthetically?

The Concept Plan provides numerous site improvements including new buildings and landscaping area which appear to enhance the City aesthetically.

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

The request is consistent with Goal LUD 7 which attempts to "Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs." The expansion of the facility will likely generate more employees which would appear improve the jobs-to-population ratio and provide locally available jobs.

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

The expansion of the machine shop use will likely better utilize land currently being used as such and expand the facility into undeveloped land.

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

The visual buffering and landscaping proposed for this site appear to mitigate negative impacts on the single-family residence in the area.

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

The proposed development will have adequate access and will adhere to all governmental regulations for ingress/egress. Additionally, the new shipping and receiving facility proposed on the Concept Plan is anticipated to allow the heavy trucks that currently load/unload their materials on Hirschfield Road to load/unload on private property thereby improving traffic flow.

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

The uses adjacent to the existing and proposed machine shop appear to be similar in nature. Additionally, the machine shop has been at its current location for several years without any known filed complaints from its neighbors siting incompatibility concerns.

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

The proposed development appears to positively impact the community's health, safety, or welfare by removing the loading/unloading of heavy trucks from Hirschfield Road onto private property.

Although the proposed Rezoning does not appear to be consistent with the FLU designation of Commercial, the CP does "allow City Staff the flexibility to respond to conditions and constraints inherent to specific sites and areas in Tomball." Staff recognizes the existing use of a machine shop which was created prior to the inception of Zoning in the City. A Rezoning to PDD would allow Staff to require that this development "provide proper transitions, buffers, or architectural reliefs to minimize negative impacts" as mandated in the CP. To this end, as part of the associated Concept Plan, the applicant is proposing numerous improvements to the site that are anticipated to improve the property visually and allow the existing business to function in a more efficient and safe manner.

Finally, the future development of this site will require the applicant to comply with the City's platting requirements as well as the use and area regulations outlined in the Zoning Ordinance and PDD ordinance. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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 proposed machine shop expansion appears to be compatible with the existing land uses in the area except for the single-family residence across High Meadow Road to the west. However, the 25-foot front building setback and 10-foot landscape buffer along High Meadow Road proposed on the Concept Plan appears to sufficiently buffer the machine shop use from the single-family residence.

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 public schools, streets, water supply, sanitary sewers, or other utilities to the area.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PDD intended for the same purpose as proposed by the applicant.

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 no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

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 Zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed Zoning change is not anticipated to negatively affect the public health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

Although the proposed Rezoning does not appear to be consistent with the Comprehensive Plan Future Land Use designation of Commercial, it does appear to provide a better use of land that will benefit both the property owner and the City.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 31, 2013; no public comments have been received as of November 6, 2013.

CONCLUSION

Staff recommends **APPROVAL** of Zoning Case P13-157 based on the following:

- a. The proposed rezoning appears to be generally compatible with the surrounding land uses given the provisions shown on the concept plan;
- b. The proposed rezoning appears to be generally compatible with the surrounding zoning districts given the provisions shown on the concept plan;
- c. The proposed rezoning does not appear to be consistent with the Comprehensive Plan land use designation of Commercial but appears to provide a better use of land than what is defined in the Comprehensive Plan;
- d. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
- e. The proposed rezoning is not anticipated to negatively affect the public health, safety, morals, or general welfare.

RECOMMENDATION

APPROVAL of Zoning Case P13-157.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Rezoning Application
- E. Concept Plan
- F. Site Photos

Exhibit "A"
Aerial Photo

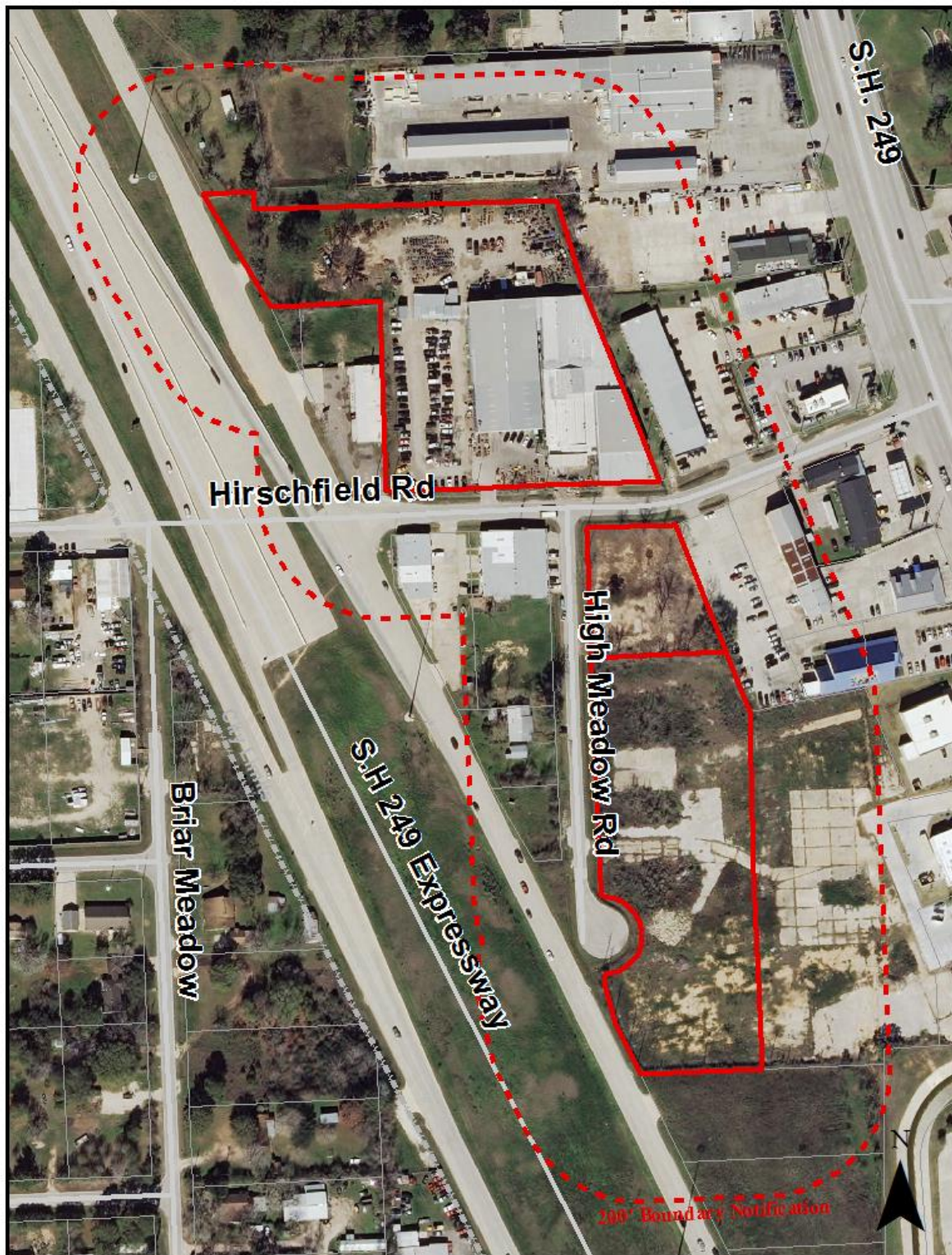


Exhibit "B"
Zoning Map

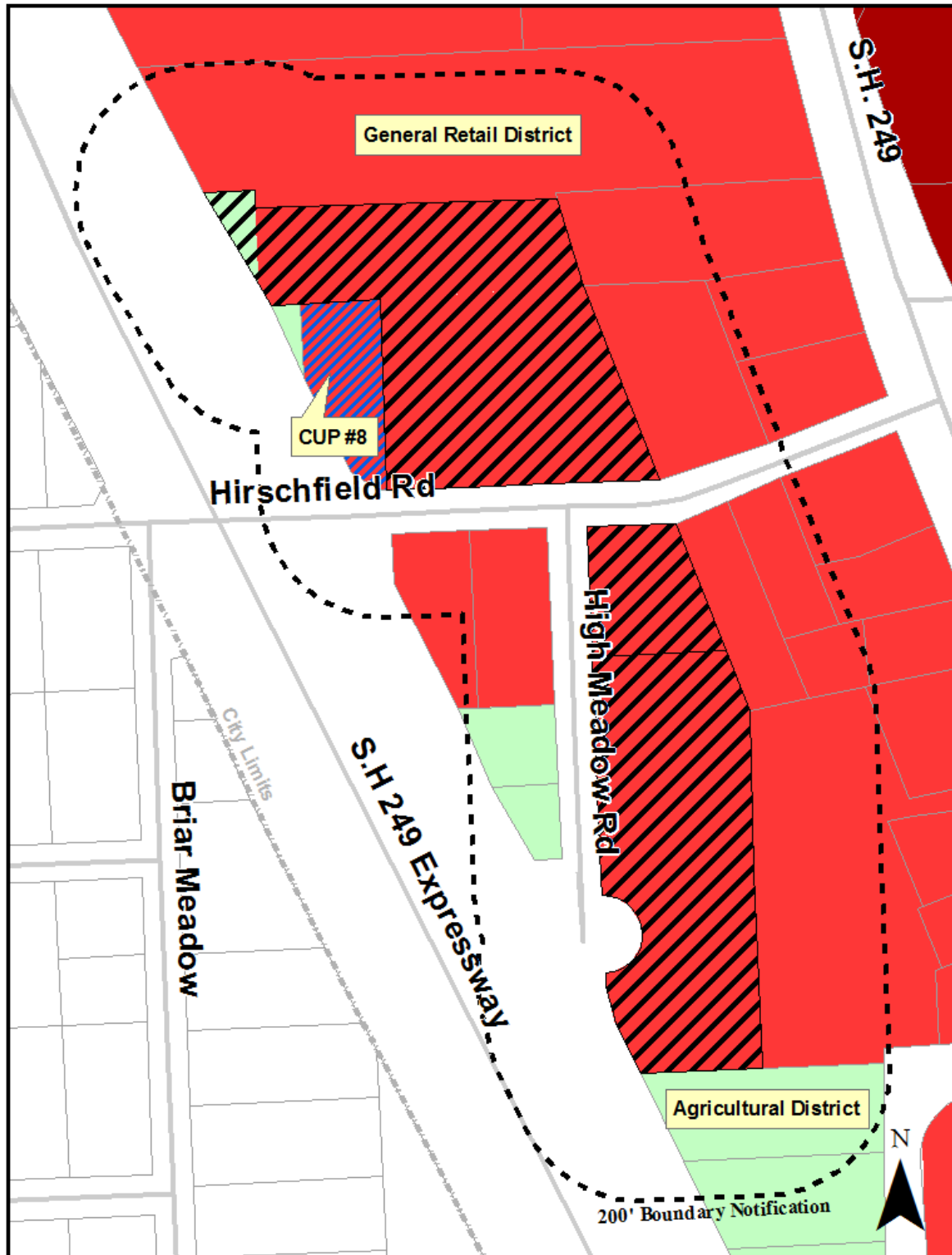


Exhibit "C"
Comprehensive Plan Future Land Use Map

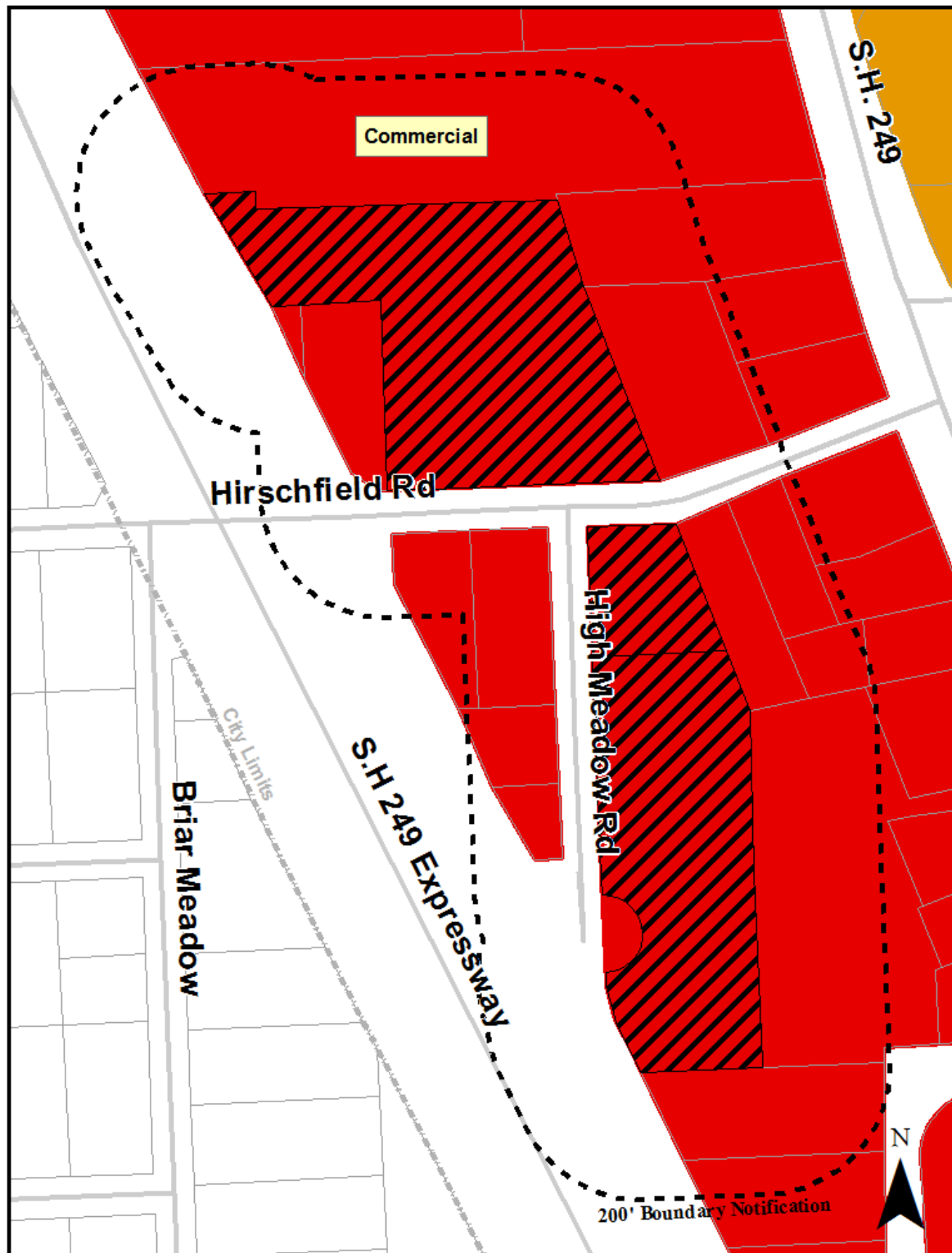


Exhibit "D"
Rezoning Application



**Application for
Planned Development**
Engineering & Planning Department

Revised 1/20/09



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: P Jackie Moon Title: Representative
Mailing Address: 22511 Walden Way City: Tomball State: TX
Zip: 77375
Phone: (281) 516-9149 Fax: () Email: jamoarc@gmail.com

Owner

Name: Breaux Properties, LTD Title: _____
Mailing Address: 13842 Hirschfield Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4042 Fax: (281) 351-2640 Email: _____

Engineer/Surveyor (if applicable)

Name: David Broussard, PE Title: Owner
Mailing Address: 17527 Hawkins Lane City: Tomball State: TX
Zip: 77377
Phone: (281) 732-0464 Fax: () Email: David_broussard1950@yahoo.com

Description of Proposed Project: Machine Works Complex

Physical Location of Property: 13842 Hirschfield Rd and surrounding 8.9954 acres Breaux Machine Works P.D.
[General Location – approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

Legal Description of Property: see attached 'STEWART TITLE & 'Nesvadba Letter'
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: see attached map Acreage: 8.9954

Current Use of Property: Machine Works Shop

Proposed Use of Property: same, plus Shipping and Receiving

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.

☒ Jackie Moor 9-30-13
Signature of Applicant Date

☒ N. Z. Bryant 9-30-13
Signature of Owner Date

BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties, Comprehensive Plan, Amendment Request Letter, in Tomball, Texas

City of Tomball Staff,

Breaux Machine Works and Properties request that the City of Tomball consider rezoning the 8.9954 acres (Composite of 3 individual tracts) known as Breaux Machine Works and properties from its current 'Non-Conforming use of the business to a Planned Development District. Breaux Machine works has been at its current site since 1976 and has purchased surrounding acreage in order to grow their business. Our submittal includes the current buildings and the non-developed surrounding lands owned by Mr. Tommy Breaux and Breaux Machine Works. The plats for these properties were prepared and recorded in (see attached). This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide a well planned business park but jobs and economic impact to the City of Tomball. By allowing rezoning we know that our business will grow and continue to add to the growth and prosperity of our city. This project will not have negative effects on traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Tommy Breaux
Breaux Machine Works
13842 Hirschfield Rd.
Tomball, TX 77375



BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties Planned Development, in Tomball, Texas

City of Tomball Staff,

Breaux Machine Works and Properties request that the City of Tomball consider rezoning the 8.5594 Acres (Composite of three individual tracts) known as Breaux Machine Works and properties from its current 'Non-Conforming' issue of the business to a Planned Development District. Breaux Machine works has been at its current site since 1976 and has purchased surrounding acreage in order to grow their business. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. This project, when complete will not only provide a well-planned business park for our company but jobs and positive economic impact to the City of Tomball.

We are using this Planned Development to have more flexibility for our future growth and expansion while adhering to the City of Tomball's Comprehensive Plan for growth and development. We are requesting that we be allowed to expand our business per this Planned Development submission which will, in turn, help us and the City of Tomball.

This proposed Plan Development will accommodate the need usage of our property so that our business can continue to grow and it will benefit the City of Tomball as we employee more people as we grow. This Planned Development will allow for the adjustment of our changing needs as our business grows and the City of Tomball by (1) providing for a well planned expansion of our business. (2) All new buildings will meet and/or exceed the requirements of the city with the required green space and landscaping and (3) will meet and exceed the standards of this Ordinance.

Breaux Machine Works
September 27, 2013
Page 1

Proposed Use for Breaux Machine Works Planned Development

Machine Works

These uses are allowed on the existing properties of Breaux Machine Works and we are requesting his additional land included in this Planned Development be allowed to continue the current uses the afforded the company presently. By approving this Planned Development of Breaux Machine Works you will be benefiting the City of Tomball as well as the company in that the company can continue to grow and bring in more employees and the City can benefit from their growth in new revenues for the City. We are presenting this Planned Development to be consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,



Tommy Breaux
Breaux Machine Works

Page 2

Page 69 of 339





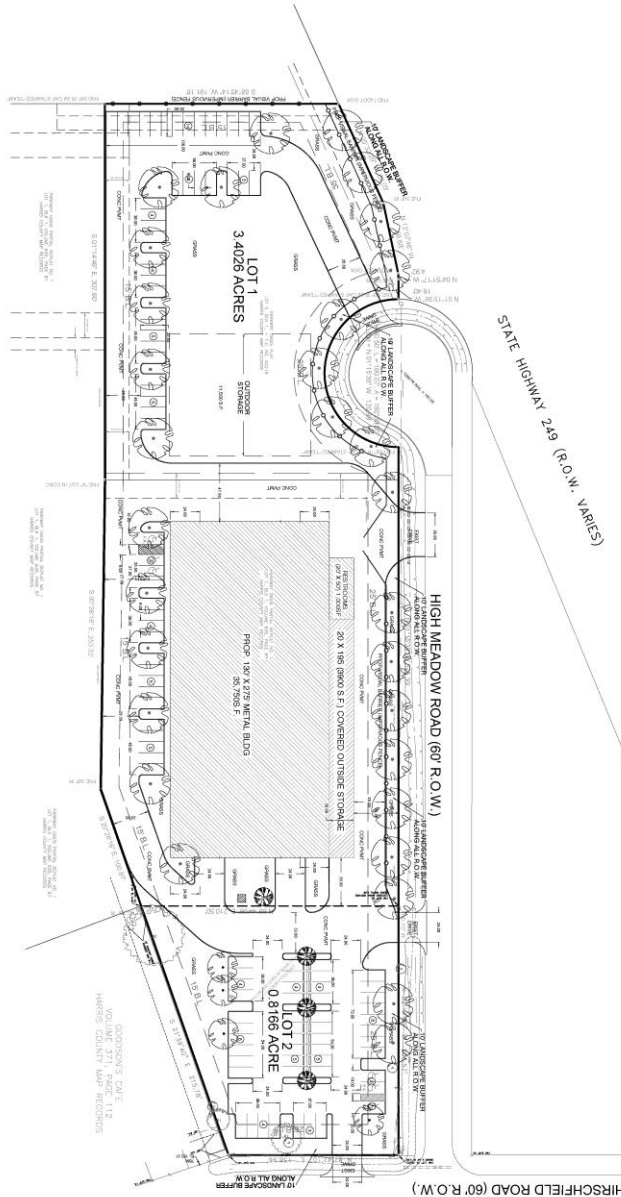
PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)
13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377
CPNTACT: MR. N.T. BREAU, PRES. 281.351.4042

DAVID_BROSSARD1950@yahoo.com
JOB NO. D963 FIRM NO. F-6022 AUG.2013

3



BREAUX MACHINE WORKS - SOUTH



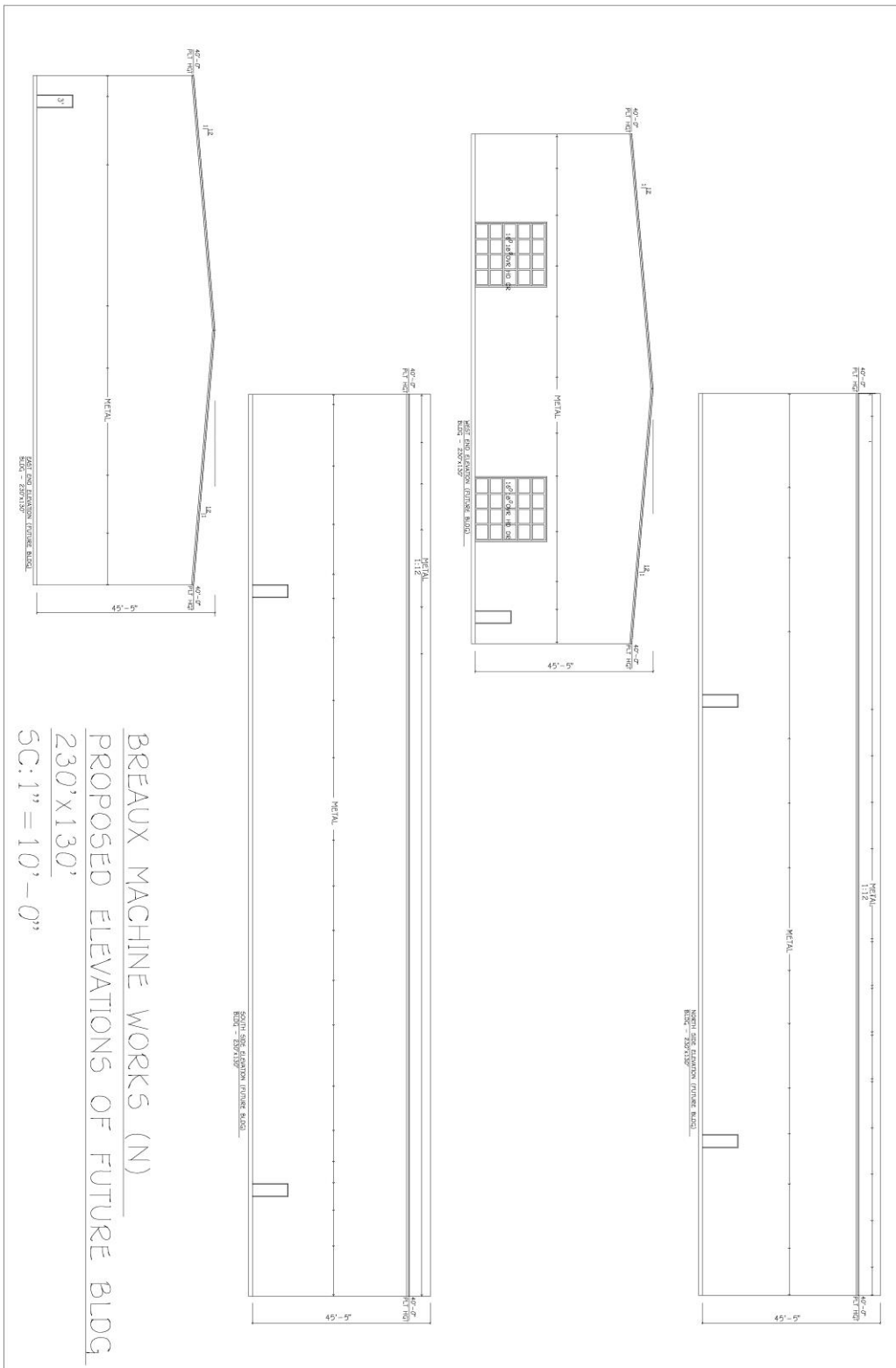
BREAUX MACHINE WORKS
PLANNED DEVELOPMENT (BMW NORTH & BMW SOUTH)
13842 HIRSCHFIELD ROAD, TOMBALL, TEXAS 77377
CPNTACT: MR. N.T. BREAUX, PRES. 281.351.4042

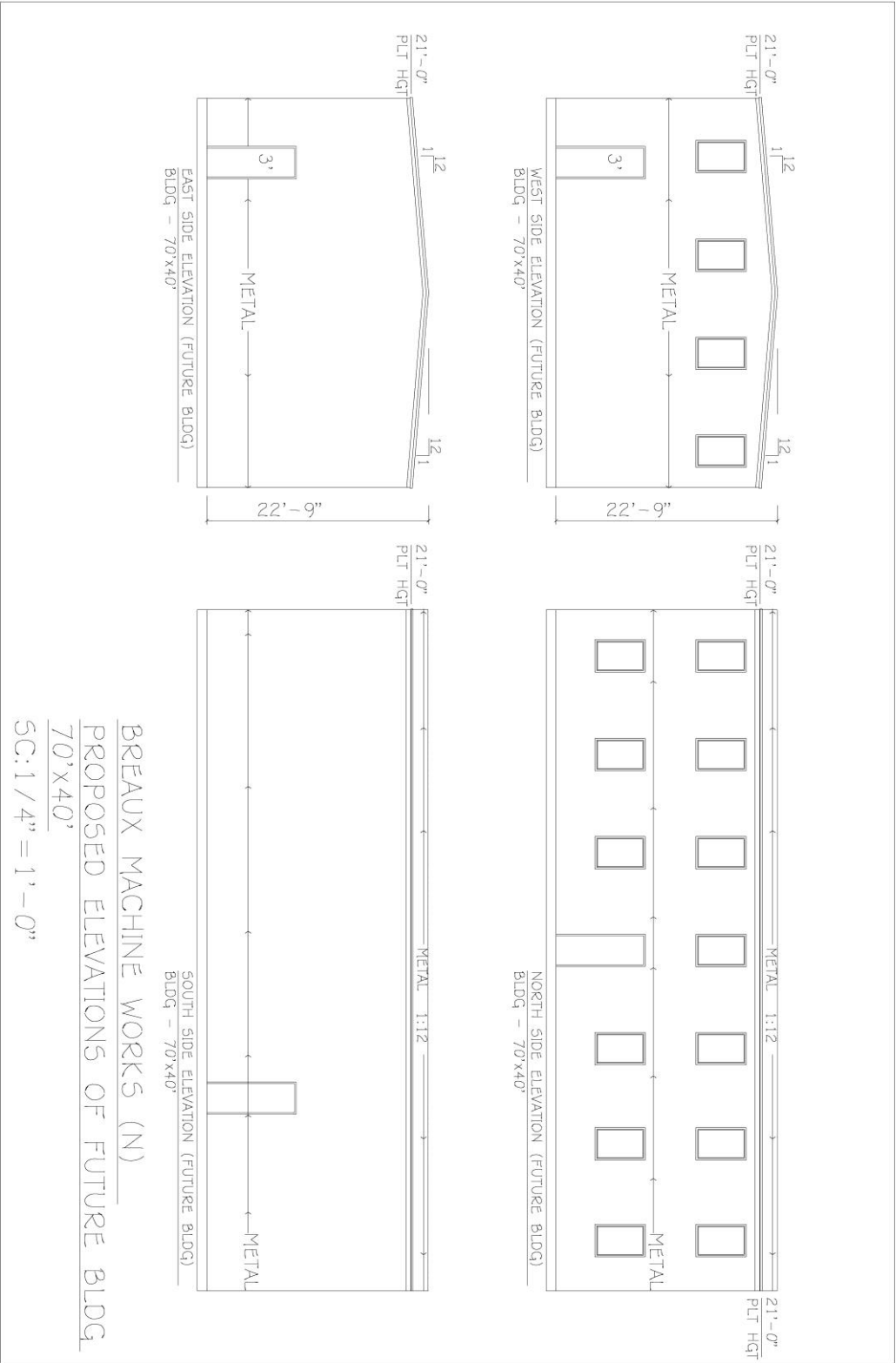
NOTES:
1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL RECORDS OF THIS PROJECT.
4. THE OWNER SHALL BE RESPONSIBLE FOR PAYING ALL FEES AND CHARGES ASSOCIATED WITH THIS PROJECT.
5. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
6. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLE INSURANCE.
7. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS.
8. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RIGHTS-OF-WAY.
9. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.
10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.

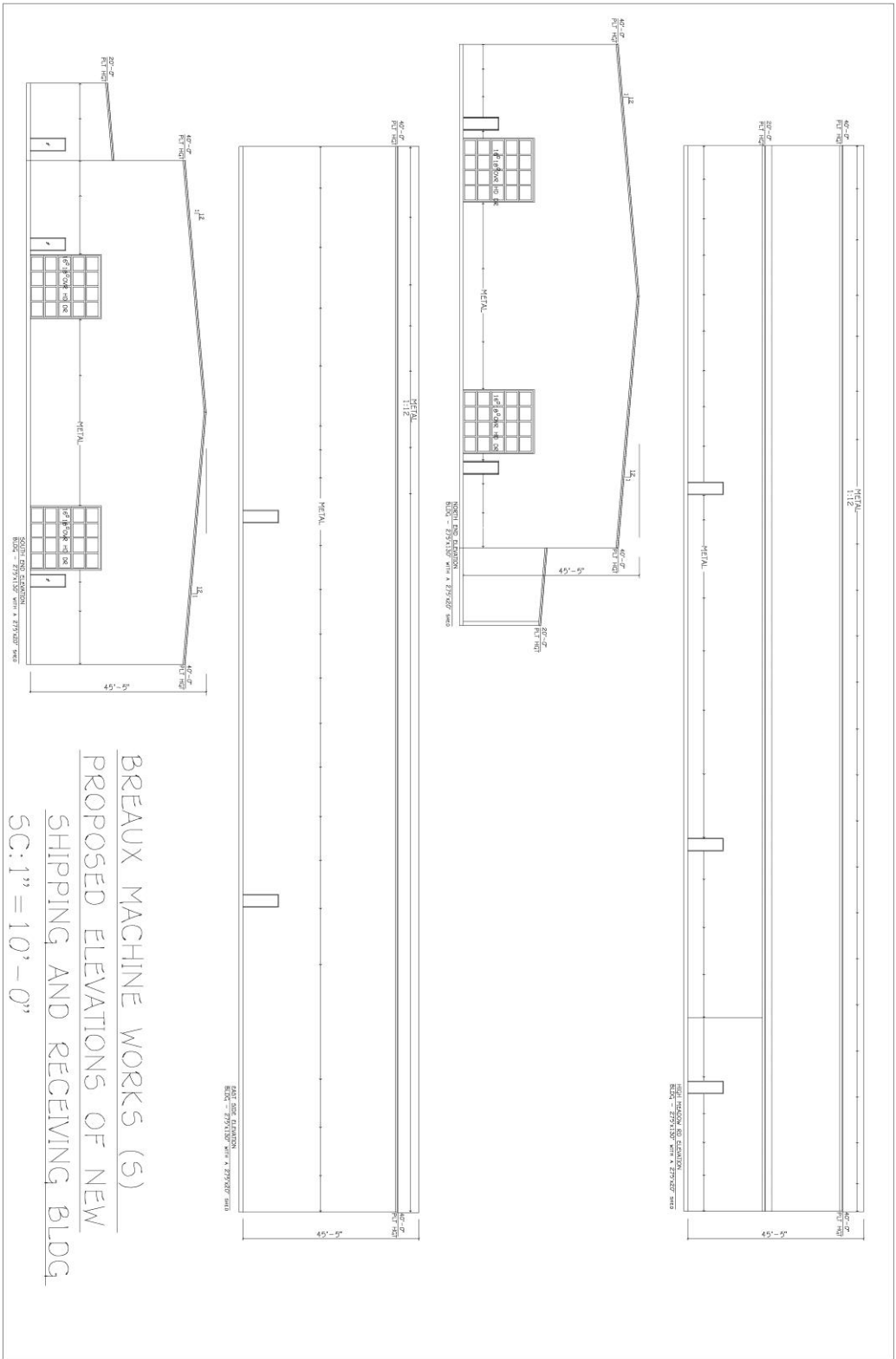
DAVID S. BROUSSARD, P.E.
17827 HAWKIN LANE
TOMBALL, TEXAS 77377
DAVID.BROUSSARD@TOMBALLTX.COM
JOB NO. 0968 FIRM NO. F-6022 AUG. 2013

PROPOSED PLANNED
DEVELOPMENT

C-4







**Exhibit “F”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Building materials sales to the north.



Figure 4: Vacant land to the south.



Figure 5: Feed and grain store to the west.



Figure 6: Single-family residence to the west.



Figure 7: Office/warehouses to the west.



Figure 8: Minor auto repair and furniture and appliance store to the east.



Figure 9: Auto parts sales to the east.



Figure 10: Eating establishment to the east.



Figure 11: Medical office to the east.



Figure 12: Office/warehouse to the east.



Figure 13: Convenience store to the east.



Figure 14: Multi-use strip center to the east.

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT (“PDD”) OF APPROXIMATELY 8.55 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 1, BLOCK 3, HIRSCHFIELD FARMS (UNRECORDED); LOT 2, BLOCK 3, HIRSCHFIELD FARMS (UNRECORDED); LOT 3, BLOCK 3, HIRSCHFIELD FARMS (UNRECORDED); 0.1246 ACRES BEING A RESIDUE OF A CALLED 2.8805 ACRE TRACT AS DESCRIBED IN HARRIS COUNTY CLERK'S FILE NUMBER J-904080; 1.5918 ACRES BEING A RESIDUE OF A CALLED 3.5864 ACRE TRACT AS DESCRIBED IN FILM CODE NUMBER 119-48-0065, HARRIS COUNTY CLERK'S FILE; LOT 1, BLOCK 1, HIRSCHFIELD FARMS (UNRECORDED); LOT 5, BLOCK 1, FINAL PLAT OF PARKWAY OASIS; AND BEING A PORTION OF LOT 1, BLOCK 1, FINAL PLAT OF PARKWAY OASIS REPLAT NO. 1, ACCORDING TO THE MAP OR PLAT RECORDED IN FILM CODE NO. 635087 OF THE HARRIS COUNTY MAP RECORDS, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20070358349, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PDD TO BE KNOWN AS PLANNED DEVELOPMENT DISTRICT #5 (PDD-5); ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PDD-5; 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 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, in the City of Tomball, Harris County, Texas, (the "Property"), has requested that the Property be rezoned; and

Whereas, the owner has presented an application to the City for a PDD to allow the expansion of Breau Machine Works; and

Whereas, the PDD application consists of an application for PDD (Exhibit “A”); two request letters (Exhibits “B” and “C”); and concept plan (Exhibit “D”) attached to and made a part of this Ordinance; 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 written notice of that hearing 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 proposal to change the zoning for the Property from the General Retail and Agricultural Districts to PDD-5; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the General Retail and Agricultural Districts to PDD-5, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the General Retail and Agricultural Districts to PDD-5 subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PDD-5, 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 of the Property, to PDD-5 as described above.

Section 5. PDD-5 shall be subject to the following additional limitations, restrictions and covenants:

- A. Compliance with Application and Site Plans. The granting of the PDD shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PDD (Exhibit "A"); two request letters (Exhibits "B" and "C"); concept plan (Exhibit "D") made a part hereof for all purposes.

B. Height Regulations:

a. Maximum Height:

- i. Main Building/House: 50'
- ii. Accessory Building(s): One story

C. Area Regulations:

a. Size of Lots:

i. Minimum Lot Area:

1. Breaux Machine Works North: 4.3 acres
2. Breaux Machine Works South: 0.8 acres

ii. Minimum Lot Width:

1. Breaux Machine Works North: 425 feet
2. Breaux Machine Works South: 200 feet

iii. Minimum Lot Depth:

1. Breaux Machine Works North: 445 feet
2. Breaux Machine Works South: 135 feet

b. Size of Yards:

- i. Minimum Front Yard: 25 feet; 35 feet when adjacent to arterial
- ii. Minimum Side Yard: 15 feet
- iii. Minimum Rear Yard: 15 feet

c. Maximum Lot Coverage: 50%

d. Maximum Impervious Coverage: 80%

D. PDD-5 shall be limited to only the following land uses:

- a. Machine Shop
- b. Professional and General Business Office

E. PDD-5 shall adhere to Articles I, II, IV, V, and VI of the Zoning Ordinance.

F. Other Requirements

- a. No outside displays shall be permitted.
- b. No outside sales shall be permitted.
- c. All businesses operations shall be conducted indoors with the exception of outdoor storage.
- d. Outside storage shall be limited to a maximum of ten percent (10%) of the total PDD-5 land area and shall be screened in accordance with Section 42 of the Zoning Ordinance.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 18TH DAY OF NOVEMBER 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF DECEMBER 2013.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"

PDD Application



Application for Planned Development Engineering & Planning Department

Revised 1/20/09



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: P Jackie Moon Title: Representative
 Mailing Address: 22511 Walden Way City: Tomball State: TX
 Zip: 77375
 Phone: (281) 516-9149 Fax: () Email: jamoarc@gmail.com

Owner

Name: Breaux Properties, LTD Title:
 Mailing Address: 13842 Hirschfield Rd City: Tomball State: TX
 Zip: 77377
 Phone: (281) 351-4042 Fax: (281) 351-2640 Email:

Engineer/Surveyor (if applicable)

Name: David Broussard, PE Title: Owner
 Mailing Address: 17527 Hawkins Lane City: Tomball State: TX
 Zip: 77377
 Phone: (281) 732-0464 Fax: () Email: David_broussard1950@yahoo.com

Description of Proposed Project: Machine Works Complex

Physical Location of Property: 13842 Hirschfield Rd and surrounding 8.9954 acres Breaux Machine Works P.D.
 [General Location – approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

Legal Description of Property: see attached 'STEWART TITLE & Nesvadba Letter'
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: see attached map Acreage: 8.9954

Current Use of Property: Machine Works Shop

Proposed Use of Property: same, plus Shipping and Receiving

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.

☒ Jackie Moor 9-30-13
Signature of Applicant Date

☒ N. Z. Bryant 9-30-13
Signature of Owner Date

Exhibit "B"
PDD Request Letter #1

BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties, Comprehensive Plan, Amendment Request Letter, in Tomball, Texas

City of Tomball Staff,

Breaux Machine Works and Properties request that the City of Tomball consider rezoning the 8.9954 acres (Composite of 3 individual tracts) known as Breaux Machine Works and properties from its current 'Non-Conforming use of the business to a Planned Development District. Breaux Machine works has been at its current site since 1976 and has purchased surrounding acreage in order to grow their business. Our submittal includes the current buildings and the non-developed surrounding lands owned by Mr. Tommy Breaux and Breaux Machine Works. The plats for these properties were prepared and recorded in (see attached). This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide a well planned business park but jobs and economic impact to the City of Tomball. By allowing rezoning we know that our business will grow and continue to add to the growth and prosperity of our city. This project will not have negative effects on traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Tommy Breaux
Breux Machine Works
13842 Hirschfield Rd.
Tomball, TX 77375



Exhibit "C"
PDD Request Letter #2

BREAUX MACHINE WORKS

September 27, 2013

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of the Breaux Machine Works and properties Planned Development, in Tomball, Texas

City of Tomball Staff,

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Breaux Machine Works
September 27, 2013
Page 1

Proposed Use for Breaux Machine Works Planned Development

Machine Works

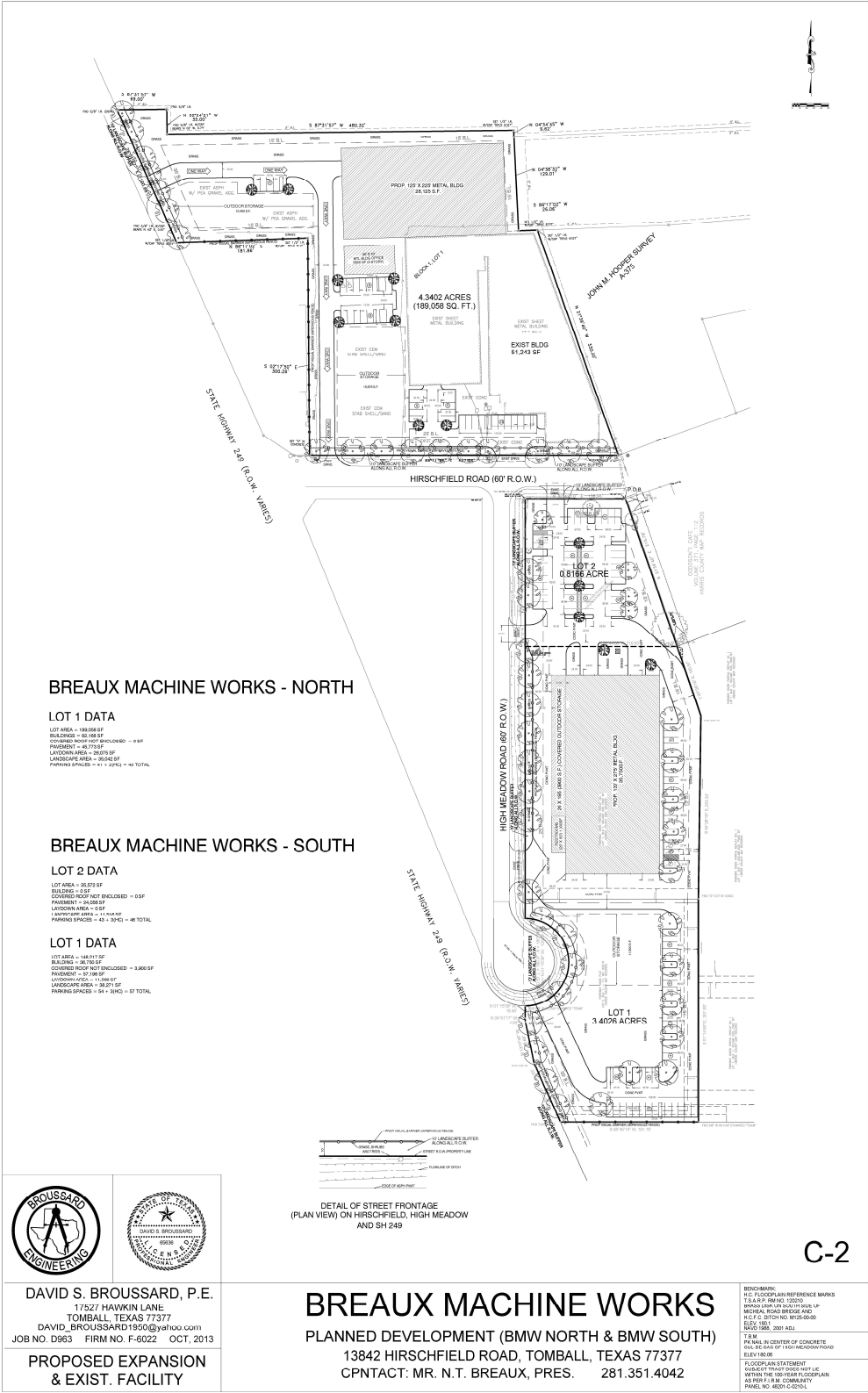
These uses are allowed on the existing properties of Breaux Machine Works and we are requesting his additional land included in this Planned Development be allowed to continue the current uses the afforded the company presently. By approving this Planned Development of Breaux Machine Works you will be benefiting the City of Tomball as well as the company in that the company can continue to grow and bring in more employees and the City can benefit from their growth in new revenues for the City. We are presenting this Planned Development to be consistent with the City's rules and regulations. Thank you for your consideration.

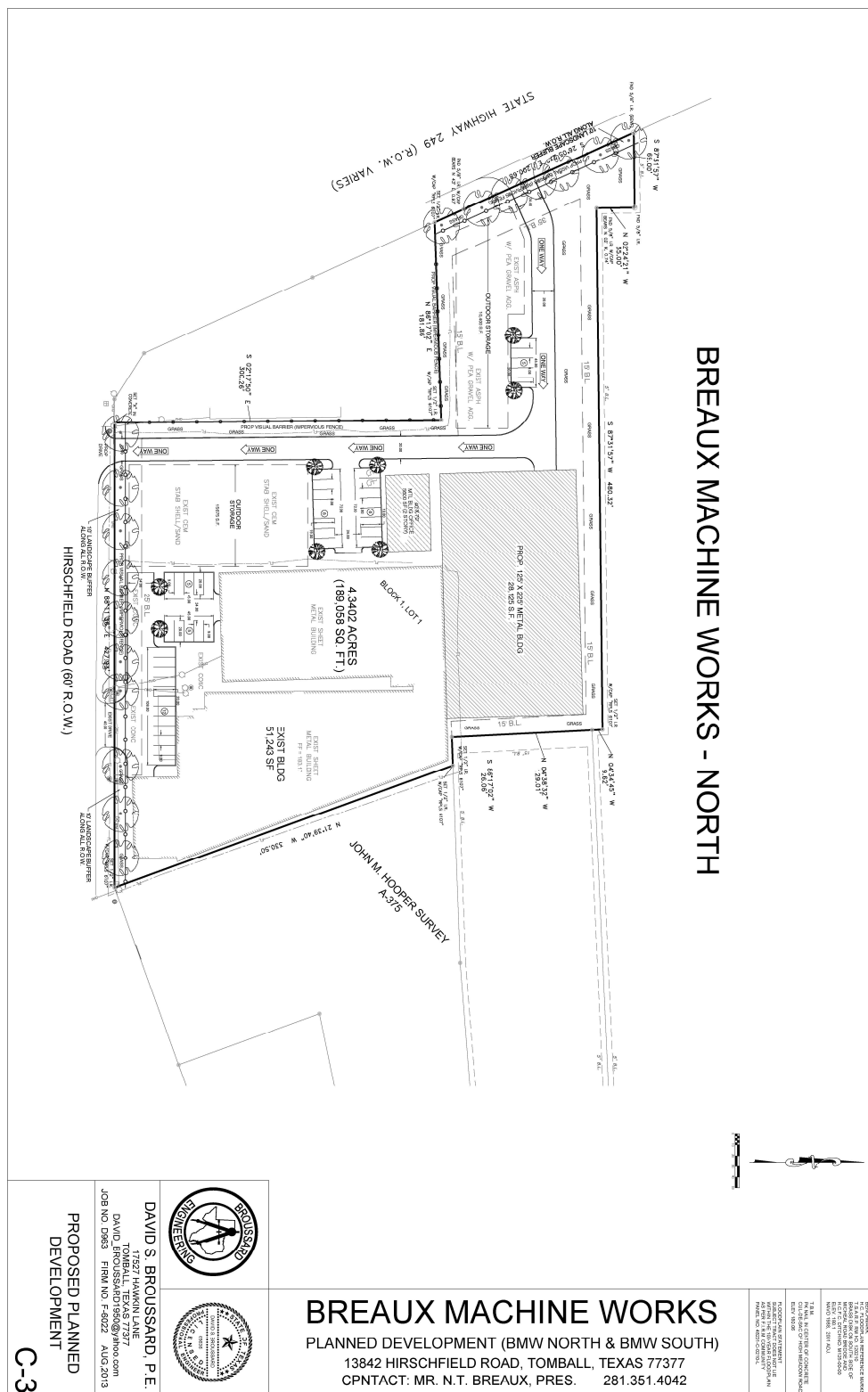
Respectfully,

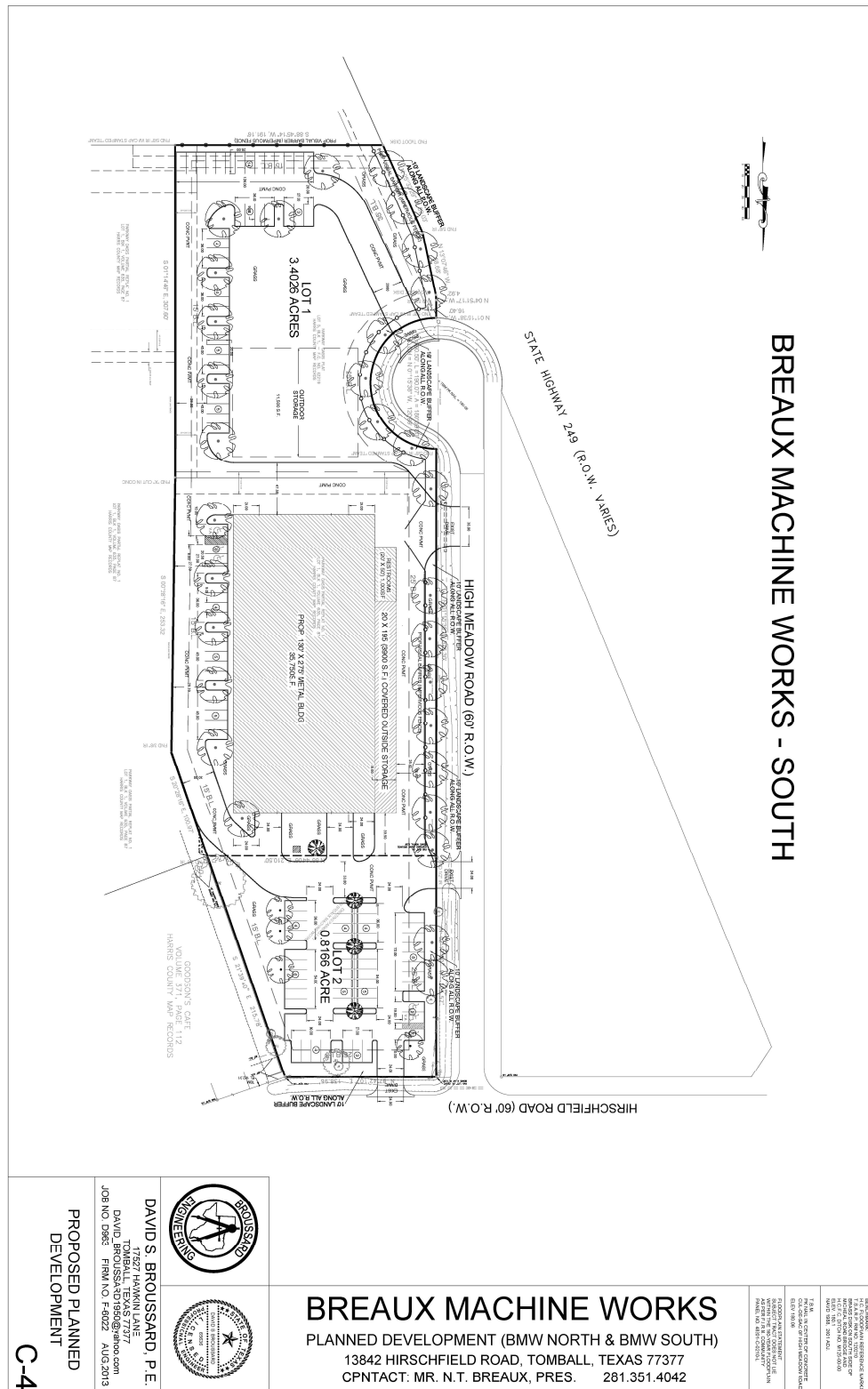


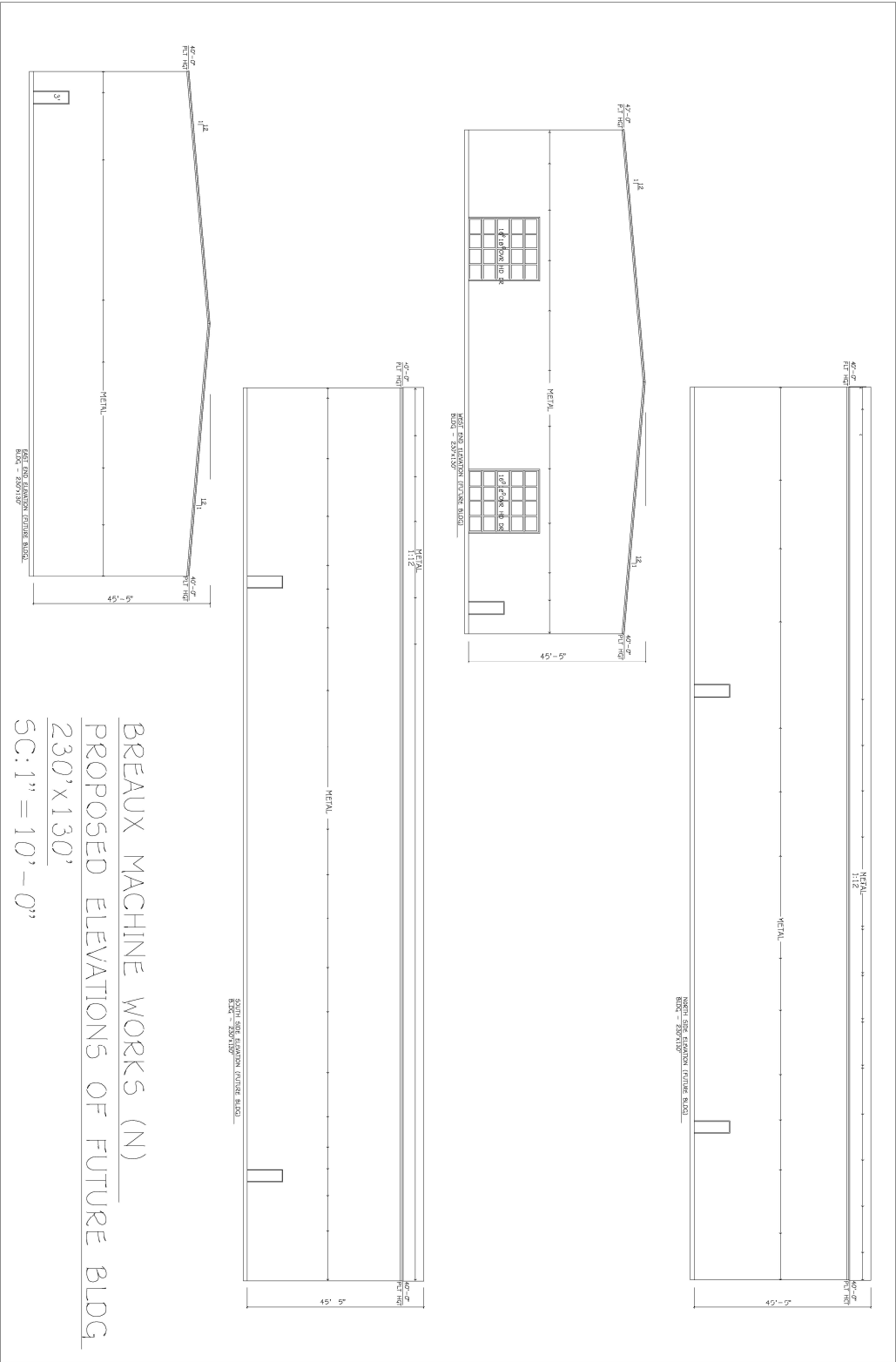
Tommy Breaux
Breaux Machine Works

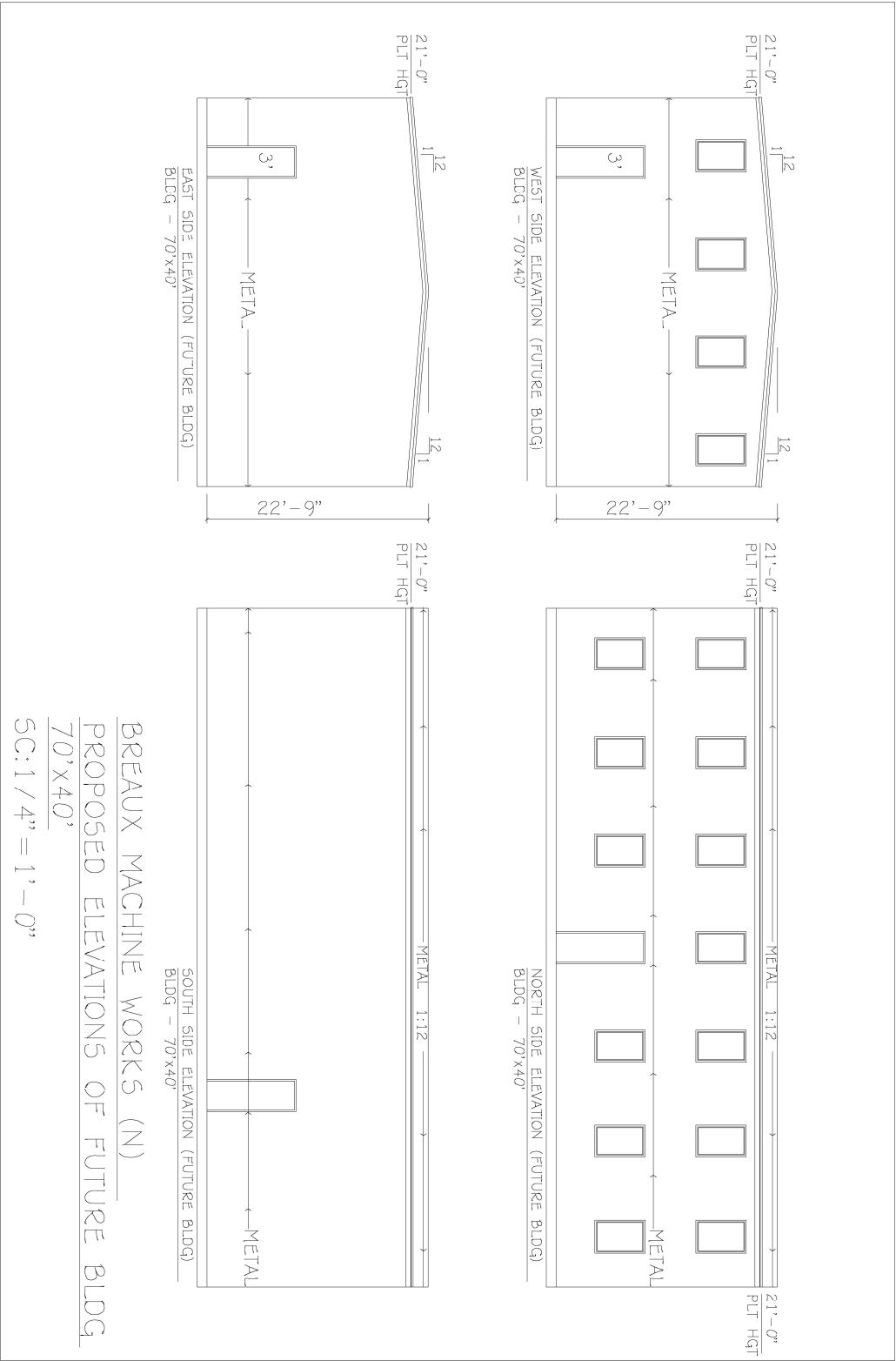
Page 2

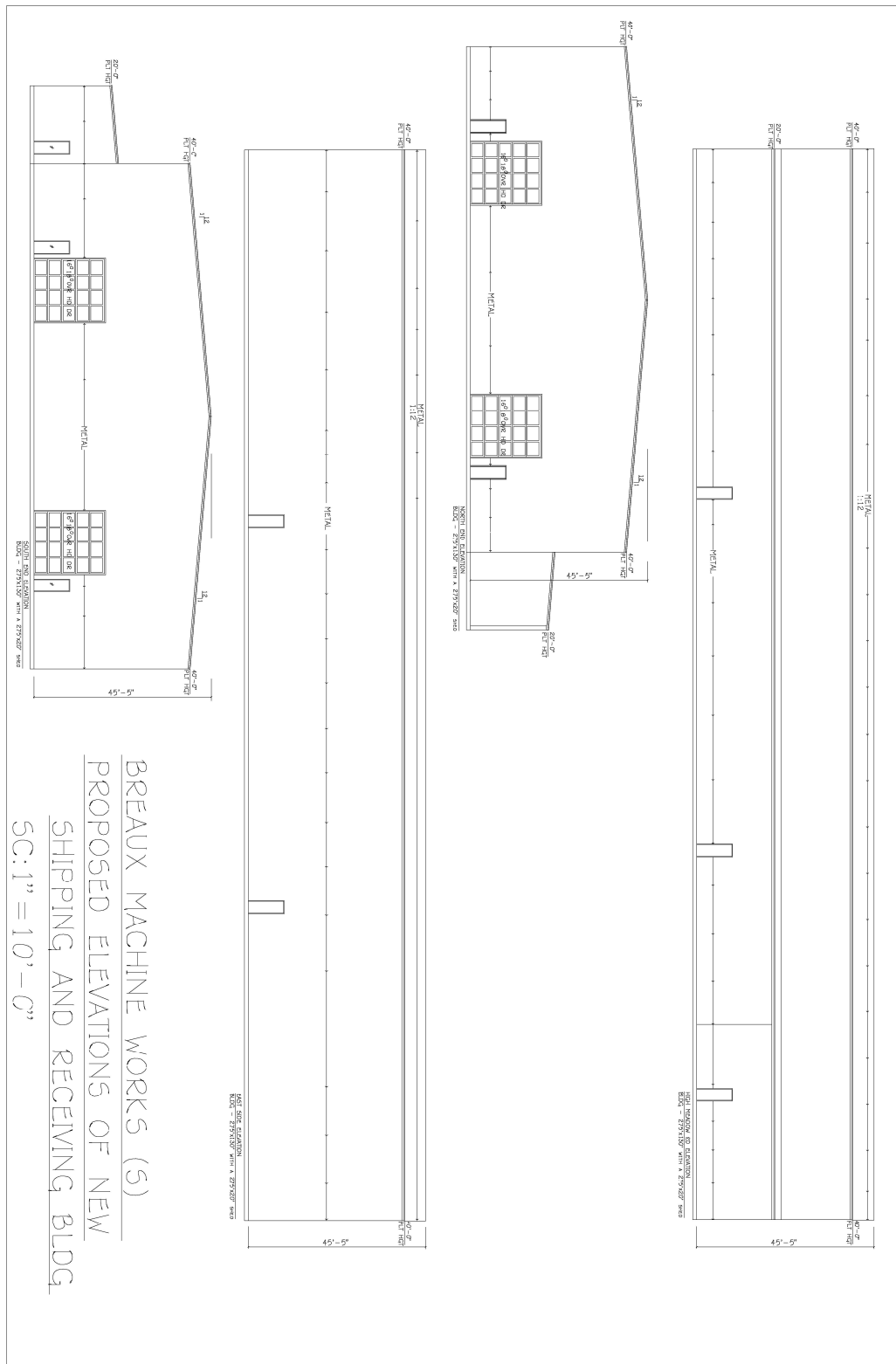












Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-158**: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

- Conduct a Public Hearing on **ZONING CASE P13-158**
- Adopt on First Reading, Ordinance No. 2013-22, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by changing the zoning district classification of approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, from the Planned Development - 1 District to the Office District; said property being generally located southerly of Brown Road between State Highway 249 and Quinn Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On August 20, 2013, City staff met with the applicant, Stutts Cox Builders, Inc., to discuss the possible construction of an accountant's office with residential quarters at the subject site. City staff informed the applicant that the property is zoned PD-1 District which allows "Office w/Residential look," per the original Zoning Ordinance and Map adopted by the City on February 4, 2008. However, the Zoning Ordinance did not approve an associated Concept Plan nor establish any building standards such as building setbacks, building heights, lot coverage, parking requirements, or landscaping minimums or elaborate on the permitted uses.

Because the Zoning Ordinance did not establish building standards, approve a Concept Plan, or make mention of whether or not a residential component could be allowed for an office, City staff informed the applicant that they would be required to submit a Planned Development District (PDD) application to the Planning & Zoning Commission and City Council. The applicant indicated their desire to not do this because of the number of property owners within PD-1 District, the effort it would take to create an ordinance and Concept Plan that would satisfy all of them, and because the rest PD-1 District is not ready for development. City staff then informed the applicant that they could request the property be removed from PD-1 District by requesting that it be rezoned to the Office District. City staff then informed the applicant that a "Residential Use" is not permitted in the Office District. Staff further elaborated that they felt this was a possible oversight in the original Zoning Ordinance and that they would be concurrently bringing forth a City-initiated text amendment to allow a "Residential Use" with a Conditional Use Permit (CUP) in the Office District (Zoning Case P13-161). On October 3, 2013, the City received a rezoning application requesting that the subject site be rezoned from the PD-1 District to the Office District.

The Planning and Zoning Commission voted to recommend approval of Zoning Case P13-158 on November 11, 2013, with a 5-0 unanimous vote.

Origination:

Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner

Recommendation:

Adopt Ordinance No. 2013-22 on First Reading

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification Letter
P13-158 Staff Report
Ordinance No. 2013-22

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

ZONING CASE P13-158: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

ZONING CASE P13-161: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance by allowing a “Residential Use” with a Conditional Use Permit in the Office District.

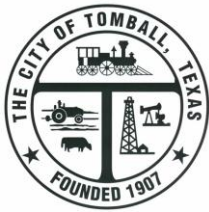
Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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.

C E R T I F I C A T I O N

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 7th day of **November 2013** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



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: P13-158

APPLICANT: Stutt Cox Builders, Inc., on behalf of Ronald and Amy Haffner

LOCATION: Southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, from the Planned Development - 1 District to the Office District.

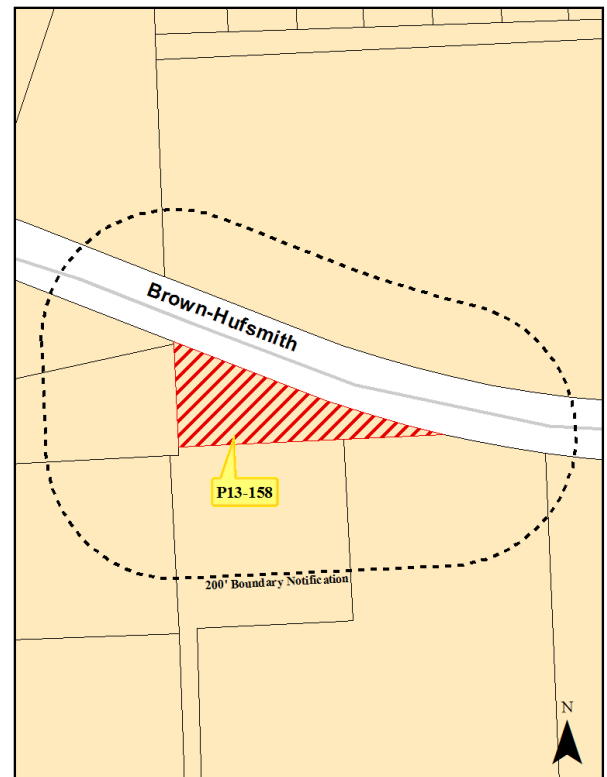
CONTACT: Rodney Schmidt

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.

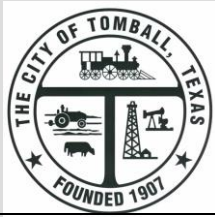


**Planning & Zoning Commission
Public Hearing:
Monday, November 11, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, November 18, 2013, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 11, 2013

Rezoning Case: P13-158

Property Owner: Ronald and Amy Haffner

Applicant: Stutt Cox Builders, Inc.

Legal Description: Lot 2, Block 2, Brown-Hufsmith Commercial

Location: Southerly of Brown Road between State Highway 249 and Quinn Road (Exhibit "A")

Area: 0.68 acres

Present Zoning and Use: Planned Development - 1 District (Exhibit "B") / Undeveloped

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

Proposed Zoning and Use: Office District¹ / Office with residential quarters

Adjacent Zoning & Land Uses:

- North:** Planned Development – 1 (PD-1) and General Retail Districts / Brown Road and undeveloped land
- South:** PD-1 and SF-20-E Districts / Single-family residences
- West:** PD-1 and General Retail Districts / Single-family residences
- East:** PD-1 District / Brown Road

BACKGROUND

On August 20, 2013, City staff met with the applicant, Stutt Cox Builders, Inc., to discuss the possible construction of an accountant's office with residential quarters at the subject site. City staff informed the applicant that the property is zoned PD-1 District which allows "Office w/Residential look," per the original Zoning Ordinance and Map adopted by the City on February 4, 2008. However, the Zoning Ordinance did not approve an associated Concept Plan nor establish any building standards such as building setbacks, building heights, lot coverage, parking requirements, or landscaping minimums or elaborate on the permitted uses. Because the Zoning Ordinance did not establish building standards, approve a Concept Plan, or make mention of whether or not a residential component could be allowed for an office, City staff informed the applicant that they would be required to submit a Planned Development District (PDD) application to the Planning & Zoning Commission

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

and City Council. The applicant indicated their desire to not do this because of the number of property owners within PD-1 District, the effort it would take to create an ordinance and Concept Plan that would satisfy all of them, and because the rest PD-1 District is not ready for development. City staff then informed the applicant that they could request the property be removed from PD-1 District by requesting that it be rezoned to the Office District. City staff then informed the applicant that a “Residential Use” is not permitted in the Office District. Staff further elaborated that they felt this was a possible oversight in the original Zoning Ordinance and that they would be concurrently bringing forth a City-initiated text amendment to allow a “Residential Use” with a Conditional Use Permit (CUP) in the Office District (Zoning Case P13-161). On October 3, 2013, the City received a rezoning application requesting that the subject site be rezoned from the PD-1 District to the Office District (Exhibit “D”).

ANALYSIS

Single-family residences and undeveloped lands are the two predominant land uses within the vicinity of the subject site. To the north are Brown Road and undeveloped land; to the south and west are single-family residences; and to the east is Brown Road (Exhibit “E”). The uses permitted in the Office District appear to be compatible with the existing uses in the vicinity.

If this rezoning and the City-initiated Zoning Ordinance text amendment to allow residential uses in the Office District with a Conditional Use Permit are approved by City Council, it is the applicant’s stated intent to seek a corresponding CUP to allow for residential uses on the subject site. Because the adjacent PD-1 zoned properties have the requirement that they be developed as “Office[s] w/Residential Look,” the City may request as part of the CUP similar requirements such as the proposed office be developed to have the appearance of a single-family residence, be limited to two stories or thirty-five feet (whichever is greater), and/or limit its hours of operation from 9 AM to 6 PM so as not to disturb the adjacent residences. These conditions may help to ensure that this proposed development ultimately has a similar appearance, and functions in a similar manner, as the adjacent PD-1 District when it is finally built.

There are several zoning classifications in the vicinity of the subject site. To the north are the PD-1 and General Retail Districts; to the south are the PD-1 and SF-20-E Districts; to the west are the PD-1 and General Retail Districts; and to the east is the PD-1 District. The Office District “is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts.” The Office District appears to be compatible with the existing zoning districts in the vicinity.

The Comprehensive Plan’s Future Land Use (FLU) map identifies the site as “Employment/Office.” Employment/Office is “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The Office District appears to be consistent with the Comprehensive Plan.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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 in the proposed rezoning appear to be compatible with the existing uses in the vicinity.

- 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 public schools, streets, water supply, sanitary sewers, or other utilities to the area.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There is no vacant property in the vicinity zoned Office District; there is a limited amount of vacant property elsewhere in the City zoned Office 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 no recent development City-wide in the Office 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 zoning change were 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 is not anticipated to affect the public health, safety, morals, or general welfare.

- G. Whether the request is consistent with the Comprehensive Plan.**

The proposed rezoning appears to be consistent with the Comprehensive Plan

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 31, 2013; no public comments have been received as of November 7, 2013.

CONCLUSION

Staff recommends **APPROVAL** of Zoning Case P13-158 based on the following:

- a. The uses permitted in the Office District appear to be compatible with the existing uses in the vicinity;
- b. The Office District appears to be compatible with the existing zoning districts in the vicinity;
- c. The Office District appears to be consistent with the Comprehensive Plan; and
- d. The proposed rezoning is not anticipated to negatively affect the public health, safety, morals, or general welfare.

RECOMMENDATION

APPROVAL of Zoning Case P13-158.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Rezoning Application
- E. Site Photos

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

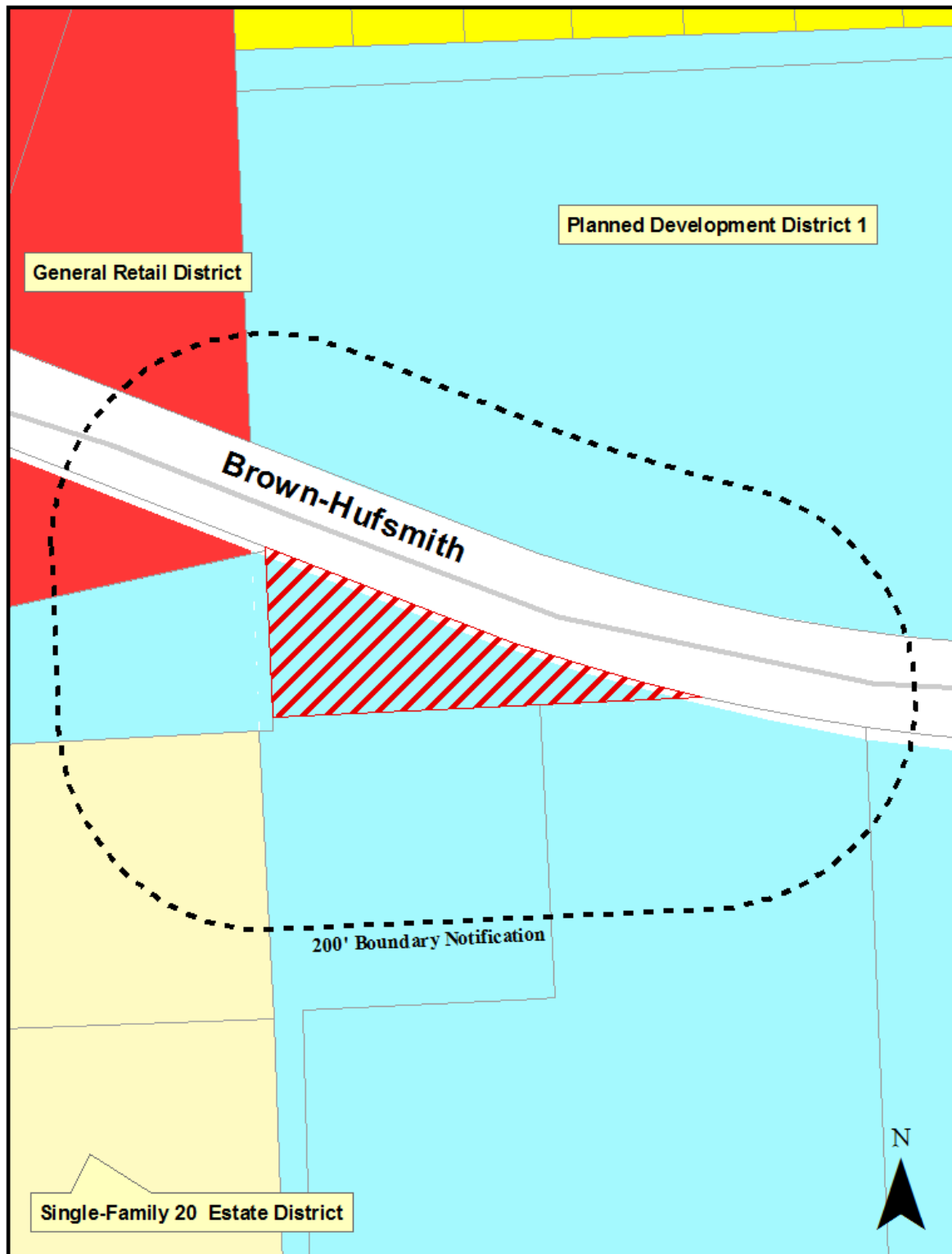


Exhibit "C"
Comprehensive Plan Future Land Use Map

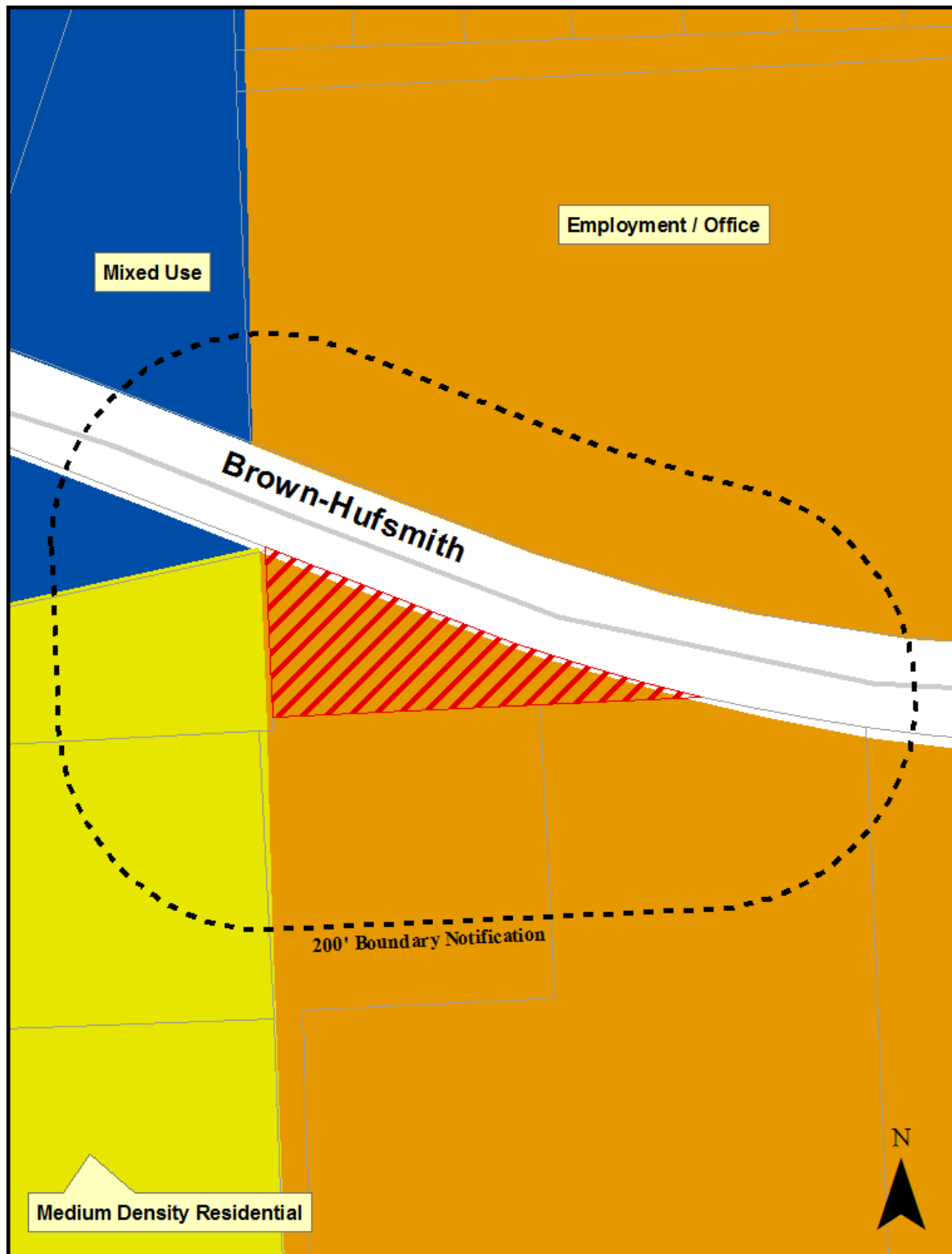


Exhibit "D"
Rezoning Application

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 STUTTS Cox Builders, Inc
Name: ALLAN COX **Title:** Sec-Treas
Mailing Address: P O Box 1026 **City:** TOMBALL **State:** TX
Zip: 77377-1026
Phone: (281) 255-8100 **Fax:** (281) 754-4661 **Email:** secox@3bco.com

Owner:
Name: Ron & Amy Haffner **Title:** OWNERS
Mailing Address: 1401 PARK DR, Suite 113 **City:** TOMBALL **State:** TX
Zip: 77377
Phone: (281) 381-5469 **Fax:** (281) 351-5370 **Email:** ron@tomballcpas.com

Engineer/Surveyor (if applicable)
Name: C & C Surveying, Inc. **Title:** _____
Mailing Address: 1424 FM 1480, Suite A **City:** Magnolia **State:** TX
Zip: 77354

Phone: (281) 356-5172 **Fax:** (281) 356-1935 **Email:** onesurveyataime@3bco.com
Cell: Tommy Mazinga 713-628-3404 tommy@mazingaeng.com

Description of Proposed Project: Approx 3,000 SF Office Bldg - Stone & Brick

Physical Location of Property: 500' east of SH 249-South side of Brown Road
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: TRACT 2-Brown-Hudson Commercial, 0.66 acres
Joseph Hulse Survey, A-34, Harris Co.
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: PLAN DEVELOPMENT 1

Current Use of Property: VACANT

Proposed Zoning District: OFFICE DISTRICT

Proposed Use of Property: CPA OFFICE

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

www.ci.tomball.tx.us

HCAD Identification Number: 130883002002 Acreage: 0.68

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.

X 
Signature of Applicant *Sec. Thayer* Oct. 2, 2013
Date

X *Gon Hoffer*
Signature of Owner Oct 2, 2013
Date

1. *Journal of the American Medical Association*, 1997; 278: 1029-1033.



STUTTS COX BUILDERS INC.
GENERAL CONTRACTORS

October 2, 2013

TO: City of Tomball
Engineering and Planning Department

Re: Haffner Property – Brown Road – Tract 2 - 0.68 acres

This 0.68 acre tract resulted from splitting the original tract by the condemnation process to acquire the property needed to construct the extension of Brown Road from SH 249 to Quinn Road. The condemned land, 1.5 acres, was valued by the City appraiser at \$24K but the commission valued the land at \$80K. The City refused to pay the higher value so the Haffner's donated the land in order to keep the project moving forward. Haffner's good will effort to accommodate the City and County cost Haffner substantially. The division produced two separate tracts, 1 and 2, as shown on recorded plat, Brown-Hufsmith Commercial, filed May 14, 2008 in the Harris County Records. This 0.68 acre pie shaped property is located on the south side of the new Brown Road extension approximately 500 yards east of the intersection of SH 249 and Brown Road.

Our intent is to construct an office building for the Haffner's CPA practice that is single story with a standing seam metal roof, large porch and stone / brick accents. The elevations and look is to be "Hill Country" style so that the building looks more like a residence than an office. The building will have offices, a kitchen / break area along with one bedroom for overnight stays during tax season. We will develop a conceptual plan pending approval of the rezoning request.

We request that the City rezone this property from Plan Development 1 (PD1) to Office District and include a text amendment allowing for over night stay. This property is located in an area that is suited for office buildings due to good visibility from through traffic and good access to SH 249. Due to the small size of the tract, any other commercial use for this property is impractical. Office hours are typically 8:00 AM to 5:00 PM Monday through Friday and most days there are no more than 5 or 6 automobiles in the parking lot. With the attractive style of the building and the quiet nature of the business, this development has no adverse impact to the neighbors.

We thank you in advance for your consideration for this rezoning request.

Ron Haffner

Allan Cox, Sec - Treas
Stutts Cox Builders, Inc.

P.O. Box 1026 • Tomball, TX 77377-1026 • 281-255-8100 • Fax 281-255-8124

**Exhibit “E”
Site Photos**



Figure 1: Subject site and single-family residence to the east and south.



Figure 2: Undeveloped land to the north.



Figure 3: Single-family residence to the west.

ORDINANCE NO. 2013-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.68 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 2, BLOCK 2, BROWN-HUFSMITH COMMERCIAL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT - 1 DISTRICT TO THE OFFICE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED SOUTHERLY OF BROWN ROAD BETWEEN STATE HIGHWAY 249 AND QUINN ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial, generally located southerly of Brown Road between State Highway 249 and Quinn Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that 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 written notice of that hearing 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 proposal to change the zoning for the Property from the Planned Development - 1 District to the Office District; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the Planned Development - 1 District to the Office District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

TOMBALL, TEXAS, THAT:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Planned Development - 1 District to the Office 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 Office 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 Office District as described above.

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

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

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 18TH DAY OF
NOVEMBER 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF
DECEMBER 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-161**: Request by the City of Tomball to amend Section 38.2 ("Use Charts") of the City's Zoning Ordinance by allowing a "Residential Use" with a Conditional Use Permit in the Office District.

- Conduct a Public Hearing on **ZONING CASE P13-161**
- Adopt on First Reading, Ordinance No. 2013-23, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by amending Section 38.2 ("Use Charts") by allowing a "Residential Use" with a Conditional Use Permit in the Office District; 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:

A "Residential Use" is defined in Section 45 of the Zoning Ordinance as, "A dwelling unit or group of dwelling units; includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office." Section 38.2 of the Zoning Ordinance permits this use by right in the Agricultural, SF-20-E, SF-9, SF-6, Duplex, Multi-Family, Manufactured Home Park, and Old Town & Mixed Use Districts; with a Conditional Use Permit in the General Retail and Commercial Districts; and is prohibited in the Office and Light Industrial Districts. Because this use is permitted with a Conditional Use Permit in the General Retail and Commercial Districts, which are considered less restrictive districts than the Office District, and the use appears to be consistent with the nature of the businesses permitted within the Office District, City staff is requesting that Residential Uses also be permitted in the Office District with a Conditional Use Permit.

The Planning and Zoning Commission voted to recommend approval of Zoning Case P13-161 on November 11, 2013, with a 5-0 unanimous vote.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2013-23 on First Reading

Funding:

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

Brandy Pate, Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Notice of Public Hearing

P13-161 Staff Report

Ordinance No. 2013-23

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 11, 2013
&
CITY COUNCIL
NOVEMBER 18, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 18, 2013, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-157: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

ZONING CASE P13-158: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

ZONING CASE P13-161: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance by allowing a “Residential Use” with a Conditional Use Permit in the Office District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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.

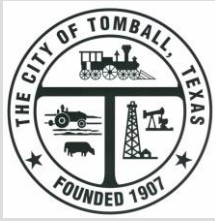
C E R T I F I C A T I O N

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 7th day of **November 2013** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: November 11, 2013

ZONING CASE P13-161: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance by allowing a “Residential Use” with a Conditional Use Permit in the Office District.

PROPOSED AMENDMENTS

Section 38.2 “Use Charts”

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts							OT&MU	Parking Ratio (Also see Section 39)
	AG	SF-20-E	SF-9	SF-6		D	MF	MHP	O	GR		C	LI			
Residential																
Residential Use	P	P	P	P		P	P	P	C		C		C		P	2 spaces: dwelling

ANALYSIS

A “Residential Use” is defined in Section 45 of the Zoning Ordinance as, “A dwelling unit or group of dwelling units; includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.” Section 38.2 of the Zoning Ordinance permits this use by right in the Agricultural, SF-20-E, SF-9, SF-6, Duplex, Multi-Family, Manufactured Home Park, and Old Town & Mixed Use Districts; with a Conditional Use Permit in the General Retail and Commercial Districts; and is prohibited in the Office and Light Industrial Districts. Because this use is permitted with a Conditional Use Permit in the General Retail and Commercial Districts, which are considered less restrictive districts than the Office District, and the use appears to be consistent with the nature of the businesses permitted within the Office District, City staff is requesting that Residential Uses also be permitted in the Office District with a Conditional Use Permit.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on October 28, 2013; no public comments have been received as of November 6, 2013.

RECOMMENDATION

APPROVAL of Zoning Case P13-161.

ORDINANCE NO. 2013-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY AMENDING SECTION 38.2 (“USE CHARTS”) BY ALLOWING A “RESIDENTIAL USE” WITH A CONDITIONAL USE PERMIT IN THE OFFICE DISTRICT; 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 38.2 (“Use Charts”) of the Zoning Ordinance be amended by allowing a “Residential Use” with a Conditional Use Permit in the Office District;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend the City’s Zoning Ordinance;

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 the City Council approve the proposed amendment to the Zoning Ordinance;

WHEREAS, having considered the recommendation of the Planning and Zoning Commission, the City Council has determined to adopt their recommendation and to amend the City’s Zoning Ordinance as provided herein;

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. Section 38.2 (“Use Charts”) of the Comprehensive Zoning Ordinance is hereby amended by adding the following text:

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts							OT&MU	Parking Ratio (Also see Section 39)
	AG	SF-20-E	SF-9	SF-6		D	MF	MHP	O	GR			C	LI		
Residential																
Residential Use	P	P	P	P		P	P	P	C		C		C		P	2 spaces: dwelling

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or

provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. 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.

Section 5. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of the ordinance.

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 18TH DAY OF NOVEMBER 2013.

COUNCILMAN HUDGENS _____
COUNCILMAN STOLL _____
COUNCILMAN BROWN _____
COUNCILMAN TOWNSEND _____
COUNCILMAN DODSON _____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF DECEMBER 2013.

COUNCILMAN HUDGENS _____
COUNCILMAN STOLL _____
COUNCILMAN BROWN _____
COUNCILMAN TOWNSEND _____
COUNCILMAN DODSON _____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: November 18, 2013

Topic:

Approve **FINAL PLAT TUCKER MEADOWS**; A Subdivision of 4.6756-Acre Tract, being Comprised of 4.3285-Acre Tract and 0.5000-Acre Tract situated in Chauncey Goodrich Survey, Abstract 311, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the Tucker Meadows Preliminary Plat and Final Plat on Monday, November 11, 2013. The plat is now being presented to City Council for approval.

Origination:

Engineering and Planning

Recommendation:

N/A

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Tucker Meadows Final Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, DENNIS L. PIERCE AND WIFE, PAULETTE JAWORSKI, HEREINAFTER REFERRED TO AS OWNER OF THE 4.6756 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TUCKER MEADOWS, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND MYSELF, MY 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 AND UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-DIAMETER) WITH CULVERT OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE OR WALKWAYS SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANTS AND AGREE THAT ALL OF THE PROPERTY WITH THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH A BUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY DENNIS L. PIERCE, THEREUNTO AUTHORIZED, AND BY PAULETTE JAWORSKI, THIS 30th DAY OF October, 2013.

BY: Dennis L. Pierce
DENNIS L. PIERCE

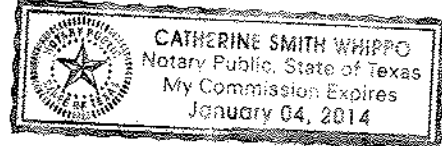
BY: Paulette Jaworski
PAULETTE JAWORSKI

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DENNIS L. PIERCE AND PAULETTE JAWORSKI, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30th DATE OF October, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 1-4-14



FOR 4.3285 ACRE TRACT

WE, WOODFOREST NATIONAL BANK, OWNER AND HOLDER OF THE LIENS AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS TUCKER MEADOWS, SAID LIENS BEING EVIDENCED BY INSTRUMENT OF RECORD IN CLERK'S FILE NO. 20130256779 OF THE O.P.R.O.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIENS AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

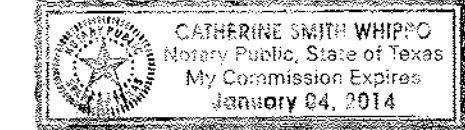
BY: Barbara Tague
NAME: Barbara Tague

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, OF WOODFOREST NATIONAL BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30th DAY OF October, 2013.

BY: Catherine Smith Whippo
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 1-4-14



I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS 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.

BY: Craig A. Laney
CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 33-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

I, ARTHUR L. STOREY, JR., COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

ARTHUR L. STOREY JR., P.E.
COUNTY ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF TUCKER MEADOWS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS 30th DAY OF October, 2013.

BY: Barbara Tague
BARBARA TAGUE, CHAIRMAN

BY: Darrell Roquemore
DARRELL ROQUEMORE, VICE CHAIRMAN

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

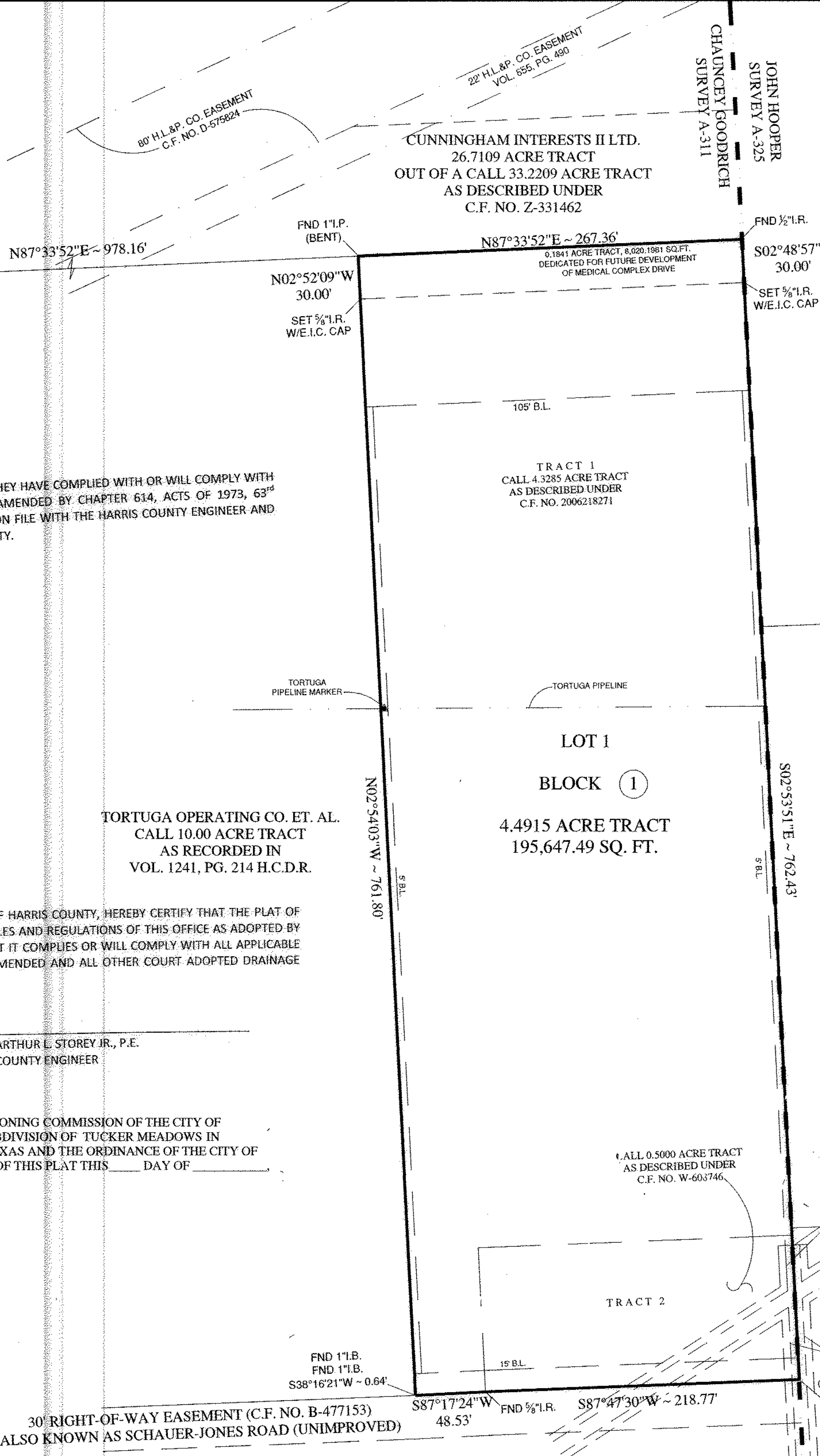
GEORGE SHACKELFORD, CITY MANAGER

BY: Lori Lakatos
LORI LAKATOS P.E., CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS 30th DAY OF October, 2013.

BY: Gretchen Fagan
GRETCHEN FAGAN, MAYOR

BY: Doris Speer
DORIS SPEER, CITY SECRETARY



DARLEEN M. SCHAUER ET. AL.
CALL 9.00 ACRE TRACT
AS DESCRIBED UNDER
C.F. NO. B-477153

JOHNNY R. WAGNER
CALL 2.6230 ACRE TRACT
AS DESCRIBED UNDER
C.F. NO. P-780090

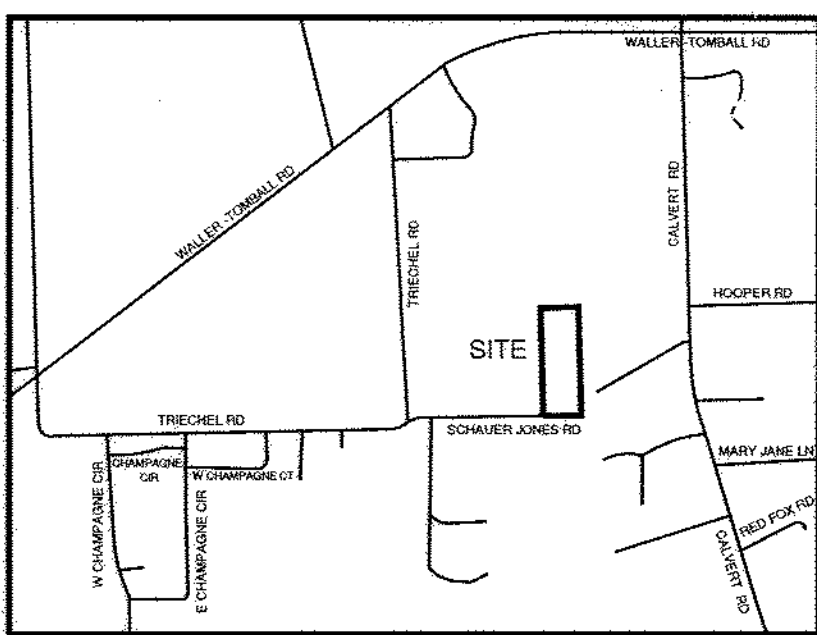
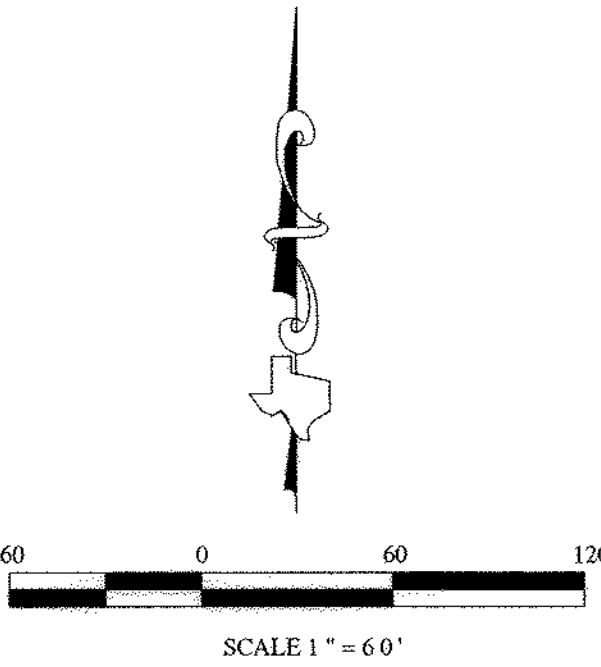
NAJERA NATONIO MARALES
CALL 1.9160 ACRE TRACT

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON 10/30/2013, AT 10:00 O'CLOCK A.M. AND DULY RECORDED ON 10/30/2013, AT 10:00 O'CLOCK A.M. AND AT FILM CODE NO. 2013-10308635 OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY.

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

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: Deputy
DEPUTY



VICINITY MAP
NOT TO SCALE

FINAL PLAT
TUCKER MEADOWS
A SUBDIVISION OF 4.6756 ACRE TRACT,
203,667.69 SQUARE FEET
BEING COMPRISED OF
4.3285 ACRE TRACT AND 0.5000 ACRE TRACT
SITUATED IN
CHAUNCEY GOODRICH SURVEY, ABSTRACT 311,
HARRIS COUNTY, TEXAS

CONTAINING

1 LOT 1 BLOCK

NOVEMBER 2013

OWNER

DENNIS L. PIERCE and PAULETTE JAWORSKI

15141 TRIECHELL ROAD
TOMBALL, TEXAS 77375
(281) 851-8371

SURVEYOR

E.I.C. SURVEYING COMPANY

12345 JONES ROAD#270
HOUSTON, TEXAS 77070
(281) 955-2772

GENERAL NOTES

1. B.L. INDICATES " BUILDING LINE "
2. U.E. INDICATES " UTILITY EASEMENT "
3. R.O.W. INDICATES " RIGHT-OF-WAY "
4. AC.TRACT INDICATES " ACRE TRACT "
5. VOL. INDICATES " VOLUME "
6. PG. INDICATES " PAGE "
7. I.R. INDICATES " IRON ROD "
8. D.E. INDICATES " DRAINAGE EASEMENT "
9. S.S.E. INDICATES " SANITARY SEWER EASEMENT "
10. H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
11. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from 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 its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
12. According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
13. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
14. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
15. No Building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
16. This plat does not attempt to amend or remove any valid covenants or restrictions.
17. The building lines shown in 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.
18. Blanket Easement of an unlocated pipeline easement and right-of-way in favor of Magnolia Pipeline Co. as set forth in instrument recorded in Volume 928, Page 602 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.
19. Blanket Easement of an unlocated pipeline easement and right-of-way in favor of Tennessee Pipeline Co. as set forth in instrument recorded in Volume 1975, Page 101 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.
20. An unlocated pipeline easement and right-of-way in favor of Humble Oil & Refining Co. as set forth in instrument recorded in Volume 6320, Page 246 of the Deed Records of Harris County, Texas. (As to Tract 2) No location or width given. No visible evidence Crossing subject property.

Regular City Council

Agenda Item

Meeting Date: November 18, 2013

Data Sheet

Topic:

Approve Preparation of Request for Qualifications to Prepare an Evaluation and Analysis of the City's Development Review Process

Background:

The development review process is the process or methodology developers utilize to obtain approvals for plats, building plans, and building permits. Over the last several years, City staff has made substantial progress and improvements in the process. City staff has worked hard to make decisions based on the code requirements and sometimes potential alternatives that still reflect the intent of the adopted codes.

In the next several years, we anticipate substantial growth based on what we are seeing happen in/around the City of Tomball—Baker Hughes Phase I project and the possibility of Phase II coming in the near future, Exxon Mobil development, the Grand Parkway, and SH249 along with additional local commercial, retail, and individual housing growth.

City staff believes an independent review of our current process would be helpful in continuing to improve the overall process. Staff requests approval from Council to prepare a Request for Qualifications (RFQ) to solicit qualifications, proposals, and pricing for such an independent review and analysis.

Examples of analyses performed for other cities are provided for Council review and consideration.

Origination:

City Manager

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

G. Shackelford Memo to Mayor and Council

Study prepared by Matrix Consulting for City of Las Vegas

Study prepared by DMT Consulting for City of Missoula

Study prepared by Government Consulting for City of Portland

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: George T. Shackelford, City Manager

SUBJECT: Analysis of Development Review Process

DATE: November 14, 2013

The development review process is the process or methodology developers utilize to obtain approvals for plats, building plans, and building permits. Over the last several years, City staff has made substantial progress and improvements in the process. City staff has worked hard to make decisions based on the code requirements and sometimes potential alternatives that still reflect the intent of the adopted codes.

In the next several years, we know that the city is going to undergo a substantial growth based on what we are seeing happen in/around the City of Tomball—Baker Hughes Phase I project and the possibility of Phase II coming in the near future, Exxon Mobil development, the Grand Parkway, and SH249 along with additional local commercial, retail, and individual housing growth.

Recently, we have had discussions on possible ways to further improve the development review process and felt that an independent review might be helpful. There are a number of companies that provide an evaluation of the development review functions and do a complete organizational analysis of the process. They take an outside look and involve and take input from the city staff, developers, builders, architects and engineers and provide a listing of recommendations that could be implemented to improve the overall process.

This is very similar to the Texas Police Chief's Association Recognition Program and Accreditation for Law Enforcement agencies and the Fire Department's Texas Commission on Fire Protection and Center for Public Safety Excellence Accreditation. They periodically review our operations and policies to provide guidance into "best practices" for each agency.

Several examples of a development review process analysis done by several companies are attached for our review:

1. Study prepared by Matrix Consulting Group for the City of Las Vegas
2. Study prepared by DMT Consulting for the City of Missoula Montana.
3. Study prepared by Government Consulting Group for the City of Portland Maine.

There are numerous other examples on the internet. We would need to find a company that has experience in smaller town operations. We would prepare a "request for qualifications" (RPQ) and let companies submit their statement of qualifications, proposals and pricing to the city for evaluation.

Staff requests permission from the Council to pursue this process and bring recommendations for a company to do this type work back to the Council for consideration.

**City of Las Vegas
Development Review Process
Efficiency Analysis**

December 2009

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Chapter 1

Executive Summary

Unless the City of Las Vegas re-engineers the development review process, and the organizational culture surrounding it shifts from enforcement to customer enablement, it will not be competitive with the other Las Vegas Valley jurisdictions for land development growth.

The core responsibility of a city's building safety program is to create an efficient plans check, permitting and inspection *system* that results in safe buildings as defined by the adopted codes. Nothing, absolutely nothing, should relegate safety to a secondary position. However, caution must be exercised against any knee-jerk reaction by regulatory officials that safety and customer service are not compatible. What is needed is a sustainable equilibrium between safety and economic preservation. Furthermore, it is important not to confuse the narrow imperative of just improving the process for managing land development with the broader reality of competing for development opportunities.

Many steps are required in order for a customer to move through the City of Las Vegas' development review process (DRP). A myriad of planning, engineering, legal, public safety and administrative details must be dealt with before the customer has the right to use his/her property. The process is exceedingly complex and difficult because it is surrounded by political, legal, economic and

public policy needs. Scores of documents must move back and forth amongst the customer and his/her representative, five department's staff, a variety of consultants, elected officials and other agencies. The purpose of this study is to identify ways in which the DRP can be changed or modified to operate more efficiently so that the development review documents can move through the City's decision-making process seamlessly.

A critical finding of the *Development Review Process Efficiency Analysis* was that most of what are generally called DRP "problems" exist on an intra-department basis rather than at the inter-department level. Put another way, the review of a plan, processing of a permit, or handling of an inspection meets with considerable success when isolated to the authority and responsibility of a distinct department. In this situation the customer generally receives knowledgeable attention from people who are willing to do what it takes to help them. But as each one of the departments and outside agencies responsible for development review enters the process, the likelihood of delay, misinformation, conflict and confusion increase significantly.

After meeting with scores of staff and members of the development community and first-hand examination of the DRP, it makes sense to define the strategic objectives of what the City's DRP should be if it is to become more efficient. The suggested strategic objectives are to:

1. Reduce the number of times a customer has to physically visit a City facility in the course of processing a development project;
2. Minimize the frequency of errors and misunderstandings that the customer and staff must react to during the process;
3. Increase the level of predictability and reliability of each step in the process; and,
4. Manage all of the above on the basis of time and cost.

Time is money and each of these strategic objectives, either standing alone or intertwined, affects the costs incurred by the customer, the city government and the general public during the DRP. The accomplishment of these strategic objectives will help in a very significant way to drive the much needed expansion of the City's economic base, and the many community assets that are associated with an expanding economy – jobs, services, environmental responsibility, government efficiency, educational and training opportunities, etc.

The DRP can become more efficient if three changes are made. They are:

1. Reduce the silo isolation between the departments responsible for development review; and,
2. Modify the organizational culture that surrounds the DRP; and,
3. Improve how the process works and flows.

Our experience has been that efficiency experts and competent staff can easily improve the processing flow of land development review activities. But reducing the silo isolation and effectively modifying the organizational culture requires a committed executive management effort in terms of knowledge, skill and time. Improving the City of Las Vegas' DRP process to the extent desired by the City Manager will require extreme commitment by the department directors who are responsible for the DRP. Delegating the responsibility for the necessary changes will not produce the desired results.

The actions suggested in Chapter 5 Plan of Action and the ninety-five recommendations discussed in Chapter 6 Findings and Recommendations, are intended to help make the DRP more efficient, customer oriented and able to successfully compete for future development opportunities.

The ninety-five findings summarized in the next section are explained in greater detail, accompanied with recommendations, in Chapter 6 Findings and Recommendations. This information is organized into four categories:

- Process and Process Management;
- Organizational Structure, Supervision and Management;
- Technology, Business Systems and Performance Measures; and,
- Organizational Culture.

Findings Summary

These findings are not listed in order of priority.

Process and process management

Finding No. 1 – There is no identifiable position responsible for tracking and moving an application or project through the DRP.

Finding No. 2 – Changes in policies, code interpretations and the way things are done are not always effectively communicated with the development community or other DRP staff on any sort of regular basis.

Finding No. 3 – The City's entitlement process with respect to Special Use Permits pushes the decision making process up to the council on an all too frequent basis.

Finding No. 4 – The plans check process is more sequential than concurrent.

Finding No. 5 – There is no single comprehensive desk manual that explains the DRP.

Finding No. 6 – The value of the bonds posted on some of the uncompleted projects is substantially less than the cost of the improvements necessary for completion.

Finding No. 7 – There is no consistency with respect to "calling in" bonds on projects that have not met their completion deadlines.

Finding No. 8 – Developers often claim to be unaware of the requirement to post a warranty bond for a completed project with public improvements.

Finding No. 9 – As the City's inventory of undeveloped land is reduced by new construction activities the development trend will shift to infill development and downtown projects.

Finding No. 10 – There has been no regular semi-annual or annual 360 review of the DRP.

Finding No. 11 – DRP managers are frustrated that the City Attorney's Office opinions on land use matters are inconsistent.

Finding No. 12– There is limited coordination between the DRP work units in the review of applications and plans.

Finding No. 13– The codes used by Business Licensing and the Planning and Development Department contain differences that impede customer service and waste staff's time.

Finding No. 14– Although generally available if one searches for it, information is not readily shared between development review departments.

Finding No. 15– Obtaining accurate information pertaining to some of the DRP activities, such as the number of plans required for a project, is sometimes difficult.

Finding No. 16– The Planning and Development Department annually re-inspects after issuance of the certificate of occupancy, for compliance with all requirements of Title 19 and all Conditions of Approval imposed by either City Council or the Planning Commission.

Finding No. 17– There is a concern in both the development community and among the DRP staff that the frequency of plan review and inspection inconsistencies is excessive and that inspectors almost always "trump" plan examiners.

Finding No. 18– The language in Title 19 allows for the applicant to appeal anything (when filed appropriately on the next council agenda) that the Planning and Development Department does in its review of an application.

Finding No. 19 Five separate inspections are required to close-out a project.

Finding No. 20– In the single family dwelling (SFD) tract permit process it is not unusual for an application to sit for weeks waiting for offsite inspection and testing (OIT) holds to be removed.

Finding No. 21– Lost or misplaced plans in the Development Review Center (usually caused by removing a set of plans from the bin and not appropriately noting it) waste a considerable amount of staff time and can result in an unnecessary cost for the customer.

Finding No. 22 – There are occasions when unique or complex decisions are made at the plan check level without appropriate input from the inspection staff.

Finding No. 23 – It is the policy of the Fire and Rescue Department not to send out inspectors if any building has only a partial pass or is not approved – even though the work for the Fire and Rescue Department’s inspection is ready.

Finding No. 24 –There is a need to assure that the correct occupancy designation is assigned to each business in a structure, and that development reviews are not delayed waiting for business license approval.

Finding No. 25 – Plan review technicians have to perform a substantial amount of administrative paperwork after the customer enters their work area.

Finding No. 26 – When performing special projects for their supervisors, plan check technicians are frequently distracted by the public.

Finding No. 27– The level of dimensional information required for land use entitlements is significantly less than the engineering provided during the civil plan and permit review process.

Finding No. 28 – The intent of a condition imposed by the plan review staff from the different development departments is sometimes confusing to the customer.

Finding No. 29 – Although the Centennial Plan provides for relief from Title 19 requirements, only the Planning and Development Department distinguishes the downtown from the suburban areas of the City.

Finding No. 30 –The Planning and Development Department’s occasional inclusion in the review of dry utility plans has resulted in the approval of plans not in conformance with the approved site plan or Title 19.

Finding No. 31 – Changes in business license applications that are not routed to Planning and Development have resulted in non-permitted uses being approved.

Finding No. 32 – Elected officials and their liaisons go to whomever they feel the most comfortable with in the DRP for answers to inquiries.

Finding No. 33 – The civil engineer pre-application submissions do not always receive a 360 degree review. For example, Planning and Development can miss requirements such as water pressure needs.

Finding No. 34 – A significant number of the findings and recommendations contained in the recent audit (CAO 0701-0910-0X) of the Case Planning Division by the City Auditor's Office relate to the DRP.

Finding No. 35 – There is insufficient coordination in the DRP of the first and follow-up review documents that are returned to the development customer.

Finding No. 36 –The customer has a difficult time working back and forth between the City's DRP staff and the outside agencies involved in the DRP. Among these agencies are Nevada Power, Southwest Gas and the U.S. Post Office.

Finding No. 37 – There are no formal timeline commitments between departments with respect to processing and review.

Finding No. 38 – The process used by Business Licensing to verify zoning when applying for a business license is cumbersome and costly.

Finding No. 39 – The most frequent complaint of the DRP customers involved in this efficiency analysis is the inconsistency between plan check and inspections with respect to plan review.

Finding No. 40 – The threshold of work definition in the fire sprinkler retrofit ordinance (13.3.2.3.5) basically requires the installation of an automatic fire sprinkler system within the entire building whenever "Alterations, renovations, tenant improvements, or any change in occupancy in any existing building..."

Finding No. 41 – It is in the City's best interest to actively assist property owners build out their uncompleted projects.

Finding No. 42 – There is no established forum for the development industry to interact with the DRP's senior management in a non-adversarial way.

Finding No. 43 – The "quality first" effort with respect to plans submissions within the DRP does not receive adequate attention, causing excessive multiple re-submissions (as many as eight).

Finding No. 44 –The responsibility for DRP processing problems "ping-pongs" between departments.

Finding No. 45– There is a need for up-to-date departmental and cross-departmental DPR flow charts using the same template.

Finding No. 46–The Building and Safety Department's appeal process is unusual in that it is comprised of departmental staff only.

Finding No. 47– It is the position of the development community that the Building and Safety Department's code interpretation practices are more stringent than their counterparts in the Las Vegas Valley.

Organizational Structure, Supervision and Management

Finding No. 48 – The departments involved in the DPR have pronounced “silo mentalities” that often work against efficient operation of the DPR.

Finding No. 49 – No single manager is assigned the responsibility for overseeing the DPR and its personnel.

Finding No. 50 – Finding the time necessary for the DCM-D to successfully oversee the implementation of the report's recommendation is critical to improving the DPR.

Finding No. 51 – There is a need to carefully examine the spans of control in the DPR departments.

Finding No. 52 – Insufficient (almost none) time is given to solving problems associated with the DPR during regularly scheduled senior management meetings.

Finding No. 53 – Most of the managers responsible for work units in the DPR have learned to manage more by “experience” than through a formal education or professional training process such as earning a business administration degree, MBA or executive development certification.

Finding No. 54 – The staff of the Planning and Development Department is re-assigned within the department at a higher frequency than is the norm for positions that interpret complex and multifaceted regulations.

Finding No. 55 – To provide quality assurance a business license application is reviewed by three staff to make sure the information matches from the hard copy to what has been input into the business license system.

Finding No. 56 – The loss of senior staff leaving the workforce has resulted in a loss of institutional memory.

Finding No. 57 – Until recently the Building and Safety Department inspections supervisors were not conducting desk or field audits of the work performed by their inspectors.

Finding No. 58 – There is a significant interest by some staff members to shift the DRP schedule from its current schedule to the 4-10 (four-day, ten-hour) work schedule.

Finding No. 59 – The physical separation of inspectors and plan review personnel in the Building and Safety Department results in communication problems that are sometimes an additional cost for the customer.

Finding No. 60 – Managers and supervisors tend to focus more on the politics of the process than the “time and money” aspect of the DRP.

Finding No. 61 – “Top down” management calls are often required to move projects forward.

Finding No. 62 – The May 2009 Employee Engagement Survey conducted by the Department of Human Resources contains a number of “red flags” deserving of attention from the CMO.

Finding No. 63 – Staffing reductions among the development review related departments are not always consistent with the corresponding decline in land development activities.

Finding No. 64 – The Planning and Development Department’s front counter planners are not fully utilized when they have “dead time.”

Finding No. 65 – A significant number of mid-managers are “change averse” and are resisting using business metrics, time and actual cost as the primary measures of their performance, and the performance of their subordinate staff.

Finding No. 66 – The need for additional staff cross-training is of universal concern in the DRP.

Finding No. 67 – The training for front counter planners is inadequate.

Finding No. 68 – A significant number of employees expressed the need for additional customer service training.

Findings No. 69 – There is substantial resistance to the use of “performance-based” codes and regulations.

Finding No. 70 – The Building and Safety Department lacks the senior management positions necessary to operate effectively and prepare itself for competition with respect to future land development.

Finding No. 71 – There is no formal process for changing management processes in the DRP.

Technology, Business Systems and Performance Measures

Finding No. 72 – There is a critical need for an electronic application/plans submittal, review, tracking, and storage system.

Finding No. 73 – A more customer friendly website with a better search capacity is needed for the development community.

Finding No. 74 – With the exception of the Building and Safety Department, fee studies by a qualified consultant have not been conducted in recent years in the other development review departments.

Finding No. 75 – There are noticeable telephone response time delays in the Business Licenses office.

Finding No. 76 – Findings in the Wohlford Consulting User Fee Report for the Building and Safety Department indicate that the current fee structure used by the department is not sufficient to cover the department's cost of providing services.

Finding No. 77 – While the annual volume of land use and permit applications is the primary driver for the DRP, workload and output is not always measured effectively.

Finding No. 78 – With the exception of the relatively new Performance Plus management tool, no recognized business system such as Sigma Six, Total Quality Management or Business Processing Engineering is used by any of the development review departments.

Finding No. 79 – The Business Licensing Division's resistance to using the Hansen software system has been costly in terms of DRP staff time and customer service.

Finding No. 80 – The DRP is hindered by certain communications "inabilities" between software applications (Hansen, Sire, EB, GIS, Plans Viewer and Oracle).

Organizational Culture and Customer Service

Finding No. 81 –The almost universal belief by mid-managers that “when things return to normal we will need more staff” is a drag against the need to change the way things are done internally.

Finding No. 82 – Too many DRP managers continue to believe that their future staffing levels need to be established on the basis of the previous, but unmeasured, workload indicators.

Finding No. 83 –The Development Services Center reception area is unfriendly, confusing for the first-time customer and is inefficient for both the customer and staff.

Finding No. 84 – There is compelling anecdotal input from the development community that some of the Fire Engineering staff lack professionalism with respect to customer service.

Finding No. 85 – The sometimes “we-they” friction between the plan check staffs in Fire Engineering and the Building and Safety Department impedes the work effort and customer service.

Finding No. 86 – The initial staff response to the unfiltered input received from the development community focus groups was more defensive than introspective or thought-provoking.

Finding No. 87 – Within the DRP staff there appears to be confusion with respect to who the customer actually is.

Finding No. 88 – An insufficient number of DRP staff have attended the Human Resources Department’s formal customer service certification program and some of the personalities (because of a lack of communication skills, negative attitude, bureaucratic beliefs, etc.) of some of the staff occupying key positions in the DRP are not conducive to effectively solving customer relation issues and/or working in a professional manner with other employees in the DRP.

Finding No. 89 – Locating fire inspection personnel in fire stations may widen the mission-understanding gap and organizational culture differences between the Fire and Rescue Department and the other elements of the DRP.

Finding No. 90 – Telephone customers frequently complain about being switched from person to person because staff often does not know to whom a call should be referred.

Finding No. 91 – The effectiveness of the Office of Business Development (OBD) staff with respect to assisting a property owner move through the DRP has been marginalized because of the customer-resistance view held by other DRP staff.

Finding No. 92 – The different and sometimes conflicting organizational cultures surrounding the DRP impedes quality service.

Finding No. 93 – DRP Permits often expire without either the City or customer realizing it.

Finding No. 94 – There are limited up-to-date operating (desk) manuals for DRP plans check personnel to use as a reference and guide for their activities.

Finding No. 95 – The development community believes that planners should be well-qualified professionals who are encouraged to have meaningful input with applicants.

Chapter 2

Overview of the Project

2.1 Assignment and Objective

The City of Las Vegas retained Kirchhoff & Associates to study its development review process (DRP), and make practical recommendations to improve the predictability, speed and efficiency of City of Las Vegas' development activities without minimizing the elements of quality and safety. Rinaldi & Associates, a consulting firm very familiar with the planning processes of the various jurisdictions in the Las Vegas Valley was also a lead participant in this undertaking. The consulting team assigned to this project is a seasoned group with decades of experience managing cities, working with development departments and modifying organizational behavior. The findings and recommendations related to the *Development Review Process Efficiency Analysis* are found in Chapter 6 Findings and Recommendations.

The objective of this efficiency analysis was to determine ways in which the DRP might be made more efficient in terms of the speed and predictability with which a development customer is served by the City of Las Vegas.

There are five City departments that are directly involved with some phase of the DRP. They are the Planning and Development Department, Building and Safety

Department, Public Works Department, Fire and Rescue Department and the Finance and Business Services Department. Collectively, they are referred to throughout the report as the “development related departments.” The Building and Safety Department is generally considered to be the “most involved” department in terms of process management. It is the point in the organization most frequently contacted once a building permit has been issued and its total staff is devoted to the DRP. Both the Planning and Development and Public Works Departments have large cadres of staff involved with the DRP. Fire and Rescue, to a lesser extent, has a small work unit (Fire Engineering) involved with fire related plan review and inspections. The Finance and Business Development Department has the least hands-on involvement in the process. While not thought of in the traditional sense as being a development related work unit, the Finance and Business Services Department administers the issuance of business licenses once the construction of a building has been completed.

It is also noteworthy that a significant number of other jurisdictions can be involved as a project works its way through the City’s DRP. Moving through the bureaucracies of these organizations significantly increases the length of time it takes for an applicant to obtain the necessary permit approvals from the City of Las Vegas. Among the outside agencies that can be potentially involved with reviewing a development review application are the Las Vegas Metropolitan Police, Clark County Health District, Clark County School District, Las Vegas Valley Water District, Division of Water Resources, Nevada Power Company, Southwest Gas Company, Sprint Central Telephone and the U.S. Post Office.

The intended outcome of the *Development Review Process Efficiency Analysis* was to change the DRP after a thorough *systems analysis* study methodology. The intended goal is to position the City to better serve the development community, while still maintaining high standards of health, safety, compatibility and quality of life for City residents. Overcoming the unnecessary delays,

misinformation and untimely “surprises” that are sometimes experienced by development customers – from homeowners with relatively simple repair/rehabilitation of private home projects to major commercial and residential developers - was the focus of this analysis. Among the issues addressed were:

1. The time required for a customer to complete approvals within the City’s DRP;
2. Maintaining quality development;
3. Being competitive by accommodating development; and,
4. The identification of issues of concern to private industry trade groups.

The intent of the original scope of work was to provide the City Manager with a “whitepaper” list of practical recommendations for removing obstacles and impediments in the Building and Safety Department. Because of his experience with development matters, the new Deputy City Manager responsible for the development related departments, expanded the scope of the study to all of the departments managing land development activities. Driving this effort was the City Manager’s concern that the City’s overall DRP process needs to change dramatically in order to *compete* with adjacent communities for future development opportunities, and operate more efficiently in a changing economy. It is also the City Manager’s desire to shift the DRP from an *enforcement* posture to a collaborative *enabling* tool that will encourage economic development and expansion of the City’s employment and tax base.

Early into the study it became apparent that the successful transitional shift from just the *enforcement* of rules and regulations to that of customer *enablement* would require more than the white paper review that was originally contemplated. In addition to the mechanical aspects of connecting the dots in the processing sequence, the need to understand how the individual development related departments function and the organizational culture differences between them became apparent. This caused the work plan to be expanded, including a more

detailed analysis of the development review work units within the City and the culture which dictates the way they do things.

2.2 Study Methodologies and Lines of Inquiry

Five integrated methodologies and lines of inquiry were used to conduct the *Development Review Process Efficiency Analysis*. They are the:

1. Systems analysis;
2. Stakeholder input;
3. Organizational culture analysis;
4. Code review; and,
5. Industry best practices and other municipalities review.

The following is a brief summary of each methodology used in this analysis.

The Systems Analysis

As is the case with other formal organizations, each of the development review departments uses a framework of systems and procedures to guide its employees in their day-to-day activities and operations. While many resources need to be combined in an organized manner to effectively operate the DRP system, the most important element is how people – the people who operate the system and the people who use its output – behave and work in their systems.

The systems and procedures for an organization such as a city's development review process are usually based on a complex collection of facts, opinions, and ideas concerning the organization's objectives. For an organization to survive, it must learn to deal with a changing environment effectively and efficiently. To accomplish the making of decisions in an uncertain environment, the organization's framework of systems and procedures must be remodeled, redefined, or tailored on

an ongoing basis, Commonly referred to as re-engineering, fact must be separated from the trivial, fact sorted out from opinion, and the objectives redefined. The most important question the systems analyst must continue to ask is "What are we (the organization) trying to accomplish?" The response to this question from City's DRP staff was remarkably inconsistent, a reflection of differing goals and objectives that impedes their work.

Put simply, the systems analysis approach is a deep-dig into a problem that differs from the trial-and-error approach. The trial-and-error approach involves identifying a number of potential solutions to the problem and then testing each randomly until one alternative appears to provide an acceptable solution. In the systems analysis as many of the influences and constraints are identified and evaluated in terms of their impact on the various "decision points" in the system. A decision point is that point in a system at which some person or an automatic mechanism must react to input and make a decision. There are many decision points within the system that the DRP operates in. Correctly designed the objectives of the DRP system are to:

- Furnish the right information to the right people at the right time;
- Decrease uncertainty and improvement of decision quality;
- Increase capacity to produce work;
- Perform work that was previously impossible;
- Increase employee productivity and reduce costs; and,
- Manage the orderly and economically viable development of land.

The City's DRP system should provide information that is consistent, accurate, timely, economically feasible and relevant (CATER). In other words, the DRP should:

- Establish standards;

- Specify each work unit's responsibility;
- Delineate actions and decisions;
- Be easily understandable;
- Provide performance criteria; and,
- Identify the decision points in the process.

Unfortunately, deficiencies exist in each of these stages of the DRP system. It is noteworthy that the problems with the City's DRP are the problems that are typically associated with almost any city's development review process. These deficiencies, and possible remedies, are discussed generally in Chapter 4 The Core Issues, and more specifically in Chapter 6 Findings and Recommendations.

Many of the individual questions asked by the consultants are found in Appendix A Questions and Lines of Inquiry. The lines of inquiry that this study of the DRP focused on were:

- What are the critical processes;
- What key skills are required to produce the processes;
- What are the challenges;
- How is the DRP governed;
- What is the criteria for success; and,
- What metrics and measures are used?

Stakeholder Input

Augmenting the systems analysis methodology was the involvement of the various stakeholders – customers, development industry representatives and staff. A heavy emphasis of the analysis was the involvement of stakeholders with respect to determining better ways of doing things for the customer. The consultants conducted five focus group meetings with the following categories of the Las Vegas development community:

- Fire Safety/Sprinkler Systems;
- Land Use/Entitlements;
- Building Permits;
- Drainage Studies; and,
- Traffic Studies and Civil Plans

The outcomes of these meetings were shared with DRP staff representatives in a formal setting that allowed for feedback and are discussed in detail in Chapter 3 What The Las Vegas Development Community Wants.

The staff interviews were with professionals in all areas of the DRP. In all, approximately 60 staff members were interviewed or contacted via email or telephone. In a variety of forums the staff was asked:

- What will development review customers require of the City in the future and who will the City compete with?
- What will the organization need to be highly successful in the future?
- What demands will the City face in the future environment?
- What trends should the City be aware of?
- Where are we currently underdeveloped in the organization?
- If the City is to achieve excellence in managing land development, what will it need to change in the organization?

A significant number of staff were interviewed on multiple occasions and many were involved in an ongoing exchange of information with the consultants. Their knowledge, and willingness to share it, was of immeasurable benefit to this analysis. In fact, much of the information found in Chapter 6 Findings and Recommendations, is directly

attributable to ideas and input from the City's staff. The observations and ideas of the professionals working in the DRP are the basis for most of the recommendations in this report.

Organizational Culture Analysis

An organization's culture is reflected by what is valued, the dominant managerial and leadership styles, the language and symbols, the procedures and routines, and the definitions of success that make an organization unique. The fact that many of the City's executive staff (the City Manager, Deputy City Manager for development activities, Director of Building and Safety for example) are relatively new to their positions means that at least some of the organization's values, management and leadership styles and definitions of success are changing and will continue to change.

Organizational culture is the way things get done in a private corporation or government entity. It is the standard of conduct in the workplace. Whether weak or strong, organizational culture has a powerful influence on how well work is performed. It affects practically everything – from what time work starts, how long the work day is, who gets promoted, and how employees relate to their customers. Understanding an organization's existing culture and the culture it prefers (or needs) is critical to the long-haul sustainability of specific changes.

Internal Code Compliance Review

The purpose of this objective analysis was to determine: (A) if the plans review and inspections processes were exceeding (over reviewing and/or inspection) that which is required by the official codes and standards adopted by the City; and, (B) are the codes being enforced with the necessary transparency, consistency and predictability. Many of the

findings in Chapter 6 Plan of Action focus on this element of the efficiency analysis.

Industry Best Practices and Review of Other Municipalities

In an attempt to obtain as much fresh information as possible, considerable attention was given by the consultants to a handful of municipalities that are reputed to have quality development review programs. Some of this information is contained in Appendix B - Development Review Process Best Practices Cities. Among the municipalities studied were San Diego, CA, Chula Vista, CA., Arlington, TX, Henderson, NV and Tallahassee, FL. The University of North Carolina's publication *Development Review in Local Government: Benchmarking Best Practices* is an excellent resource regarding development review practices in a number of well-managed municipalities.

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Chapter 3

What the Las Vegas Development Customer Wants

3.1 Introduction

The information in this chapter is based on direct input the consultants received from the five focus group meetings with members of the development community. It is noteworthy that some individuals attended as many as three of the sessions. It is also based on information obtained from written correspondence, emails, surveys and phone conversations. On one hand, it must be recognized that these people have special interests, with some of them having an “ax to grind.” And some are expressing opinions without factual data to support their position. And, in some cases they are complaining about old problems which have been fixed or resolved. On the other hand, the development community has many interests in common with the City’s DRP staff, such as safety, quality of life, and avoidance of litigation, and its members are very real partners with the City as it relates to land development. Those in the design community, registered architects and engineers, risk the loss of their very valuable professional licenses if they are not in compliance with the applicable design standards of the City’s codes. These are among the reasons that their concerns should not be shrugged-off as coming from the “dark side.” Rather, it is suggested that each comment be considered by the Implementation

Committee and all of the managers and supervisors in the DRP. Those having merit should be given a complete review.

3.2 Pertinent Comments of Concern

Notes were taken during each of the focus group sessions. Illustrative of the concerns are the following statements from the development community. Some of these comments are listed below. The reader is referred to all of the recorded comments which are included in Appendix C Focus Group Comments.

Experience tells us that the initial reaction to criticism, constructive or otherwise, by a conventional bureaucracy is a defensive denial, usually followed by some form of “killing the messenger.” Since there is value to be gained from any sort of public input it is suggested that these comments be reviewed on the basis that:

- All segments of the public served by the City of Las Vegas, including the development community, deserve a fair hearing;
- The development community, like any other special interest group, will have its own agenda that is not always in the best interest of the general public;
- The government, not the developer, is the responsible party for safety in the builder-municipality relationship;
- Operating at the highest possible level is the responsibility of the work units that manage the DRP; and,
- Many of the concerns expressed in this chapter by the focus groups have been validated by the DRP staff.

If the focus group input is studied in this context then those responsible for the DRP will gain some different insights that will help them sort out where corrective action needs to be taken. If viewed from the perspective that the input is coming from the “dark side” and therefore is not worthy of legitimate examination, then an opportunity for improvement is lost. Among the representative themes that were expressed by the focus groups include:

- Staff has little appreciation for the cost of time;

- No one person is “in charge” of managing the DRP;
- Plan review and inspections are inconsistent;
- Departments are in conflict with each other;
- Code changes are not communicated with the development community;
- Inspectors trump plans examiners;
- Too many last minutes changes in conditions;
- Too much City Council involvement in the entitlement process;
- Plans and documents get lost frequently;
- “Us vs. them” and a “No” culture;
- The appeals process needs modification;
- Downtown development is different than suburban development (new codes don’t work for retrofit);
- Too many staff requirements are not supported by code; and,
- Planners need more authority so they are more than paper pushers.

Fire Prevention/Sprinkler Systems Focus Group

“CLV Fire Department are employees of the city. Submitted two separate permits for identical purposes, one to city and to fire department, way to combine the two, reduce the duplicate fee, get rid of doing twice the work would be a benefit.”

“Usually don’t have trouble getting them to come out. The real problem is getting everyone to coordinate to be there at the same time.”

“When the plans examiner went on vacation the review of our plans also went on a vacation.”

“We saw several years ago, fire code changes were made with no public comment period. Fire protection engineers are involved in code issues, but we weren’t able to participate...”

“Sprinkler retrofit ordinance unique to CLV – requirement that buildings larger than 10K sq.ft. but have undivided fire at 5K sq. ft., have to be re-sprinkled, even if they were sprinkled to previous code.”

“One of the things CLV really needs to work on, especially in the down time, to bring the developer’s attention early on as to what LVFR’s special requirements are, which are not published.”

“Fire engineers need to be involved from the beginning. All of that information needs to be outlined in advance to the developers and architects BEFORE the contracts are in place.

“CLV mandates that a fire protection engineer submit drawings. That isn’t written down. Pre-requisites need to be put in place in paper.”

"We run across issues we can't find something in the code book, but they want to enforce it on inspection side. It holds up the whole job. They point to Chapter 1 that says they have the authority to make decisions. We want the requirements on paper to show the owners."

"For older, existing buildings and how to apply the requirements. I don't think anyone LV valley does a good job on having guidelines and consistency in that regard, especially in CLV in downtown LV with older buildings, the NEED to have a set of guidelines and requirements that are perhaps different than in a brand new building."

"I would think that both B&S and FD would have some set of guidelines with respect to existing buildings that would get people into the buildings."

"Appeals process in FD, best we can tell is just do it." In B&S it is also a dictatorship, just formal process. Why can't we stick with the UBC?IBC appeals process (new code/old code provisions)?"

"We are working through project, have a few minor issues to take care of, the inspector is out of town for 10 days, can't swap staff, can't swap staff in FD. Vacations can't be an excuse. If plans examiner is on vacation, we are SOL."

"Throughout the process, I believe that B&S and FD do not like each other at all. B&S and FD do not get along, and that created problems throughout the process."

"Fire code changes with no input. There ought to be industry communication prior to any changes."

"Can't keep up with all the changes, need updates."

"Publish standards and stick with them. Want more guidelines, be consistent."

"FD website is horrible to use. Info is not up to date. Very difficult to get the applicable code from the CLV page."

"Sprinkler retrofit ordinance – city adopted, no one else does it. At what point does the retrofit restart?"

Land Use/Entitlements Focus Group

"That they never returned my phone calls, which created a road block. Across the board, the higher you go, the longer it took."

"CLV and NLV are the only entities that require 20-25 sets of maps whereas the other entities don't."

"CLV doesn't make sense on their ordering of their agenda, can't figure it out. I've been told Margo takes them by difficulty, does the simple ones first."

"Departments are inconsistent, can't agree. Interpretations between departments don't occur, pre-submittal conferences end without answers as multiple department representatives cannot come to consensus."

"Very frustrating when we send the information ahead of time and hope that they review it and then they walk in without reviewing it and you have to present it new."

City of Las Vegas Development Review Process Efficiency Analysis

"Last second conditions are also irritating. Don't have time to review with client, argue why, etc."

"Conditions inconsistent with ordinance or with published interpretation -- why do we have to do that when the ordinance or published interpretation of the ordinance doesn't require it? Lots of times the response is 'it is in-house policy' but we never see them published; if they are in-house policy, it should be placed into ordinance."

"Really easy to get action items bumped off the routine action items. Council people are so involved in the zoning process in the city. It should be a routine administrative approval, rather than council taking the hand in."

"In the preconference, you give planner info, but the planner is not taking the project on as their project, so you are left to try to contact anyone."

"There is a culture of mistrust among the city planners who don't trust the applicants. When I'm there, I feel like I'm in Europe trying to cross borders and you hope you have your paperwork in order. It's like they are trying to find something wrong with your stuff, they aren't helping us."

"Customer enablement is a joke right now."

"It's the mistrust. You build relationships with people you see all the time. I love submitting to County. I know them, I trust them. City, forget it, even after 14 years."

"They aren't rude or anything, but very by the book and don't suggest anything."

"Nobody who is responsible or accountable for it, so you get departments who have turf issues, responsibility of professional submitting it, let's be honest."

"First thing I do is enable planners, and they are lowest on the totem poles. I think they get overruled by planning commission and council so often they are ridiculously cautious and they say what they think council will approve. Has little or nothing to do with sound planning."

"My thought was, I never felt I was team with the city, like in other places. I never felt like we are trying, together, to create something nice. They always take the negative stance on whatever I do. Transcended directors, staff, etc. It has gotten worse. I couldn't agree more."

"Receptionist. I don't care who it is, it is different every time and they hire the meanest receptionists. The very first person you talk to sets the tone and it's always crap."

"Seems like at the City, the answer is always NO. You start there and have to somehow earn a yes. It is easier to go from NO to YES than the other way around. More experienced planners say no right away."

"I think they are going to need a team of people who expressly deal with whoever finish those projects. They are going to ask for things that don't necessarily get asked for, because you need it. Those projects will start first. Can't treat those projects like they are new projects. Almost need people who specifically deal with those retro jobs."

"Developers and owners favor county and other jurisdictions because of the process the city makes you go through. We charge more for CLV. Owners pick one jurisdiction over the other, especially when it comes to the building department. It is an absolute factor. The city ranks low."

City of Las Vegas Development Review Process Efficiency Analysis

"2-3 years ago, there was an over-conditioning creep in the entitlement process. Now, if we condition the way we used to, it will prevent the reemergence of this market."

"CLV is the only entity that won't allow a public utility to file a use permit application for transmission line without the property owner's signature. It's impossible to get a property owner's signature for a special use permit. For some reason, CLV won't let that one go."

"CLV has great opportunities and great assets, recognition of projects downtown need to be different, as there are different needs downtown versus some place like Summerlin."

"In the county, when a planner just gets hired, you see them increase up the ranks and grow. In the city, I couldn't even tell you who is who. County will send letters if our application timeframes are up. The City doesn't notify the client. It burns the clients."

"Agenda items get bumped off the consent agenda – council looking through things, liaisons look at it, but those items should never even on the consent, they should be on administrative approvals."

"If Planning Commission votes to approve, it doesn't matter. Why have a Planning Commission if the Council won't use their decisions."

"Changes at last minute as well as agenda bumping. We know that a day or two before the meeting, the planning director reviews the applications at a big meeting with all planners, and they come up with additional conditions."

"In the city, we have to physically change the plan to an approvable state, where in the county, we can have a conditioned plan and send it in later. That's a Margo deal, she wants to have it immediately. We can't get that drawing changed in time, which bumps it. PW didn't see it, so in City Council it was postponed, for a tiny changed, could have been conditioned, have to redo the site plan and recolor it rather than conditioning it. How do we charge the client for that? We can't! Easy fix, don't do it that way, do it like CC and Henderson. CLV code Title 19 doesn't have requirements."

"City is very by the book, even if there is no book. We tell clients worse case scenarios depending on the project. Exact phrase council person uses is what change is applied."

"Planners don't answer questions, feel they are just checking we have the meeting. They write a report. But don't interact."

"PW and Planning don't agree on downtown, with existing sidewalks, etc. That's always a hassle, working out conflicts between amenity areas and right-of-way. Usually they discuss and figure out what we have to do. No appeal for it. We may ask for meeting, but no formal appeal process."

"There is prejudice. If one person pisses off someone, it spreads. It's like the receptionist. We have to learn to present ourselves professionally, but so do they. Retribution factor in the city is worse than the other jurisdictions. In B&S and Planning departments, staff takes things personally across the departments. More in B&S than other departments."

"If I take it to appeal and I win, they will get me next time. You should create an organization that minimizes it and the city creates an organization that maximizes it."

"Part of the culture of us against them. Developers are bad."

"There is a need to see entitlement process as process for building the city, not process that allows us to condition developers – a partnership for building the community together."

"Tell council to back off, you have professionals who are trained in this, let Planning Commission do their job, let staff do their job all the way up from bottom and butt out."

"We need one (guidelines) for the Downtown Process. Most cities do for denser areas. Have the guidelines, need the different process."

"OBD makes it better, but seen by Planning as skills for developers."

"Gonna take effort from developers, city, and mortgage lenders to come together to build this."

"OBD is allowed to imagine the economic impact of developments that we do. Planning isn't allowed to do that."

"Planners are 'process bunnies' can't make decisions."

"Need to implement process where City Council gets input from developer community in a non-adversarial way."

"Website – it's better than nothing. It's gotten better over the past 3 years. Not as user friendly as the county's but it is better than nothing. Have more comprehensive prompts, easier to find, more intuitive. Could partition out the developer side."

Building Permits Focus Group

"Procedures change and we don't know about it until we file. We miss new forms, applications, different number of drawings. Policy changes need to be communicated."

"Projects with support from the 10th floor are treated vastly different from other projects all the way across the board. When a call comes down from the 10th floor, the process goes more smoothly."

"B&S has terrible problem with us/them mentality and culture of mistrust. Developers are bad; architects are trying to get away with stuff."

"Consistency issues. Two different plans checkers interpret the same plans differently. They interpret the code vastly different than the other jurisdictions."

"We go express plan check for the simple reason to pull them together".

"Last 4-5 projects we've done express plans checks, and everyone gets together and it makes it much easier. The only negative thing is that once the express plans check is done, it slows back down to the regular process."

"Need a different approach for small projects, such as a block wall, as compared to larger projects. County has a really good system on inspection reports, at City have to call and try and reach someone. There are no assigned staff members who work with us and are accountable. It's a challenge."

"Appeals process is ridiculous, especially now."

"IBC adopted performance-based design; city chose to go with prescriptive based design, where county adopted it."

City of Las Vegas Development Review Process Efficiency Analysis

"Drawing integration process at the city, we have to do it ourselves, which is a big problem as we have to physically insert them and it is prone to errors. None of the other jurisdictions have us insert our own drawings."

"Clerical errors by the city cost clients hours to fix missing paperwork. Just another place to point fingers."

"One issue is now, with the lay offs, and is that everyone is afraid for their jobs. "

"Disgruntled employees in plans review versus inspections. Inspectors reject something the plans review people accept. It's a VERY serious problem. The inspectors trump the plans checker, in the County they have to work it out, in the City; you have to appeal the inspector, which is why we are in appeals all the time."

"ICC interpretation on code, B&S rejects it. It happens all the time where the city doesn't do ICC interpretation."

"Huge flaw in the appeals board, the appeals board has the person who rejected you on it."

"Political fear, justification used is legal liability. B&S is not willing to make the same kind of decisions that other building departments do all around the country. The building official no longer makes the call as he doesn't have the expertise to do it. The only one with that knowledge is Rod Clark, who is a No-man."

"Unpublished interpretations internal to Building that aren't published. It is the city's policy that "... but it isn't online, or AGC, etc. Residential builds, big problem is communication. If there is a hold up, we are constantly trying to find out why, they don't e-mail or call, communication is just not there."

"On the field side is a stand-in inspector, who bogs up the works until a regular inspector comes back. No documented or communicated issue resolution between inspectors."

"Big issue between FD & Building, how they butt heads. It's a natural friction, not just city. Other jurisdictions reconcile that friction better."

"There is a mechanism valley-wide (SNBO – So. Nv. Building Officials), but city is very poorly regarded at SNBO. The city has been widely regarded as a non-participant or a joke. Gone from bad to worse as the Building official is a non-technical guy. Couldn't get the city to sign on to valley wide processes. Because of prescriptive versus performance based design – philosophical difference. IBC is based on performance based design, city adopted IBC, but not performance based."

"Philosophy of city versus everyone else is so adversarial in the field. It appears like it's a badge of honor to shut things down. Time is money for private sector, other entities work with that understanding, partner and help developers, and there is no awareness of that in the city. City doesn't partner for us."

"Profit drives business and the city doesn't have any conception of that. If city drags the process, we lose profit, so we go elsewhere to an entity who will work with us as a partner."

"Predictability is key to profitability. 100 day schedule is better every time than a schedule that is all over the map. That is the FUNDAMENTAL PROBLEM. We charge more for city projects because of the adversarial relationship the city has with other stakeholders and other entities."

City of Las Vegas Development Review Process Efficiency Analysis

"There are some good things in the city. The field inspectors actually look at our drawings. CLV has electrical inspectors that understand the drawings, read them, and enforce them. That's a plus."

"Plans check timeliness - Depends on the plans checker, it's gotten better because there are fewer plans checkers."

"Inspections – timeliness is not a problem."

"City works real good on same day and emergency inspections. Very seldom do they not work with us on that."

"We don't put construction sets for the city to approve, we put it together so the contract will build it. It's a whole different mind set in the city."

"Performance based design is the way the world is going, with sustainability, etc. If they don't address this issue, they can't address the mandate of an efficient city."

"How often do you have to call a Manager or Council person to get the plans check. Not all the time, but more often than in other jurisdictions. It's a small town."

"Inspections – handled by professionals, but every disagreement has to be solved in appeals."

"CFO stage – one issue is that they will catch something that is valid, that could have been easily caught at the rough-in stage. It was installed weeks ago, but could have been inspected and checked early for a mentality of helping, not hurting us. Slows down buyer getting into the house."

"Us versus them, enforcement VS partnership is a real issue "

"Have been working through at least 5 city managers who have sought to turn this cultural thing around and were not able to do it. Why can't we change from institutional entity to partner based. This is good news someone is looking from the outside. City is hardest jurisdiction to work with."

"If city would go to NOV program it would be phenomenal. NOV is notice of violations inspected to see what changes would make without permits."

"Need to shift to performance-based to truly build buildings that are efficient and compete in this world, we have to do it."

"Appeals board is set up with city internal staff. Needs to have external experts on the appeals board, like with other jurisdictions."

"Submit utilities under certain guidelines and processes, which would be very helpful. Also separate counters for separate types of builds. Why should a block wall go to the same counter as a hotel? Makes no sense."

Downtown/Urban Re-development Focus Group

"We came to realize that the process was not working for us and we began to work directly with each department, which seemed, despite the fact it was expensive and time consuming, to speed up the process."

City of Las Vegas Development Review Process Efficiency Analysis

"Cannot do development or even start building until the entire process is approved, which can be up to 3 months. Our project took almost 2 years."

"When I think about Redev, the purpose is to encourage people to develop in those areas. You develop an RDA that has certain incentives to develop there rather than elsewhere, i.e., less parking, less zoning restrictions, less code strictures, etc. If you are working in the RDA, it should be perceived as the EASIEST place to do business. Our experience is that it's been pretty good, at the same time, the timing of it has not been any better than working outside the RDA, which I think is wrong in concept. It should be streamlined and facilitated for people to build."

"One of the philosophies that have happened in the past is the big items, i.e., building arenas, etc. Forgot the small businesses that have been here all along. We are the people building, not the fantasy arenas, etc. The folks that get the attention aren't the ones building."

"We think OBD staff experience as much frustration as we do. Literally OBD staff will talk certain business owners OUT of doing business with CLV, because there is so much slow down in project planning."

"Evolve, modify VIP program to expedite the project. Make VIP retroactive, apply at end of the project."

"Overwhelming culture in CLV that they are doing US a favor and we need to jump through there hoops and we think the roles should be reversed."

"CLV decision makers seem to have no vested interest in anything that goes on; they don't live here, they don't frequent the businesses, they don't support them".

"Several meetings with several departments where there is attitude that development people who are small business owner is to give MORE to each department, like they are competing. It is just a small cost to the owner, so no big deal, not realizing how much we've spent already on the project. 30% of CLV staff have no ideas of the cost of doing business, or values."

"Shifting sands in the rules and codes."

"Centennial Plan standards. When you front to Centennial Plan standards, get ready to spend lots of money. It's enough to make a developer go elsewhere. Centennial rules apply on major street frontage that come from Planning Department. Master Plan for the valley. This is not on the right of way, it's in ADDITION to the right-of-way. Giving up 15 feet of property not in the right of way. It is ABSOLUTELY PUNISHING!!! Needs to be an easing of the rules. Spirit of the rule is FANTASTIC, but they have to be in a more business-friendly manner. Landscaping is NOT desert friendly landscaping."

"This is a symptom of something much bigger, namely a disconnect between City and reality redevelopment."

"Consider increasing the counter appointments from thirty minutes to one hour."

"Disproportionate allocation of resources to pie in the sky resources, namely Union Park. It's Symphony Park now. World jewelry centers. Stuff 3-5-10 years away that is absorbing staff, council, etc. time and resources."

City of Las Vegas Development Review Process Efficiency Analysis

"In the arts and entertainment district, we are treated as step children. All of what we are doing draws people down here to live. All of those closing businesses, those getting blown off are the things that are very, very important for the creation of the community."

"Council brandishes power based on their personal opinion."

"Theme we've been talking about. We have entrepreneurs and risk takers who want to develop downtown, but it has to make business sense. City doesn't facilitate business downtown right now. It's not just in RDA, it's everything."

"The city should think of EVERYTHING AS BUSINESS DEVELOPMENT. CITY SHOULD BE ALLOWED TO CONSIDER THE ECONOMIC RAMIFICATIONS OF ALL DEVELOPMENT. That's the killer for not just RDA dev, but all dev."

"If we could change 6 or 8 things, we would feel that the city is partnering with us."

"CODE REVIEW ON OLDER BUILDING IS THE SINGLE MOST IMPORTANT THING THAT NEEDS TO BE FIXED."

"New performance criteria for new buildings have to be different than performance criteria on existing buildings."

"It starts with everyone being on the same page. If we have a common goal to open businesses, everything else falls into place. If we want to have a business, why talk easements and trees. We need businesses open. We need parking. Parking is a massive problem downtown. You need to create demand. There is no customer base. No population density. What are we going to do to create a draw and create a demand? Open more businesses to make a destination and create a demand. Culture should be come to us, we will do everything we can to get your business open."

"Inspectors love to say NO. They all start with no. Back to the culture and attitude."

"What can be done to ensure small guys that create the energy, synergy, and destinations get a more fair representation of that pie."

"Entitlement process – planning staff has developed paranoia, that changes at the smallest level require a restart of the whole process. The other jurisdictions DON'T do that, they have a percentage threshold for approvals."

"Redlining drawings and updating drawings and resubmitting every single time, make 2-4 week waits."

"Plan check documents lost within the City. Civil and other. Developers have to make copies, get three new stamps, re-sign them, give sets to architect to pull out specific sheets, to get final approval."

"City staff professionalism – some are certainly not doing their jobs. 25% of people we came in contact with are not qualified to perform their jobs. I'd say 25% is a low number."

"People I've dealt with seems to be qualified, but they have advised us to keep down and they would shepherd us through the process to avoid those who love to say No. Lot of attitude like they are doing me a favor and on top of that, attitude that every business owner and developer is wealthy and no limit on how much they can spend or how long they can be delayed. Completely removed from reality of being a developer."

City of Las Vegas Development Review Process Efficiency Analysis

"Some people have way too much power, namely Fire. The departments are in conflict. We feel OBD gets cold shoulder from B&S and P&D? That's part of the culture. It's my job to slow the process down, is the developers' perception of CLV staff."

"Express plans check is unnecessary; it should be SOP, not special process."

"Overstepping of authority with plans check. Unpublished rules, rules out of blue, personal preferences VS published standards. Comments not supported by ordinances. Inspection processes; inspectors have hands way too tied. Cannot be flexible when minor changes that don't affect public safety or impact structural or items that don't require engineer – engineers used to sign off and catch it on the as-built. Now, plan revisions are required first."

"20 years behind the hillbillies in the Ozarks." <yikes>

"Inspectors don't show up (Fire) when scheduled. Developer employees had to wait two weeks with employees having to be paid. Cost 6-7 business day delay for a final inspection."

"Final inspection, C of O coordination. All other inspectors were there, but not Fire."

"Problem when inspector disagrees with Plans check. Inspector rejects because of interpretation of code different from plans check interpretation of code."

"Consistency among plan checkers is nonexistent. Inconsistency among inspectors is also prevalent. CONSISTENCY!"

Drainage Studies, Traffic Studies & Civil Plans Focus Group

"Personal preferences in review (by the reviewers – imposing personal style in improvement plans that doesn't affect public safety or right of way). Bill – what do they say when you ask them to show you the code? Typically it ends up in an argument and they say if you want my signature you will do what I want. "

"Not how can I help, but why should I do this attitude from management all the way down. Pervasive throughout department down to plan check level – Land Development Developers must physically move the mylars between departments. No one in the city is allowed to do so, and it's only three steps between Planning (who calls for the developer to pick up the plans, then turn into Land Development). They used to do it, but don't anymore."

"After they have approved plans from Civil, they get sent off to be copied, when developers get approved plans back, they have to make more copies and then go back and resubmit even though there are copies in their plans library. They don't talk to each other."

"The departments need to communicate and TALK to each other."

"We do design, show design, they come back with changes. Then when we submit again, same plan checker wants it revised 180 degrees or back to where it was originally submitted, specifically to traffic."

"Review times are too high, last traffic study waited 2 months."

"Has been instances where tracking the study has been faulty. They will lose it. It was on someone's desk and he/she didn't realize it. Lost/slow because of misplaced studies. Back in busiest season, I would have waited 4 months, or gone to get replacement sets."

City of Las Vegas Development Review Process Efficiency Analysis

"Need access to existing, approved drainage studies. County puts previous studies online. Need the existing studies to update the current study. Have to physically research or track down the original consultants to get copies. "

"Need more communication, availability of documents, old studies online. GIS mapping, etc. "

"Generally, we feel that drainage studies go well, however, one thing that is just phenomenal – condo conversions. Make sure it complies with existing draining study, check it, except THEN they wanted us to make improvements, and lots of them. Then it became a moving target. It was the moving target problem that created a headache. Tied to the draining study putting asphalt on adjacent roads or improving sidewalks, which doesn't have anything to do with draining. The list just got longer and longer and longer. It became so much of a hassle that we stopped doing condo conversions in CLV, kept doing them in all other jurisdictions."

"Lack of communication – if studies expire, send a letter notifying developer so they can update and get a current approval letter."

"New bond estimate forms are NUTS. It is insane."

"Code is clear for storm and sewer, but is very UNCLEAR for water. Almost was written for just customer distribution of power. "

"If someone makes a call (to the 10th floor), things suddenly CHANGE."

Often LVVWD will go fill a small hole to maintain the system, Ozzie forces them to upgrade the fire hydrants by refusing them to sign, trying to blackmail them into updating the development. If necessary, they do it under emergency permit. What happens is that they agreed to reimburse LVVWD for the hydrants, but not for the installation. Installation was not even on the street where work was going. Same thing occurred for transmission, forcing updates when it is just maintenance. Can see if it's requirement of developer, but not for basic maintenance and because you are just IN the area."

"Imposing personal preference significantly delays it."

"If it is not EXACTLY as shown on the improvement, inspectors now force them to make revisions to the plan and submit it again. Cannot just show them in the as-builds. Talking submittal fees, revision times, approvals, etc. Because inspectors aren't allowed to use their knowledge."

"Letters will be sent all work is complete 3 weeks prior to permit expiration, if they don't inspect before the expiration date, we have to renew permits. They should go out within 24 hours of receipt of the request for inspection. We are told that LVVWD is treated differently, "when they get around to it" and we are as much a developer as private sector. State law says we don't have to do it, but we still do it. We are ready to go back to not bothering permits. LVVWD will not release contractor from contract obligations until the city inspects it. They are held up for 2-3 months because the city won't close out."

"Training – getting new people that still need training, we seem to have to train them. Part of the problem is that people that are reviewers have never worked in the private sector. They've been in public agencies their entire lives and don't understand; there is no sense of urgency. Complete disregard that we are trying to get a job done and make the city better and there is a developer with a load of cash who want to invest in the

city so why does the city start with a No?

Favoritism: Lot of it is just personalities. If there are reviewers you get along with, and the plans go to that person, you'll have an easier time with it.

3.3 Staff Response to Focus Group Input

The consultant met briefly with some of the senior staff serving the DRP to discuss the collective input from the focus groups. Copies of the focus groups comments were distributed to the staff attending the meeting. Generally speaking, at least among the more vocal participants, there was a defensive rather than introspective reaction. Despite the fact that some of the focus group comments may be in error or based on a misunderstanding of the facts the DRP staff is encouraged to look at them in an effort to understand how the development community (at least those who attended the focus group meetings) feels about development issues in general. The minutes of this meeting are contained in Appendix D Staff Responses to Focus Group Input.

As the Project Manager, Implementation Committee and Oversight Committee (discussed in Chapter 5 Plan of Action Plan) examine the focus group input it is important that they understand that this is how the customers feel, despite the fact that they may have a built-in biases, self-serving agenda or that they may just be flat wrong. In any private sector setting this type of customer feedback would be considered alarming and given maximum attention by all levels of management. Whether it is a real problem, or a perception, it merits attention.

3.4 Input From Las Vegas AIA

A white paper prepared by the Las Vegas AIA addressing its concerns regarding the DRP and offering ideas for change is included in Appendix E Las Vegas AIA Input. Written by the professionals who are very involved with the DRP, this document identifies some of the specific concerns of the design community and is worthy of the reader's attention. The categories of concern are:

- Professional Leadership;

- Appeals Processes
- Regional Consistency;
- Unpublished Interpretations;
- Superfluous Information Required on Drawings;
- Performance Criteria Not Accepted;
- Cultural Issues;
- Fire Sprinkler Retrofit Ordinance;
- Planning Staff Lacks Authority to do their Jobs Efficiently; and,
- Superfluous Layers in the Submittal Process.

It is important to note that the Las Vegas AIA comments pertaining to leadership are not directed toward the current Building and Safety Director. Rather it is directed toward what AIA Las Vegas describes as a “start from no” and its “my way or the highway” viewpoint that it believes is held by the department’s mid-managers. In fact, the director is viewed as a competent administrator who has reached out to the customers his department serves.

3.5 Changing the Way the DRP is Managed

The DRP is by necessity a process of conflict. There will always be a dynamic tension between the development customer and those responsible for regulating them. Since the late 60's and early 70's the management of land development has, for the most part, centered on the enforcement of regulations. It was the way things were done in that era and that approach has profoundly influenced the way cities handle the development review process today. Time is money even for the public sector. Multiple, overlapping, uncoordinated approval processes increase a city's administrative costs. It takes but a minimum amount of study time to realize that a significant amount of the City's DRP staff time is devoted to dealing with breakdowns in the process. Lost plans, confusion between departments and dropped balls create unnecessary work that taxes the revenue sources of the DRP. There are also political, economic and

organizational consequences to the system slippage problems. When a municipality's well compensated planners, engineers and other development review professionals are involved in any sort of process "muddling," it inherently results in higher costs to the consumer. It is for these reasons that streamlining the development review process at the local level is tackled by scores of cities and counties every year in an attempt to make the process more efficient. Those in charge of a city's development process should constantly be asking themselves:

1. Is the development regulation, policy or practice necessary?
2. If necessary, is the regulation, policy or practice being prosecuted as efficiently and consistently as possible?
3. Does over-the-top service accompany the administration of the regulation, policy or practice?

Over time two factors dominated the way local governments managed land development applications, from re-modeling to large multi-use projects. Despite loud and consistent demands for efficiency and less bureaucracy from various forces in the building industry, more regulations, rules and requirements were "stacked on" anyone wanting to build just about anything in the United States. As national building codes were updated and amended, the processing and enforcement requirements became more complex, difficult and therefore costly.

The second factor is that the development applicant, fixer-upper or mega-builder, in a real way became the enemy of the municipality's guardians of the process – the planners, engineers, plans examiners and inspectors. The prevailing relationship was at best semi-adversarial and a negative tension generally existed between the development community and the overseers at city hall. For the most part, the strong degree of push-back by the professional staff can be attributed to how it has long viewed its role. The local government urban planner, land development engineer, plans examiner and inspectional people have been trained to serve the better interests of the community, not those of the

developer who is driven by the profit motive and ever rising costs, the greatest of which is time. Rarely does the best interest concept include the importance of economic development and sustainability. There was also the not so subtle view by the processing bureaucracy that since the developer is “making the big bucks” it was OK for them to run up the costs associated with the review process. That attitude is unfortunately a strong cultural force at certain points in the City’s DRP, illustrated by this comment from a key mid-manager. “We are giving the builders the opportunity to make a lot of money by permitting and inspecting his property so whatever the problem is, it’s basically his.”

In too many instances the DRP approval process is a long and costly kaleidoscopic effort. While unquestionably necessary, the DRP path in most jurisdictions has become troublesome, slow and costly. At the end of the day, whatever time it takes to do necessary “processing” adds significantly to the cost of the project. Ultimately, it is the owner who pays the price.

The wingspan of processing impact is wide – from the smallest single-family remodel to a mega master development. Builders and developers of all types of housing, and more importantly potential homeowners, are all affected by the increasingly high costs of developing land for home construction. Builders and developers must pay interest each month on the money they borrow to buy land, hold it until approvals are obtained, and eventually build homes on the land. Although the estimates vary, studies such as those conducted by the National Council of States on Building Codes and Standards generally agree that every month of delay in the approval process adds close to 2 percent to the final price of a home.

The direct and indirect costs that stem from the delay and uncertainty associated with lengthy and complex approval procedures; numerous and often conflicting resource protection standards; and fees assessed on development are true costs that add to the consumer’s price of a home. These additional costs have the

potential to affect not just eventual product cost, but, and even more so in this era of economic meltdowns, project feasibility. The proportion of total costs that processing delays and uncertainty add is even greater for more affordably priced housing, fundamentally affecting who can afford to purchase a home.

At a broader level, such impacts on housing affordability have social equity implications. As the National Council of States on Building Codes and Standards (NCSBCS) notes in its report, *Making Housing Affordable: Breaking Down Regulatory Barriers; A Self-Assessment Guide for States*, "Regulatory barriers that unnecessarily raise the cost of housing or limit the supply of affordable housing have pernicious effects on our society, especially on those who do not have the wealth to live wherever they want. Where you live - where you are able to live - provides you not only with access to jobs but also access to quality of education." Put a different way, as the development processing costs increase, the number of qualifying buyers at the core of society diminishes even more dramatically. Few in the DRP staff take this into consideration when they perform their role in the complex process of managing the development of land in the City. More often than not they see themselves as regulators rather than social engineers who have the ability to influence affordable housing opportunities in the community.

3.6 Summary and Assessment

For years prior to the current economic decline that will change the land development process forever across the country, builders in Southern Nevada had the financial wherewithal and time to work their way through a cumbersome development review process. There was so much demand backed up in the pipeline that they were pretty much willing to accept time delays, inconsistent code application, poor process management, personal preferences by the staff and lost documents as the price they needed to pay to "stay and play." In the

end the inefficiencies of the development review process by the municipalities were levied against the final owners and/or users of the property – homeowners, small businesses, etc. But now, in a very real way, the City of Las Vegas' development community needs a DRP that:

1. Uses doable and performance-based codes;
2. Publishes and adhere to in-house policies and practices;
3. Is consistent in the application of codes;
4. Is predictable; and,
5. Offers a faster and fairer appeal process.

We are now finding that because of the upheaval in the economy, particularly with respect to land development, *predictability* has emerged as one of the development customer's prime concerns. Before the current economic problems emerged, time was equal to *a lot* of money, and therefore it was apparent how meaningful the time savings was to the development community. Now that time is not as valuable, the same thing is still critical, but it is referred to as predictability because very little is predictable in the land development world today – not the market, not the value of land, not the ability to finance, etc. What the Las Vegas development community now needs, far more than before, from the City's DRP is the predictability that will give developers the ability to respond quickly to changes in plans that are mandated by changing financing requirements.

What the land development customer wants now is HELP! – genuine help moving a project through the submittal, review, revision, approval inspection, licensing and occupancy steps of the DRP. The customers want to be engaged as positive partners in the development of the City and while they recognize that the DRP staff has the greater good responsibility, they resent being viewed as the enemy.

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Chapter 4

The Core Issues

4.1 Introduction

This comment made by a long-standing member of the Las Vegas Development community is both insightful and instructive with respect to the industry's skepticism that the DRP will not change appreciably as a result of this study.

"We have been working with at least 5 city managers who sought to turn this culture thing around and were not able to. This is good news someone is looking from the outside."

Recognizing what the core issues are is critical to understanding the elements of the Chapter 5 Action Plan and the recommendations identified in Chapter 6 Findings and Recommendations. The purpose of this background chapter is to help the reader understand the individual recommendations and implementation process discussed in the final two chapters of this report. The three core issues that must be dealt with are:

1. The departmental silo effect;
2. The organizational culture surrounding the DRP work place; and,
3. Re-engineering more efficiency into the DRP.

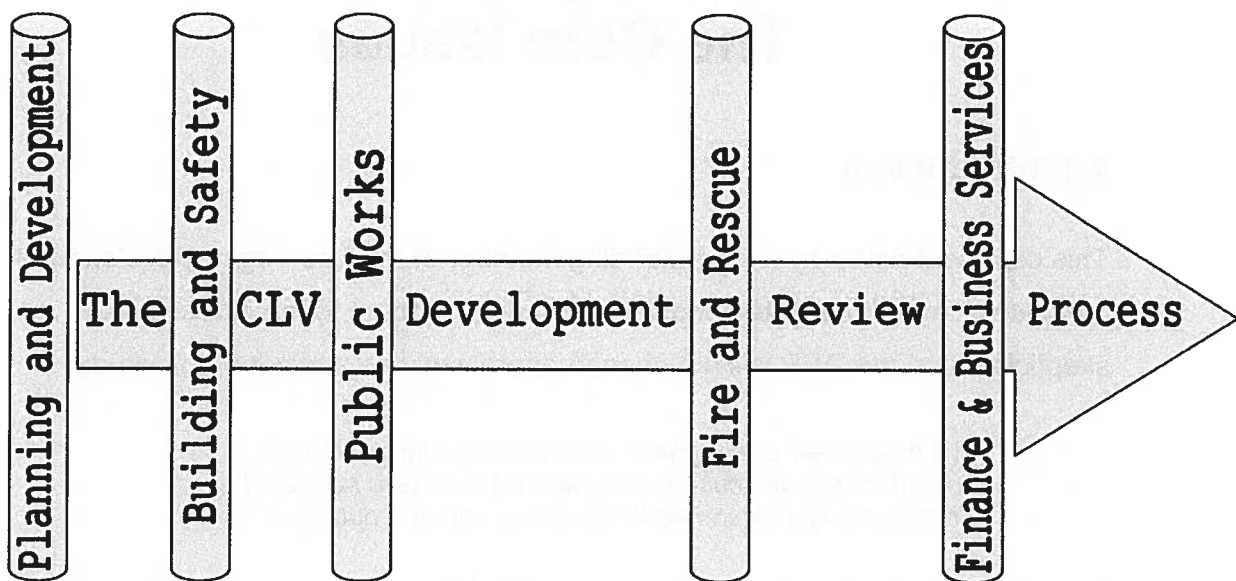
These three core issues are discussed in the next three sections of the report.

4.2 Departmental Silos

The customer has to work his/her way through at least five functional silos in the DRP – the Departments of Planning and Development, Building and Safety, Fire

and Rescue, Public Works and Finance. Exhibit 4.1 illustrates this.

Exhibit 4.1
City of Las Vegas' Development Review Process Silos



A silo is a metaphor for organizational units that contain their own management team and talent and lack the motivation to work as well with other silo organizations as they do within their own work units. Virtually all large organizations are collections of silos. The City of Las Vegas is a collection of service silos, with many of the departmental silos having silos within silos. For example, even though the Fire and Rescue and Public Works Departments are responsible for certain aspects of the DRP, each has a different primary mission and is structured accordingly. The same is true for the Building and Safety, Planning and Development and Finance and Business Services Departments.

Because of the functional silos and different organizational culture there will be pushback by the organization as it attempts to facilitate the management and processing of land development. While in simple terms the solution is the development of silo-spanning initiatives and the "right" organizational culture for efficient development processing, the fact is, most organizations that are trying to improve their DRP focus on the mechanical aspects of the process. In other words, they try to connect the dots in the application process in a more timely and smoother way. Efficiency studies are followed by directives to eliminate a step, consolidate a function, better software, enhanced technology, etc. While necessary and important (this report will identify some specific efficiency measures), these operational adjustments can only yield so much. In order to optimize the efficiency of its DRP, the City of Las Vegas will find it necessary to reduce the silo isolation among the development related departments, and create a more unified and positive organizational culture for the individual department's development review personnel to work in.

4.3 Organizational Culture

The purpose of this section is to explain in more detail what organizational culture is, and how it affects the operational change attempt that will be necessary to improve the DRP, what the exiting cultures of the DRP departments appear to be, and discusses a way that the organizational culture surrounding the DRP might be diagnosed and changed. Each of the City of Las Vegas' departments having responsibility for the DRP has different and distinct organizational cultures. When sub-cultures within an organization compete or are in conflict with other sub-cultures, there is no way that optimum efficiency can be achieved.

How things get done, what is important, and what has priority in the Fire Department is substantially different than is the case of the Public Works Department. Even the Building and Safety and the Planning and Development

Departments, which are devoted exclusively to managing the land development process, have different organizational cultures. Some of the organizational sub-culture differences in each department that a project or application must contend with in the DRP are:

- Dominate characteristics (safety is a more dominate issue in the Fire and Rescue Department than it is in the Finance and Business Services Department);
- Strategic Emphasis;
- Management of employees;
- Departmental leadership;
- Criteria for success; and,
- Department glue (what holds the department together).

Without the necessary attention given to modifying the DRP organizational culture, any attempt to implement the "efficiency" recommendations necessary to make the process work better identified in Chapter 6 Findings and Recommendations will be seriously inhibited. There is overwhelming academic research and case-in-point evidence that when organizations implement quality initiatives such as re-engineering, TQM and downsizing *without* an accompanied fundamental change in the culture of the organization, there is less than desired enduring improvement in organizational performance. A primary reason for the failure of so many efforts to improve organizational effectiveness, which is the purpose of the *Development Review Process Efficiency Analysis*, is that, whereas the tools and techniques may be present and the change strategy implemented with vigor, *failure occurs because the fundamental culture of the organization remains the same*. Organizations that have used the one dimension approach to implementing quality initiatives in order to enhance effectiveness have fallen short of the desired mark.

Conversely, there is almost no evidence that supports the theory that re-engineering alone, or any other such quality initiative, is enough to achieve desirable change. It has been this consultant's experience, as operational managers of large and small public organizations and efficiency consultants to the public and private sectors, when the procedure was treated as a technique or program of change, not as a fundamental shift in the organization's direction values and culture, little long-term gains were made.

The bottom line is that the successful implementation of the *Development Review Process Efficiency Analysis*' recommendations will also require that the improvement strategies be deeply embedded in a workplace culture change. What this will require is a systematic culture diagnosis and change from the current state of the organizational culture to a preferred culture for the future.

According to Cameron and Quinn, two University of Michigan professors who have studied organizational culture in businesses, the dependence of organizational improvement on culture change is due to the fact that when the values, orientations, definitions, and goals stay constant - even when procedures and strategies are altered - the organization returns quickly to the status quo. Without an alteration of the fundamental goals, values, and expectations of the organization, change remains superficial and short-term in duration. And failed attempts to change, unfortunately, frequently produce cynicism, frustration, loss of trust, and deterioration in morale among organization members.

The reason organizational culture is typically ignored as an important factor in accounting for organizational performance is that it refers to the taken-for-granted values, underlying assumptions, expectations, and definitions present in an organization. It represents "how things are around here." It reflects the prevailing ideology that people carry inside their heads. It conveys a sense of identity to employees, provides unwritten and, often, unspoken guidelines for

how to get along in the organization, and enhances the stability of the social system that they experience. Unfortunately, people are unaware of their culture until it is challenged, until they experience a new culture, or until it is made overt and explicit through, for example, a framework or model. Culture was ignored for so long by managers and scholars because it is simply undetectable most of the time.

An excerpt from a letter co-written by the AIA Las Vegas Executive Director and Chairman of the Codes Committee offers an insightful view regarding the importance of culture as it pertains to the DRP.

8. **"The Culture Challenge.** The City Building Department can at times be somewhat difficult and unhelpful. Design professionals often feel it's an 'us against them' mentality. It is difficult to understand why the City Building Department doesn't embrace more of a team approach with the Las Vegas development community. We desperately need a strong and sincere commitment to "customer services." This would represent a dramatic cultural shift within the building department, and would position us to address all our issues together. The current culture has been institutionalized, as deeply engrained, **but if we can 'fix' just this one problem, we believe all the others would fix themselves** (emphasis ours)."

Inside the DRP departmental organizations are additional sub-units and functional groups (inspectors, plans examiners, engineers, planners, etc.) that reflect their own unique cultures. Routine difficulties in coordinating and integrating processes or departmental activities are often a result of culture clashes among different subunits. One reason is that each different unit often has developed its own perspective, its own set of values, its own culture. These cultural differences can fragment an organization and make high levels of effectiveness impossible to achieve.

A strong, positive culture is a powerful management lever for guiding behavior because it helps employees do their jobs in two ways. First, a strong culture is a system of informal rules that spells out how employees, supervisors and

managers are to behave. By knowing what is expected of them, employees will waste little time in deciding how to act in a given situation. Second, a strong and positive culture enables people to feel better about what they do, so they are more likely to work harder. It is estimated that an organization can gain as much as two hours of productivity and increased efficiency per employee per day with a strong, positive organizational culture. Because workplace culture has such a profound effect on employees and their productivity, a negative culture will greatly diminish the organization's capacity for performance. For these reasons the solution to many problems within an organization can be solved by modifying the culture of the organization, a challenge but nevertheless a requirement to effectuate real change. Exhibit 4.2 lists some of the traits that are associated with a positive organizational culture of a government agency.

Exhibit 4.2
Traits Associated with Positive Organizational Culture

- Meeting deadlines is expected by everyone
- All staff, including managers, are held accountable for their actions
- Customers deserve the best of treatment
- The workplace atmosphere is professional
- The staff take pride in its ability to work as a team
- Gossip, favoritism and complaining are rare
- Work product excellence is the norm
- Supervisors and managers help their charges deal with personal problems
- Continued education and training is encouraged
- The organization's mission is understood
- Information is shared

Exhibit 4.3 on the following page identifies some of the workplace traits that are associated with the culture of a government agency that is negative. If these traits exist in the DRP they need to be modified to more positive traits.

Exhibit 4.3
Traits Associated with Negative Organizational Culture

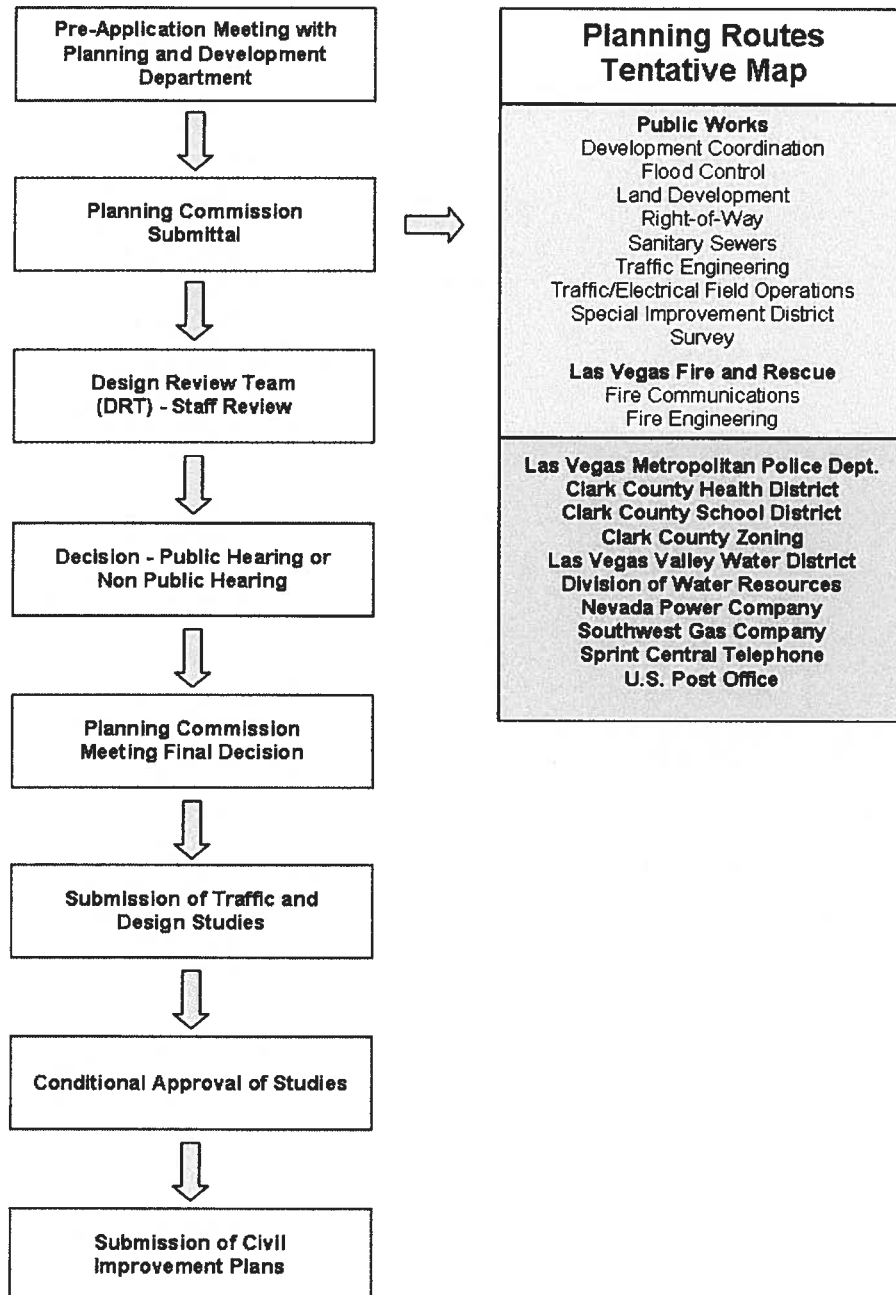
- Conflicting direction is not unusual
- Some employees are treated better than others
- Performance objectives are unclear
- Management is not open to employee suggestions
- Buck passing is the norm
- Performance compliments are rare
- There is little delegation of authority
- Employees come and go as they please
- The promotional process is unclear
- Supervisors work “bankers hours”
- Written rules are vague and used selectively
- Vacations and business trips have priority over schedules and deadlines

The key to the successful implementation of the changes identified in Chapter 6 Findings and Recommendations is the positive modification of the organizational culture surrounding the DRP. Doing this will be as important as making the structural and operational changes necessary to improve efficiency.

4.4 The Process

On paper the design of the City’s DRP is easy to follow and clearly identifies the sequence of events that must take place. This is illustrated in Exhibit 4.4 on the next page. In reality, at least it is a complicated exercise involving many people, the coordination of activities and sometimes complicated decision-making. The situation is further exacerbated because the process often includes the necessity of incorporating the rules and regulations of other governmental jurisdictions whose interest can be different than the City’s. When a wheel falls off in the DRP, internal or external, it is a nightmare for the customer.

Exhibit 4.5
The Development Review Process (Tentative Map Schedule)



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Chapter 5

Plan of Action

5.1 Introduction

In the next chapter we proposed ninety-five interrelated opportunities to improve the way in which the City of Las Vegas manages and carries out its Development Review Process (DPR). And, it is likely that this number will increase with a deeper dig by the staff assigned to work on this project.. In order to do more than just clean sand out of the DPR's gearbox, a successful outcome will be dependent upon the comprehensiveness of the actions taken in response to the findings and recommendations. Improving the City's DPR will require a three-pronged approach by management that needs to focus on:

1. Spanning the development related departments silos;
2. Changing the organizational culture to one that is customer driven; and,
3. Making the processing system seamless.

Experience and research tells us that there are certain common characteristics found in a well-run and highly efficient municipal land development review process. They are:

- A single position that is "in charge" of the DPR at the hands-on management level;

- A commitment to delivering services that match the community's expectations;
- Customer-focused services;
- Transparency;
- Reliance on high-functioning technology; and,
- Information technology support personnel that understand how things are done in the DRP.

The recommendations in the previous chapter and the implementation plan discussed in this chapter of the *Development Review Process Efficiency Analysis* are designed to incorporate these six characteristics in the City's DRP, and transition the DRP from an enforcement agency steeped in a plodding, bureaucratic culture to one which is a partner with its customers in the development community. Exhibit 5.1 illustrates this concept.

EXHIBIT V CLV DRP Organizational Transformation Effort



5.2 Implementation Plan

What is required is a robust, workable plan of action that finds equilibrium between the responsibilities of the department directors who manage the various development related departments, and the Deputy City Manager responsible for development activities (DCM-D). The implementation of this report's recommendations should take place under a formalized project management umbrella. The issues that need to be addressed are too important, too complex and require too much coordination and facilitation to be independently assigned to busy department directors. An aggressive timeline for substantially completing all of the recommendations selected for implementation must be set and the assignment of accountability and responsibility of "who does what" specifically articulated. Some critical steps in the change process of a bureaucracy such as the City's DRP are:

- Identifying the need or opportunity for change;
- Assessing the odds for success;
- Creating a plan for attainment;
- Communicating the new change(s), repeatedly;
- Getting rid of obstacles preventing the change; and,
- Anchoring the change in the organization's new culture.

The goal of greater DRP efficiency will require much more than simply airbrushing together a series of box-connecting flow charts and installing some new procedures. Achieving a seamless process will necessitate significant planning before, and aggressive execution during the implementation phase. To be successful, this undertaking will require the appointment of a Project Manager, an Implementation Committee and an Oversight Committee. Their roles are explained in the following.

The Project Manager needs to be a department director who can drive the implementation with enthusiasm and vigor for a 90-180 day period, and then continue to actively press against the bureaucratic resistance that will emerge. Knowledge of the DRP and its staffing, ability to work with others, a real commitment to customer service and the willingness to make change and encourage others to accept it are among the attributes needed by the Project Manager. The Project Manager should report directly to the DCM-D and also play a significant role on the Implementation Committee. A formal project management methodology needs to be established so that the Project Manager can simultaneously manage the four elements of a project:

1. Resources – staff, technology, equipment, materials;
2. Time – task durations, dependencies, critical path;
3. Money – costs, contingencies, short and long-term gains; and,
4. Scope – project size, goal requirements.

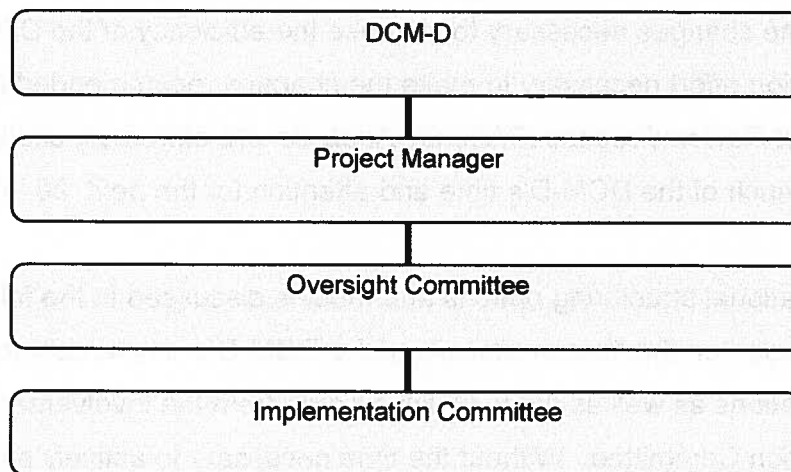
A working Implementation Committee that meets on a weekly basis to help the project manager prioritize, implement and monitor the changes necessary to make the City's DRP more efficient and customer friendly needs to be appointed by the DCM-D. This committee should be comprised of those qualified mid-managers, supervisors and front-line senior staff who are sufficiently insightful, knowledgeable and *willing to make changes*. They need to understand that the City's economic future, to a great extent, will depend on how well the DRP gets adjusted so it might fit into the new world order of land development. There is no place at this table for old-school bureaucrats no matter how technically competent they are. Members of the Implementation Committee will do much of the fact-finding and feasibility analysis necessary to convert the consultant's recommendations into formal practices and procedures. The more people who are involved with this challenge, be they members of the Implementation Committee or other staff engaged in the study or review of a specific

recommendation(s), the better the likelihood for internal acceptance, which is the foundation of change in any organization.

In order to assist with the implementation of the study's recommendations, an Oversight Committee comprised of the directors of the development review related departments and the Directors of Information Technology and Human Resources should be created. This committee, also chaired by the Project Manager, should meet on a monthly basis for the purpose of reviewing and guiding the progress being made by the Project Manager and Implementation Committee.

Exhibit 5.2 illustrates the structural relationship between the DCM-D, Project Manager, Implementation Committee and Oversight Committee with respect to the mission of implementing the efficiency recommendations. Once the implementation effort has been completed the Oversight Committee can be disbanded unless the DRP is structured for administration and operations under the collaborative concept discussed later in this chapter and illustrated in Exhibit 5.6

Exhibit 5.2
Implementation Project Organization Structure



5.3 Spanning the DRP Silos

As previously discussed in Chapter 4 The Core Issues, there are five department silos that need to be spanned. So long as the development related departments continue to operate in relative isolation and without an over-all and active boss of the DRP, the process will remain fractured, uncoordinated, inefficient and therefore more expensive than necessary. The critical structural issues that need to be addressed with respect to silo-spanning in any organization are: (A) Placing the silos under a single qualified administrator; and, (B) Minimizing the number of silos reporting to the administrator.

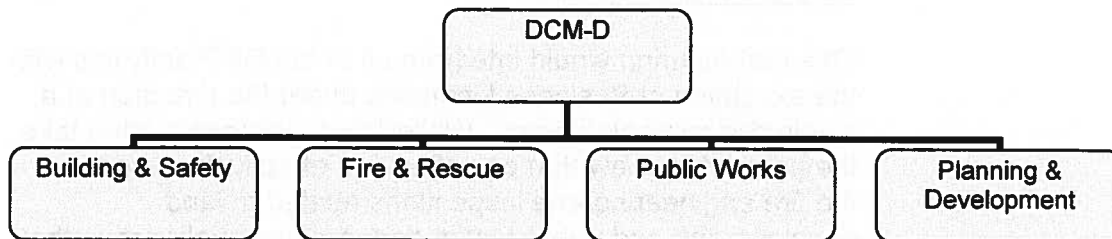
The City's recent decision to place most (four of the five) of the development related departments under a single Deputy City Manager who has substantial experience with development matters is a gigantic step in the right direction. In fact, it gives the City for the first time in years the real opportunity to radically improve the DRP to the level expected by the City Manager. This decision inserts at the proper level of the City's chain of command a position with the sufficient authority to take complete charge of the DRP, including the implementation of this report's findings and recommendations. However, and to an extent which cannot be over-emphasized, the DCM-D must have *enough time* to oversee the changes necessary to increase the efficiency of the DRP. The implementation effort necessary to make the changes recommended in the *Development Review Process Efficiency Analysis* are extremely challenging and will require much of the DCM-D's time and attention for the next 90 -180 days.

The organizational structuring options and models discussed in the following pages are based on the *time availability* of the DCM-D to implement the report's recommendations as well as those which emerge from the involvement of the Implementation Committee. Without the time necessary to actively participate in

process that will result in many meetings, discussions and research, the DCM-D will not be able to be engaged to the extent necessary.

If the DCM-D can devote a sufficient amount of his available time toward the implementation of the report's recommendations, including the difficult challenge of beginning to change the DRP culture, then there may be no need to change the existing organizational structure that reports to the DCM-D. Exhibit 5.3 on the next page illustrates the current reporting relationship of the development related departments.

Exhibit 5.3
Current Development Related Departmental Structure

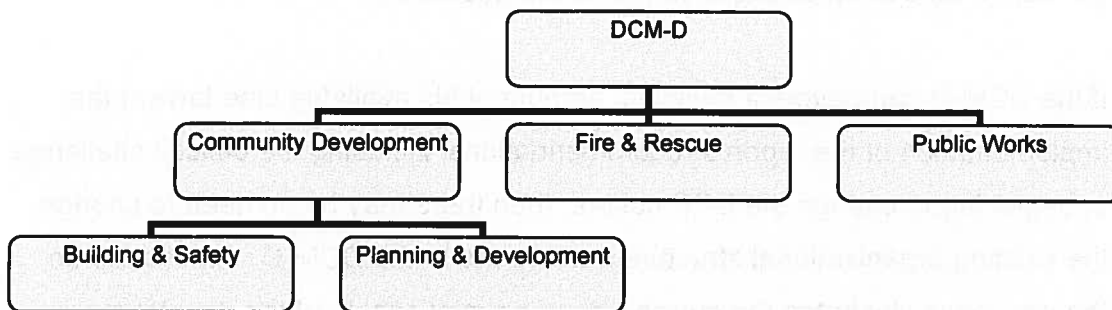


Note – The other DRP related work unit, Business Licensing, is a division of the Finances and Business Services Department.

But, if DCM-D's time is limited, then two "merger" options for minimizing the departmental silos should be considered. They are:

Option A – Merge the Planning and Development Department with the Building and Safety Department into a Community Development Department. This is a common consolidation of development functions and services in a municipality and with a qualified department director in charge there is no reason why it would not be successful for the City of Las Vegas. Even with the consolidation of these two functions, the newly created a Community Development Department is manageable in terms of size and activities. There is no significant downside or risk with this organizational structure and it offers the City the opportunity to further reduce its DRP staff. Exhibit 5.4 on the next page illustrates how this reorganization will reduce the number of departments in the DRP.

Exhibit 5.4
Building and Safety Merger with Planning and Development

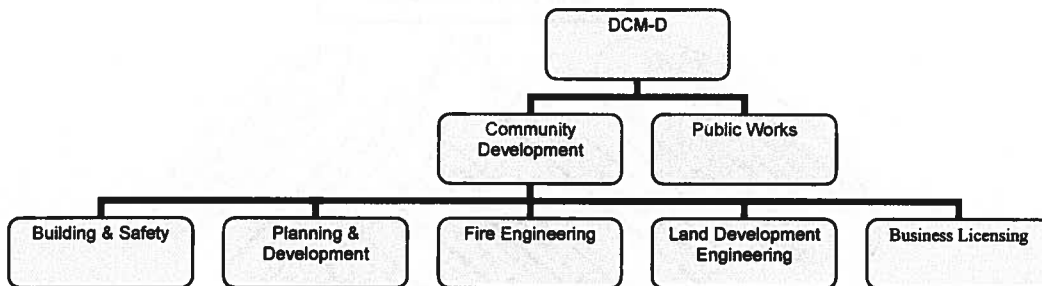


Option B – Merge the Planning and Development Department and Building and Safety Department with Fire Engineering, Land Development and Business Licensing to create a Community Services Department.

This restructuring would integrate all of the DRP activities with the exception of Business Licensing under the direction of a single department director. While fire departments often take the proprietary view that only they can effectively supervise the fire engineering and inspections related to land development; and public works departments might argue that only they can supervise the civil engineering related to land development, the fact is that a qualified department director who is supported with technically qualified managers in charge of building and safety, planning and development, fire engineer and land development engineering can supervise and manage quite efficiently. This organizational structure has three advantages. The first is that it puts most of the DRP work units into a single organization dedicated to a seamless process. Second, it would give the DCM-D more time to devote to other challenges and activities that the CMO is involved with. The third gain is that it would allow three of the organization's busiest department directors, the Fire and Rescue Chief, Public Works Director and Finance and Business Services Director more time to focus on the main mission of their large departments.

Exhibit 5.5 on the next page illustrates how this merger would reduce the number of departments involved in the DRP.

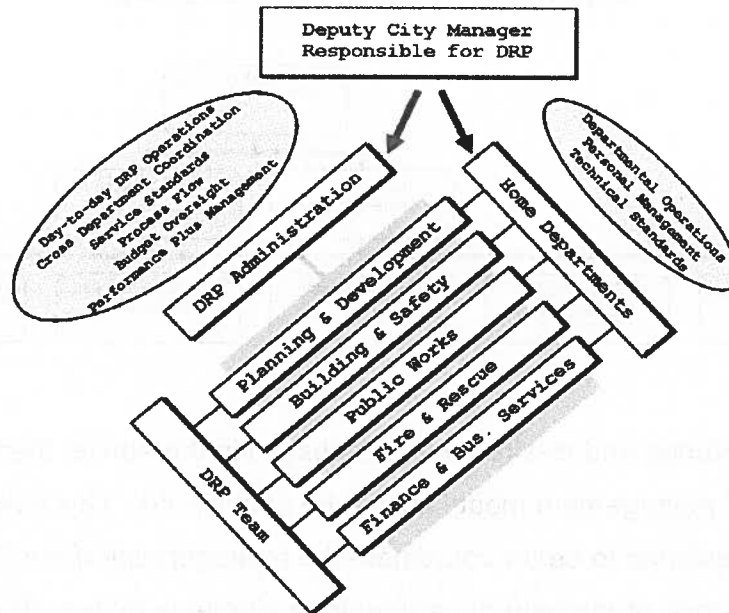
Exhibit 5.5
Building and Safety, Planning and Development, Fire Engineering, Land Development
Engineering and Business Licensing Merger



Finally, if structuring and re-structuring discussed in the above, then a “collaborative” management model should be considered. This collaborative approach is designed to better coordinate the management of the DRP without either restructuring or merging departments or elements of departments. The intent of this option is to successfully span the development review departmental silos with a senior manager (referred to in Exhibit 5.6 as DRP Administration) who is positioned in the chain of command between the DCM-D and the department directors. This position functions as the “coordinator” of the DRP. If this model is used, then the “home department” directors serve as the Oversight Committee and remain responsible for departmental operations, personnel and the technical standards used in the DRP. The DRP Administration position would be responsible for cross-department coordination, managing the Development Services Center, service standards, process flow, budget oversight and the Performance Plus measures related to the DRP.

Exhibit 5.6 on the next page illustrates the organization as it would look under the Collaborative Organization Structure for the DRP.

Exhibit 5.6
Collaborative Organizational Structure for the DRP



5.4 Changing the DRP's Organizational Culture and Making the Process a Seamless System

Once decisions have been made regarding the way in which the DRP work units will be structured and the implementation plan designed, then the other two elements of this comprehensive problem-solving challenge – organizational culture modification and processing system changes – can be dealt with in a logical and comprehensive manner. Recommendations for accomplishing this are contained in Chapter 6 Findings and Recommendations. The Project Manager, Oversight Committee and Implementation Committee, working under the direction of the DCM-D should do the following with respect to the recommendations:

1. Determine which recommendations do not need implementation;

2. Decide which ones need additional study before a rejection/acceptance decision is made;
3. Prioritize the remaining recommendations;
4. Assign implementation responsibility to specific individuals;
5. Set the deadlines for completion; and,
6. Meet on a regular basis until the implementation effort has been completed (weekly for the Implementation Committee and monthly for the Oversight Committee) to:
 - Monitor progress; and,
 - Consider DRP staffing reductions on the individual and collective basis of the recommendations that are implemented.

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Chapter 6

Findings and Recommendations

6.1 Introduction

These findings should not be interpreted as a negative view of any department associated with the development review process (DRP) but rather as *opportunities for improvement* that came about as a result of the staff's ideas, customer input and analysis by the consultants. Nor should the reader ignore the recognition that for the past two decades the staff has effectively processed thousands of applications that have contributed immensely to the safe development of the City and the enablement of its economic engine.

It is also important to understand that for the past years there has been so much development in the City of Las Vegas that the staff didn't have the time or resources needed to focus on making the system more efficient. Faced with the daily challenge of processing more and more, the time to fix the system didn't exist. Time constraints reduced the ability of the staff to actually study many of the known processing problems and then consider the different ways to resolve them. Corrections and adaptations were made on the run and against the ever-pressing workload coming through the pipeline. Now, the dramatic decline in development gives the City an opportunity to study these findings and the others

that will emerge during the implementation process so that the necessary changes can be made.

Understanding the context in which these findings and their recommendations are presented is imperative to understanding what the problem is. The problem is an out of sync *processing system* that is driven by a management philosophy that is “old school” and enforcement centric. The problem is not, for example, that the plan examiners lack skills or the inspectors aren’t sufficiently trained but rather the *exchange* of knowledge and information as an application moves through the process. It is similar to having very fast runners on a 440 relay team who have trouble handing-off the baton. No matter how fast each runner is, the team can’t effectively compete until it gets the three baton exchanges in every race right.

The vast majority of these findings were identified by the employees who work in the DRP. When a department director tells you that, “Tracking down a project in the process requires checking in with a lot of people,” and a mid-manager is insulted rather than being just a bit embarrassed or concerned by information the City solicited from the development community, the case for a serious change in operational dynamics is no longer arguable. It is also important to recognize that these findings relate to the DRP as a ***process*** rather than how individual departments function. The findings are organized into four categories:

- Process and process management;
- Organization structure, supervision and management;
- Technology, business systems and performance measures; and,
- Organizational culture and customer service.

The focus of the *Development Review Process Efficiency Analysis* was restricted to the way in which land development is managed from initial application to

occupancy approval and in some cases, business license approval. Although not within the scope of this analysis, it is appropriate to mention that there is solid evidence that for the most part the individual departments are performing at a high level with respect to their independent missions. DRP intra-departmental efficiency is much higher than inter-departmental DRP activities.

The recommendations contained in this chapter are intended to help transform the DRP into a cohesive customer driven entity that subscribes to certain values, makes decisions on the basis of facts and operates within a definable business structure. If they are implemented in a timely and comprehensive manner there exists the real opportunity to significantly reduce the DPR staff (with the Building and Safety Department being the exception). The Building and Safety Department has already reduced its workforce to the point it actually needs more staffing. The intended outcomes of implementing these recommendations are:

- Quality construction in the City of Las Vegas;
- Comprehensive reviews;
- Correct sequencing for processing project documents;
- Accessible information;
- Timeliness and responsiveness;
- Simplicity;
- Low cost, perceived value;
- Consistency and predictability;
- Accountability; and,
- Safe buildings.

The consultant's recommendations for each finding are included in the next three sections of the report. It is important to recognize that these recommendations are included as a starting point for the Implementation Committee. Given the knowledge base and DRP experience of the Implementation Committee

members, it is expected that the recommendations will be expanded to a greater level of detail.

6.2 Process and Process Management

Finding No. 1 – There is no identifiable position responsible for tracking and moving an application or project through the DRP.

Recommendation – All submissions that enter the DRP process should be assigned to a specific person/position responsible for monitoring the efficient review of the documents through the system. Many of the uncoordinated reviews in the existing entitlement phase create a time consuming “conga line” effect. An example would be the developer who submits a utility plan to Land Development in which the utility box locations have been determined by either Nevada Power or the applicant. If the plans are not routed to the Planning and Development Department at the appropriate time there is no opportunity for its review until after the installation takes place and the inspectors note that the utility box locations are not in compliance with the code.

Finding No. 2 – Changes in policies, code interpretations and the way things are done are not always effectively communicated with the development community or other DRP staff on any sort of regular basis.

Recommendation – Develop an administrative process to publish and distribute (hardcopy and electronically) changes in code interpretations, policies and procedures in a timely manner. These changes without notice inevitably result in higher costs when the design community has to redesign and the builder has to re-build. It is also costly in terms of the staffs’ time necessary to administer unpublished changes. A model for this is the Building and Safety Department’s recent adoption of publishing, both electronically and hardcopy, all changes made upon review by its internal code and policy interpretation committee and the current effort of including them on the City’s website.

Finding No. 3 – The City’s entitlement process with respect to Special Use Permits pushes the decision making process up to the council on an all too frequent basis. This is one of the highest time consumers in the DRP.

Recommendation – Use the recommendations made by the Planning and Development Director in the TXT-23848 Staff Report dated September 13, 2007 as the basis for improving the entitlement process. This well thought out recommendation would allow Planning Commission

to take final action on most Special Use Permits. The consequence of this practice, which is generally consistent with the other jurisdictions in the region, would reduce the timeframe for the approval process, and the amount of staff time spent processing applications (thousands of staff hours are dedicated to this annually). It would also allow the city council to devote more time to other pressing matters.

Finding No. 4 – The plans check process is more sequential than concurrent.

Recommendation – Re-engineer the DRP so that plans, to the extent possible, move concurrently among the City's work units. A requisite for this change is determining how many sets of plans are required for a simultaneous review at the various points in the process, and developing an effective system that tracks and records results of land use approvals, study reviews, plans reviews, etc. An appropriate Performance Plus metric(s) should be devised to measure the degree to which concurrent plan review is occurring. Acquiring the electronic plans submittal technology discussed in Finding No. 72.

Finding No. 5 – There is no single comprehensive desk manual that explains the DRP.

Recommendation – Task a qualified staff member(s) to write a comprehensive desk manual. This manual should arrange the development components from broader requirements to more technical subject matter and the identification of permitted land uses and classifications. It should clearly describe the entitlement process; property improvement regulations and criteria for developing real estate parcels; building safety regulations and construction standards that apply to structural integrity and livability; off-site improvement regulations for designing, maintaining streets, utilities and municipal infrastructure systems; and business licensing requirements. This manual should also reference the construction standards and provide for the inclusion of recent code and appendix changes.

Finding No. 6 – The value of the bonds posted on some of the uncompleted projects is substantially less than the cost of the improvements necessary for completion.

Recommendation – Review the current methodology for determining the amount of bonding insurance necessary to insure that a project is completed as per the requirements imposed on it by the City. The result of "calling in" an insufficient bond on a take-over project is that the City is forced to carry some of the build-out costs.

Finding No. 7 – There is no consistency with respect to “calling in” bonds on projects that have not met their completion deadlines. The impact of this is customer frustration and the cost of the staff time needed to resolve the issue.

Recommendation – Produce policies and procedures that insure a timely review and predictable action with respect to outstanding bonds. Communicate of this requirement in writing to the customer early in the process and at the appropriate point as the construction nears completion.

Finding No. 8 – Developers often claim to be unaware of the requirement of having to post a warranty bond for a completed project with public improvements.

Recommendation – Aggressively communicate this requirement by the City with a timely notice toward the end of project construction. This will reduce the amount of staff time necessary to work through what is a relatively frequent and problematic customer service problem.

Finding No. 9 – As the City’s inventory of undeveloped land is reduced by new construction activities, the development trend will shift to infill development and downtown projects.

Recommendation – It will become necessary to entice investors to finance projects in the mature and aging sections of the City. The DRP must modify its construction and entitlement conditions to accommodate the re-building effort. As long as many other development opportunities exist in the Las Vegas valley region, developers will avoid re-build opportunities in Las Vegas because other opportunities will be less costly. To be effective, downtown development and retro-fit permitting will require a more flexible approach than is currently used by the City for new construction on open land. In addition to code changes the City needs to coalesce a special team of planners, plans examiners and inspectors who have the capacity to approach infill and redevelopment projects in new and more creative ways than currently exist. The goal of building safety needs to be augmented with the need to create economic vitality in the heart of the community. Converting mature downtown retail buildings into taverns and restaurants will require significant modification of the existing building and safety codes that while accommodating the redevelopment of existing buildings, will still protect the public’s safety

Finding No. 10 – There has been no regular semi-annual or annual 360 review of the DRP.

Recommendation – Review the process on a regular basis. Those in charge of the DRP should convene a team to study the process on the basis of “are we doing things the most efficient way?” An element of this research should be the inclusion of ideas and advice from all of the employees who work in the DRP.

Finding No. 11 – DRP managers are frustrated that the City Attorney’s Office opinions with respect to land use matters are inconsistent.

Recommendation – Mitigate this common problem through a formalized training and communications effort between the land use lawyers in the City Attorney’s Office and mid and upper management from the development related departments who are responsible for the DRP.

Finding No. 12 – There is limited coordination between the DRP work units in the review of applications and plans.

Recommendation – Hold supervisors and mid-managers accountable for their work unit’s coordination with other DRP work units. This effort should be predicated on a “zero tolerance” expectation and preceded by an effort of educating management and supervisory personnel about the details of the DRP, including where the friction points are in all of the work units.

Finding No. 13 – The codes used by the Business Licensing Division and the Planning and Development Department contain differences that impede customer service and waste staff’s time. For example, a certificate of occupancy cannot be issued until the business license has been issued. When this is not a smoothly coordinated process the opening of a building can be delayed which usually is a costly and frustrating event.

Recommendation – Undertake a joint effort by the Planning and Development Department and Business Licensing Division to resolve these discrepancies and then codify the changes.

Finding No. 14 – Although generally available if one searches for it, information is not readily shared between development review departments. For example, the Development Application Process presentation is an excellent reference tool that few staff outside the Planning and Development Department know exists.

Recommendation – Use a systems analysis approach to identify the data and information that is needed on an inter-departmental basis between development review departments and make it available electronically.

Finding No. 15 – Obtaining accurate information pertaining to some of the DRP activities such as the number of plans required for a project, is sometimes difficult.

Recommendation – Create the organizational structure necessary to manage information among the development related departments and the records management system necessary to efficiently collect, inventory, assess and share all pertinent DRP information.

Finding No. 16 – The Planning and Development Department annually re-inspects after issuance of the certificate of occupancy, for compliance with all requirements of Title 19 and all Conditions of Approval imposed by either City Council or the Planning Commission.

Recommendation – Consider either extending the re-inspection period to 24 months or a random selection basis. While the benefits of an annual compliance inspection are obvious, the continued additions to the inventory of properties needing inspection will periodically require an increase in staff.

Finding No. 17 – There is a concern in both the development community and among the DRP staff that the frequency of plan review and inspection inconsistencies is excessive and that inspectors almost always “trump” plan examiners. This can cause a costly shut-down in the construction of a building.

Recommendation – Implement the training, supervision and recordation necessary to elevate consistency and predictability to a top DRP priority. The DRP is a regulatory process, and the cornerstone of any government regulatory process is consistency in its application of regulations and requirements. Inconsistent behavior by a regulatory agency leads to public mistrust, costly mistakes that must be absorbed by the property owner and the inefficient use of staff time.

Finding No. 18 – The language in Title 19 allows for the applicant to appeal anything (when filed appropriately on the next council agenda) that the Planning and Development Department does in its review of an application.

Recommendation – Limit the conditions under which an applicant can appeal. This action will improve the quality of first reviews and the amount of staff time expended recycling applications back to the City Council.

Finding No. 19 – Five separate inspections are required to close-out a project.

Recommendation – Consolidate some of the close-out inspections. Because of the scheduling difficulties, staffing demands and the customer

costs associated with multiple inspections, many municipalities have consolidated at least some of their final inspection practices. While this type of effort may require additional training and will require more stringent supervisory practices, the fact is, it is a doable and commonplace industry practice. The major argument against any proposal to consolidating some of the final inspection events is the inability to remember several codes. This can be overcome with training, proper supervision and the ability to access code information from the field.

Finding No. 20 – In the single family dwelling (SFD) tract permit process it is not unusual for an application to sit for weeks waiting for offsite inspection and testing (OIT) holds to be removed.

Recommendation – Devise a system that will allow straightforward SFD projects to move ahead with the approval of the City's supervisor responsible for managing the OIT.

Finding No. 21 – Lost or misplaced plans in the Development Review Center (usually caused by removing a set of plans from the bin and not appropriately noting it) waste a considerable amount of staff time and can result in an unnecessary cost for the customer.

Recommendation – Put in place a plans management system that accurately monitors the physical location and staffing responsibility for all plans submitted to the development related departments. Other than a catastrophic event, there is no acceptable excuse for lost or misplaced plans or document submittals that have been entrusted to a government. Each lost or misplaced plan or document submittal incident should be thoroughly examined by management.

Finding No. 22 – There are occasions when unique or complex decisions are made at the plan check level without appropriate input from the inspection staff.

Recommendation – Involve inspectors with the review of unusual plans that have the potential for interpretation differences in the field. The costs related to a construction delay caused by unresolved differences between plan examiners and inspectors can be significant and should be treated as the City's responsibility.

Finding No. 23 – It is the policy of the Fire and Rescue Department not to send out inspectors if any building has only a partial pass or is not approved – even though the work for the Fire and Rescue Department's inspection is ready.

Recommendation – Change this practice so that it is more accommodative to the customer. The insistence of Fire Engineering

on its position in the order of linear review process is understandable but must be considered on the basis of the fact that it is only a component of the DRP.

Finding No. 24 – There is a need to assure that the correct occupancy designation is assigned to each business in a structure, and that development reviews are not delayed waiting for business license approval.

Recommendation – Build a system of necessary protocols in the DRP that will assign the correct occupancy designation to all business activities in structures and facilities that are being issued certificates of occupancy

Finding No. 25 – Plan review technicians have to perform a substantial amount of administrative paperwork after the customer enters their work area.

Recommendation – Minimize the amount of administrative information the plan review technician needs to collect from the customer. More efficient forms, a customer work area with necessary electronic equipment and reception assistance should be considered. The banking industry's model of assisting customers before they deal directly with a cashier is an example that might be studied.

Finding No. 26 – When performing special projects for their supervisors, plan check technicians are frequently distracted by the public.

Recommendation – Provide the plan check technicians with a workspace layout that allows for uninterrupted work. While the public distraction element might be seen as a minor issue, studies and experience tell us that this type of interruption is a costly and counterproductive consequence of a poorly designed workspace. The goal is to minimize unnecessary interruptions.

Finding No. 27 – The level of dimensional information required for land use entitlements is significantly less than the engineering provided during the civil plan and permit review process. With the conditions of approval rigid, and the legitimate need for site engineering changes (utility boxes, finished floor elevations, etc.) to take place after the public hearing process has concluded, a review of condition (ROC) is always required if the property owners want to pursue the needed change. The ROC adds at least 60 days to the development timeline.

Recommendation – Require the property owner applicant to attend a post approval conference after the civil plans and building plans have been submitted and have gone through the first review. With respect to

this there are two alternatives: (1) Require the property owner to return to the City Council for final review of the approved site plan after the initial site engineering has been completed, thereby maintaining the public's interest: or (2) Require the owner, contractor, architect and engineer to meet with the DRP staff and discuss if issues identified during the first review of the project are enough to warrant City Council approval of the proposed site modifications, or if the proposed site modifications "substantially comply" with the original approval.

Finding No. 28 – The intent of a condition imposed by the plan review staff from the different development departments is sometimes confusing to the customer. Some Planning and Development staff comments on plan reviews are vague and difficult for the applicant to understand what is expected.

Recommendation – Conditions imposed by the staff should be specific to the extent that the customer has a clear understanding of what is exactly being required by the City. The conditions being imposed by the staff should be viewed through the optics of the customer, with the staff bearing the responsibility for explaining in sufficient detail what is being required as a condition(s).

Finding No. 29 – Although the Centennial Plan provides for relief from Title 19 requirements, only the Planning and Development Department distinguishes the downtown from the suburban areas of the City.

Recommendation – Modify the codes and conditions that are currently being used to manage property development in the downtown area to accommodate retrofit development in confined areas with spatial limitations. The prevailing codes used by the City for the downtown render its development as perhaps the most expensive in the City's environs. The outcome of this inflexibility will continue to drive investors to properties elsewhere and deprive the City of the economic, social and recreational gains a rejuvenated downtown will provide. The overwhelming need to build-out and energize the downtown needs a level of "risk vs. reward" creative thinking that staffers are incapable of unless prodded and encouraged to do so.

Finding No. 30 – The Planning and Development Department's occasional inclusion in the review of dry utility plans has resulted in the approval of plans not in conformance with the approved site plan or Title 19.

Recommendation – Bring the Planning and Development Department into the review of dry utility plans in order to ensure compliance with the approved site plan.

Finding No. 31 – Changes in business license applications that are not routed to Planning and Development have resulted in non-permitted uses being approved.

Recommendation – Devise a system to route business license applications through the Planning and Development Department for permitted use review. This can be accomplished through a reorganization that includes Business Licensing as part of the DRP structure (a division in the Community Development Department), or a simple system processing change.

Finding No. 32 – Elected officials and their liaisons go to whomever they feel the most comfortable with in the DRP for answers to inquiries. This can contribute to staff acting as political wind socks.

Recommendation – Structure a more straightforward system that will insure rapid response to City Council inquiries that can be monitored and managed by the DRP chain of command.

Finding No. 33 – The civil engineer pre-application submissions do not always receive a 360 degree review. For example, Planning and Development can miss requirements such as water pressure needs.

Recommendation – Create a 360 degree process for civil engineer pre-application that involves each work unit having oversight responsibilities for these submissions. The goal is to avoid the toxic mistakes that the customer must bear when the staff's left hand doesn't know what the right hand is doing. An example is the recent confusion over the need for a water tank on a piece of property under review. In this case Fire Engineering required a water tank. The customer installed the piping (which required no review by the Planning and Development Department) for the water tank. At some point later in the process the Planning and Development Department required that the tank be lowered by 10 feet. This changed the water pressure and forced the applicant to dig up the first set of pipes and install larger ones at a cost of approximately \$70,000.

Finding No. 34 – A significant number of the findings and recommendations contained in the recent audit (CAO 0701-0910-0X) of the Case Planning Division by the City Auditor's Office relate to the DRP.

Recommendation – The City Auditor's recommendations and the Director's response should be taken into consideration along with the findings and recommendations contained in this report.

Finding No. 35 – There is insufficient coordination in the DRP of the first and follow-up review documents that are returned to the development customer.

Recommendation – Assign a specific position(s) the responsibility for coordinating review documents. The development of meaningful Performance Plus metrics to measure the effectiveness of this coordinating effort is essential.

Finding No. 36 –The customer has a difficult time working back and forth between the City's DRP staff and the outside agencies involved in the DRP. Among these agencies are Nevada Power, Las Vegas Water Valley Water District, Division of Water Resources, Southwest Gas Company and the U.S. Post Office.

Recommendation – Commit the staffing resources necessary to determine if there is a more efficient way to assist customers in moving their applications/plans between the City's DRP and the outside agencies.

Finding No. 37 –There are no formal timeline commitments between departments with respect to processing and review. Generally speaking, the development related departments focus exclusively on how long it takes their individual work units to process a project, with little attention to how much time the total process takes.

Recommendation – The acceptable length of time it takes for a project to move between the development review departments should be managed by meaningful metrics and assigning "total time" responsibility to a specific position in the DRP.

Finding No. 38 – The process used by Business Licensing to verify zoning when applying for a business license is cumbersome and costly. Some business license applicants are required to travel back and forth between offices at City Hall and the Development Services Center in order to have their zoning verified. Although the verification is done by a front counter planner there is no written verification (official stamp, certification form, etc.) The applicant then returns to the Business Licensing office and verbalizes the information given by the front counter planner.

Recommendation – Provide for telephonic communications between either the applicant at the Business License office and the front counter planner at the Development Services Center, or directly between the Business Licensing staff and the Development Services Center front counter planners. The result will be less travel time by the customer and less time expended by the staff at both ends of the process. The other, and more preferable option is to give the Business Licensing staff access to the same zoning information and data base that the Planning and

Development staff has. It does not take a planning specialist to read and determine the zoning for a particular address in the City of Las Vegas.

Finding No. 39 – The most frequent complaint of the DRP customers involved in this efficiency analysis is the inconsistency between plan check and inspections with respect to plan review.

Recommendation – Use a Performance Plus metric to track inconsistencies and a combination of training and supervision to reduce the frequency of such events.

Finding No. 40 – The threshold of work definition in the fire sprinkler retrofit ordinance (13.3.2.3.5) basically requires the installation of an automatic fire sprinkler system within the entire building whenever “Alterations, renovations, tenant improvements, or any change in occupancy in any existing building...” When this is interpreted as being required when any level of alteration, revision or tenant improvement takes place, its costs can drive away downtown and redevelopment opportunities.

Recommendation – Better define the level of work necessary to invoke the sprinkler retrofit in more specific terms such as a percentage of the floor area or change of occupancy that is different from the building’s most current certificate of occupancy. Based on the inquiries, the other local jurisdictions do not use the “any” alteration, revision of tenant improvement criteria as the requirement for sprinkler retrofitting and it is suggested that other policies be examined as a reference point.

Finding No. 41 – It is in the City’s best interest to actively assist property owners build out their uncompleted projects. As the inventory of unfinished projects increases, so will the problems that must eventually be dealt with by staff.

Recommendation – Create a formal response effort with creative actions dedicated to assisting the projects that have been “stalled out” because of the problems associated with land development economics.

Finding No. 42 – There is no established forum for the development industry to interact with the DRP’s senior management in a non-adversarial way.

Recommendation – Develop a method for ongoing communications and regular discussion group meetings between the City’s DRP staff and the development community that are dedicated to broad issues and problem solving. Quality and sustainable growth in a municipality require that there exists a professional, non-adversarial relationship between the city’s regulatory staff and the design/development community. For example, this

would be an appropriate forum for the prescriptive vs. performance building code debate.

Finding No. 43 –The “quality first” effort with respect to plans submissions within the DRP does not receive adequate attention, causing excessive multiple re-submissions (as many as eight).

Recommendation – Increase the City’s oversight of design requirements at the front end of the review process with more “what is and what is not acceptable” guidelines and support the effort with aggressive communications, an educational effort and rejection when the City’s published and documented standards are not met. Reducing the level of poor quality submissions that the staff must contend with will reduce DRP operational costs.

Finding No. 44 –The responsibility for DRP processing problems “ping-pongs” between departments.

Recommendation – Include in the recommended development review master manual specific instructions regarding work unit process responsibilities (see Recommendation # 5) and hold managers accountable for a seamless process.

Finding No. 45 – There is a need for up-to-date departmental and cross-departmental DPR flow charts using the same template. The difficulty associated with obtaining this information impeded the early progress of *Development Review Process Efficiency Analysis*, underscoring the fact that accurate flow charting has not been a priority in some of the work units.

Recommendation – Require each DRP work unit to update and then publish changes that are made to their processing flow charts.

Finding No. 46 –The Building and Safety Department’s appeal process is unusual in that it is comprised of departmental staff only. This means that the appellant is arguing his/her issue before staff from the same work unit that has denied the design proposal or construction technique, a situation that does not always promote objectivity. Another consequence is that the appeals board staff is less likely to have the professional qualifications deemed necessary to understand innovative design-and-build alternative methods of compliance.

Recommendation – Comply with Section 112 of the International Building Code which calls for the appointment of individuals who are “qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.” While this change will bring with it new costs, the overall impact of having qualified non-staff

professionals setting on the appeals board will be a more objective process that will have a positive affect on the City's land-development related economy. Consideration should be given to using separate appeal boards for fire and building disputes. Caution must be exercised so that a change in the appeals board makeup does not politicize the code interpretation process or derail the City's commitment to good public policy. Careful study should be given to the models used by surrounding jurisdictions.

Finding No. 47 – It is the position of the development community that the Building and Safety Department's code interpretation practices are more stringent than their counterparts in the Las Vegas Valley.

Recommendation – Work with representatives of AIA Las Vegas in an effort to determine if the City's code interpretations are more stringent than the adjacent jurisdictions, and if so, is it necessary. If the City is exceeding the intent of the International Building Code it may not be in a position to effectively compete for future land development opportunities.

6.3 Organizational Structure, Supervision and Management

Finding No. 48 – The departments involved in the DRP have pronounced “silo mentalities” that often work against efficient operation of the DRP.

Recommendation – Eliminate the existing silo effect that diminishes the work potential of the DRP by changing its organizational structure. A section in Chapter 4 The Core Issues discusses the silo effect and how it affects and the DRP. Chapter 5 Action Plan offers some restructuring options for mitigation. Overcoming the silo effect that separates the City's development related departments should be given top priority.

Finding No. 49 – No single manager is assigned the responsibility for overseeing the DRP and its personnel. This chain of command flaw contributes to the perpetuation of the damaging silo effect that hampers the DRP.

Recommendation – Appoint a qualified professional with the appropriate skills to manage all of the DRP activities, personnel and operating budget. The various options for doing this are discussed in Chapter 5 Action Plan.

Finding No. 50 – Finding the time necessary for the DCM-D to successfully oversee the implementation of the report's recommendation is critical to improving the DRP.

Recommendation – The implementation of this report's recommendations should be DCM-D's top job priority for the next 180 days. The importance of having sufficient time for the DCM-D to work on upgrading the DRP to the level desired by the City Manager cannot be overstated.

Finding No. 51 –There is a need to carefully examine the spans of control in the DRP departments.

Recommendation – All of the spans of control integral to the DRP should be examined by departmental management and the Human Resources Department to determine where there are excess layers of management or an insufficient number of managers to effectively supervise their subordinate chain of command. In certain work units the spans of control are extremely narrow. For example, according to the department's organization charts the Planning and Development Department's chain of command has a deputy director position supervising only two positions. Another example of a span of control that seems too tight exists in the Public Works Department where the Land Development Superintendent supervises two operational project managers. Conversely, in the Building and Safety Department there is neither a deputy director nor mid-manager positions between the director and the line supervisors.

The rule of thumb for spans of control is roughly one supervisor for five subordinates. In an organization such as the DRP which is comprised of experienced and well educated/trained "knowledge workers," where tasks and roles are clear, and the environment stable, a wide span of control (1: 5-7) is the norm. If the spans of control in this type of organization are too tight it leads to more layers in the organization requiring more managers, makes vertical communications more complicated, discourages initiative, encourages centralization and pushes the focus on customer service down the chain of command. If the spans of control are too wide, as is the case with the Building and Safety Department, then there is usually too much demand on the manager for coordinating, a lack of proper control that encourages laissez-faire behavior, autonomy and often an increase in costly mistakes.

Finding No. 52 – Insufficient (almost none) time is given to solving problems associated with the DRP during regularly scheduled senior management meetings.

Recommendation - The DCM-D and development related department directors should meet on a monthly basis for the exclusive purpose of

assessing the operational efficiency of the DRP. This recommendation is discussed in greater detail in Chapter 5 Action Plan

Finding No. 53 – Most of the managers responsible for work units in the DRP have learned to manage more by “experience” than through a formal education or professional training process such as graduate level courses in business systems, human capital management, leadership development, etc. Studies and experience tell us that managing without the appropriate training is likely to have negative consequences.

Recommendation – Develop training opportunities designed to better equip the technical professionals holding management positions to more effectively manage and be kept abreast of business management advancements.

Finding No. 54 – The turnover of the Planning and Development Department’s staff appears to be higher than the norm for professional positions throughout the City of Las Vegas organization.

Recommendation – Make an objective determination of the casual factors that result in the relatively high turnover in the Planning and Development Department, and develop a plan of action to reduce unnecessary position bouncing. Management also needs to exercise caution against making assumptions that the primary reasons its human capital leave are compensation or a better work schedule (the Henderson factor). Experience tells us that management style (over-control or laissez-faire for example), ambiguous tasks, a turbulent environment, complicated vertical decision-making, lack of flexibility and career development opportunities and poor leadership are among the reasons employees will leave, especially in a risky job market. According to the American Management Association, training for immediate job needs or career growth places first among retention programs that are most successful. Similarly, a study released by Gallup found that seventy-nine percent (79%) of the workforce says employer sponsored training is the number one factor in employment satisfaction in the work place. The costs associated with the loss of human capital must be calculated in terms of separation costs (exit interviews, termination process functions, separation/severance), replacement costs (recruitment, testing, interviewing, travel, pre-employment administrative expenses and medical exams), training (formal and informal), and performance differential.

Finding No. 55 – To provide quality assurance a business license application is reviewed by three staff to make sure the information matches from the hard copy to what has been input into the business license system.

Recommendation – Evaluate the need and cost effectiveness of having three staff members perform the license review activity, especially as it pertains to the category of “general” business licenses.

Finding No. 56 – The loss of senior staff leaving the workforce has resulted in a loss of institutional memory.

Recommendation – Take the steps necessary to convert the organization’s institutional memory to documentation that can be easily retrieved. This can be accomplished through the development of policy manuals and Standard Operating Procedures (SOPs).

Finding No. 57 – Until recently, the Building and Safety Department inspections supervisors were not conducting desk or field audits of the work performed by their inspectors.

Recommendation – Continue to conduct the recently initiated inspections auditing program used by the Building and Safety Department, and implement a similar program in those development review departments lacking this auditing practice.

Finding No. 58 – There is a significant interest by some staff members to shift the DRP schedule from its current work day schedule to the 4-10 (four-day, ten-hour) work schedule.

Recommendation – Do not convert the DRP staff to a 4-10 work week. The isolated loss of talent, particularly when the employment market favors the City, does not justify ramping down a service delivery organization whose customers traditionally work a five day work week.

Finding No. 59 – The physical separation of inspectors and plan review personnel in the Building and Safety Department results in communication problems that sometimes create an additional cost for the customer.

Recommendation – Use meetings, training and technology to bridge the communications gap.

Finding No. 60 – Managers and supervisors tend to focus more on the politics of the process than the “time and money” aspect of the DRP. Many managers do not know the incremental unit costs associated with their department’s DRP activities. It is not part of their “language of management.”

Recommendation – Re-design the jobs of supervisors and managers so that they know and understand the “business metrics” of their work

responsibilities. In addition to knowing the codes they use and the politics of the process, the staff at this level should be held accountable for efficiency – the time and money aspects of the DRP. The primary project/application/permit management toll should be time in the form of common deadlines. They should be driven by a meaningful set of metrics that holds them responsible for understanding where the time and money “hogs” are in the various phases of the DRP for which they are responsible. The foundation for this shift is usually the information developed from a qualified fee study (similar to the one commissioned by the Building and Safety Department) which breaks down the processing steps and assigns costs to each component. These numbers give the supervisors, managers, directors and CMO a common platform for inquiry, study, debate and resource allocation.

Finding No. 61 – “Top down” management calls are often required to move projects forward. With no senior staff member responsible for the weaving of a project through the individual development review work units, a frequent outcome is this fire drill type response. The individual departments focus on their own individual reviews and do not concern themselves with the overall status of the project. This lack of oversight and project facilitation makes it difficult for junior staff members of the individual development departments to set priorities and understand the importance of specific projects. It is also a costly use of the City's top level management.

Recommendation – Establish a monthly project status meeting for all of the development review departments. Require each department to select an individual who is responsible for tracking the status of projects from the point-of-entry-to-pass-off as it proceeds through their systems. Each development review related department would be required to be represented at these meetings, and the outcomes reported to the DCM-D.

Finding No. 62 – The May 2009 Employee Engagement Survey conducted by the Department of Human Resources contains a number of “red flags” deserving of attention from the CMO.

Recommendation –The DCM-D should thoroughly review the survey findings, consider them in context with this report's findings, and take appropriate action if necessary. There are 13 categories in the survey that relate to how employees perceive the management and supervisory skills in their respective departments. When compared to the overall City average, some of the DRP departments ranked very low. Only 2 of the 13 categories were ranked as acceptable or better against the average by Planning and Development Department employees. This compares to 5 by Public Works Department employees, 9 by Building and Safety Department employees and 10 by Fire and Rescue Department

employees. Special attention should be given to the written summaries made by Human Resources. Words and statements such as "discrimination," "harassment," "race plays an important role in discipline" and, "when it comes to decisions management makes, it is always correct and no matter how badly it failed there is always a positive spin put on it" should be treated as indicators of concern by upper management which should be considered from a "bottom up" perspective. There should be zero tolerance for disrespect in the DRP departments.

Finding No. 63 – Staffing reductions among the development review related departments are not always consistent with the corresponding decline in land development activities.

Recommendation – Review for elimination those positions that were previously dedicated to the DRP but are now assigned to other tasks. Given the realities of the City's revenue situation, forecasts pertaining to future land development, and the implementation of many of this report's recommendations, a further reduction in active DRP staff and former DRP positions that have been reassigned elsewhere, is easily attainable.

Finding No. 64 – The Planning and Development Department's front counter planners are not fully utilized when they have "dead time."

Recommendation – Re-examine the current rules governing what the front counter planners can and cannot do when they are not dealing with a customer. The suggested priorities are: (1) other departmental tasks; (2) assignment training; and, (3) professional development. Regarding this, the rules that currently cover the use of the internet as a research and professional development tool need re-thinking and consideration.

Finding No. 65 – A significant number of mid-managers are "change averse" and are resisting using business metrics, time and actual cost as the primary measures of their performance, and the performance of their subordinate staff.

Recommendation – Reassign or relieve those managers and supervisors who do not embrace the Performance Plus system and are not aggressive in their efforts to train-up their subordinates to use the system. The Performance Plus system is the only identifiable management system that crosses the DRP departments and is necessary to place the DRP on a common platform that uses meaningful performance metrics.

Finding No. 66 – The need for additional staff cross-training is of universal concern in the DRP.

Recommendation: Develop a cross training program based on the DRP tasks that can be done interchangeably by staff.

Finding No. 67 – The training for front counter planners is inadequate. The limited “shadowing” and “learn on your own and ask others” approach can result in providing the customer with costly misinformation and/or an unnecessary distraction to fellow workers.

Recommendation – Develop a more comprehensive training program for front counter planners that includes some testing of competency before they go solo.

Finding No. 68 – A significant number of employees expressed the need for additional customer service training.

Recommendation – Require all DRP staff to attend the City’s customer service program and develop an internal training curriculum that provides the DRP staff a better understanding of their customer’s needs and concerns.

Finding No. 69 – There is substantial resistance to the use of “performance-based” codes and regulations. Performance-based regulatory systems specify outcomes rather than specific solutions. They are typically formatted as a hierarchical structure in which the top level contains objectives expressed in qualitative statements. These objectives break down into functional statements (also qualitative) of sub-objectives that must be achieved to attain the objective. Following this are performance requirements that provide quantitative data of when the functions, and thus the objectives, are satisfied. Finally come acceptable methods that can include verification methods recognized as appropriate for verifying the required performance or “deemed to comply” solutions that generally include the former, prescriptive solutions. Exhibit 6.1 illustrates how the performance-based decision making process functions in the application of building codes.

Exhibit 6.1
Hierarchical Structure of the Performance-Based Regulatory Systems



Where standards are unavailable or inappropriate, such as for the acceptance of innovative materials or methods, there are there are existing systems for technical approvals issued by the evaluation services that are affiliated with the model codes.

Recommendation – Develop the staff capacity to evaluate building plans on the basis of a performance-based regulatory system. The process for doing this is outlined in the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*. With building regulatory systems across the country undergoing the fundamental shift to performance-based, so will builders. In order for the City of Las Vegas to compete effectively for future development it will need to embrace the performance-based process where appropriate. A prerequisite to this is having sufficiently trained mid-managers who understand this concept. The new position recommended in Recommendation No. 70 should be comfortable with using performance-based and sufficiently skilled and experienced with their application.

Finding No. 70 – The Building and Safety Department lacks the senior management positions necessary to operate effectively and prepare itself for competition with respect to future land development.

Recommendation – Create a senior code enforcement position responsible for code research, selection and administration, and transition from the use of the traditional “prescriptive” code enforcement concept to selected use of the now approved “performance” concept. Specifically, there is an immediate need for a very senior level building and safety code administrator whose credentials include supervisory experience in other large urban entities, the appropriate professional credentials, and the ability to help the department stay ahead of the emerging trends and changes in the building industry. Eliminating the deputy director position in the Planning and Development Department is the recommended way of exchanging a no longer needed position for one that will strengthen the DRP.

Finding No. 71 – There is no formal process for changing management processes in the DRP. When significant changes are made to the DRP there are no formal and well-established mechanisms, no accountability assurances, that such will happen the way it is supposed to happen. To a certain extent this is caused because there is no standardized system of information in the DRP. How such changes are made is largely dependent on the interest and involvement of the work unit manager. Frequently management skips the needed steps in the multi-step process and doesn’t build and develop adequately.

Recommendation – Operational and policy changes in the DRP need to be effectively communicated to all employees, adopted in writing, communicated through a standardized information system, and insisted upon by top management. Management change occurs when an organization begins to do something differently and needs to be “managed” as part of problem-solving processes (planning, budgeting, organizing, staffing and controlling).

6.4 Technology, Business Systems and Performance Measures

Finding No. 72 –There is a critical need for an electronic application/plans submittal, review, tracking, and storage system. The current plan review process is an inefficient manual process that does not support concurrent reviews nor does it provide customers with 24/7 access.

Recommendation – Acquire an electronic plans system that meets the well-thought out processing criteria developed by the Planning and Development Department. Second only to spanning the departmental silos this is the single most important efficiency enhancement that can be made to the DRP. This web-based system will integrate the DRP and provide its external users functionality without additional costs. The estimated return on investment for the City and time savings for the customer is a valid justification for increasing DRP fees.

Finding No. 73 – A more customer friendly website with a better search capacity is needed for the development community.

Recommendation – Build a more interactive process with fewer steps. The goals should be to reduce the number of trips customers have to physically make to City facilities to obtain DRP information, getting on-line permits and paying for all aspects of the building process including overtime inspections, express inspections, plan reviews, re-reviews, etc. Links to building codes, FAQs, and a “contact us” section would increase productivity and efficiency. Improving the City’s website “search” capability was brought to the consultant’s attention by numerous focus group attendees. High priority DRP metrics used to measure processing time regarding applications, submittals, and projects should be on a web-based “dashboard” and used as a daily management tool.

Finding No. 74 – With the exception of the Building and Safety Department, fee studies by a qualified consultant have not been conducted in recent years in the other development review departments.

Recommendation – Conduct DRP related fee studies in the Planning and Development Department, Public Works Department, Fire Engineering and Business Licensing. Absent this information it is difficult for management to understand where their unit's costs exist in the system, workflow relationships and how to measure the distribution of staff effort, or positions to tasks and service areas.

Finding No. 75 – There are noticeable telephone response time delays in the Business Licensing office. These appear to be caused by a combination of a high volume of incoming calls, multi-tasking by staff and an inadequate phone system.

Recommendation – Study the cost-effectiveness of an improved automated phone system that is integrated with website information.

Finding No. 76 – Findings in the Wohlford Consulting User Fee Report for the Building and Safety Department indicate that the current fee structure used by the department is not sufficient to cover the department's cost of providing services.

Recommendation – Reduce the department's operational costs where and if possible and adjust the fee structure accordingly. Communicating the need and the efficiency steps that this department has taken with the development community is critical to this effort.

Finding No. 77 – While the annual volume of land use and permit applications is the primary driver for the DRP, workload and output is not always measured effectively.

Recommendation – Review the existing DRP Performance Plus metrics for meaningfulness and add or modify where necessary. Some of the departmental metrics used in the Performance Plus program to measure DRP activities are not meaningful. There is a need to shift DRP performance measures from workload to output metrics so that actual accomplishment rather than volume or quantity becomes the measurement of staff performance. There is evidence that some employees are confused with regard to their roles in the Performance Plus effort and how it is being used by management. This can be corrected by using a common DRP mission platform with and performance measures that apply to the workload and productivity of the DRP as a single entity.

Finding No. 78 – With the exception of the relatively new Performance Plus management tool, no recognized business system such as Sigma Six, Total Quality Management or Business Processing Engineering is used by any of the development review departments.

Recommendation – Commit to either the Performance Plus system or some other proven system and use it as the basis for managing the DRP. This is a necessary management tool that needs to become part of the DRP organizational culture with respect to the ways things are done.

Finding No. 79 – The Business Licensing Division’s resistance to using the Hansen software system has been costly in terms of DRP staff time and customer service. For example, it is estimated that when the Building and Safety Department needs certain information it can take up to four hours of staff time to get the information.

Recommendation – Immediately transition the Business and Licensing Division to the Hansen System and require all of the departments involved in the DRP to commit to the new electronic plans submittal proposal sponsored by the Planning and Development Department. This is a “lesson learned” recommendation that is applicable to the acquisition of any new technology or software for the DRP process – individual departments should not be allowed to unilaterally decide if and when they will be committed system users.

Finding No. 80 – The DRP is hindered by certain communications “inabilities” between software applications (Hansen, Sire, EB, GIS, Plans Viewer and Oracle).

Recommendation – Where possible correct the existing software communications and attempt to overcome the remaining problems with the proposed electronic plans submittal technology.

6.5 Organizational Culture and Customer Service

Finding No. 81 –The almost universal belief by mid-managers that “when things return to normal we will need more staff” is a drag against the need to change the way things are done internally. For example, the Fire and Rescue Department attributed most of the friction points (delays and bottlenecks) in the DRP being caused by a “reduced staff.” This mind-set defeats the critical need for the development related departments to minimize future personnel costs by considering new ways of doing things without additional staff.

Recommendation – Focus a substantial amount of management attention toward the elimination of the “more staff” knee-jerk reaction that has been institutionalized. This effort will require a combination of approaches such as coaching, position replacements, the use of more rigid performance metrics to hold managers accountable, additional

management training and the infusion of a “do more with less staff” organizational culture.

Finding No. 82 – Too many DRP managers continue to believe that their future staffing levels need to be established on the basis of the previous, but unmeasured, workload indicators.

Recommendation – Aggressively use the Performance Plus system to establish future staffing needs.

Finding No. 83 –The Development Services Center reception area is unfriendly, confusing for the first-time customer and is inefficient for both the customer and staff.

Recommendation – The intake area needs to be reconfigured with better signage for the customer and the reception staff need to be well-trained in customer service, and committed to a friendly and professional customer relations style and demeanor.

Finding No. 84 – There is compelling anecdotal input from the development community that some of the Fire Engineering staff lack professionalism with respect to customer service.

Recommendation – The Fire and Rescue Department’s senior management responsible for the DRP should thoroughly review this concern and take the appropriate action. The frequency of this complaint, whether fact or fiction, and the extent to which it is affirmed by other DRP staff warrants attention and a strong mitigation effort. These complaints are almost identical to the ones received by the consultants, and passed on to management during a similar study a few years ago. Inappropriate customer service behavior by even one person, when allowed to reach the “commonplace level,” is costly to both the customer and the reputation of Fire and Rescue Department. If management’s review substantiates this complaint then appropriate corrective action needs to take place. A recommended resource for improving customer service is the book, *Essentials of Fire Department Customer Services*.

Finding No. 85 – The sometimes “we-they” friction between the plan check staffs in Fire Engineering and the Building and Safety Department impedes the work effort and customer service. This is an outcome of two competing organizational cultures that view their missions and responsibilities differently. It is costly to both departments and the customers they serve.

Recommendation – This limiting aspect of the DRP needs the management attention sufficient to merge the two work units into a compatible and cooperative element of the land development process. Job sharing, coaching, training and peer reviews are among the techniques that can be used to correct these problems.

Finding No. 86 – The initial staff response to the unfiltered input received from the development community focus groups was more defensive than introspective or thought-provoking. Excerpts of the focus group's input are included in Chapter 3 What The Customer Wants, and the complete minutes are located in Appendix D Staff Responses to Focus Group Input.

Recommendation – An objective non-defensive evaluation of the focus groups' input should take place before the implementation process begins. While some of the comments were driven by agendas and personal opinion, the environment in which this "customer survey" information was delivered warrants more than a passing consideration. Most of the points presented during the focus group meetings were repeated, appeared to be based on fact or example, and accompanied by corrective suggestions or recommendations. The immediate "push-back" without contemplation and study from the staff would be a cause for concern in any customer service organization that is paid to provide customer service.

Finding No. 87 – Within the DRP staff there appears to be confusion with respect to who the customer actually is. When asked the question "Who is your customer?" the responses ranged, regardless of rank, from "the public," to "the applicant" and, "the City Council."

Recommendation – Define exactly who the DRP's customer is and treat it as a constant focus of attention. Defining the customer is a prerequisite to efficient customer service.

Finding No. 88 – An insufficient number of DRP staff have attended the Human Resources Department's formal customer service certification program and some of the personalities (because of a lack of communication skills, negative attitude, bureaucratic beliefs, etc.) of some of the staff occupying key positions in the DRP are not conducive to effectively solving customer relation issues and/or working in a professional manner with other employees in the DRP.

Recommendation – Require all of the DRP staff to attend the customer service program as soon as possible and identify and assist those in key positions who need remedial training and career coaching.

Finding No. 89 – Locating fire inspection personnel in fire stations may widen the mission-understanding gap and organizational culture differences between the Fire and Rescue Department and the other elements of the DRP.

Recommendation – Consider the pro' and con's for continuing to office fire inspectors in fire stations against the overall mission of fire inspectors in the land development process.

Finding No. 90 –Telephone customers frequently complain about being switched from person to person because staff often does not know to whom the call should be referred to.

Recommendation – Develop a training/education process designed to minimize the necessity of having to switch calls. A comprehensive approach to this might include an advanced automatic phone system, better web site design, a unified development manual, better training for new hires, etc.

Finding No. 91 – The effectiveness of the Office of Business Development (OBD) staff with respect to assisting a property owner move through the DRP has been marginalized because of the customer-resistance view held by other DRP staff.

Recommendation – Assign the OBD “walk through” staff to the Implementation Committee discussed in Chapter 6 Plan of Action and use their “friction point” knowledge and experiences to improve the overall efficiency of the DRP.

Finding No. 92 –The different and sometimes conflicting organizational cultures surrounding the DRP impede quality service.

Recommendation – Use a combination of leadership, quality management, education and resources from the Human Resources Department to develop and continually reinforce a distinct culture for the DRP staff.

Finding No. 93 – DRP Permits often expire without either the City or customer realizing it.

Recommendation – Track all issued permits and provide the customer with a reasonable notice before the permit lapses.

Finding No. 94 – There are limited up-to-date operating (desk) manuals for DRP plans check personnel to use as a reference and guide for their activities.

Recommendation – Each work element in the DRP should provide it's staff with an updated operating manual that "fits" with the DRP comprehensive desk manual that was discussed in Finding No. 5. The responsibility for this should be assigned to the directors of the development review departments and reviewed by the DCM-D.

Finding No. 95 – The development community believes that planners should be well-qualified professionals who are encouraged to have meaningful input with applicants. The current view of the design community is that the planners in the Planning and Development Department are "process bunnies" whose purpose is to check the right boxes on the processing forms.

Recommendation – Management needs to consider whether the role of the planner needs to be redefined and/or changed. Underestimating this image problem will continue to reinforce the view that the department's planners are not there to facilitate real planning but are there to push paper.

6.6 Summary and Conclusions

Based on input from the DPR staff at all levels it is apparent that the review and inspectional process is at times delivered beyond quality to an overly restrictive product; at a pace which is sometimes leisurely; and, all too often at a cost to the customer that was not necessary.

During the building boom days the design community made money at the expense of its clients because of the DRP's inefficiencies. The extra costs of getting a project approved and under way were viewed by the developer as "a cost of doing business." It was a "do whatever it takes to start moving earth" environment. In fact, a cottage industry of runners and applications/plans chasers was created just to move plans and applications through the DRP. Now, with the radical shift in the economy, the development communities in Southern Nevada and across the country are not going to accept inefficiency in the municipal review and inspection process so readily because they simply can't afford it. Builders in urban growth areas such as the Las Vegas Valley will use efficiency and predictability of the land development review and inspection

process as a major component of their decision-making process with respect to where they will build. In a very real sense the customer service attitude and efficiencies with which a municipal jurisdiction applies to its land development management will determine its economic growth more than ever. The jurisdictions of the City of Las Vegas, Clark County, Henderson and North Las Vegas will be in direct competition with each other for land development.

So long as the DRP staff remains committed to excellence that is measured by metrics rather than self-appraisal, then the goals of efficient review and quality code compliance are attainable. Good, solid and objective debate with respect to the findings in this report by the implementation committee, followed by workable solutions will address most of the concerns expressed by the DRP staff and the development community. And those actions will elevate the efficiency of the DRP to the level expected by the City Manager and the City's elected officials.

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Appendix A

Questions and Lines of Inquiry

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Questions and Lines of Inquiry

Among the questions the consultants asked the development review related departments in order to understand and overcome the procedural and administrative barriers to efficient land development were:

1. Where do system log jams occur and are they procedural, territorial or overload related? Please rank the order of logjam "causes" (most frequent cause ranked #. 1):
 - ☐ Lack of staffing
 - ☐ Lack of skills and knowledge
 - ☐ Ineffective managerial Systems
 - ☐ Lack of technology
2. Is there a presumption that approval will be granted if development standards are met or does each customer have to "prove up" his/her case?
3. Is an effective one-stop permitting system in place so that the process is not affected by the absence of staff availability or workload of an individual staff member? Has the staff been adequately cross-trained?
4. Are key terms clearly defined and is simple, direct language used on the department's forms and handouts?
5. Are approval process checklists and flow charts easy to understand?
6. Are the submittal requirements clearly stated in the appropriate level of detail?
7. Are time frames/limits for reviews and approvals to ensure timely decisions sufficiently spelled out?
8. Are pre-application conferences timely and well-managed?
9. Are there interdepartmental review committees with a designated coordinator/ombudsman? Does this position have sufficient authority to override interdepartmental differences?
10. Are computerized tracking systems used that have the ability to tell an applicant the status of their application, and to more readily identify coordination problems between agencies?

City of Las Vegas Development Review Process Efficiency Analysis

11. Are concurrent, not added or sequential, reviews used whenever possible?
12. Are applications ranked or placed in a hierarchy or importance?
13. Can more decisions to be handled administratively, i.e. with less review by oversight groups?
14. Can multiple public hearings be consolidated?
15. Can appropriately qualified development community architects/engineers sign-off for ordinance/code compliance?
16. Are the time frames for inspection of constructed improvements and release of performance bonds or guarantees specific and adhered to? Are they followed up?
17. Are combined site inspections to final out a project used?
18. Is there a more efficient way to manage the inspection program?
19. Are ordinances/codes evaluated on a regular basis? Are old, not-needed ordinances/codes culled out periodically?
20. What paperwork can be eliminated or replaced with technology?
21. Are policies and procedures clear?
22. Is there adequate space for filing and storage?
23. Is the concept of being "on time" and meeting deadlines fully embraced by all staff?
24. Is the partnership with other development related department's inspectional staff clearly defined?
25. Do supervisors receive adequate supervisory and human resources training?
26. Are effective work product accountability standards in place?
27. When management requires change, is there a formal process for assuring that change will be made?

Appendix B

Some DRP Best Practices Cities

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Appendix B
Some City Best Practices

Best Practices Cities

Tallahassee, Florida

Multi-Departmental Electronic Development Review Initiative

To design the Multi-Departmental Electronic Development Review Initiative, Tallahassee first created a subcommittee with staff members representing the following departments: Growth Management, Planning, Public Works, Utilities, ISS, and the Treasurer Clerk's Office. Over the course of one year, the committee members developed a plan for an Electronic Review Process that would enhance the efficiency of the development review process; increase the ease of document retrieval and access; reduce the cost of review for the private sector; and decrease the amount of paper and hard copy storage space needed. In the first two years, more than 868,500 pages of DRC-related documents have been scanned into the electronic system, and the initiative has helped the City successfully reach its goals. Phase II of the project, which calls for a complete elimination of paperwork through the submittal of electronic development applications, is the next step.

Details :

Doug Moore, Business Unit Systems and Applications Coordinator
City of Tallahassee
Growth Management Department
300 S. Adams Street, Box B-28
Tallahassee, FL 32301 -

Wichita, Kansas

Development Assistance Center

Wichita's Development Assistance Center provides excellent customer service and streamlined city processes for the real estate development community. The Center serves as the initial point of contact with the city for significant development projects, arranges preliminary development conferences, provides a central point of continued contact for developers, ensures that schedules are maintained, coordinates issues between departments, provides a problem-solving resource, and provides information about development projects to the city manager. In addition to services for developers, the Center coordinates public-private development partnerships, monitors the development review process, provides a focal point for continuous improvement of the development process, provides customer outreach and education, and establishes and maintains communications with the development community. The program significantly reduces review times in all of the city's development processes.

Details :

Terry Cassady, Development Assistance Director

City of Wichita
455 North Main Street
Wichita, KS 67202

San Diego, California

San Diego overhauled its 30-year-old zoning code to eliminate inconsistencies, reduce confusing or inequitable regulations, address unique community features, and overcome public skepticism of the development review process. The city wanted to streamline the development process to encourage development of more livable communities. The city council insisted that the review process be collaborative, involving the public, city staff, and developers. A voluntary citizens advisory committee reviewed the code with input from federal, state, and local government and environmental agency representatives. The city held 300 public forums on draft regulations, resulting in a sense of ownership and balanced compromises on difficult issues. The new code reduces regulatory language by 35 percent, decision processes from 23 to five, and permit types from 20 to seven. It encourages smart growth design principles with higher density residential development and variable setbacks in urban areas. This program won a 2001 Helen Putnam Award for Excellence in the category of Land Use and Environmental Quality from the League of California Cities.

Details:

Kelly Broughton, Deputy Director
City of San Diego ..
Development Services Department ~
202 C Street, 10th Floor
San Diego, CA 92101

Lee's Summit, Missouri

Lee's Summit created the Development Review Process Handbook to streamline the development process and minimize delays for design professionals and the development community. It is available in book form, as well as on the Web and CDROM. The handbook offers application forms, as well the checklists examiners use when they evaluate a plan. It also provides average timelines; the fee schedule; requirements for rezoning, preliminary and final site plans; a list of reference materials used; and contacts in the city administration.

Details:

Ron Cox, Development Coordinator
City of Lee's Summit
PO Box 1600
Lee's Summit, MO 64063
(816) 969-6828

Appendix C

Focus Group Comments

1. Downtown Development Focus Group Notes
2. Land Use/Entitlement Focus Group Notes
3. Fire Prevention/Sprinkler Systems Focus Group Notes
4. Building Permits Focus Group Notes
5. Drainage Studies, Traffic Studies, and Civil Plans Focus Group Notes

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Appendix C
Focus Group Comments

- 1. Don't know what the purpose of the focus group is.
- 2. Don't know what the purpose of the focus group is.
- 3. Don't know what the purpose of the focus group is.
- 4. Don't know what the purpose of the focus group is.
- 5. Don't know what the purpose of the focus group is.

1. Notes From the Downtown Development Focus Group Meeting

OBD –

- Seemed like a good handholding experience, but very quickly broke down; felt like we were getting entangled, getting told that what we thought were basic things couldn't be or wouldn't be done or would become very time consuming. Told try to review a full site review for a project this small. We came to realize that the process was not working for us and we began to work directly with each department, which seemed, despite the fact it was expensive and time consuming, to speed up the process. Also had problem with Visual Improvement Plans (VIP to improve the facades) process through OBD; it was painful, time consuming, sometimes contradictory – have to submit everything in advance, multiple bids, very complex, then need to wait for Council approval, which could take many months, if any issues get kicked back, start all over.
- Cannot do development or even start building until the entire process is approved, which can be up to 3 months. Our project took almost 2 years.
- \$ are reimbursement dollars, not up front, and it's 1:1 or 1:2 match dollars. Even though it's our dollars, if you don't wait for approval, we don't get the reimbursement.
- Tenant if they apply for VIP, the landlord has to sign as well to be sure there is a responsible party, even if the tenant funds it. Only reimbursed once it is verified that the specific plans are done specifically.
- Actually is a loan, if you pay it back, we are funding it ourselves from business taxes. It works against you that the more money and work you put into the space, the more your taxes increase. We don't actually get anything.
- When I think about Redev, the purpose is to encourage people to develop in those areas. You develop and RDA that has certain incentives to develop there rather than elsewhere, i.e., less parking, less zoning restrictions, less code strictures, etc. If you are working in the RDA, it should be perceived as the EASIEST place to do business. Our experience is that it's been pretty good, at the same time, the timing of it has not been any better than working outside the RDA, which I think is wrong in concept. It should be streamlined and facilitated for people to build.
- OBD is locked with the RDA in the downtown area. If the appropriate people feel the project is of sufficient quality and quantity they will assign you a rep to walk you through all departments, and you both learn new rules in each department. One of the philosophies that have happened in the past is the big items, i.e., building arenas, etc. Forgot the small businesses that have been here all along. We are the people building, not the fantasy arenas, etc. The folks that get the attention aren't the ones building.
- VIP program. New construction building where we relocated an existing business to RDA area, OBD we were told to lay low and they would try to streamline the

process and make it easier. VIP program, open 15 months, but we can't access any VIP funds for signage because the overlay for the Scenic Byway overlays the building and we are being held to Scenic Byway standards while the CCR is a lower level and we still don't have signage. We still can't put a sign up because if we don't do it to comply with Scenic Byway standards, we won't get VIP funds and we will have to take it down.

- RDA and OBD are one and the same. No other RDA board. Just planning commission. There used to be.
- There seems to be a conflict in perception as well. Mayor talks about nothing else but downtown redevelopment, but he holds up San Diego as a model of redevelopment, but their requirements are so stringent in downtown CLV for remodeling old building, we wouldn't have ever opened here. You don't have that in downtown San Diego. It's not a comparable model.
- In the end, we were able to go to the director (Bill Arent) and get assistance. He put together a band aid for us to help us. Why can't the VIP funds be retroactive? Meet the criteria, apply, and then get the check. There are alternative ways that aren't told up front to do that. No one in the arts district has gotten any dollars. They are getting grants, but no VIP dollars. Yes, there has been some. Bravo!
- The VIP is only one layer of incentives. It's one of a handful. All are equally as cumbersome, i.e., **THERE IS A ZERO PARKING REQUIREMENT** but none of the agencies want to do it!!!
- We think OBD staff experience as much frustration as we do. Literally OBD staff will talk certain business owners OUT of doing business with CLV, because there is so much slow down in project planning.

PRIORITY LIST:

1. Evolve, modify VIP program to expedite the project. Make VIP retroactive, apply at end of the project.
2. The more money you spend to improve the business, the higher the taxes you pay.
3. Overwhelming culture in CLV that they are doing US a favor and we need to jump through there hoops and we think the roles should be reversed.
4. CLV decision makers seem to have no vested interest in anything that goes on; they don't live here, they don't frequent the businesses, they don't support them.
5. CLV doesn't help with business marketing downtown.
6. Several meetings with several departments where there is attitude that development people who are small business owner is to give MORE to each department, like they are competing. It is just a small cost to the owner, so no big deal, not realizing how much we've spent already on the project. 30% of CLV staff have no ideas of the cost of doing business, or values.
7. Shifting sands in the rules and codes.
8. Centennial Plan standards. When you front to Centennial Plan standards, get ready to spend lots of money. It's enough to make a developer go elsewhere. Centennial rules apply on major street frontage that come from Planning Department. Master Plan for the valley. This is not on the right of way, it's in ADDITION to the right of way. Giving up 15 feet of property not in the right of way. It is **ABSOLUTELY**

PUNISHING!!! Needs to be an easing of the rules. Spirit of the rule is FANTASTIC, but they have to be in a more business-friendly manner. Landscaping is NOT desert friendly landscaping.

9. This is a symptom of something much bigger, namely a disconnect between City and reality redevelopment. If someone lives in Summerlin and they are in the Council, they want to see Summerlin downtown, which is unrealistic. Nothing makes any sense. The whole Centennial plan doesn't make sense for future development. Let the city develop organically, uniquely, with mom and pops that don't have massive amounts of money.
10. Disproportionate allocation of resources to pie in the sky resources, namely Union Park. It's Symphony Park now. World jewelry centers. Stuff 3-5-10 years away that is absorbing staff, council, etc. time and resources. In the arts and entertainment district, we are treated as step children. All of what we are doing draws people down here to live. All of those closing businesses, those getting blown off are the things that are very, very important for the creation of the community. Especially true for the arts and entertainment district. Council brandishes power based on their personal opinion.
11. I think the City has the responsibility to create a master plan and push the vision to have the city make a livable place. The idea of pedestrian spaces that commingle with vehicles, I agree 100%. I think downtown sucks. That's why the master plan is so important. I think purpose of redevelopment is: 1) add to the vision of the recreation of the urban environment in the future; 2) provide funding to allow this to happen, the costs should not be 100% on building owner, city should help fund the plan to do the plan, make it easier for developer to do. To throw out the idea of a better downtown because we don't want to spend the money is a wrong approach.
12. The master plan model should reflect that this is an older, downtown and should reflect that.
13. I would agree with that but you can't place the economic burden on the small business owner.
14. I'm not involved in this fight, but we have to realize CLV is only 104 years old and it's a baby, there is little history here. Here want something for nothing, but also understand there is onerous stuff put on you developers. If the city wants this, they need an RDA that deals only with inner core of the city, and they do approvals, not the city council. City makes us put in additional sidewalks? Whose liability is that? It is pedestrian access easement, not a right a way. City has 100% responsibility. They make the property owner manage the landscape.
15. Theme we've been talking about. We have entrepreneurs and risk takers who want to develop downtown, but it has to make business sense. City doesn't facilitate business downtown right now. It's not just in RDA, it's everything.
16. The city should think of EVERYTHING AS BUSINESS DEVELOPMENT. CITY SHOULD BE ALLOWED TO CONSIDER THE ECONOMIC RAMIFICATIONS OF ALL DEVELOPMENT. That's the killer for not just RDA dev, but all dev. We have a problem with CONDITION CREEP. We can no longer afford condition creep.
17. It's one thing if we have to sprinkler a building, but if we have to do the easement, add this, add that, it creates an overlay that only deep-pocket businesses can be

downtown, it prevents those mom and pops who wants to be downtown from coming in and doing redevelopment.

18. I preferred downtown arts district for my business, but I'm in Clark County. Have two other friends who have been pushed into the county as well. We are being driven out. You want First Friday, downtown arts district, etc. but make it financially impossible for the artist to exist there. It's a COST ISSUE. County facilitates, city puts roadblock.
19. Example, each restaurant in a building has to have its own grease trap in the city, but in the county, it can be a group grease trap.
20. City staffers have no authority to vary from the regulatory environment. The only people who can do it is City Council. Need staff empowerment to be flexible.
21. We could narrow it down, and chose top 8 things that would create a positive domino effect in redevelopment.

DESIRED CHANGES

- 1) Grease traps should be able to be shared in restaurants, or where to place them
- 2) Two items in the code for rehabilitation of existing buildings, i.e. avoid comprehensive review if one story; also ability to add second story without the most time consuming and painstaking process. Do we have to have the full process for a small 2nd story addition or remodel without adding a year? Can only go up one level, then wouldn't have to go through all the process & expense
- 4) Centennial rule easement or subsidy (\$)
- 5) Program of reimbursement for the development for what becomes public improvements, most developers wouldn't have a problem doing it and it would really help the smaller guys
- 6) If City had a program to fund underground utilities in the RDA, get it out of the way now
- 7) Set a guideline everyone can get comfortable with on existing buildings. CLV doesn't have a lot of skills with existing buildings. Publish specific guidelines. Let existing buildings stay within code when built, if less than 20% improvements, let it stay at that level. There is no set policy for that.
- 8) Sprinklering trigger occurs if you make ANY change, even changing a door. The way we look at existing buildings have to change. RX use code from time when building is built to make the existing accommodations.
- 9) Culture of destruction and rebuilding in Las Vegas. It's part of the issue. A culture of saving and reusing is needed and more cost effective.
- 10) PARKING WAIVERS THAT ARE ACTUALLY WAIVERED. Enforcement, costs.
- 11) Waterline upgrades on resubmittal.

There is a desire to have differing requirement for existing codes. Undergrounding utilities is a political issue. The downtown had \$ that, but it was politically repurposed for the suburbs.

If we could change 6 or 8 things, we would feel that the city is partnering with us.

CODE REVIEW ON OLDER BUILDING IS THE SINGLE MOST IMPORTANT THING THAT NEEDS TO BE FIXED.

New performance criteria for new buildings have to be different than performance criteria on existing buildings.

It starts with everyone being on the same page. If we have a common goal to open businesses, everything else falls into place. If we want to have a business, why talk easements and trees. We need businesses open. We need parking. Parking is a massive problem downtown. You need to create demand. There is no customer base. No population density. What are we going to do to create a draw and create a demand? Open more businesses to make a destination and create a demand. Culture should be come to us, we will do everything we can to get your business open.

See if a small business owner to get a project done in 6 months or less.

Inspectors love to say NO. They all start with no. Back to the culture and attitude.

Q: How do we determine how much of RDA pie goes to small business and how much to grandiose projects?? What can be done to ensure small guys that create the energy, synergy, and destinations get a more fair representation of that pie.

A: How much \$ are we bringing to the plate versus someone who will do 3-5 blocks. They will look at the guy who will do 3-5 blocks. THIS ATTITUDE HAS TO CHANGE. You have to give as much outreach to the small as you do the big spender.

Who do we encourage and what do we encourage? Disagree small business is what we are trying to bring. It is residential, not business. Need to bring people first. Commercial development occurs where there are residents, not residents where there are commercial areas.

Initiative through Entitlement – Issues

- OTC approvals used to be easier, staff had authority to do this when small changes were within code, not anymore
- Entitlement process – planning staff has developed paranoia, that changes at the smallest level require a restart of the whole process. The other jurisdictions DON'T do that, they have a percentage threshold for approvals.
- Drainage studies, traffic studies, civil plans don't really exist, takes significant changes. DCDA – double check detector assembly (fire line only) is costly.
- Redlining drawings and updating drawings and resubmitting every single time, make 2-4 week waits.
- Interior lighting requirements in building is a significant issue. Meeting energy requirements is insane. Health district impacts.

- Plan check documents lost within the City. Civil and other. Developers have to make copies, get three new stamps, resign them, give sets to architect to pull out specific sheets, to get final approval.
- City staff professionalism – some are certainly not doing their jobs. 25% of people we came in contact with are not qualified to perform their jobs. I'd say 25% is a low number. People I've dealt with seems to be qualified, but they have advised us to keep down and they would shepherd us through the process to avoid those who love to say No. Lot of attitude like they are doing me a favor and on top of that, attitude that every business owner and developer is wealthy and no limit on how much they can spend or how long they can be delayed. Completely removed from reality of being a developer. Each department asks for a \$15K change, adds up. Part of it is a personality issue too. Employees that get along with certain developers speed those plans, and holding grudges slows plans down. More unqualified people than there should be, but overall there is a minimum level qualification at B&S and P&S, but there is an overwhelming culture of no.
- Has there been an idea to have an ombudsman? Bonnie – there are two, but they have the same problems. Are they empowered? Bonnie – No.
- Some people have way too much power, namely Fire. The departments are in conflict. We feel OBD gets cold shoulder from OBD and P&D? That's part of the culture. It's my job to slow the process down, is the developers' perception of CLV staff.
- Express plans check is unnecessary; it should be SOP, not special process.
- Overstepping of authority with plans check. Unpublished rules, rules out of blue, personal preferences VS published standards. Comments not supported by ordinances.
- Inspection processes; inspectors have hands way too tied. Cannot be flexible when minor changes that don't affect public safety or impact structural or items that don't require engineer – engineers used to sign off and catch it on the as-built. Now, plan revisions are required first. Inspectors don't okay code issues.
- 20 years behind the hillbillies in the Ozarks. <yikes>
- Inspectors don't show up (Fire) when scheduled. Developer employees had to wait two weeks with employees having to be paid. Cost 6-7 business day delay for a final inspection.
- Final inspection, Cof O coordination. All other inspectors were there, but not Fire.
- Problem when inspector disagrees with Plans check. Inspector rejects because of interpretation of code different from plans check interpretation of code.
- Why does anyone have to review my certified, trained and educated plans, especially when the plans checkers, etc. are not as qualified. Reviews should be limited to compliance with code and public safety. Architects and engineers are only human. Not all architects are good architects, we are human. A level of oversight is needed. But if we had a more streamlined process in a reasonable period of time with reasonable cost by qualified people. City tried to move towards no plans check on structural and reversed in less than 3 months because of problems that occurred.

- Consistency among plan checkers is nonexistent. Inconsistency among inspectors is also prevalent. CONSISTENCY.

2. Notes From the Land Use/Entitlement Focus Group Meeting

- CLV Fire Department are employees of the city. Submitted two separate permits for identical purposes, one to city and to fire department, way to combine the two, reduce the duplicate fee, get rid of doing twice the work would be a benefit. Alarm Co to monitor a fire system, we have to submit a permit form to CLV, then submit the exact same form to Fire Department, with two separate fees. It's twice the work. Physically now, electronically copying and sending or physically copying and sending is a waste of time.
- Usually don't have trouble getting them to come out. The real problem is getting everyone to coordinate to be there at the same time. The customer is supposed to coordinate between sprinkler company and monitoring company. If the sprinkler company calls on the final inspect and doesn't let the monitoring company know and we call to pull our F card (monitoring only) then the sprinkler company wants to charge the subscriber to come back, which is an issue on the monitoring side.
- We saw several years ago, fire code changes were made, no public comment period, Fire Protection Engineers are involved in code issues, but we weren't able to participate, which was frustrating with no comment period, which is the new requirement. Bill – changing the code, is there input from the industry? It's done in-house and spread to the attorney's office, no input from outside entities.
- Fire Protection Engineer – the requirements of CLV versus requirements of Clark County and Henderson are often times different and even though CLV participates in the So. Nv. code process, there are difference. It would be nice to have the same code version where Clark County and CLV is the same code version and the same modifications, amendments, and same guidelines being used between CC and CLV. Bonnie – then all you'd have to deal with is different inspector interpretations
- Contractor – smoke panels interpretation of code requirements change. There is supposedly a published guideline, but the plans check bleeds all over them because the guidelines have changed.
- VVWD – CLV does not incorporate approval to be vertically. Secondly we want to be included in the occupancy process.
- Sprinkler retrofit ordinance unique to CLV – requirement that buildings larger than 10K sq feet but have undivided fire at 5K sq, have to be resprinklered, even if they were sprinklered to previous code.

Group Discussion:

Timeliness

How is the city about getting things back to you in a quick and timely manner?

They are pretty responsible now, but if they have any more cutbacks, it could really affect us.

Plans Check:

Predictable, able to build project schedules. Two years ago now, was 6-8 weeks from review, now we are at two weeks.

Is the process the thing that allows the reasonable review time, or is it the economy that allows it? More people to do it, less volume. I'm worried about what's going to happen when things kick up.

What is a reasonable time?

Predictability VS Timeliness – You can't expect a 1-2 week turnaround on a really large project, but it seems like at least in the last two years, that everything has been 3 months, no matter how big it is. It seems like first in, first out, just have to sit and wait, whereas maybe there needs to be some mechanism so that smaller projects can travel through the process quicker.

In sprinkler – fire review side there is an over-the-counter process that works really well that no one else has. It would be best to separate by size. City of Henderson has a scheduling system. Build systems to accommodate project size. Most of us don't expect a 40 story high rise to go through plan review in 2 weeks, but we do expect small projects to do so. We'd like to know when the expected time would be?

How do you separate big and small projects? Contract value is one, # sheets in the submittal, whether it is a TI, shell, or both, square footage, # of devices, # floors, high rise from low rise – breakpoint would be 4-5 stories 55ft. (there is a code definition from high rise we could use). Have to change the division somewhere lower, high rise more than 2 weeks, low rise less than 2 weeks. Some projects are very small, TI have like 38 sprinklers, some have just 2 devices. CLV has more devices or heads. In CC, need a plan for everything. Need breakpoints for smaller jobs in low rises. Something to work out. Where is the median, then draw the lines.

One thing CLV does now, can make an appointment for plan, take an over the counter appointment, take 30-60 minutes for small plans. If it takes longer than 30 minutes, have to submit, takes 2-3 weeks now. Over the counter is same day or one or two days at the latest. Big plus to have that option, over the counter plan review.

Often projects come in quick, want quick overtime. Would be nice to have option to pay extra for OT to get the review done quickly. Expedited lines can slow down – like Clark County.

How do you fix the Expedited process? Add resources, charge more to get the additional resources. If everyone does it, can be same 2 week turnaround. Small jobs, maybe not require plan review, or have a 3rd party plan review where 5 people who can do plan

review and stamp the drawings outside CLV, only thing city would have to do is final inspection.

Does CLV use 3rd party plans check now? NO

Problem with 3rd party would be consistency. Which could become a problem, like in other jurisdictions.

One problem was that cuts were equal across the board, but didn't take into account the complexity and types of work that were getting done, Fire Department took same type of cuts, but larger, more complex workload.

County is 6 week review time, therefore LVFD will give you 6 week review time. That did NOT go well with owners trying to open buildings and increase the tax role of the city. I'm in business of opening buildings, it's what the city should be in the business of as well. I will say FD has been very proactive in trying to get people into the building and make sure the building is safe. I think the 6 weeks comment was out of frustration. You can't change fire protection engineers who review the drawings; that's a 3-4 year process. I would be very concerned that the city maintain the philosophy that we are here to get you into the buildings and open them.

One of the things CLV really needs to work on, esp. in the down time, to bring to developer's attention early on is what LVFR's special requirements are, which are not published. Learn from developers too late. Fire protection mandates need to be discussed early on. Fire engineers need to be involved from the beginning. All of that information needs to be outlined in advanced to the developers and architects BEFORE the contracts are in place.

Bill – question: if you are a knowledgeable fire engineer and the city is using the code, interpreting and using it consistently, in theory, there shouldn't be a lot of unknowns. What causes it to happen that you are blindsided?

Example – the design team is established, contractors aren't on board yet, still in design process. FD is already involved in the front end of the design process. I have to tell architect and owner that I (fire protection engineer) have to do it as a FD mandated. Point is, if these are the requirements, they have to be written down and known at the front end.

Sprinkler designers always get involved with contractor, not with the design team. Don't know why that is that architects could hire fire protection engineers. In Nevada, it's not legal to submit plans without sprinklers.

CLV mandates that until they can submit drawings that a fire protection engineer reviews them. That wasn't written down. Pre-requisites need to be put in place in paper.

Why is it that sprinklers contractors are the only ones who can submit stuff? Why is it different from fire sprinklers and fire alarm systems? It would be a lot faster if that wasn't the case. I think it's evolved over time that the FD when they go to review systems, they need the final set of drawings, not review conceptual documents that get changed. FD require final shop drawings as their permit set. I get that, but same thing could happen with mechanical and electrical drawings, and B&S doesn't require final documents. Just wonder why sprinkler systems should be different. I have agenda that FD and B&S butt heads a lot. I heard rumor that putting FD under B&S department, which would scare me a lot. I think FD is more on their game than B&S, more professional and have a more consistent view of the world. Want them to work better together, so we don't get blindsided.

Do you have a lot of rounds of review, or get to approval quickly?
Get it pretty quick.

Quality

FD – professional on plans check and inspection? Are they quick to do their job, up to date on technologies? Yah, pretty much.

It happens occasionally they have to bump up, but sometimes have to kick it up to higher level. We run across issues we can't find something in the code book, but they want to enforce it on inspection side. It holds up the whole job. They point to Chapter 1 that says they have authority to made decisions. We want the requirements on paper to show the owners.

One example in alarm business – it was older panel, over 10 years old. FD said over 10 years old, whole system has to be changed to bring up to today's code. Nothing in the code book says we have to do it. Factory Mutual stated as long as the panel is in the wall it is fully functional. FD forced the issue, but there is nothing in the code books to state it. Panel couldn't give enough signals to make the FD happy, it could only give them 2 signals; fire, trouble, not panel trouble, gate valve, etc. Was approved 10 years prior, but came in with manufacture date and said they wouldn't honor the panel. There have been several like that. We have to build in pricing and have to double and quadruple pricing to look at the sustainability and replacement. But in the code books, nothing says it has to be replaced, but they come down and force the issue.

That was one of my big 3 items in #16. For older, existing buildings and how to apply the requirements. I don't think anybody in LV valley does a good job on having guidelines and consistency in that regard, especially in CLV in downtown LV with older buildings, they NEED to have a set of guidelines and requirements that are perhaps different than in a brand new building.

Chapter 34 in Building Code is for existing buildings and has a trade off for life-safety. That's an opportunity that I don't think many people have used. Haven't heard of a jurisdiction that made it a policy to go through the analysis for every existing building to

justify what you are going to do. There is a mechanism there, but even beyond that, I would think that both B&S and FD should have some set of guidelines with respect to existing buildings that would get people into the buildings.

None of the jurisdictions adopted the International Existing Building Code for existing buildings. For some reason there is opposition, but there are very clear requirements, depending on the extent of alteration

that one does. Part of it is that all of the renovations that we have done have been major, i.e., dropping it or doing a total gut. For years there have been none in between.

Seems to me that there are a couple overall cultural development themes that we are concerned with.

- 1) Unpublished interpretations B&S and FD refuse to post requirements;
- 2) Appeal process in FD, best we can tell is just do it. Dictatorship. In B&S it is also a dictatorship, just a formal process. Why can we stick with the UBC/IBC appeals process (new code/old code provisions)? B&S has a fire guy, why can't we make it an industry decision. City doesn't use the code provisions for an in-between process, which is the alternative means and methods. The County, at least, has an alternative process in-between. Fire code has the same provision as well.

Processes – we are working through project, have few minor issues to take care of, the inspector is out of town for 10 days, can't swap staff, in FD. Vacations can't be an excuse. If plans examiner is on vacation, we are SOL.

Conflicts between B&S and FD: two different perspectives. One person left example of their paperwork an process to see the duplicate work. Both B&S and FD looks at same thing. B&S looks to verify fire protection, FD looks to verify fire protection. Check for UL/FM approved.

Throughout the process, I believe that B&S and FD do not like each other, at all. B&S and FD do not get along, and that created problems throughout the process. Why? There is competition between FD and B&S to do I don't know what. It's probably throughout jurisdictions, but in the city its worse. FD refused to get on same code as city, and it was not good and no reason for it. Why adopt International Building Code but not International Fire Code? Not sure why culturally the FD butts head with B&S but it needs to stop.

Big issue on large developments are the life safety reports or fire protection reports (terms are interchangeable) that are both B&S and FD. LV B&S has never reviewed these things, which flabbergasts me. FD doesn't review building code stuff. B&S needs to review these reports. High rises require them. That document is the design basis document. Critical building code information that B&S safety needs. Building inspectors

have no idea what's inside this report. They are approving stuff in the field contrary to the fire protection report and the fire inspectors are feeling put upon because they have to enforce these documents.

Inspections – coordinating inspections between CLV, sprinklers. If on permit applications if there is a spot for telephone numbers who will send out information on scheduling times, rescheduling, etc. so all parties will be informed. If the city inspection scheduling person does that.

Best way to communicate with folks? E-mail is best. Hard copy, can flag it, put in schedule, etc.

If when you schedule inspection, to have a check box that would automatically shoot an e-mail out for everyone. Would cut down on a lot of work for scheduling and rescheduling.

Inspection – 3 people show up – sprinkler person, monitoring person, fire, and B&S. If we don't contact sprinkler or monitoring people, it's big cost. Nice when it's together. If one doesn't show up, it costs owners \$. Just not efficient.

Fire Code Changes with no input. There ought to be industry communication prior to any changes. There has been some industry input, but in the past it hasn't been the case in all the area. They will modify 2009 items. Coordinating amendments, but there will be slight differences. It's going to be fairly consistent.

CLV is not changing their retrofit. Don't plan to change it. So it won't be completely consistent. It would be nice if all Clark County jurisdictions would be same so we know what we are dealing with. It's a big stress reliever if technician would know the consistent codes valley wide.

Employees of County and City would be much more interchangeable. Literally, if city was jammed up, someone from County could do inspections if they were both on same code and same interpretations.

Is City toughest anywhere they need to review? Sprinkler retrofit ordinance is the big one. One thing the CLV FD doesn't do as well as Henderson for example, is communicating changes to the code or changes to the interpretation of the code to the engineering community. Can't keep up with all the changes, need updates.

ServiceOne good thing CCFD does is a standing weekly meeting where I can discuss multiple projects, which is a big time saver. I may have LVVWD and Civil Engineer and owner there to discuss one particular project. It is a regular process of discussion so we can keep the projects compliant. If there are specific code interpretations that relate to the projects, hopefully they come up in the discussion. I think developed as a method so that CCFD wouldn't get 40million calls everyday. Came out of when it was an overload, developers found out and joined in. Works pretty well.

Don't necessarily need it in City, but for big projects is excellent. It is predictable from our standpoint and the client's standpoint since we have a regularly scheduled meetings; more definitive to have the standing meeting times.

Published standards for plans check and stick with them. Want more guidelines, be consistent. County offers it now, publish guidelines, checklist, CLV should do the same. As they change things, they update.

Utility approval before final. More fire demands on our system, want opportunity to see if existing infrastructure can support the proposed development before they come out of the ground. Also want, when adding to existing development, to see if existing services are adequate. Need that opportunity in the design process before they ever break ground or have approved plans or permits.

FD website is horrible to use. Info is not up to date. Very difficult to get the applicable code info from the CLV page. You have to know where the stuff is hidden. It needs a total revamp. That is how CLV could really support the FD to do this. We always have to call and ask if that is the current guidelines and FD usually says no.

Chokeypoints: none consistent

Sprinkler retrofit ordinance – city adopted, no one else does it. At what point does the retrofit restart? It's all interpretation.

What else is on the top 3 list? Inspection side – over last year and a half, we've been going through hopefully a streamlining process for the all systems test. In the old days it was everyone from B&S, FD might have 50 people there. It was generally very disorganized. There was an attempt to streamline it. All systems testing needs more work, thought, concerned resources to get it done.

One of the things is that CLV requires for smoke control systems to have a 3rd party verify the system works. I try to encourage FD visit while the 3rd party is out to verify the work so that at the end of the day, FD really accepts the 3rd party report. Trying to get the # down to keep costs down.

Need FD to verify the 3rd party is checking their stuff. It will require they go out at 3am, I don't think they want to do that. But it's needed.

Review all systems testing and have FD accompany 3rd party reviewer as part of their inspection stuff instead of at the very end. Coordinate with B&S so they don't contradict in the all systems test.

3. Notes From the Fire Prevention/Sprinkler Systems Focus Group Meeting

- CLV Fire Department are employees of the city. Submitted two separate permits for identical purposes, one to city and to fire department, way to combine the two, reduce the duplicate fee, get rid of doing twice the work would be a benefit. Alarm Co to monitor a fire system, we have to submit a permit form to CLV, then submit the exact same form to Fire Department, with two separate fees. It's twice the work. Physically now, electronically copying and sending or physically copying and sending is a waste of time.
- Usually don't have trouble getting them to come out. The real problem is getting everyone to coordinate to be there at the same time. The customer is supposed to coordinate between sprinkler company and monitoring company. If the sprinkler company calls on the final inspect and doesn't let the monitoring company know and we call to pull our F card (monitoring only) then the sprinkler company wants to charge the subscriber to come back, which is an issue on the monitoring side.
- We saw several years ago, fire code changes were made, no public comment period, Fire Protection Engineers are involved in code issues, but we weren't able to participate, which was frustrating with no comment period, which is the new requirement. Bill – changing the code, is there input from the industry? It's done in-house and spread to the attorney's office, no input from outside entities.
- Fire Protection Engineer – the requirements of CLV versus requirements of Clark County and Henderson are often times different and even though CLV participates in the So. Nv. code process, there are difference. It would be nice to have the same code version where Clark County and CLV is the same code version and the same modifications, amendments, and same guidelines being used between CC and CLV. Bonnie – then all you'd have to deal with is different inspector interpretations
- Contractor – smoke panels interpretation of code requirements change. There is supposedly a published guideline, but the plans check bleeds all over them because the guidelines have changed.
- VVWD – CLV does not incorporate approval to be vertically. Secondly we want to be included in the occupancy process.
- Sprinkler retrofit ordinance unique to CLV – requirement that buildings larger than 10K sq feet but have undivided fire at 5K sq, have to be resprinklered, even if they were sprinklered to previous code.

Group Discussion:

Timeliness How is the city about getting things back to you in a quick and timely manner?

They are pretty responsible now, but if they have any more cutbacks, it could really affect us.

Plans Check:

Predictable, able to build project schedules. Two years ago now, was 6-8 weeks from review, now we are at two weeks.

Is the process the thing that allows the reasonable review time, or is it the economy that allows it? More people to do it, less volume. I'm worried about what's going to happen when things kick up.

What is a reasonable time?

Predictability VS Timeliness – You can't expect a 1-2 week turnaround on a really large project, but it seems like at least in the last two years, that everything has been 3 months, no matter how big it is. It seems like first in, first out, just have to sit and wait, whereas maybe there needs to be some mechanism so that smaller projects can travel through the process quicker.

In sprinkler – fire review side there is an over-the-counter process that works really well that no one else has. It would be best to separate by size. City of Henderson has a scheduling system. Build systems to accommodate project size. Most of us don't expect a 40 story high rise to go through plan review in 2 weeks, but we do expect small projects to do so. We'd like to know when the expected time would be?

How do you separate big and small projects? Contract value is one, # sheets in the submittal, whether it is a TI, shell, or both, square footage, # of devices, # floors, high rise from low rise – breakpoint would be 4-5 stories 55ft. (there is a code definition from high rise we could use). Have to change the division somewhere lower, high rise more than 2 weeks, low rise less than 2 weeks. Some projects are very small, TI have like 38 sprinklers, some have just 2 devices. CLV has more devices or heads. In CC, need a plan for everything. Need breakpoints for smaller jobs in low rises. Something to work out. Where is the median, then draw the lines.

One thing CLV does now, can make an appointment for plan, take an over the counter appointment, take 30-60 minutes for small plans. If it takes longer than 30 minutes, have to submit, takes 2-3 weeks now. Over the counter is same day or one or two days at the latest. Big plus to have that option, over the counter plan review.

Often projects come in quick, want quick overtime. Would be nice to have option to pay extra for OT to get the review done quickly. Expedited lines can slow down – like Clark County.

How do you fix the Expedited process? Add resources, charge more to get the additional resources. If everyone does it, can be same 2 week turnaround. Small jobs, maybe not require plan review, or have a 3rd party plan review where 5 people who can do plan review and stamp the drawings outside CLV, only thing city would have to do is final inspection.

Does CLV use 3rd party plans check now? NO

Problem with 3rd party would be consistency. Which could become a problem, like in other jurisdictions.

One problem was that cuts were equal across the board, but didn't take into account the complexity and types of work that were getting done, Fire Department took same type of cuts, but larger, more complex workload.

County is 6 week review time, therefore LVFD will give you 6 week review time. That did NOT go well with owners trying to open buildings and increase the tax role of the city. I'm in business of opening buildings, it's what the city should be in the business of as well. I will say FD has been very proactive in trying to get people into the building and make sure the building is safe. I think the 6 weeks comment was out of frustration. You can't change fire protection engineers who review the drawings; that's a 3-4 year process. I would be very concerned that the city maintain the philosophy that we are here to get you into the buildings and open them.

One of the things CLV really needs to work on, esp. in the down time, to bring to developer's attention early on is what LVFR's special requirements are, which are not published. Learn from developers too late. Fire protection mandates need to be discussed early on. Fire engineers need to be involved from the beginning. All of that information needs to be outlined in advanced to the developers and architects BEFORE the contracts are in place.

Bill – question: if you are a knowledgeable fire engineer and the city is using the code, interpreting and using it consistently, in theory, there shouldn't be a lot of unknowns. What causes it to happen that you are blindsided?

Example – the design team is established, contractors aren't on board yet, still in design process. FD is already involved in the front end of the design process. I have to tell architect and owner that I (fire protection engineer) have to do it as a FD mandated. Point is, if these are the requirements, they have to be written down and known at the front end.

Sprinkler designers always get involved with contractor, not with the design team. Don't know why that is that architects could hire fire protection engineers. In Nevada, it's not legal to submit plans without sprinklers.

CLV mandates that until they can submit drawings that a fire protection engineer reviews them. That wasn't written down. Pre-requisites need to be put in place in paper.

Why is it that sprinklers contractors are the only ones who can submit stuff? Why is it different from fire sprinklers and fire alarm systems? It would be a lot faster if that wasn't the case. I think it's evolved over time that the FD when they go to review systems, they need the final set of drawings, not review conceptual documents that get changed. FD require final shop drawings as their permit set. I get that, but same thing could happen with mechanical and electrical drawings, and B&S doesn't require final documents. Just wonder why sprinkler systems should be different. I have agenda that FD and B&S butt heads a lot. I heard rumor that putting FD under B&S department, which would scare me a lot. I think FD is more on their game than B&S, more professional and have a more consistent view of the world. Want them to work better together, so we don't get blindsided.

Do you have a lot of rounds of review, or get to approval quickly?
Get it pretty quick.

Quality

FD – professional on plans check and inspection? Are they quick to do their job, up to date on technologies? Yah, pretty much.

It happens occasionally they have to bump up, but sometimes have to kick it up to higher level. We run across issues we can't find something in the code book, but they want to enforce it on inspection side. It holds up the whole job. They point to Chapter 1 that says they have authority to made decisions. We want the requirements on paper to show the owners.

One example in alarm business – it was older panel, over 10 years old. FD said over 10 years old, whole system has to be changed to bring up to today's code. Nothing in the code book says we have to do it. Factory Mutual stated as long as the panel is in the wall it is fully functional. FD forced the issue, but there is nothing in the code books to state it. Panel couldn't give enough signals to make the FD happy, it could only give them 2 signals; fire, trouble, not panel trouble, gate valve, etc. Was approved 10 years prior, but came in with manufacture date and said they wouldn't honor the panel. There have been several like that. We have to build in pricing and have to double and quadruple pricing to look at the sustainability and replacement. But in the code books, nothing says it has to be replaced, but they come down and force the issue.

That was one of my big 3 items in #16. For older, existing buildings and how to apply the requirements. I don't think anybody in LV valley does a good job on having guidelines and consistency in that regard, especially in CLV in downtown LV with older buildings, they NEED to have a set of guidelines and requirements that are perhaps different than in a brand new building.

Bill – one of the issues is going to be downtown buildings. If we are to make the shift and the code isn't clear, what would you recommend to the city on how to deal with it?

Chapter 34 in Building Code is for existing buildings and has a trade off for life-safety. That's an opportunity that I don't think many people have used. Haven't heard of a jurisdiction that made it a policy to go through the analysis for every existing building to justify what you are going to do. There is a mechanism there, but even beyond that, I would think that both B&S and FD should have some set of guidelines with respect to existing buildings that would get people into the buildings.

None of the jurisdictions adopted the International Existing Building Code for existing buildings. For some reason there is opposition, but there are very clear requirements, depending on the extent of alteration that one does. Part of it is that all of the renovations that we have done have been major, i.e, dropping it or doing a total gut. For years there have been none in between.

Seems to me that there are a couple overall cultural development themes that we are concerned with.

- 1) Unpublished interpretations B&S and FD refuse to post requirements;
- 2) Appeal process in FD, best we can tell is just do it. Dictatorship. In B&S it is also a dictatorship, just a formal process. Why can we stick with the UBC/IBC appeals process (new code/old code provisions)? B&S has a fire guy, why can't we make it an industry decision. City doesn't use the code provisions for an in-between process, which is the alternative means and methods. The County, at least, has an alternative process in-between. Fire code has the same provision as well.

Processes – we are working through project, have few minor issues to take care of, the inspector is out of town for 10 days, can't swap staff, in FD. Vacations can't be an excuse. If plans examiner is on vacation, we are SOL.

Conflicts between B&S and FD: two different perspectives. One person left example of their paperwork an process to see the duplicate work. Both B&S and FD looks at same thing. B&S looks to verify fire protection, FD looks to verify fire protection. Check for UL/FM approved.

Throughout the process, I believe that B&S and FD do not like each other, at all. B&S and FD do not get along, and that created problems throughout the process. Why? There is competition between FD and B&S to do I don't know what. It's probably throughout jurisdictions, but in the city its worse. FD refused to get on same code as city, and it was not good and no reason for it. Why adopt International Building Code but not International Fire Code? Not sure why culturally the FD butts head with B&S but it needs to stop.

Big issue on large developments are the life safety reports or fire protection reports (terms are interchangeable) that are both B&S and FD. LV B&S has never reviewed these things, which flabbergasts me. FD doesn't review building code stuff. B&S needs to review these reports. High rises require them. That document is the design basis

document. Critical building code information that B&S safety needs. Building inspectors have no idea what's inside this report. They are approving stuff in the field contrary to the fire protection report and the fire inspectors are feeling put upon because they have to enforce these documents.

Inspections – coordinating inspections between CLV, sprinklers. If on permit applications if there is a spot for telephone numbers who will send out information on scheduling times, rescheduling, etc. so all parties will be informed. If the city inspection scheduling person does that.

Best way to communicate with folks? E-mail is best. Hard copy, can flag it, put in schedule, etc.

If when you schedule inspection, to have a check box that would automatically shoot an e-mail out for everyone. Would cut down on a lot of work for scheduling and rescheduling.

Inspection – 3 people show up – sprinkler person, monitoring person, fire, and B&S. If we don't contact sprinkler or monitoring people, it's big cost. Nice when it's together. If one doesn't show up, it costs owners \$. Just not efficient.

Fire Code Changes with no input. There ought to be industry communication prior to any changes. There has been some industry input, but in the past it hasn't been the case in all the area. They will modify 2009 items. Coordinating amendments, but there will be slight differences. It's going to be fairly consistent.

CLV is not changing their retrofit. Don't plan to change it. So it won't be completely consistent. It would be nice if all Clark County jurisdictions would be same so we know what we are dealing with. It's a big stress reliever if technician would know the consistent codes valley wide.

Employees of County and City would be much more interchangeable. Literally, if city was jammed up, someone from County could do inspections if they were both on same code and same interpretations.

Is City toughest anywhere they need to review? Sprinkler retrofit ordinance is the big one. One thing the CLV FD doesn't do as well as Henderson for example, is communicating changes to the code or changes to the interpretation of the code to the engineering community. Can't keep up with all the changes, need updates.

ServiceOne good thing CCFD does is a standing weekly meeting where I can discuss multiple projects, which is a big time saver. I may have LVVWD and Civil Engineer and owner there to discuss one particular project. It is a regular process of discussion so we can keep the projects compliant. If there are specific code interpretations that relate to the projects, hopefully they come up in the discussion. I think developed as a method so that CCFD wouldn't get 40million calls everyday. Came out of when it was an overload,

developers found out and joined in. Works pretty well.

Don't necessarily need it in City, but for big projects is excellent. It is predictable from our standpoint and the client's standpoint since we have a regularly scheduled meetings; more definitive to have the standing meeting times.

Published standards for plans check and stick with them. Want more guidelines, be consistent. County offers it now, publish guidelines, checklist, CLV should do the same. As they change things, they update.

Utility approval before final. More fire demands on our system, want opportunity to see if existing infrastructure can support the proposed development before they come out of the ground. Also want, when adding to existing development, to see if existing services are adequate. Need that opportunity in the design process before they ever break ground or have approved plans or permits.

FD website is horrible to use. Info is not up to date. Very difficult to get the applicable code info from the CLV page. You have to know where the stuff is hidden. It needs a total revamp. That is how CLV could really support the FD to do this. We always have to call and ask if that is the current guidelines and FD usually says no.

Chokepoints: none consistent

Sprinkler retrofit ordinance – city adopted, no one else does it. At what point does the retrofit restart? It's all interpretation.

What else is on the top 3 list? Inspection side – over last year and a half, we've been going through hopefully a streamlining process for the all systems test. In the old days it was everyone from B&S, FD might have 50 people there. It was generally very disorganized. There was an attempt to streamline it. All systems testing needs more work, thought, concerned resources to get it done.

One of the things is that CLV requires for smoke control systems to have a 3rd party verify the system works. I try to encourage FD visit while the 3rd party is out to verify the work so that at the end of the day, FD really accepts the 3rd party report. Trying to get the # down to keep costs down.

Need FD to verify the 3rd party is checking their stuff. It will require they go out at 3am, I don't think they want to do that. But it's needed.

Review all systems testing and have FD accompany 3rd party reviewer as part of their inspection stuff instead of at the very end. Coordinate with B&S so they don't contradict in the all systems test.

4. Notes From the Building Permits Focus Group

- Communications with the design industry and architects and the CLV. Procedures change and we don't know about it until we file. We miss new forms, applications, different number of drawings. Policy changes need to be communicated. Open e-mail to everyone involved in the process. When the county made changes to the zoning ordinance, they would send it out on the e-mail and mailing lists. Use AIA.
- It is important that customers get notified. It's important to do more than just AIA, since many people don't have access. There needs to be an avenue for non AIA people. Bill – ultimately an e-mail list or thoroughly up to date website.
- Projects with support from the 10th floor are treated vastly different from other projects all the way across the board. When a call comes down from the 10th floor, the process goes more smoothly. Council gets their hands on stuff and either pushes it through or slows it to a stop. Damage control is an issue. Influence is an issue. When a phone call gets made, it can be problematic.
- B&S has terrible problem with us/them mentality and culture of mistrust. Developers are bad; architects are trying to get away with stuff.
- Consistency issues. Two different plans checkers interpret the same plans differently. They interpret the code vastly different than the other jurisdictions.
- Civil engineers, civil works department. Mayor wanted to raise fees and wanted the industry behind them. He promised that he would straighten out the Public Works process. Civil engineers are part of the process and they impact building permits. Public Works has improved somewhat, but still takes forever. Bill – each department has its own time frame, they don't look in between departments.
- In their defense, they do work their tails off. The issue of silos with PW is a separate issue. We go express plan check for the simple reason to pull them together. Entitlement process, if there was a way to plus or minus 5% the area, or generally appears as the concept, so that it is just an administrative change rather than starting the process over, it would be very helpful. Bill – it's clear that entitlement issues are the biggest, if Council has to put a condition on it, or there is even a minor change, the process starts over.
- Bonnie – how is the Express Plans Check working out? Is it positive? Express plans check works. It's a positive in the City. Not sure why we have to do it in order to get everyone together, but at least there is a way to get everyone together. Last 4-5 projects we've done express plans checks, and everyone gets together and it makes it much easier. The only negative thing is that once the express plans check is done, it slows back down to the regular process.
- We do every project through expedited plans check. The fact that we HAVE to have the expedited plans check to get it done is a problem. There is no project that doesn't have a time constraint. Bonnie – so you wouldn't mind paying the expedited fees as a normal fee to keep this process as the standard? There isn't a single client who has been unwilling to pay extra to get good and fast service.
- Need a different approach for small projects, such as a block wall, as compared to larger projects. County has a really good system on inspection reports, at City have to call and try and reach someone. There are no assigned staff members who work with us and are accountable. It's a challenge.

- Appeals process is ridiculous, especially now. County has established method of establishing an alternative means and methods process. To my knowledge, the city doesn't even entertain this process; you just have to go to the appeals board. Wastes a lot of peoples time. County is more efficient, but not trying to give credit to the county as they are irritating every single day.
- IBC adopted performance-based design; city chose to go with prescriptive based design, where county adopted it.
- One of our biggest problems is for small and medium sized jobs when we have a job requires placing water service, at least half as much time as the whole job to get the permit, we need a streamlined way to get the process done. Say, if job is under \$3000 expedite. Same thing, why do I need to through plan check if I'm replacing a single pipe or something like that? There needs to be more involvement with the Internet, honestly. So we can get the permit and be done and out of there.
- Drawing integration process at the city, we have to do it ourselves, which is a big problem as we have to physically insert them and it is prone to errors. None of the other jurisdictions have us insert our own drawings. When our employees have to follow city policies on insertion, it's a big problem. It's a complicated job the city should do for us like the other jurisdictions do. The Holy Grail is the electronic plans submission.
- Clerical errors by the city cost clients hours to fix missing paperwork. Just another place to point fingers.
- One issue is now, with the lay offs, and is that everyone is afraid for their jobs. They are caught between operating as efficiently as possible and still be accountable. Have to get past that to be accountable.
- Disgruntled employees in plans review versus inspections. Inspectors reject something the plans review people accept. It's a VERY serious problem. The inspectors trump the plans checker, in the County they have to work it out, in the City; you have to appeal the inspector, which is why we are in appeals all the time. We do appeal at the county or Henderson or NLV, we just work it out. We have to appeal at the city.
- B&S has to review when there is building code, unless the plans examiner has that, they reject it. Fire protection report not reviewed by B&S. Rod Clark impossible to get a hold of. Rod is qualified, but hard to reach.
- ICC interpretation on code, B&S rejects it. It happens all the time where the city doesn't do ICC interpretation. Rod is a No-man. He's not interested in producing safe buildings; he's interested in enforcing code compliance. Rod isn't good at that. He's got tunnel vision. He's now the head of the appeals board. We used to have more than Rod.
- Huge flaw in the appeals board, the appeals board has the person who rejected you on it.
- In their defense, one of the problems is that they have attorneys looking over their shoulders. If there is an iota of possible problem, they aren't going to stick their neck out and get smacked by attorneys. That's a good point, but that's what the alternative means and methods process is for. Brad Jerbic ends up running the B&S department.

If you submit through ICC, the city is insulated from liability. We think that the city attorney's office influences B&S; they refer to city liability all the time.

- Political fear, justification used is legal liability. B&S is not willing to make the same kind of decisions that other building departments do all around the country. The building official no longer makes the call as he doesn't have the expertise to do it. The only one with that knowledge is Rod Clark, who is a No-man.
- Two basic issues: 1) method, which needs to be revamped; 2) leadership required to run this; and 3) whoever is the Code Official either needs to not accept performance, or will accept it as that is the entire way the process is going for the future.
- Situation requires performance, but city requires prescriptive.
- Unpublished interpretations internal to Building that aren't published. It is the city's policy that "... " but it isn't online, or AGC, etc. Code requirements are there, but the city wants to see it, we end up putting stuff on drawings that are false.
- Residential builds, big problem is communication. If there is a hold up, we are constantly trying to find out why, they don't e-mail or call, communication is just not there.
- On the field side is a stand-in inspector, who bogs up the works until a regular inspector comes back. No documented or communicated issue resolution between inspectors.
- Bonnie – what kind of tools, equipment, and training is needed for them to do their job? We're hearing also environment for decision-making in the city is bad.
- Big issue between FD & Building, how they butt heads. It's a natural friction, not just city. Other jurisdictions reconcile that friction better. The county is a challenge too. For small projects, easier to separate life safety, but on big projects, easier to slip it through by hiring someone to do that work, then B&S will rubber stamp if FD likes it.
- County-wide amendments that the jurisdictions adopt, but all enforce it separately. City tends to ignore it. On codes, plans reviewers are not involved and on their own, have to train the plans checkers. No representation from city's plan checks side on code amendments (electrical side).
- There is a mechanism valley-wide (SNBO – So. Nv. Building Officials), but city is very poorly regarded at SNBO. The city has been widely regarded as a non-participant or a joke. Gone from bad to worse as the Building official is a non-technical guy. Couldn't get the city to sign on to valley wide processes. Because of prescriptive versus performance based design – philosophical difference. IBC is based on performance based design, city adopted IBC, but not performance based.
- Philosophy of city versus everyone else is so adversarial in the field. It appears like it's a badge of honor to shut things down. Time is money for private sector, other entities work with that understanding, partner and help developers, and there is no awareness of that in the city. City doesn't partner for us. Henderson partners, one of the best, to make sure public is safe, but that buildings get built. Everyone tried to get out of the city. Profit drives business and the city doesn't have any conception of that. If city drags the process, we lose profit, so we go elsewhere to an entity who will work with us as a partner.

- Predictability is key to profitability. 100 day schedule is better every time than a schedule that is all over the map. That is the **FUNDAMENTAL PROBLEM**. We charge more for city projects because of the adversarial relationship the city has with other stakeholders and other entities.
- On some inspections, it's easier to save up and pay on the Saturday, rather than to piecemeal it.
- There are some good things in the city. The field inspectors actually look at our drawings. CLV has electrical inspectors that understand the drawings, read them, and enforce them. That's a plus. Henderson has combo inspectors who don't understand or read them.

Group Discussion:

Timeliness

Plans check timeliness - Depends on the plans checker; it's gotten better because there are fewer plans checkers.

Inspections – timeliness is not a problem. City was quicker to roll over anyone else when it was busier. What is a legitimate time frame for an inspection call? **ONE DAY**.

City works real good on same day and emergency inspections. Very seldom do they not work with us on that.

Quality We don't put construction sets for the city to approve, we put it together so the contract will build it. It's a whole different mind set in the city.

CLV weren't plan checking structural, we were for it, but think they are going to have a peer review. We were for structural being plans check. They check calculations, but for a while they didn't have the staff. Their thoroughness is very good.

Online – can check plans check but not inspections. Online inspection tracking is done in other jurisdictions and is really helpful.

Performance based design is the way the world is going, with sustainability, etc. If they don't address this issue, they can't address the mandate of an efficient city.

Service

How often do you have to call a Manager or Council person to get the plans check. Not all the time, but more often than in other jurisdictions. It's a small town.

Inspections – handled by professionals, but every disagreement has to be solved in appeals.

Electrical side, you can go to Randy Hunter, who will make a decision and does it very well. He will research and justify the answer. We may not like it, but they are consistent. Goes back to how long the stop will be.

CFO stage – one issue is that they will catch something that is valid, that could have been easily caught at the rough-in stage. It was installed weeks ago, but could have been

inspected and checked early for a mentality of helping, not hurting us. Slows down buyer getting into the house.

Commercial CFO, it is hard to collate all the NNC solutions or minor clarifications into the set and get them approved. City requires that where other jurisdictions don't.

Intermediate steps would expedite the final report. Owner is always waiting for that final report.

Fire Alarm side hard to get in to CFO meets with coordination.

Physical locations to submit – one building. Moving to the Atrium building. East tower City hall design was really well thought out to help the customer. I hope they continue that with the new city hall.

Us versus them, enforcement VS partnership is a real issue. Have been working through at least 5 city managers who have sought to turn this cultural thing around and were not able to do it. Why can't we change from institutional entity to partner based. This is good news someone is looking from the outside. City is hardest jurisdiction to work with. If city would go to NOV program it would be phenomenal. NOV is notice of violations inspected to see what changes would make without permits.

Need to shift to performance-based to truly build buildings that are efficient and compete in this world, we have to do it.

Appeals board is set up with city internal staff. Needs to have external experts on the appeals board, like with other jurisdictions.

Submit utilities under certain guidelines and processes, which would be very helpful. Also separate counters for separate types of builds. Why should a block wall go to the same counter as a hotel? Makes no sense

5. Notes From the Drainage Studies, Traffic Studies and Civil Plans Focus Group Meeting

Group Discussion:

Civil Plans

Personal preferences in review (by the reviewers – imposing personal style in improvement plans that doesn't affect public safety or right of way). Bill – what do they say when you ask them to show you the code? Typically it ends up in an argument and they say if you want my signature you will do what you want.

Not how can I help, but why should I do this attitude from management all the way down. Pervasive throughout department down to plan check level – Land Development (Wayne Dowdy and Dennis Moyer)

Developers must physically move the mylars between departments. No one in the city is allowed to do so, and it's only three steps between Planning (who calls for the developer to pick up the plans, then turn into Land Development). They used to do it, but don't anymore.

After they have approved plans from Civil, they get sent off to be copied, when developers get approved plans back, they have to make more copies and then go back and resubmit even though there are copies in their plans library. They don't talk to each other. Two status in CLV tracking development process – approved and completed. Water district won't sign until it says completed. This causes big delays. Spend about an extra 100-150 miles and 3-4 hours of the processor's time for the signatures.

Unless 3 line items all say complete, we can't submit total plans to get signed by planning to get engineers. Won't even accept fees.

This issue occurs with even CLV projects.

The departments need to communicate and TALK to each other.

Design side on plans check – that's the personal preference issue.

We do design, show design, they come back with changes. Then when we submit again, same plan checker wants it revised 180 degrees or back to where it was originally submitted, specifically to traffic.

Review times are too high, last traffic study waited 2 months.

Has been instances where tracking the study has been faulty. They will lose it. It was on someone's desk and he/she didn't realize it. Lost/slow because of misplaced studies.

Back in busiest season, I would have waited 4 months, or gone to get replacement sets.

Drainage Studies

Deed access to existing, approved drainage studies. County puts previous studies online. Need the existing studies to update the current study. Have to physically research or track down the original consultants to get copies.

Fees are less in county than working in city, because I can access the old studies from the county website. City has the information, but it is not scanned and not accessible. Bad customer service. The city has access, but the developers don't. It's like looking for buried treasure.

Centennial standards are available, but you have to call and request you the pdf, but they aren't available online and you have to know EXACTLY which one you are looking for. Need more communication, availability of documents, old studies online. GIS mapping, etc.

City could provide lists of related studies.

Generally, we feel that drainage studies go well, however, one thing that is just phenomenal – condo conversions. Make sure it complies with existing draining study, check it, except THEN they wanted us to make improvements, and lots of them. Then it became a moving target. It was the moving target problem that created a headache. Tied to the draining study putting asphalt on adjacent roads or improving sidewalks, which doesn't have anything to do with draining. The list juts got longer and longer and longer. It became so much of a hassle that we stopped doing condo conversions in CLV, kept doing them in all other jurisdictions.

Lack of communication – if studies expire, send a letter notifying developer so they can update and get a current approval letter.

Traffic Studies

Water district is different. Do not NEED permits, plan checks, or inspections on LVVWD build, only need NDOT permits, etc. CLV tries to enforce it and leave blank lines on the bond estimate forms that they fill in later and hit it by surprise. They charge fees arbitrarily. There are no estimates. The new bond estimates are insane. They made it so that the fees don't change, but the amount of the bond changes. Didn't get council approval. Development costs more, so we justify it.

New bond estimate forms are NUTS. It is insane.

Code is clear for storm and sewer, but is very UNCLEAR for water. Almost was written for just customer distribution of power.

If someone makes a call (to the 10th floor), things suddenly CHANGE. Same for traffic and draining. Not so much civil. Traffic has far reaching implications, so it happens quite often.

Often LVVWD will go drill a small hole to maintain the system, Ozzie forces them to upgrade the fire hydrants by refusing them to sign, trying to blackmail them into updating the development. If necessary, they do it under emergency permit. What happens is that they agreed to reimburse LVVWD for the hydrants, but not for the installation. Installation was not even on the street where work was going. Same thing occurred for transmission, forcing updates when it is just maintenance. Can see if it's requirement of developer, but not for basic maintenance and because you are just IN the area.

Timeliness/ Predictability

Imposing personal preference significantly delays it.

If it is not EXACTLY as shown on the improvement, inspectors now force them to make revisions to the plan and submit it again. Cannot just show them in the as-builds. Talking submittal fees, revision times, approvals, etc. Because inspectors aren't allowed to use their knowledge.

Same thing occurs in civil plans, sometimes the change is so small but they still force them to resubmit on the blue lines. In county, if it is not life safety, we can comment and submit without changing the mylar. Henderson FD likes to say blue lines, but if you meet with them, they will be reasonable, but not CLV.

Inspections – LVVWD tries to do the right thing and close out the permits so the contractor does not get any penalty. We do everything we can to get inspections, send letters, call in for inspections, and it still runs a couple of months to close the permit. With the emergency work on distribution side, we have own inspectors go in, then call for their inspectors, then have to renew permits constantly. Then they come back saying

we don't like this small issue, then we have to redo. They then accuse us of not cooperating with them to get the inspectors to come close out permits. Letters will be sent all work is complete 3 weeks prior to permit expiration, if they don't inspect before the expiration date, we have to renew permits. They should go out within 24 hours of receipt of the request for inspection. We are told that LVVWD is treated differently, "when they get around to it" and we are as much a developer as private sector. State law says we don't have to do it, but we still do it. We are ready to go back to not bothering permits. LVVWD will not release contractor from contract obligations until the city inspects it. They are held up for 2-3 months because the city won't close out.

QualityCivil – no problem with professionalism.

Draining – getting new people that still need training, we seem to have to train them. Part of the problem is that people that are reviewers have never worked in the private sector. They've been in public agencies their entire lives and don't understand; there is no sense of urgency. Complete disregard that we are trying to get a job done and make the city better and there is a developer with a load of cash who want to invest it in the city so why does the city start with a No?

This area has TOO much empowerment. Centennial standards are the worst. Same in Summerlin, and their HOA.

Service

Favoritism: Lot of it is just personalities. If there are reviewers you get along with, and the plans go to that person, you'll have an easier time with it. City seems stricter on city projects than non-city projects. Others found the opposite to be true. The wish lists don't appear, private side has cumbersome issues to address or conditions to meet.

Biggest issues:

- Publish standards
- Get rid of personal preference
- Make sure codes are met, don't go outside it
- Departments coordinate with each other
- Take the attitude we are here to encourage development and be here for developer, the attitude would change within the city
- Easier to do development if it is an unimproved area versus a developed area
- Land development doesn't coordinate with design within P&D

Appendix D

Staff Responses to Focus Group Input

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Appendix D
Staff Responses to Focus Group
(continued)

Staff Responses

Bill Kirchhoff summarized the Focus Group meetings: 5 meetings, multiple attendances by developers, 50+ participants; they were civil but frustrated, specific examples were provided, minimal personal attacks. One of the difficulties is applying new codes to the old parts of downtown; until that gets resolved, there won't be much development.

Are we being compared to the Henderson model? NO

What are the top five priorities?

- INCONSISTENCY
- INSIDE POLICY DECISIONS THAT ARE NOT PUBLISHED
- MECHANICS OF THE PROCESS THAT SHOULD NOT BE THERE; EVERY SILO IS MANAGED BY A DIFFERENT BUSINESS SYSTEM AND CULTURE, BUT DEVELOPMENT & REVIEW HAS TO GO THROUGH ALL THESE

If one person said in this organization, we are going to produce the inconsistency complaints and that is our focus for the next year, then everyone could hop to it.

Question of the make-up of the focus groups? Did they include developers, contractors, and engineers? THERE WERE FIVE GROUPS: Sprinkler; Traffic, Civil Plans & Water; Development; B&S; etc.

Bill: I don't see any routine Development Process meetings that deal with these issues, and they should be done almost on a weekly basis.

Chief Bell – I concur, we don't meet, and maybe we should.

Bill: I've never been in a city where the Development team didn't meet on a weekly basis to resolve issues in the process. For example, when engineers and developers have to insert their own changes in the plans; I've never heard of that anywhere.

It was to expedite their process.

Bill: I wouldn't do that; I wouldn't want couriers to mess with city records.

Ozzie – This was an approach to help them speed up the process.

Dennis - The easiest solution would be to have B&S handle all this, but it would require that B&S increase their staff back up.

Bill: We are looking for the BEST solution, not the easiest. Adding staff is not necessarily the answer. One other issue was that plans come up missing all the time.

That and the plan inserts would be addressed with the electronic plans check. What type of missing plans?

Bill: Sets of plans go missing internally; staff has to track down plans to review them.

Chief Klein: Plans check in and check out application in HANSEN does not work. It's cumbersome and takes longer to review check in/check out than to review the plans. The tool we use isn't designed for plans check. HANSEN was designed to count manholes, and has been adapted to do what we do. It's a closed architecture; we don't have control of the software architecture to make changes to make it easier. Our goal is to give the customer what they need in a timely manner.

Bill: We don't want plans to be out and not know where they are.

Dennis - Could establish a librarian, Chris (Knight) and I have talked about that in the past, but it never got done.

Bill: I'm not being critical, just saying while this is low level, it should be looked at. I'm just saying the dialog doesn't happen.

Dennis - It does happen, we do have dialog. Chris Knight discussed the librarian, not sure why it didn't happen.

Yolanda – STAFFING

Ozzie – To do this, we have to have the staffing. We are enterprise funded.

Bill: You may not need additional staff, maybe just balancing staff.

Dennis - In reality, the plan wasn't lost. Just being used by someone else. Has the city ever lost plans? B&S

Rod – yes, rarely. It's usually as simple as one plan rolled into another plan when a reviewer is reviewing multiple sets of plan.

Dennis - When you are talking about time lost looking for plan, what is the comparison with developers having them waiting for resubmittal?

Bill: I'm looking at it at a more fundamental level. Chasing plans costs money.

Dennis - It's an issue that we are working on with the electronic plans review. We aren't going to lose it. It will be PW methods of sending multiple plans out.

Bill: How many plans are actually required? I have yet to get a consistent answer.

Dennis - Depends on what it is for. If you do the entitlement process, it can be up to 22 – 25 sets. Civil requires 5, Fire requires 3, and B&S requires 2.

Ozzie – We need to look at B&S, as they are the hub. We need to get a number of how many to need to prevent loss.

Chief – It's not fair to say they are lost, they are just being utilized.

Bill: Untracked then.

-- Another issue to address is the plan coming up for review, out of order. What if they were set up in order, and so that plans are available by time.

Ozzie – that's a problem there.

Rod – we analyzed it internally and the linear system takes more time than the rotation system.

-- Hansen knows what reviews need to be done; it should open it for those who need it.

Ozzie – I've been asking for that for a long time, but it costs a humongous amount of \$.

Chief Klein– this isn't a Hansen bash-fest, but we've been looking at this for year.

-- We are already getting complaints about how many plans we have to submit.

Bill: but how complicated is that. If you determine the number of plans you need, it's a done deal and a non-issue. Nobody in this org can tell me # of plans needed or received.

Chief Klein– categorized on the type of drawing and project scope. There are different types of reviews.

Bill: Development community anywhere would much rather provide more plans if it will speed up the process.

Dennis - 22 when getting entitlements; then B&S requires 2 sets. They are different drawings. Multiple processes that occur linearly.

Chief Bell – do it this way because to have them submit the entire group of plans is not feasible.

Ozzie – for Construction – 5 sets of civil for all the departments. I think that's where the bottle neck is. Recommend make it 5 to simplify this process.

Bill: I still can't find out how many are truly needed. If 2 gives you a problem and 5 clean it up, why not do 5? There isn't a mechanism here for this type of dialogue and decisions.

Sherri – It was my understanding when HANSEN was being developed that developers would get access and sees all the inspectors' comments. A lot of the contractors in the field still don't have that information. They don't know how many comments are available or what is available. Seems like part of this is misperception.

Bill: here's another example of lack of coordination. If you want a business license, you go to business license, but they send you to P&D for zoning. P&D gives them zoning information. Planner doesn't sign off that they are zoned appropriately, they are just sent back to licensing.

-- Planning does a zoning check in the mainframe system. If denied, then a generic letter goes out, doesn't explain WHY the license was denied. Sometimes the business owner doesn't do their homework but Planning is blamed.

Chief Klein– sometimes it is because the building is not safe to do the business. Planning did their job.

-- Sometimes the applicants don't explain WHAT their business is and zoning depends on that.

Bill: why do applicants have to troop back and forth between facilities and departments? Why can't it take a telephone call?

-- Sometimes in past it was quicker to drive down rather than us to call.

Chief Klein - in all honesty, applicants can use city interactive map to check zoning too.

Bill: is it worth making the adjustments in Finance & Business services to expedite this and so P&D planners don't have to spend time on this?

Bill: Lots of little problems in the process, not departments. Most of the problems are mechanical. Org structure issue may be solved with the DCM over all development departments. Final is org culture. No single culture established.

Sherri – did the focus group participants asked for a single point of contact or list of information?

Bill: yes, the County website for development is much easier to use and more information provided than Clove's site. The goal for the website is to decrease the number of calls received. County only has 2 clicks and into development area. In CLV, almost to 4-5 click level. The developers say we they just call the FD and they tell us. But IT has to have the right information and sites.

Dennis – if we are going to be honest, IT is a major problem. Hansen went out in 2005, phase 2 was started 6 months later and we are still working on it.

Bill: that relates to the whole IT system. The fact you don't have an electronic plans submittal process surprises me. It's the IT side of it. I didn't even think about that you didn't have an electronic tracking system in a city of this size.

Dennis – We have tracking, just not a plan review system. You have to have a stamped set of plans for approval, not for reviews.

Bill: If IT had the system in 5 years ago, when the state law came in, the bugs would have already been worked into the system. My criticism on that is the IT department, not this group.

Bill: Any other questions? My suggestion is that a committee gets established to go through findings and determine which ones are accurate and which are misperceptions.

Chief Klein - I want to address the comments on code changes. In the previous code adoptions, there have always been non-city related people involved. In this group of codes, we have the same people there before and same engineering groups. These comments that we change with no input isn't really true. We have met legal requirements for transparency.

Bill: Typically coming from two different architects from different firms.

Ozzie – sometimes they develop plans a year or so out and the code has changed between the time of submittal and actual build out. We have tried to be proactive, tell developers of upcoming code additions and they complain that it isn't in the code currently.

Dennis – what do you want us to do with this information?

Bill: I will put this in the report, and eventually management will determine how to deal with the report. My guess is that they will go over the feedback and address these issues as issues or as non-issues. It's a customer survey.

Dennis – none of us knew the purpose of this meeting when we started.

Bill: You are talking about stacked silos again. Spoke with DCM and Department Directors and the fact that you didn't know about this meeting's purpose tells me there are still communication issues.

We have two levels of this. The summary report, in the final report, we will stick everything that has been typed up into the final report.

Chief Klein - is there a chance to respond to these comments?

Bill: Not to me. These are just findings that are part of the report. After the report is received, Department heads will go through each finding and validate/invalidate them. They will identify 25 or so priorities, and as a unified group, they will develop a plan of action.

Bill: I will recommend an implementation committee. I strongly encourage the DCM to be involved; a lot of this stuff takes finance and organizational change, but not necessarily the directors. In my findings, they are generally critical because we don't look for the positives. But I can tell you that a lot of the information is wrong.

Bottom line, departments run very well, but the process is horrible. For a city of this size, level of professionalism, staffing level, these problems should occur.

Rod – seems to me the silos occur from the top down. We in the front line talk to each other all the time.

Bill: Like this?

-- Some of them are project based. Not like this for the process.

Ozzie – on the process, it's usually a telephone call.

Rod – We don't live within silos because we can't operate within them.

Bill: Almost all my findings will come from the staff, and the written reports submitted by departments. I doubt there is one thing that I will bring up that staff hasn't mentioned. The flaw is not in the level of professionalism, work ethic, but in the connectivity.

Chief Bell – is there only one way to do that?

Bill: The DCM of development has to spend time on this. That deputy, for a city in this size, has to have 80-90% of his or her time dedicated to development stuff. The caveat is we need someone with a development background to do this.

Chief Bell – then the organizational structure, and the head over development process would be accountable to the DCM.

Bill: If you have a qualified person at DCM level, then all the process stuff could be straightened out.

Chief Bell – could that be a unified command rather than one person, say an SME from each department, work for this?

Bill: Ultimately, in a bureaucracy, there is one final person responsible. The Henderson model uses a task force process instead of one person. Sometimes its personality or interdepartmental tensions, and ONE person (the DCM) has to break the tension and decide what the priorities are. If I got a report as a CM, I would tell the DCM that they have 6 months to get this fixed, so work with your departments to fix the process.

If you had more meetings like this, you could hammer problems out. The development is driving the community; it is more competitive now and will be for the next two decades.

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Appendix E

AIA Las Vegas Input

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Las Vegas AIA

A Chapter of the American Institute of Architects

November 10, 2009

Kirchoff & Associates
PMB LM013
P.O. Box 189003
Coronado, CA 92178 9003
Attn: Mr. William E. Kirchoff, Managing Partner

Dear Mr. Kirchoff,

The efforts of the City of Las Vegas to improve the development review process are greatly appreciated by the Las Vegas Chapter of the American Institute of Architects. Our members care deeply about this City and believe that together we can effect positive changes. You have asked for our input and accordingly, we are providing you with a summary of our concerns.

This letter is presented on behalf of the members of the Las Vegas Chapter of the American Institute of Architects, and the AIA Las Vegas Codes Committee. AIA Las Vegas represents approximately 85% of licensed architects practicing and residing in Southern Nevada. Many of our members are experts on Building Codes and City Planning and have diverse design experience in jurisdictions throughout the Las Vegas Valley and literally across the world. This paper seeks to summarize the sentiment of our organization in the hope that we can build stronger working relationships with all stakeholders in the development process.

The challenges associated with development in the current economic crisis are extreme. Most local architecture firms have receded to their "core" leadership teams, and it is clear that we're not out of the woods just yet. A review of City of Las Vegas processes and procedures couldn't come at a better time. The development community desperately needs help to efficiently and quickly move projects through the City's development review process. To be completely frank, the other local jurisdictions (Clark County, City of Henderson, City of North Las Vegas) currently do it better. These other jurisdictions, while far from perfect, provide a more development friendly process. Simply said – it is less expensive to develop projects outside of the City of Las Vegas, than within its boundaries. Ultimately, this affects City of Las Vegas property values and seriously impacts the economic base.

Through a series of focus groups, architects and design professionals have deliberated on issues that we feel should be addressed in the City's review of the building process. Included here are a series of concerns that, if effectively addressed, could dramatically improve the business environment, and position the City at the forefront of responsible development for the coming recovery.

Building Department

1. Professional Leadership. The City's Building Department recently filled its Director vacancy. While we support this individual's tenure in the position, he does not have sufficient experience in construction, engineering, design, or life safety to serve as the City's Building Official – a technical position of significance in any jurisdiction. The individual who serves as Building Official has ultimate responsibility for the safety of buildings in our community. A competent and experienced technical leader should be identified to serve under the Director, to function as Building Official, and oversee the administration and enforcement of technical issues relevant to

the development process. It is our opinion that the skill set required for this position is not currently available among existing staff members, and the City should seek qualified individuals in a broad regional or national search.

2. Appeals Process. The City Building Department's appeals process needs to be changed to better reflect the procedures of other jurisdictions that handle the process more successfully. In its current form, the City appeals board is comprised only of City staff – plan checkers and inspectors. Few if any of these individuals have the qualifications to pass judgment on highly technical issues where alternate methods of compliance with the intent of the building code are presented. As a result, this board seldom allows construction solutions outside the strict parameters of the prescriptive requirements of the code. This creates myriad problems for developers, contractors, engineers and architects, who are denied when seeking to design and build innovative solutions to complex life-safety issues.

The International Building Code, originally adopted by the City of Las Vegas in 2004, specifies the creation of a Board of Appeals (IBC Section 112), and stipulates that its members, appointed by the governing body (City Council), "are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction (emphasis ours)."

This would be the proper composition of a City Appeals Board, and would allow for the implementation of safe and effective innovative solutions to life safety issues, as well as run-of-the-mill code interpretations and solutions.

3. Regional Consistency. Among the four major local building department jurisdictions, the City is widely considered the most strict, and to some extent, the most arbitrarily strict. It is difficult to understand why the City's building code interpretations, and Fire Code are often so much more stringent than adjacent jurisdictions. Are buildings within CLV boundaries inherently more dangerous than those in the County? In the absence of objective evidence, why are more stringent measures needed in the City? Historically, the City of Las Vegas Building Department has often avoided association, or even communication, with other valley building departments. In fact, it's only been the last few years that the City adopted the same building code as the other jurisdictions. Despite the development community's desire, and the obvious efficiency associated with regionally consistent code interpretations, the City has avoided regional consistency. This adds costs and uncertainty to construction projects within the City, and leaves developers, owners and contractors somewhat at the mercy of the City Building Department, and its internal group of Appeals Board members, not to mention discouraging projects within the City.

4. Unpublished Interpretations. The City has avoided publication of routine code interpretations, and internal code interpretation policies. This frequently leaves the design community guessing as to how the City might interpret even simple issues and conditions. The City rarely shares the interpretations of other local code enforcement jurisdictions, and there is no feasible or fair appeals process. As a result, architects and engineers are forced to redesign, and contractors are forced to build and re build to conform to code interpretations of which they have never been made aware. This needlessly adds significantly both to design and construction costs, and creates unpredictable and costly delays.

5. Superfluous Information Required on Drawings. The City building department requires information be shown on plans submittals that no other local jurisdiction requires. The City requires that approved fire rated and other technical assemblies be copied onto the drawings and printed as part of the plan submittal documents. Architects have been told this is because the City's inspectors cannot carry the basic codes with them in their trucks. This policy has cost architects, engineers, developers and project owners hundreds of thousands of dollars over the years, simply so that inspectors are not required to carry books they already own in their trucks.

During construction, contractors request and architects and engineers provide clarification to the construction documents – it's a normal part of the construction process on all projects, large and small. These clarifications are typically provided on 8 ½" x 11" sheets, usually wet-stamped by the design professional. The City, unlike the other local jurisdictions, requires these 8 ½" x 11" pages be placed on full size drawing sheets for approval by the plans check division. It is reasonable to require these clarifications to be approved by the building department, but requiring them to be aggregated and printed onto full size sheets needlessly delays construction progress, costing untold thousands in additional design and construction fees. We have been told the reason for this policy is to make drawings easier of the City of file.

6. Performance Criteria Not Accepted. The City adopted the new International Building Code (IBC) around 2004. Prior to that date the City used the Uniform Building Code (UBC). The new IBC essentially consolidated the requirements of the three primary codes used throughout the United States – the "Uniform Building Code", the "Southern Building Code", and the "BOCA Building Code," and merged the administrative bodies supporting these codes. The new IBC represented a fundamental shift in the way buildings are analyzed and promoted "Performance Based" evaluation of building assemblies, as opposed to less sophisticated "Prescriptive Based" design. Performance based evaluation allows the designer to present building assembly solutions based on what they *do*, whereas prescriptive based evaluation is based simply on the assembly's physical characteristics, where adequate performance is *assumed*. All the other localities accept performance based analysis, but the City has not accepted this fundamental shift in building design. Instead, they require designers to go straight to appeals, in order to vary from the code's prescriptive requirements.

There is no question it's easier to plan check prescriptive design assemblies, and for smaller, less complicated buildings, this process presents few problems. However, for larger more complex projects, prescriptive based design does not allow for the safest and most innovative, state of the art solutions.

7. Inspection Issues. City of Las Vegas Building Inspectors often over rule plan checkers. Despite what is often an insufficient understanding of building code and life safety issues, inspectors often "fail" constructed work that conforms to the approved permitted plans. When this happens, the contractor has no recourse other than to submit for an appeal hearing, often waiting a week or longer. This causes constant and costly delays in the construction schedule. In the other local jurisdictions, disagreements between field inspectors and plan checkers still occur, but they are usually quickly resolved, often by phone, on the spot.

City of Las Vegas field inspectors rarely quote the reason for rejecting "non conforming" work. If the inspector finds work to be non conforming, he should note on the rejection notice the reason for the rejection, and always provide a specific code reference and/or a specific reference to the detail in the construction documents with which the work does not comply. The lack of these references causes significant construction delays and increased costs.

8. The Cultural Challenge. The City Building Department can at times be somewhat difficult and unhelpful. Design professionals often feel it's an "us against them" mentality. It is difficult for us to understand why the City Building Department doesn't embrace more of a team approach with the Las Vegas Valley development community. We desperately need a strong and sincere commitment to "customer service". This would represent a dramatic cultural shift within the building department, and would position us to address all our issues together. The current culture has been institutionalized, and is deeply engrained, but if we can "fix" just this one problem, we believe all the others would fix themselves.

Fire Department

1. Fire Sprinkler Retrofit Ordinance. The City adopted a Fire Sprinkler retrofit revision to the Fire Code in May 2005, requiring existing buildings, not required to be sprinklered when originally constructed, be retrofitted with new sprinklers, or new Fire Barrier walls.

The amended City Fire Code states: *13.3.2.3.5 Alterations, renovations, tenant improvements, or any change in occupancy use in any existing building greater than 10,000 square feet in total area, that contains an area greater than 5,000 square feet that is not separated by a 2 hr fire barrier, shall require the installation of an automatic fire sprinkler system within the entire building. (Ordinance #5768)*

The problem is the broadness of the “triggering event.” This is being interpreted by the building department and fire department as being required with virtually any alteration, revision or tenant improvement. None of the other jurisdictions apply retrofit requirements in this way, and this one revised clause in the Fire Code has the affect of adding dramatic costs even to the most minor improvements. At a minimum, the City should better define the threshold of work necessary to trigger the sprinkler retrofit, and this threshold should be set fairly high. An appropriate threshold might be:

a. A change in use or occupancy resulting in a use or International Building Code occupancy classification more stringent than that approved with the most current Certificate of Occupancy; and /or b. Improvements representing changes to more than 25% of the floor area.

A change in tenancy in itself should not trigger a retrofit. Neither should maintenance activities, repairs, replacements, etc.

Planning and Zoning

Planning Staff Lacks Authority to do their Jobs Effectively. Planners seem reluctant to express an opinion about a project proposal. Perhaps they fear a reprimand, or some other negative ramification. As a result, planners become simply administrative box checkers. They are not permitted to exercise any judgment, and often present themselves as a “first defense” against virtually all planning applications. They appear not to be well respected among other city staff, and this seems to lead to a well defined avoidance of ownership or responsibility. This results in duplicated efforts and significant additional cost and time for project owners and applicants.

Planners should be mentored in the planning philosophies of their superiors and the City Council. They should be encouraged to provide meaningful input to applicants, and their judgment should be respected by their own and other departments. At the same time, the City should seek well-qualified professionals with a sound grasp of basic and advanced planning principles. As the qualifications of these individuals improve, they will begin to take ownership in the City’s planning process. That’s what it will take to earn greater respect among members of the construction and development community.

2. The Cultural Challenge. In many respects, the Planning Department suffers from many of the same cultural challenges as the Building Department. It sometimes seems to applicants that the goal is to erect as many barriers as possible to slow or completely prevent development. Developers seem to be very poorly regarded and the validity of any development approach is frequently met with skepticism, at every phase. We feel the answer is a more customer friendly and helpful environment to deal with today’s complex applications – a team approach with “buy-in” at every level. We’re building the City together.

3. Superfluous Layers in the Submittal and Review Process. The Pre-Submittal process is unproductive and inefficient. The information provided by City planners at pre submittal

City of Las Vegas Development Review Process Efficiency Analysis

meetings is rarely accurate or comprehensive. When a design professional submits an application, if he/she submits the information noted by the pre submittal planner, the City should accept it. In practice this rarely happens, and most applicants are made to scramble in order to develop additional or revised submittal documentation to avoid missing the filing deadline.

AIA Las Vegas has submitted these concerns honestly and forthrightly, and we trust they will be considered in the spirit in which they are intended – as thoughtful and sincere input. We hope you will not hesitate to contact us should you desire additional input. Thank you for the opportunity to be a part of this important process and we anxiously await the positive improvements surely to occur as a result of our working together.

Yours truly,

Randy Lavigne, Hon. AIA
Executive Director
AIA Nevada / AIA Las Vegas

James Stroh, AIA
Chair, AIA Codes Committee
AIA Las Vegas

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Working Together

*A best-practices approach
to improving the City of Missoula's
development review system*

Submitted to:

Mayor John Engen

Chief Administrative Officer Bruce Bender

City of Missoula, Montana

Submitted by

Dennis M. Taylor

*DMT Consulting
January 2011*

Introduction

I began serving as an elected official for the City of Missoula in 2002, first as a councilman and chair of the Plat, Annexation and Zoning Committee, and, since 2006, as mayor. A recurring theme during the course of nearly a decade in public office is simple: our reviews take too much time, we are inconsistent, we don't communicate well inside and outside of City Hall, we don't work at finding solutions or coming to resolution, we are regulators, not facilitators.

In some cases, those criticisms are exaggerated, but generally they are consistent, persistent and fair. They've been expressed by reasonable folks and confirmed now by three reports: the Mullen Report, the National Community Development Services Report and, now, the Taylor report.

Each of them says we could get better. I think we should try; it's as simple as that.

My hope is that this report is the trigger for the City of Missoula and our partners in Missoula County and the community to work together to execute some of the recommendations this report offers.

Here is what this report and our efforts in this endeavor are not about: This is not an indictment of individuals who've worked hard for the City and County over the years and, in some cases, decades. We've got great people with professional pride working in a system that needs some work. They need the tools and the structure to work together more effectively. This report is not another unfounded shot at the Office of Planning and Grants. Frankly, I believe the planning and grant functions are sound. (In fact, the grants program is a model for the state and region.) It's the delivery of reviews that are in question, and that delivery is the responsibility of departments on a couple of floors of City Hall and the Missoula County Courthouse. This is not about pointing fingers, but about isolating problems and working to solve them.

Dennis Taylor is the right person to provide this report and its recommendations. A very bright, reasonable and experienced public servant and administrator, Taylor has looked at these issues from both sides and finds the measured middle. His recommendations are based on practical, incremental change. His approach is fair, and his interests are honorable.

There's much to consider here, but I think it's important to note that many of the criticisms offered in this report reflect those in an earlier report. We acted only in part then. I hope we do more this time.

John Engen
Mayor, City of Missoula
January 2011

Background

Missoula Mayor John Engen initiated this study in July, 2010, to find ways to improve the Missoula development review process. Mayor Engen and Chief Administrative Officer Bruce Bender hired me, a former city manager with long experience in public administration in Montana, as a consultant to review the structure and organization of current City-County organizations that perform the City review and support private, residential and commercial development within the incorporated city limits of Missoula. The charge was to evaluate the effectiveness and efficiency of the current organizational structure and recommend improvements. In addition, Mayor Engen asked me to identify the steps necessary to provide a "one-stop" customer service model for permitting and licensing services for the citizens of Missoula.

Methods for gathering information

During the five months from July to November, 2010, I interviewed citizens, policymakers and staff to find out their views and opinions on the positive and negative aspects of the planning and development review system and to solicit their ideas for improvements. This study focused on the processes falling under the general planning and development review umbrella with special interest in the planning, building code enforcement and City engineering functions.

More than 70 key internal and external stakeholders, local government leaders, practitioners and other interested people familiar with the Missoula planning and development processes were interviewed. People interviewed included architects, developers, planners, engineers, contractors, builders, lenders, planning board members, city council members, county commissioners, and staff from the Missoula Office of Planning and Grants (OPG), the County Public Works Department, the City Department of Public Works, City Engineering and Building Inspection.

The first task was to determine the strengths, weaknesses and perceived problems of Missoula's planning and development review process. This task involved understanding how things currently work, both from a staff and from a user perspective. That information was described through interviews with key managers and staff in all involved City and County agencies. I also reviewed policies and procedures, the current 2005 Interlocal Agreement, current budgets and previous studies such as the Mullen report (2005), the Best Place Project report (2010) and the Competitive Realities report (2010).

The next task compared the Missoula planning and development review process, organization structure and current practices to the models used by five other Montana cities (the City of Billings, City of Bozeman, City of Great Falls, City of

Helena and City of Kalispell) and selected “best management practices” cities in the region (the City of Eugene, Oregon, and City of Ft. Collins, Colorado.) None has a city-county structure similar to Missoula’s. Planning and development directors, city managers, assistant city managers, chief building officials and various other staff in these cities were also interviewed during the five-month study process.

All together, I consulted more than 80 people to determine their views on ways to improve the Missoula development review process. Missoula stakeholders interviewed have good ideas of what a successful planning and development review system should produce. Everyone interviewed generously shared their time and openly shared their opinions about ways to improve the process. The passion and consistency in the criticism of current processes was palpable.

The underlying problems with the current practice and processes have been a long time in the making. While no single, simple or immediate solution exists for many of the perceived problems with the current planning and development review process, it appears that stakeholders are developing a growing consensus about what must be done.

All those interviewed generally agreed that the City of Missoula needs to develop a modern, effective and efficient planning and development review system. A new, improved system must be faster, better, concurrent, more predictable, customer-focused, and transparent, and it must maintain high-quality community standards and protect the public interest.

Missoula is at a crossroads. After more than two decades of high growth and little time for changing the way things are done, there is now a unique opportunity to implement strategic changes in the City’s planning and development review process. The recent change in leadership at the Office of Planning and Grants (OPG) was a catalyst for the Mayor’s review. Before beginning the recruitment process to find a replacement for the OPG director, Mayor Engen wanted to take a thoughtful, independent and critical look at organizational structures, policies and procedures.

The crippling effects of the economic downturn have also had a significant impact on recent growth, development and economic activity in Missoula and across the region. Since applications for subdivision review, permits and zoning are down, there is time to study, rethink, reorganize, and retool the planning and development review system to improve the way things are done to focus accountability, increase user satisfaction, increase efficiency, and enhance municipal outcomes.

This report to Mayor Engen and Chief Administrative Officer Bender seeks solutions to problems that have plagued the Missoula planning and development review process for decades. Many of the perceived problems are not new. Nor are they unique to the City of Missoula. Communities across the country are struggling to streamline, automate and improve their planning and development review processes for improved redevelopment and economic development.

The City of Missoula needs a clearly articulated municipal policy and approach to planning and development. The City's development process should be clear and reasonably predictable. Both the applicants and their representatives should know what to expect from the process. Conflicting policy direction and poor coordination among the major partners in the development review process—planning, building, and engineering—must be better coordinated and systematized.

The policy challenges confronting the City of Missoula require decisive action, sustained leadership, a clear vision of what an improved and responsive planning and development structure, process and practices should look like, and the political will to make that vision a reality.

Building on strengths

While the current structure is fragmented, it is held together by good people who are technically and professionally competent. The dedicated employees of the City Building, City Engineering and the City-County Office of Planning and Grants work hard to meet the needs of Missoula citizens. Many praised staff for their presentation skills and their professionalism while appearing before the planning board and the governing bodies. City and County agencies were complimented for their public involvement processes and their commitment to citizen engagement.

The recently completed revisions of important planning and development regulations are perceived by all stakeholders as significant. The new City zoning ordinance, Title 20, adopted in November 2009, and City subdivision regulations revisions that were adopted in June 2010 go a long way toward improving the City of Missoula's regulatory and review environment.

Summary of findings

The current planning and development review process is fragmented, sequential, slow, contentious and frequently unpredictable, characterized by disconnected silos of professional and technical review isolated from one another by different processes, timeframes and personalities.

Timeliness

By far, the biggest complaint from stakeholders involves the length of time required for approval of applications, projects and permits. The community generally perceives that the current planning and development review process simply takes too long. The time required to review and approve an application or project seems longer than most other Montana communities. Applicants complain that the lengthy process adds to the costs of projects for homeowners, businesses and developers.

The length of time it takes to process an application or project seems excessive, and therefore costly to many applicants and their representatives. Basic management information on processing times is generally unavailable and unreliable.

There is widespread consensus that the Missoula development review process is broken. All recognized the need to revamp the process that has evolved over the last three decades of high growth and change in Missoula. Stakeholders identified issues with the unpredictability and high levels of complexity in the current review process. Most external stakeholders believe that current development review processes are unpredictable, protracted and confusing for all involved. There is no single entity to walk an applicant through the cumbersome and confusing permitting, licensing, and regulatory procedures.

Inconsistent direction, uneven leadership, agency variation, lack of accountability and City and County differences contribute to the sense that the current planning and development review process is floundering, confused and lacks focus. Under these circumstances, accountability and credibility at all levels of the planning and development review process emerged as common concerns.

Communication

Communication is frequently cited as a major issue. Lines of communication among building, engineering, planning and other reviewing agencies seem nearly nonexistent. Poor communication, lack of overall direction and confusion about City and County priorities further erode the public's confidence in Missoula's planning and development process and undermine staff morale. Building, engineering and planning staff rarely interact, rarely go to the same meetings, do not have relationships and do not share mutual trust and respect.

Leadership

Missoula's planning and development system suffers from a lack of clear, unified leadership. Organizational units are isolated. Isolated silos of single functions and a corresponding tendency toward protection of turf prevent integration and cooperation. City and County officials have conflicting priorities and policies. There are divided political expectations. Many times, City and County lawyers offer conflicting opinions. Tension between the City and County unnecessarily undermines the process. Some staff members find it difficult to serve two masters.

Customer service

The development review and business licensing processes are not customer-focused. Applicants for business licenses have to carry their applications from agency to agency. Applicants complain of inconsistent and unresponsive service. Reviewing agencies and their staff are frequently characterized as being inefficient,

indifferent, and unresponsive to the needs of applicants. Many staff members do not know or care about the rest of the development review process. They understand their specific reviews but fail to understand how their reviews fit into the entire picture.

The development review process is not user-friendly. Applicants complain that the current system is overly bureaucratic and resistant to change. There were frequent complaints that staff members are regulators rather than facilitators. Too many staff members were frequently criticized for not being courteous, helpful or friendly. Current practices and organizational structures create an environment of distrust and mistrust.

Organizational cultures

Reviewing agencies are not in sync with each other. Better coordination is needed. Applicants often get contradictory comments from various reviewers. The lack of coordination among reviewing agencies, as well as among these agencies and project proponents, leads to an overall atmosphere of disrespect for all involved—business community, citizens and their municipality. A fragmented process encourages parties to blame each other when problems arise.

External stakeholders complain of what they perceive as an “us versus them” mentality when submitting applications for review. They feel staff comfort takes precedence over customer service, and procedures seem more important than solutions. It was difficult to separate myth and legend from reality, but these feelings run strong with applicants and their professional representatives.

Over time, perception has become reality for many stakeholders to the point that a culture of contempt has grown unabated. This situation has led to maximum mutual misunderstanding. Many believe that existing practices threaten opportunities for economic development.

In summary, the current process is time-consuming and poorly coordinated. Missoula’s current planning and development review process takes too long, uses too many resources and needs an overhaul.

Action must be taken now to reform the organization structure, implement process improvements and develop a “one-stop” permit information and developmental services center.

Recommendations for improving the organization, policies & processes

These recommendations are focused on enhancing accountability, simplifying processes, expanding services provided over the Internet and ensuring consistency and transparency in the process to provide a better level of service.

Structural & organizational change

Recommendation 1: Consolidate all existing municipal planning and development review functions and staff in a single City department with one department head responsible for managing the entire municipal planning and development review process.

The City of Missoula should designate a lead municipal organization to plan for, provide, and monitor a full continuum of planning and development services. The Mayor and the CAO should create a central coordinating agency that consolidates all planning and development-related municipal functions into a single department. The Mayor and the Chief Administrative Officer are the only people in the City organization that have full scope of the community. Because responsibility for planning and development review is shared among many agencies (Planning, Building, Fire, Attorney, Public Works, Finance), strong municipal leadership is essential to transcend internal organizational boundaries.

(Option 1A): The City of Missoula should consider creating a robust municipal Planning and Development Department.

The City of Missoula should consider creating a robust, modern municipal Planning and Development Department that includes the planning, building inspection and enforcement, city engineering, economic development, community development and neighborhood services including Community Development Block (CDBG) and Home Investments Partnerships (HOME) programs, redevelopment (Missoula Redevelopment Agency), urban renewal, downtown development, housing, historic preservation and parking services (Missoula Parking Commission) in a single administrative agency.

These important functions, together with all current and long-range municipal planning, City engineering services, building inspection and permit review activities, are the core of most of the high-performing municipal planning and development organizations in the region. It is time for the City of Missoula to change and adopt this more integrated approach to planning, development and land use services.

Or, if a more gradual approach is preferred, at the very least the City should create a central coordinating agency for the key planning and development functions of Building, Engineering and Planning in a single municipal agency.

(Option 1B): The City of Missoula should create an integrated municipal Planning & Development Department.

The City of Missoula should create a modern municipal Planning and Development Department that includes the core planning, building inspection, and City engineering functions in a single administrative agency supervised by a single agency head.

Process improvement

Recommendation 2: The City of Missoula should compile a list of “best management practices” for streamlining the planning and development review process.

Several important improvements can be implemented to make the planning and development review process more predictable, consistent and efficient without endangering the standard of review. If these “best management practices” reforms are implemented, they reduce administrative costs, increase customer/user satisfaction, increase clarity and consistency and will allow the City to better manage controversy and conflict. Most of all, these reforms will position the City for economic development without lowering Missoula’s high-quality development standards.

Adopting these basic process improvements will encourage economic development that is appropriate and beneficial to the community. A streamlined permitting process is needed to help get the Missoula economy back on track. High performing cities adopt best management practices, benchmark against other similar high performing cities, relentlessly measure their performance and are committed to a continuous improvement process. High performance is positively associated with heightened customer satisfaction and improved outcomes.

Recommendation 3: The City of Missoula should move from the current sequential review process to a concurrent development review process.

Because reviewing agencies review applications sequentially, the process can be unnecessarily long and tedious. Leadership, improved processes and changes in technology will be required to move from the antiquated and cumbersome sequential review to a concurrent planning and development system. This system will require the cooperation of all reviewing agencies.

Recommendation 4: The City of Missoula should ensure that only one manager is responsible for the overall planning and development review system.

To increase accountability and improve citizen satisfaction, Missoula needs to create one central inter-agency authority to facilitate the planning and construction process from the earliest design stages to a building’s occupancy. The City must be proactive to develop uniform procedures to guide the work of review staff and use a project management approach to review of development proposals.

Recommendation 5: The City of Missoula should use a regularly scheduled multi-member interagency review committee.

The Mayor and CAO should ensure the creation of an interagency committee meeting at the concept review phase and design development phase of every major project. Some cities use the conceptual review check-in, sometimes called the development issues meeting, to improve communication with project developers, builders and the key staff members who will review their applications. It is important to establish a technical review team comprised of representatives from all the reviewing and permitting agencies who meet early in the review process. This multi-member team meeting should provide an initial “heads up” on issues, bring agreement on key issues, and then serve as the check-in and notice team for any changes as a project becomes more refined.

Regular team meetings should be mandatory to allow early technical review of complex and controversial applications. Missoula should use the multi-member team meetings for intake and element and sufficiency review and to conduct more rigorous pre-submittal meetings to screen out incomplete applications earlier in the development review process.

Having all people in the same room at the same time allows the different agencies to review the application concurrently, identifying and communicating issues early in the process to each other and to the applicant. Regular team meetings ensure early assessment of a proposed project and help coordinate responsibilities and project concerns among reviewing agencies.

Recommendation 6: The City of Missoula should use a project manager approach to coordinate permit and subdivision applications and projects.

A project manager approach helps redefine the role of staff in the development review process from regulators to facilitators. The City should assign a single staff person to serve as the project manager, the one point of contact and liaison to reviewing agencies to guide each project through the development review process from beginning to end. The City should establish this central contract person as the applicant liaison, case manager or ombudsman to serve as the primary conduit for the flow of information and the appropriate forms among the applicant and reviewing agencies. The project manager stays involved until the application is approved.

It is imperative that the City establish a project manager for large, complex, controversial projects. A project manager approach leads to improved application management and better communication with customers and helps to expedite the review process. The project manager serves as the applicant’s primary point of contact to answer any questions, resolve issues that affect an application’s flow, evaluate performance of reviewing agency staff and consultants and help keep the application on established time lines to ensure that the applicant gets a decision as

quickly as possible. The project manager should flag permit or application problems early to alert the applicant sooner.

Recommendation 7: The City of Missoula should upgrade the automated permit information system to enable all reviewing agencies, applicants and their representatives to track and manage work activities via the Internet.

The City should develop a single, comprehensive, automated permit information and tracking system. A new, computerized permit tracking system is needed so all reviewing agencies involved in processing, commenting on and approving planning and development review applications use the same system to track critical dates. The system should enable monitoring of service levels provided and also store all plan check comments, annotations, and comments digitally attached to the database record for the application.

Develop a request for proposals (RFP) to evaluate all automated permit information systems that are available. Purchase and implement a new, integrated permitting application software package that will allow electronic applications and plan submittal via the Internet. Implement on-line payment of permit fees. Provide sufficient training for all staff that will use the system.

In an effort to reduce costs and review time, the City should implement a web-based permit tracking system that allows commercial and residential applicants to submit their plans electronically for review. The system should also allow for tracking and status updates online.

Current information technology that allows for downloading forms, submitting applications, checking plans, issuing permits, scheduling inspections and tracking applications is currently available for purchase.

Tracking and status of permits, inspections and registration for contractors can be done via the City's website. Citizens should be able to login, schedule and research the status of inspections, determine whether a permit has been issued, and search for registered contractors. Access should be available 24 hours a day, seven days a week

Recommendation 8: The City of Missoula should work with staff, applicants and applicant representatives to agree on, set and monitor timelines.

The City should work with external and internal stakeholders to create a predictable and timely course of action for permit applications. Staff, applicants and their representatives should agree on timelines for review. Together they should develop uniform time frames for permit processing and decisions.

Once timelines are set, they must be rigorously measured and reported. Contract out development review when timelines can't be met. Some cities consider

contracting reviews to private consultants if necessary to reduce the time for review and to address peak load problems, to foster competition and to ensure timely reviews.

Recommendation 9: The City of Missoula should adopt expedited review alternatives.

Expediting the overall development review process is a common practice in many best practice cities. Divide permit applications into two or more categories based on complexity. Fast-tracking uncomplicated requests provides more time to staff and allows a greater level of scrutiny for more complex applications. Streamlined permitting solutions have been implemented successfully in other municipalities and are designed to save the City and applicants' time, money and frustration.

Cities offer expedited permit review as an incentive for developers to undertake projects that will benefit the community. For example, a project's impact on the local and regional economy may bring about a decision to consider the project worthy of an expedited review. Developers with proven track records for successful completion of projects and evidence of satisfying the City's performance criteria may also be worthy of expedited review.

Expedited review may provide new incentive for key policy outcomes—density, mixed use, downtown redevelopment, workforce housing, infill development or green buildings.

Recommendation 10: The City of Missoula should create easy public access to information, procedures and processes.

The City should provide current, accurate, well-organized information on the City's website. Prepare a guidebook and process flow chart for distribution to applicants. In addition, the City should post the flow chart of the planning and development review process on the website. Provide easier access to policies and procedure. Publish a clear and concise procedural manual. Compile a list of issues and concerns about the development review process. Provide zoning code interpretations to applicants at the permit counter and on the website. There should be readily available handouts and checklists for just about everything.

Recommendation 11: The City of Missoula should train planning and development review system staff to improve efficiency and increase customer-service quality.

The City should regularly train staff to improve efficiency and customer service quality. The City should develop a class to train all members of the planning and development review system in the basics of good customer service and ways to cultivate better relationships with key stakeholders and customers. Staff members

need training on problem-solving skills, communication, customer service and facilitation skills.

Recommendation 12: The City of Missoula should develop and implement customer feedback and evaluation systems.

The City should implement a customer satisfaction survey to be administered upon completion of the development review process to give applicants opportunities to voice their opinions and allow staff to get feedback that can be used to improve the permitting process. This information should be used to improve the process over time.

Recommendation 13: The City of Missoula should create business assistance teams to help applicants negotiate the City's planning and development review process.

In times of economic downturn, some cities have created a special business assistance team (BAT), a quick response team made up of members of Planning, Public Works, Fire, the Missoula Redevelopment Agency and the Missoula Area Economic Development Corporation, to meet with prospective applicants and their design and conceptual teams to cooperatively develop permits and plans. A BAT can enhance the City's outreach efforts to promote economic development in cooperation with the business community.

Recommendation 14: The City of Missoula should create an industry advisory council.

The City should consider creating an industry advisory council similar to the Development Process Advisory Review Board (DPARB) in Billings. This group composed of developers, lenders, architects, engineers and surveyors serves as a dispute resolution process for industry concerns and appeals.

Recommendation 15: The City of Missoula should consider conducting City-sponsored training for architects, developers, planners, engineers, contractors, builders and lenders on submittal requirements.

The City should create opportunities for regular communications with the development review stakeholders. Once uniform minimum acceptable standards for applications are developed, they should be regularly communicated to the development community.

Recommendation 16: The City of Missoula should develop and implement a communications plan to ensure timely, proactive relations with community stakeholders.

Poor communications can be overcome by having an articulated communications plan that is regularly and consistently implemented. The City needs to relentlessly create opportunities to communicate improvements and changes in the development review process.

Recommendation 17: The City of Missoula should conduct an annual survey of architects, engineers, builders, developers to identify satisfaction levels, problems and recommendations for solutions.

The City should be proactive in soliciting information from the user community. At least annually, ask bankers, title companies, real estate brokers, contractors, developers, land use attorneys and others to provide staff with better understanding of the needs of the private sector. City staff should work with the planning and development community to continue to streamline the approval process for development while maintaining the City's high quality development standards. The City should reach out to its core businesses and commercial entities to listen and understand exactly how the economy is impacting their ability to do business and what the City can do to make a difference.

One-stop shop

Recommendation 18: The City of Missoula should create a one-stop permit information and development services center.

There is an appetite and apparent need for a "one-stop" shop for planning and development services in Missoula. The City of Missoula should establish a "one-stop" permit information and development services center for all permit information and applications. The idea behind "one-stop" shops is improved customer service by co-locating of all planning and development review functions in a single, easily accessible location--the same physical location as the other core permitting and reviewing agencies.

A permit information and development service center is the first point of contact for citizens who are seeking planning-related assistance and information, would like to submit plans and applications or want to make contact with specific department staff.

A "one-stop" shop should be the customer service hub of the City's new Planning and Development Department. It manages all phases of the development review process, including the approval of subdivision plats and site plans and the issuance of building permits. "One-stop" shop staff members are responsible for building plan review, conducting building inspections and other engineering issues related to development.

Improved user satisfaction is possible when citizens can obtain more complete and comprehensive information quickly in one location. A new facility should include comfortable meeting rooms and small round tables for face-to-face meetings in a welcoming environment with a feel more like a small café than the traditional service counter. Easy access parking close to the development service center is a must.

A mandate for change and a call to action

Very little has changed with the planning and development process in Missoula since the Mullen report in 2005. External stakeholder satisfaction remains low. Internal stakeholders are ready to make significant changes to improve the City's development review process. The need for change is clear.

Some communities allow the future to happen to them. Successful communities decide the future is something they can create. Comprehensive, effective reform of the Missoula planning and development review system will involve more than the implementation of proposals for reorganization, process improvements and the creation of a "one-stop" developmental services center—although all three approaches will help.

The full involvement of the working staff in each of the reviewing agencies is crucial in reforming the process. Staff members do the work and know what has to get done. And they will be the ones who must carry out the new process improvements and deal with citizens face-to-face.

One thing is clear: If nothing is done, the frustration with the current system will continue to fester. There is a short window of opportunity, economically and politically, to make the recommended changes and improvements. The time for action is now.

Just because "best management practices" work, save money, increase clarity and meet user expectations, that does not necessarily mean they will be implemented and replicated. Strategies for change and improvement are not simply controlled by information or effectiveness. Implementation strategies are required to focus on dissatisfaction, awareness influence, and most important, action. In a financially constrained world, timely execution of an implementation plan is critical. Given the current economic climate, the City of Missoula cannot afford to wait. The community wants and is ready to support a planning and development system that is fast, efficient, affordable, effective, clear and predictable.

It is possible to deliver services seamlessly, without duplication and overlap and without bureaucratic boundaries that impede service delivery. Timely implementation of these process improvement recommendations will improve

citizen satisfaction with the planning and development process, lower the City's cost of regulating construction, increase private investment, raise new tax revenues and create jobs while still ensuring that building meets Missoula's high standard for development, and decisions are made in the spirit of service to citizens.

Resources

The Mullen Report: www.ci.missoula.mt.us/DocumentView.aspx?DID=5435

The Garner Economics Report:
<ftp://ftp.ci.missoula.mt.us/Documents/Mayor/BestPlace/GarnerEconomicsRpt.pdf>

The NCDS Report: <ftp://ftp.ci.missoula.mt.us/Documents/Mayor/BestPlace/NCDSRpt.pdf>

Interviewees

In addition to the individuals named here, I had conversations with a small number of persons I deem credible who sought anonymity for honorable reasons.

John Engen	Mayor	City of Missoula
Bruce Bender	CAO	City of Missoula
James Grunke	Consultant	NCDS
Dale Bickell	CFO	Missoula County
Mike Barton	Interim Director	Office of Planning and Grants
Bob Jaffe	City Council	City of Missoula
Bob Brugh	Owner	RGM Development, Pearl Café
Alan McCormick	Attorney	Garlington, Lohn & Robinson
Mike Hickey	President	First Interstate Bank
Jim Decker	Architect	Decker & Sutherland
Steve King	Public Works Director	City of Missoula
Ellen Buchanan	MRA Director	City of Missoula
Don Verrue	Building Superintendent	City of Missoula
Mary McCrea	Senior Planner	Office of Planning and Grants
Bill Carey	Commissioner	Missoula County
Michele Landquist	Commissioner	Missoula County
Mike Kadas	Former Mayor	
Denise Alexander	Principal Planner	Office of Planning and Grants
Jean Curtiss	Commissioner	Missoula County
Pat Keiley	Planner III	Office of Planning and Grants
Ann Mary Dussault	Former County CAO	
Dave Loomis	Senior Planner	Office of Planning and Grants
Jamie Hoffman	Architect	James Hoffman & Associates
Vince Gavin	Architect	Gavin/Hanks Architectural Studio
Aaron Hanks	Architect	Gavin/Hanks Architectural Studio
David V. Gray	Project Architect	Paradigm V2 Architects P.C.
Carl Posewitz	President	Paradigm V2 Architects P.C.
Don Garramone	Owner	Garramone Builders

Wade Hoyt
Ed Childers
Don MacArthur
Dave Edgell
Ryan Mannix
Stacy Rye
Nick Alonzo
Bob Powell
Dick Haines
Hal Fraser
Janet Donahue
Dale McCormick
Ed Weatherbee
Marty Noyd
Dick Ainsworth
Gene Mostad
Janet Rhoades
Greg Robertson
Collin Bangs
Kevin Gordon
Roger Millar
Ana Aronofsky
Mark Bellon
Jason Rice
Andrea Davis

President
City Council President
Architect
President
Owner
City Council Vice President
Owner
Owner
City Council
Banker
Former City CAO
Planner
Partner
Principal Architect
Retired Owner/Developer
Owner
Planner II
Public Works Director
Real Estate Broker
Owner
Former OPG Director
Planner II
Vice President
Engineer
Executive Director

Hoyt Homes
City of Missoula
MacArthur, Means and Wells
Edgell Homes
Mannix Construction
City of Missoula
Food N' Fun Inc.
Food N' Fun Inc.
City of Missoula
First Security Bank

PCI, Inc.
CVM Equity Funds
OZ Architects
PCI, Inc.
Mostad Construction
Office of Planning and Grants
Missoula County
Coldwell, Banker, Steinbrenner Inc.
Gordon Construction

Office of Planning and Grants
Territorial Landworks Inc.
Territorial Landworks Inc.
homeWORD

City of Portland, Maine

Development Permitting Process Review And Facilitation Project

**In Cooperation With
The Government Consulting Group**

April 11, 2013

Development Permitting Process Review And Facilitation Project

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City of Portland, Maine
Development Permitting Process Review And Facilitation Project

I. Executive Summary

This collaborative project amongst City staff and a Government Consulting Group consultant developed and implemented systemic and other changes to reduce the time required for applicants to receive permits to build or renovate building construction projects. A City Information Technology Department developed software application to process permit applications was installed. Concurrent electronic plan reviews by staff in building, fire prevention and historic preservation were instituted. A system to expedite approvals for applications that are complete, legible, accurate and code compliant was implemented.

Additionally, more than a half dozen permitting modifications were made to make it easier to do business with the City, and to make this an on going goal by the Inspections Department staff. These included:

1. redesigning the building permit application form
2. preparing permit application instructions
3. identifying in the instructions how applicants can obtain needed permit application information
4. making available through the City's website application forms for electronic completion and filing
5. developing and implementing a system for uniformly identifying complete, legible, accurate and code compliant applications to be expedited for approval
6. creating opportunities for pre-application guidance conferences for applicants
7. making available during the winter training seminars for builders and others concerning code modifications and other issues
8. making transparent through on-line access the status of all applications including requirements for additional information
9. developing and implementing a system for identifying and addressing other permit processing issues

II. Project Overview

The primary concern prompting this project was the extraordinary length of time required to obtain permits to develop or redevelop property within the City of Portland. This condition has persisted over multiple years and several consulting studies of recommended improvements. Rather than report recommendations, Mayor Michael Brennan and City Manager Mark Rees wanted the Government Consulting Group to work with the staff to develop solutions and implement agreed upon improvements to reduce the time required to obtain building permits. This report is a summary of the key findings, the collaborative work undertaken by the City's managers, staff and the consultant, and the changes made to reduce the time required to issue building permits. Reports monitoring the permitting process will show the reductions in time achieved to process permits and identify actions required to make additional improvements.

The work was undertaken in two phases. Phase I identified public perceptions through interviews of the development review process and the issues that contributed to these perceptions. Phase II focused primarily upon the permit application, review, approval and communication processes utilized and how they can be improved to reduce the time required to process permit applications. The emphasis was to improve the Inspections Department permitting process. In part this was due to the Planning Department having just completed an extensive project with Planning Board and community member participation to lessen the time required to obtain permits issued by the City's land use boards and staff.

Multiple layers of State and local laws and regulations address extensive and varied public safety and environmental land use development concerns. They are sufficiently diverse as to encompass all land use projects from the smallest and simplest to the largest and most complex. A recurring customer complaint, noted during multiple interviews, was perceived extraordinary complexity in comparison to work in other communities. It is in this context of complexity, however, that the City's customers want easy ways to understand city requirements, how to obtain permits for the things they want to do and receive timely City approvals. A summary of other complaints heard is that the process takes too long, costs too much and is broken.

One of the first actions taken in any process improvement project to improve timeliness is to identify the time taken in each step, particularly when time is expended producing little or nothing e.g., wait times. A formal detailed process improvement study of the inspections permitting process was excluded from the scope of this project, but the major reasons why it takes so long to obtain building permits are readily apparent. Frequently, at each step in the application review process additional information and clarifications about the proposed projects are required to determine if projects are code compliant. When applications are deficient, information is supplied to help customers design projects that can be approved. The overall logical sequence of the application review process can be

streamlined. Useful information regarding City requirements to issue permits needs to be made easily available. Incentives are required for customers to encourage them to advantage of the permitting information that is made available.

III. Permitting Process Issues

A. Obtaining Permit Requirements

The levels of Portland's building permit application review process are arranged in a logical sequence and are similar to review practices elsewhere. First, customers receive guidance about the suitability of their projects within city code requirements. Second, applications are received. Third, zoning compliance is verified. If not permissible, the application may be diverted to the Zoning Board of Appeals to receive conditional approval. Fourth, plans are reviewed to assure building code compliance. Fifth, the Fire Prevention Bureau reviews applications for applicability and compliance with these specialized codes. If the property is within a Historic District this becomes a sixth center of code compliance expertise. After the successful navigation of the City's review, permits are issued. It is during the review process that most customers transform their applications, with direction from City staff, into plans and projects that can be approved and permits issued.

Information about the City's permit requirements can be obtained from the City's website, in pre-application meetings with inspections and planning staff, or by using application packets obtained from the Inspections Department. The City's website is helpful if one understands the functions of municipal government; otherwise, obtaining useful information requires significant browsing effort and sifting through the materials discovered to find what is relevant to what one wants to accomplish. From customers' points of view, navigating the City's website is not intuitive. Relevant information often is difficult to determine to the uninitiated. What makes this customer experience particularly frustrating is its comparison to experiences with other commercial websites where the design incentive is to make it as easy as possible to conduct business. For this reason the City is in competition with commercial websites for customer satisfaction evaluations.

The overall design of the website is to present substantial quantities of information accessible through pull down menus arranged according to the City's organizational structure. Alphabetical links may help one navigate to a needed department, or individuals who potentially might help. No search or easy to use information discovery procedures are provided to assist in answering inquiries from the point of view of what customers seek to accomplish, need or want to know.

Because most permit applications still require that additional information and clarification be provided, the help provided by the City's website and staff is

insufficient. Based upon the information provided by the City, it should be possible for most applicants to produce initial applications that are complete, legible, accurate and code compliant.

B. Submitting Applications

In the sequential review of applications little visible distinction is made about the differences amongst the customers' expertise in land use permitting, the project(s) each customer wants to undertake, application preparation skills, technical resources and the kinds of information required to prepare and submit the City's various permit applications. Each applicant prepares and submits applications based upon what s/he wants to do, his/her particular interpretation of the information needed to submit applications for the various permits and the information made available by the City about his/her project type.

Further complicating application preparation was an application form that assumed applicants knew how to fill it out. Some fields of required data were obvious, others less so. Obtaining some of the required information was a mystery, particularly for residents who infrequently seek to build or renovate. Homeowners made up more than half the number of all building permit applicants.

Once prepared and filed, applicants wait to learn the fate of their application(s) and respond to sequential information requests to correct deficiencies depending upon where the application is in the review process. At each point in the linear review process are stacks of applications waiting for additional information so they can be processed, approved and moved forward to the next center of regulatory expertise. This wait time for most applications at multiple points in the sequential review process is a major reason why the permitting process takes so long, and it is the most significant problem to solve to reduce the time required to approve an application for a permit.

Failure to connect effectively the different types of customer expertise to the types of projects typically undertaken contributes to insufficient customer understanding of the City's permit application process and information requirements. Not providing the different types of customers with easy to access information that they need to complete and file an application is a significant reason why the City's customers submit insufficient applications.

A strategy once tried to simply deny deficient applications produced customer frustration, anger, resentment and avoidance of involvement with City permitting requirements. To improve customer service, and on an as needed basis, City staff provide the equivalent of almost tailored guidance application by application, step by step, without crossing the boundary of actually designing projects or preparing permit applications. This primary default customer service methodology in the context of a linear sequential queue requires substantial time

in back and forth communications and extends the time required to process all applications.

The required five-step process for correcting applications extends the time required to resolve problems. The first step is to explain to an applicant why, according to code, it is not possible to do what s/he proposes in the way that it is proposed. Second, the applicant is interviewed about what s/he wants to accomplish and alternatives are suggested about how the applicant might resolve the problems. Third, the applicant explains what s/he proposes. Fourth, the person conducting the application review at that point within the overall process indicates if the newly proposed approach can be approved at that review step. If so, the applicant then submits new written materials confirming the revised application, a fifth step. The application is then moved on to the next step. This process of helping an applicant determine how s/he will correct the application takes more time than simply telling the applicant how to design his/her project. Applications need to be prepared correctly in the first place to eliminate this time consuming communications process.

The more customer friendly approach of providing direct assistance to prepare an application or design a project, however, transfers legal liability for project design from an applicant to the City. Most taxpayers and many applicants do not want the City to take on responsibility for applicants' projects or to tell them what to do. The City's responsibility must be limited to helping applicants understand code requirements, and to state only, that to the best of its agents' knowledge, applications meet code requirements. Additionally frustrating for some customers is that the City's approval of applications does not certify that approved plans meet all code requirements. Problems still can be identified during construction inspections.

C. Processing Applications in a Linear Sequential Queue

By managing all applications within a single sequential queue from each center of expertise to the next without differentiating by customer or application type means that everyone and all projects are affected more or less equally by the review process. A cynical, but useful reinterpretation is that the linear review process penalizes every applicant equally. The preparation of complete, legible, accurate and code compliant applications does not affect the overall time required to process permit applications. There is little or no incentive for customers to improve upon the quality of their applications that potentially could reduce the time required to process all applications.

The review process itself has the effect of teaching repeat customers that to get their projects through the system requires long lead times and potentially involving the City's senior managers and leaders to expedite their applications. Crises are resolved for some applicants at the expense of others waiting in the linear sequential queue.

D. Multiple Telephone Calls And Communications

Because the permitting process takes so long, applicants call multiple times asking about the status of their permits. Answering these multiple inquiries often requires multiple individuals interrupt the flow of work and dig through their computer and physical paper queues to determine the answer. Additional time-consuming telephone tag and communications lag are repeatedly introduced into the review process. While each instance seems insignificant, given the several thousand permits processed annually by the City, the amount of staff time expended in this way is significant.

Answering customer inquiries is an important task. If, however, permits were processed in a timely manner, and if status information could be made easily accessible on a self-help basis, the number of inquiries could be reduced. These segments of staff time then could be reallocated to other essential application review work. A detailed and documented process improvement study can show how much time is expended in this way and the cost of these customer service communications. It is more important, however, to fix the problems than it is to document them.

E. Leading Edge Software Solutions

Another procedure reported by City staff that took excessive time was the requirement to use a partially functional workflow automation software application to process permit applications. Workflow automation that processes all forms of information (text, image, voice and data) digitally is a great leading edge concept. For many reasons, the new software solution repeatedly interrupted the flow of work. The data and information produced was unreliable. Staff needed to develop ways to work around the workflow automation application deficiencies to complete their work and issue permits. Depending upon the complexity of the permit applications, as many as five different software applications were needed to complete the review process. Extensive efforts by everyone for more than two years to work with the third party solution provider and fix the issues failed to adequately correct the problems. Some staff so disliked the disproportionate amount of time and effort required to use the new system that they simply didn't add information needed by others. This further aggravated the perception that the new system didn't work and that permits processed were not ready for approval.

F. Too Few Staff

It may also be true that the number of staff to handle the workload is inadequate. This cannot be conclusively determined, however, until all of the factors that waste time are substantially mitigated. Simply adding more resources to a perceived "broken" process provides little assurance that the time required to

review applications and issue permits will be reduced or that customer satisfaction will be increased.

IV. Permit Application Processing Improvements

A. Organizational Analysis

Based upon more than 30 different municipal studies, the alignment of the City's land use permitting organizations is typical of many municipalities throughout New England. The umbrella organization is a department of community development and planning i.e., Portland's Department of Urban Development and Planning. Within such departments reside the functions of land use planning, permitting, inspections and economic development all reporting to a single departmental manager establishing clear organizational lines of accountability. Staffs provide support to the various citizen boards and committees assigned land use regulatory responsibilities by statute, charter or local law. Nothing was observed that would indicate a realignment of the City's organizational structure would produce any improvements to the land use permitting process. In fact Portland staff from different department divisions are physically placed in locations to facilitate the flow of work in a paper intensive process.

B. Regulatory Complexity

Multiple customer complaints were heard throughout phase I of the study to the effect that the City's land use regulations and processes are too complex, expensive, time consuming and difficult to understand. Conditional approvals can be extraordinarily expensive to implement. Representatives of the business community in particular believe that the complexity of the City's regulations and what they perceive as convoluted approval processes make Portland an undesirable and uncompetitive place to establish and maintain businesses. Nevertheless, over many years the City of Portland has become a well-regarded life style community, a tourist and cultural destination and a pivotal economic engine for the State and southern Maine in particular.

From a long term perspective Portland's neighboring communities and the greater Portland area have experienced substantial economic growth concurrent with Portland's redevelopment. What Portland's policy makers can do to make the City a more attractive and competitive place to develop and maintain businesses as well as a desirable residential community are the open topics of continuing debate. Simplification of code requirements, to render them more easily understandable by people evaluating the City as business and residential locations, may increase Portland's competitiveness for growth and redevelopment. Regulations and regulatory oversight, however, are only two of many factors that determine relocation decisions. These issues are outside the scope of this project.

C. Permit Review Process Improvement Modifications

Two types of changes are required to reduce the time needed to process permit applications: systemic changes and changes to make conducting business with the City easy. As advocated by MIT lecturer in leadership and sustainability Peter Senge of the Sloan School of Management, the Portland Inspections Department must become a "learning organization", to continuously improve the permitting process until the time required to process and issue permits and customer satisfaction in conducting business with the City are acceptable to the City's managers and leadership.

1. Systemic Improvements

a. "Urban Insight" Implementation

Revitalizing the City's internally developed software solution called "Urban Insight" by modifying it to capably support the permitting process and making needed enhancements has taken a few months, but it has been a relatively efficient systemic change. This is due to key decision makers supporting the change, the programming capabilities of staff, the tools and platforms provided by the Information Technology Department to support City operations, and the support of users. Data conversion requirements were minimal because, as a safety measure during implementation of the formerly new software, all of the permitting data accumulated was also written into the "Urban Insight" database.

Initially it was a difficult decision to abandon the dream and several years of work and financial investments to implement a workflow automation software package. Frequently, persistence is required to successfully implement change because most people only favor the changes that others must make. The recommendations of an outside observer to cease using the packaged solution in favor of "Urban Insight" and the continuing imperative to improve the permitting processes made it easier to recognize that all useful persistence had been expended.

b. Concurrent Plan Reviews

The City's new Director of Urban Development and Planning recognized that another systemic change was required. The application review process could be reduced if the multiple centers of regulatory expertise simultaneously conducted their application reviews. Requiring the submission of multiple paper copies of applications and plans so this could occur is contrary to the overall City direction of eliminating paper in favor of electronic communications whenever possible.

Timely implementation of this second systemic change could be done because of the earlier workflow automation project. "E-Plan," the capability to distribute

applications and plans electronically throughout an organization, had been successfully deployed in the Planning Department, the Fire Prevention Bureau, and Engineering in Public Works, but not in the Inspections Department. To enable the simultaneous review of applications required that Inspections Department staff also be provided this capability.

Modifications to "Urban Insight" were required to associate the graphic images of permit applications to each application's data records. Electronic application reviews also required two displays be placed on the desks of inspections review staff. One display was needed to perform the data processing tasks of receiving and monitoring the results of the application review process. The second display was needed to review the images of plans and project explanations. Funding is required to acquire new larger displays.

c. Expedite Complete, Legible, Accurate and Code Compliant Applications

A third systemic change required is to modify the way in which the permit application queue is managed. Given that inadequately prepared applications and the frequent need for additional information are the major reasons for permit processing delays, the Inspections Department needs to provide an incentive to customers to improve upon the completeness, legibility, accuracy and code compliance of their applications. All customers want timely approvals, therefore the City should provide timely approvals to those customers who provide the Inspections Department with the needed information. It costs the City little or nothing to expedite the review of applications that are complete, legible, accurate and code compliant. Once this policy is known and consistently demonstrated, most people will make an additional effort to submit higher quality applications.

The systemic changes outlined above, however, only initiates the process of addressing the many issues that adversely affect the entire permitting process. Customers want an easier and more helpful business experience with the City as well.

D. Make It Easy To Conduct Business With The City

Transforming the permitting process so that it is easy for customers to conduct business with the City requires examination of the process from the customers' points of view. This requires determining the kinds of customers with which the City does business and how to address their respective needs.

The City has at least four distinct customer segments. They are:

1. Home owners
2. Builders/contractors of modest scale projects
3. Property owners seeking renovations costing approximately \$50,000,

4. Licensed design professionals, owners and contractors typically involved with larger projects.

1. Homeowners

Homeowners submit approximately half the number of all permit applications. This customer group seeks to undertake the addition of sheds, build decks and perform home renovations, but the frequency of each home owner's projects is low compared to those in the construction industry. Typically homeowners have the least building experience and require the most help to successfully prepare applications that are complete, legible, accurate and code compliant. Often their building plans are more conceptual rather than presented as accurate drawings. Also homeowners are at a disadvantage to anticipate all of the construction issues they will encounter. Whether intended or not, these customers rely upon the City's plan reviewers and inspectors to assure that their projects are safe because of building code compliance.

From the point of view of these infrequent customers the new experience of obtaining a building permit requires determining:

- the permits they require
- how to obtain the relevant application forms
- how to complete those application forms
- how to obtain or produce code compliant plans
- how to file the application(s)
- how to pay the associated fees
- what to expect from the permitting process
- what to expect from the City's inspectors

To make it easy for this customer group to do business with the City, the materials available in the Inspections Department and the City's web site need to clearly address all of these issues. Prior to this collaborative project, application checklists for decks and many permit types were available through both sources. The adequacy of these materials and the ease with which they can be discovered by homeowners was explored and partially addressed during the consulting engagement.

Four things were done to improve the permitting business experience for homeowners. The Inspections Department manager revised the building permit application form and instructions were prepared in how to complete the form and locate required information. Another staff member converted the form into an electronic document for on-line use that can be completed on a personal computer. A comprehensive list of City permits and application checklists were prepared. To make it as easy as possible for homeowners to locate information and successfully complete their projects, the project team discussed preparing and making available lists

of third party sources for plans for common projects and for design professionals. These lists were not prepared due to potential legal liability concerns. The intent is to reduce the effort required by homeowners to locate suitable information and technical resources, not to make third party recommendations. These changes, however, only are initial steps in making it easy for homeowners to do business with the City. Based upon actual customer experiences with the new materials and others made available by the City, revisions and additions will be required to further enhance the customer experience and reduce the time required to process permit application approvals for half of all permits.

2. Builders/contractors of modest scale projects

Builders/contractors of modest scale projects have different sets of needs from homeowners. Frequently, they may be retained to work on behalf of homeowners working under a broad range of business arrangements. The permit application form was revised to clarify these varied business arrangements, contact information and applicant communication preferences. While these builders/contractors frequently undertake many projects, their primary skills typically are in the trades and not necessarily in performing the associated paper work. This customer segment may benefit from the detailed instructions provided to homeowners, but they also have the ongoing need to learn about the building code, code changes and the permitting process. Training for this finite group of customers during non-peak construction periods is one alternative way to help this group of customers with their permitting issues.

3. Property Owners for \$50,000 Projects

The customer segment of property owners seeking approval of projects costing approximately \$50,000 is identified, as the title implies, by the approximate costs of their projects. On a recurring basis they confront the decision of preparing building permit applications and plans themselves or retaining a licensed design professional to prepare plans and permit applications. By state law a licensed design professional must prepare plans for projects costing \$50,000 or more. Choosing to use the services of a licensed design professional may require greater cash outlays than if the property owner personally prepares the plans; hence, some project costs may be under estimated to avoid this cost.

The policy of expediting complete, legible, accurate and code compliant applications creates an additional opportunity for customers in this segment to evaluate how to best use their time and resources. Is it more cost effective to expend the cash to retain a licensed design professional to prepare high quality plans to achieve an expedited plan review, or is it more cost effective to prepare the plans him/herself and possibly

experience the opportunity costs that potentially result from a longer application approval process? Risking the need to supply additional information and project clarifications that cause the review process to slow down may or may not be worth the time and expense involved. The new permit application queue processing policy does not require that customers in this segment do anything differently than is currently required to prepare and submit other permit applications. It only creates a decision-making opportunity about how to best invest their resources.

4. The fourth customer segment, licensed design professionals, are retained and paid to prepare and submit complete, legible, accurate and code compliant permit applications. Their clients have an expectation that all work will be performed correctly the first time an application is submitted. The policy of expediting top quality permit applications is a strong business incentive for design professionals to earn and retain the business reputation of being able to prepare, submit and receive timely approvals. The policy change also rewards those design professionals who regularly submit high quality plans by expediting the review of permit applications they assist in preparing.

The change in the way that the permit application queues are managed may alter the "best efforts" made by all applicants. Under the new queue management policy all applicants will make a "best effort" to prepare complete, legible, accurate and code compliant applications because they know that their, and perhaps greater, best efforts will make a difference in the timeliness of their permit application reviews. The emphasis on the roles of the plan review staff changes from catching applicant errors to helping homeowners assure their project plans are sufficient, and that upon completion, their projects are safe as provided for by the building code. For builders, the policy change potentially adds an additional business reputation feature they can reference in earning new business. For the commercial property owner pursuing projects costing approximately \$50,000 this policy change creates an additional opportunity to evaluate how to best expend his/her time and other resources. For licensed design professionals plan review staff will provide a limited measure of quality assurance testing.

For all customers the least time consuming and least expensive way to modify projects to meet code requirements is at the planning and design phase. As explained by Philip B. Crosby in his book Quality Is Free: The Art of Making Quality Certain, designing quality into project plans is free. The most time consuming and the most expensive way to assure code compliance and the public safety that the codes provide are when modifications of projects is required during construction. Doing things right the first time is the least expensive way to accomplish desired end results. Expediting high quality permit applications reinforces this basic principle.

Publishing to the City's web site public information about permit applications, their review status and associated information regarding each application's completeness, legibility, accuracy and code compliance can provide accountability for and throughout the entire process. Public transparency can function as a powerful incentive for all involved to improve upon the quality of applications and their timely review. People with a financial interest in an application also have the strongest personal interest in the status of their permit applications. They have the strongest incentive to monitor the process, identify irregularities and follow up on any perceived irregularities with the responsible parties. Web site information accessibility also will help eliminate simple information requests and increase the efficient use of staff time to perform application reviews.

The Inspections Department application intake staff, plan review staff, inspectors and managers can learn what they need to do additionally to improve the permitting process from each customer segment through the use of a business intelligence system. This is a tool that works concurrently with the permitting process to collect data about the quality of customers' experiences doing business with the City. Reports produced transform the data collected into useful information about the customers' respective information requirements, other needs and the effectiveness of methods used to meet needs by each customer segment. Making it easy to do business with the City is a goal that requires ongoing enhancement until the duration of time required for issuing permits is determined acceptable. The design, development and implementation of the business intelligence system are discussed below.

E. Permit Application Processing Business Intelligence System¹

1. Data Collection

The design, implementation and use of a business intelligence system (BIS) are relatively easy to understand. Within each stage of the application process the Urban Insight software application requires that fields of data be automatically and intentionally completed to identify where the application resides in the review process, who applied for the permit, the project address, the dates when each step in the review process was completed, the type of project for which a permit is sought, the quality grade assigned to an application according to a uniform standard applicable to each stage, and a field for notes about why the grade selected was assigned and notations of customer complaints appropriately worded.

¹ The Business Intelligence System, A New Tool for Competitive Advantage by Benjamin and Tamar Gilad was first published by the American Management Association in 1988.

2. Data Transparency

Publishing to the City's web site application status data provides this public information to applicants, and anyone who wants to know

- the exact status of a permit application
- the reasons for that status
- the time taken to complete each review phase
- that customer concerns about permitting have been recorded.

3. Transforming Data Into Useful Process Improvement Information

The business intelligence system (BIS) becomes an important source of information for staff to further improve upon the timeliness and quality of all permit applications by producing periodic reports. These reports sort permit application data by customer segment, application type, application grade, and review duration for all centers of regulatory expertise. The commonality of notes associated with each grade determination and customer complaints can provide insights into continuing difficulties customers experience in meeting the City's application requirements. As a result of understanding the customers' issues, the staff is better able to develop effective solutions to address them.

The Inspections Department Manager needs to institutionalize continuous quality improvement in the Department by conducting monthly staff meetings to identify, review and discuss continuing customer issues, prepare action plans to address them and assign responsibilities to implement changes. To prepare for these meetings the Inspections Department Manager needs to monitor BIS reports weekly and, based upon her observations, prepare the monthly staff meeting agenda. At these staff meetings, and only for selected permitting processes at any one time, a gap analysis is conducted; that is, the question is asked: What is it that the City and staff need to do differently to reduce the time required to review applications and improve upon their quality? These questions and answers are determined by project type, customer segment and review phase. Improvement objectives are set to enable future comparisons of the effect that implemented improvements have on the permitting process. During this collaborative project the staff proved consistently to be a willing and able resource for ideas about how to improve the permitting processes.

Suggestions for closing the gap between Departmental objectives and actual experience are as varied as the good ideas that the staff can develop or are recommended by others seeking to help. In some instances, it may be that additional instructions or better instructions will help eliminate customer confusion and help customers submit better applications. For other customers, it may be that the Department needs to

provide voluntary training in how to prepare complete, legible, accurate and code compliant applications. This training can be provided in a classroom or seminar setting. Another alternative is to produce an online video that can be watched at any time convenient to the customer and for as many times as s/he finds helpful. Homeowners in particular may prefer to watch a video about how to apply for a shed or deck permit and how to locate it properly on their property or provide foundation and other supports. Often a high school or college communication arts class will welcome the opportunity to produce a high quality real world video project at little or no cost to the City.

4. Recommended Specific Business Intelligence System Reports

The purposes of the BIS reports determine the kinds of reports that need to be produced by Urban Insight. The three primary goals are to 1) expedite high quality applications, 2) improve timeliness and 3) improve permit application quality. Accordingly, the Inspections Department Manager needs to see the results produced by the entire permitting process, monitor snap shots of the work being produced throughout the entire permitting process, and examine on demand sorted subsets of data averages and details.

During the review process the staff need to see their queues of pending applications sorted by permit type, grade and date to assist them with expediting high quality applications and to keep all permit types moving through the review process. A three level (1, 2 or 3 with 1 being the highest) grading system was developed to maintain uniformity in how applications are evaluated. These grading schedules for each review level are appended to this report.

To review overall operations the most useful reports (displayed and printed) for specified time periods (week, month, quarter, year and year to date) show a detailed listing of all permits in the departmental queue with summaries of the average number of lapse days required to process permit applications. Sorting and summarizing this data by multiple criteria or filters provides additional insight into operations and customers' needs. These sort criteria are customer segment, application quality rating, application type and regulatory center of expertise. The reports need to show all relevant application data and/or simply summarize the results by the sort criteria e.g., average days to review by application type, customer segment, average grade assigned by permit type at each regulatory center of expertise, and the overall averages by application type, customer segment, assigned grades and days to review.

The details of review days for each application are then compared to the overall averages giving special attention to the exceptions to learn why

their respective results were achieved. In selected cases interviews of applicants about what they did to produce excellent results or why they experienced so much difficulty in meeting the City's requirements will yield needed insights. These insights include such matters as where applicants found or developed needed information, the ease with which they discovered or developed the information, their interpretations of what information was requested on the application form and during the review process, the usefulness of information provided by the City to help them complete their applications, ease of communications with the City, potential reluctance by some applicants to make the effort to prepare an application that was complete, accurate, legible and code compliant and instances when some customers may simply resent regulatory oversight. It is unlikely that all applicants will consistently earn top quality grades for and have all their applications expedited. The fact that total perfection cannot be achieved does not mean that continuous work to improve customer satisfaction in conducting business with the City is an unworthy goal.

For governmental permitting organizations it is most important to monitor quarterly, annual and year after year trends by customer segment, permit application type, days review duration, and application grade because the trends inform the staff and leadership of the progress being made to achieve the overall goals of producing building plans and projects that are safe because they meet code requirements and are developed by people who experienced a relatively high degree of satisfaction in conducting business with the City of Portland. The City is not necessarily in competition with other municipalities for its customers' business, but the City is in competition for its customers' support provided in the forms of votes, fees, taxes and cooperation.

F. Management Reviews

Because people tend to do well those things the boss checks, periodic checks by senior managers is an essential component in helping the business intelligence system function as an effective continuous improvement tool. If the results achieved are unimportant to the City's senior managers and leadership, they will be unimportant to the staff. For this reason the Director of Urban Development and Planning needs to check reports produced by the system at quarterly intervals and discuss with the Inspections Department Manager her observations. These observations may include how well the changes made to improve operations are working, what benchmarks she is establishing to monitor progress and what specific objectives she believes are reasonable to establish for her department regarding the permitting process.

Twice annually the City Manager needs to monitor with the Director of Community Development and Planning progress made by the Inspections

Department as compared to the Department's objectives. Reasons for success and partial success need to be reviewed, analyzed and assistance provided to help the Department's staff achieve their objectives. Obviously, the City Manager and the Director can reset the objectives to be achieved by the Department, but it is important that objectives be SMART. SMART objectives, a term first used by George T. Doran in 1981 in *Management Review*, concerned the establishment of key performance indicators. SMART is an acronym that stands for specific, measurable, achievable, relevant, and time sensitive or time bound. For the business intelligence system to be initiated and maintained as a useful management tool, and not transition into a weapon hated by employees, it is important that objectives be specific, objectively measured, achievable, relevant to their work and be tied to a limited time period. Progress against objectives is more important than reaching the objectives. Both are important. Working with performance indicators or metrics as a tool to help improve outcomes for customers is a major cultural shift for most public employees.

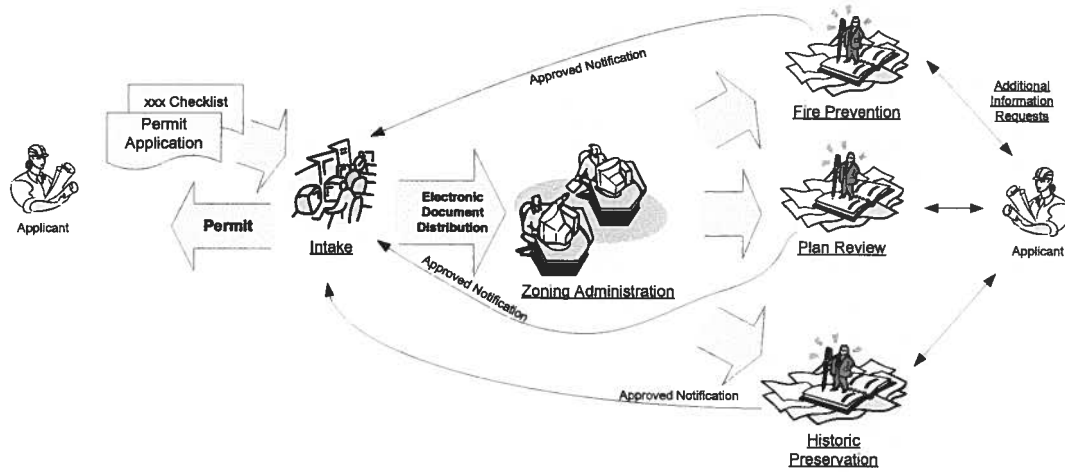
The business intelligence system as developed is not perfect. Missing from those data elements monitored are the work of the field inspectors. In theory setting unrealistic objectives might have the effect of rushing permit reviews and driving code compliance issues out onto the construction sites when they are most expensive to correct. Measuring and objectively monitoring the issues addressed by field inspectors would help protect against this theoretical shift of responsibility.

G. Additional Staff

After successful implementation of the systemic changes and reasonable efforts made to make it easier to do business with the City, if the time required to issue permits remains unacceptably high, it will then be apparent that more staff are needed to speed up the overall permitting process. The business intelligence system will show factually where additional staff are needed most.

- V. **Appendix: Application Permitting Process Revisions, Instructions and Other Tools**
 - A. **Building Permit Processing Flow Chart Overview**
 - B. **Revised Building Permit Application Form**
 - C. **Building Permit Application Instructions**
 - D. **Building Permit Application Review Grading Schedules**
 - 1. **Intake Review Grading Schedule**
 - 2. **Zoning Review Grading Schedule**
 - 3. **Plan Review Grading Schedule**

A. Permitting Process Overview





General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction:		
Total Square Footage of Proposed Structure		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	Applicant: Name Address City, State & Zip	Telephone: Email:
Lessee/Owner (if different than applicant): Name Address City, State & Zip	Contractor (if different from Applicant) Name Address City, State & Zip Telephone E-mail	Cost Of Work: \$ _____ C of O Fee: \$ _____ Total Fee: \$ _____
Current use (i.e. single family) _____ If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? ____ If yes, please name _____ Project description: _____		
Who should we contact when the permit is ready:		
Address:		
City, State & Zip		
E-mail Address:		
Telephone:		

Please submit all of the information outlined on the applicable Checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature:

Date:

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This is not a permit; you may not commence ANY work until the permit is issued

BUILDING PERMIT APPLICATION INSTRUCTIONS

To file your building permit application please assure that it is complete, legible, accurate, and complies with the City's zoning, historic preservation, building, fire prevention and other applicable codes. Include the checklist of required information for your project and the required information. It is highly recommended that you prepare a schedule or table of contents listing the documents in the order in which they appear in your application packet. Pay the permit application fee as cash, a check or credit card charge in the exact amount at the time you file your application with the Inspections Department. The amount of the fee is based upon an approximate cost of construction (see "Building Permits and Inspections Fee Schedule").

Most of the information that needs to be filled into the boxes on the General Building Permit Application form is self-explanatory. The following are supplemental instructions and clarifications. Copies of the application and applicable checklist can be obtained either directly from the Inspections Office located on the third floor of City Hall or by downloading and printing copies from the City's website <http://www.portlandmaine.gov/planning/bpinspproc.asp>.

Do not begin your project until you receive an approved building permit from the City of Portland Inspections Department.

1. In advance of preparing your application it is recommended you determine the project property's zoning district(s). This information is available from the City's website zoning map (<http://click.portlandmaine.gov/portlandzoning/>). The City's zoning administrators located in the Inspections Department also are pleased to help you determine this information and advise you regarding your project and permitted uses. The zone designation in which your project property is located should be entered in this space.
2. "Tax Assessor's Chart, Block & Lot" numbers are obtained from the Assessor's records on file in the Assessor's Office or by looking the information up through the Assessor's page on the City's web site <http://www.portlandassessors.com/> using the street address of the property where the structure will be built (e.g., 389 Congress St.) or modified. "CBL" stands for "Chart, Block & Lot" and on the web page is followed to the right by the number e.g., 027 C012001. Write the CBL number in this space on the application.
3. Applicant: This block requests the applicant's identification information (i.e., owner, builder, contractor, development corporation) is the person(s) seeking approval to undertake the proposed project. Provide the legal address information used by this person(s) or entity.
4. Lessee/Owner (if different than applicant) refers to the person(s) who has a controlling interest in the property where the proposed project will take place.

5. Contractor: The primary or general contractor responsible for all work to be performed.

6. Cost of Work: This amount is the best available estimate of the total cost for the project from beginning through all construction and final finish work.

7 & 8. C of O Fee (certificate of occupancy) and Total Fee: These amounts are calculated and charged by the City. Leave them blank. This amount is due and payable at the time the building permit application is submitted.

9. Current use (e.g., single family) This is how the property is currently used.

10. If vacant, what was the previous use? If the space is currently occupied enter "NA" for not applicable.

11. Proposed Specific Use: Complete this information if the proposed use is different from the use of the existing structure or the involved portion of an existing structure.

12. Project description: This is a brief title of and description of the project. (Frequently it is sufficient to state something like the following: Build a 10 x 14 deck with stairs attached to the rear of the house; Build a 12 x 20 addition; Renovate the kitchen; Change the use from a retail shop to office space.)

13. Who should we contract when the permit is ready? This is the applicant, lessee/owner or contractor listed on the application or several of these.

Thank you for completely, legibly and accurately preparing your building permit application according to the applicable checklist of required information. **All complete, legible, accurate, code compliant applications are reviewed on an expedited basis.** Applications requiring additional information and clarifications may result in delays processing your application. *All building permit applications with missing information are automatically denied within 30 days unless the applicant grants an extension to the City to continue processing the application. The applicant must take the initiative to request this extension in writing.* We look forward to working with you on the successful completion of your project.

D. Building Permit Application Review Grading Schedules

**1. Grading Schedule For Building Permit Applications
At Intake**

Grade

1 The permit application includes all check list required information and documentation in an easily machine readable format and as paper copies. Everything is clearly legible and arranged according to an easy to follow table of contents or schedule. The carefully drafted and/or stamped plot plan clearly shows the property zoning, required dimensions of the proposed structure(s), its relationship to other on site structures (if any), and setbacks from all property lines. Points of egress, other structural features, garage, driveway, curb cuts and all structural detailed drawings inclusive of materials to be used are clearly listed and appear complete.

2 The permit application includes all check list required information and documentation, but limited electronic copies are provided. While informal in appearance, the plot plan and proposed structural drawings appear to be complete inclusive of necessary dimensions, cross sections of foundation or pilings, their placement in relationship to each other and depth. Relationships of the primary structure, dimensional drawings, points of egress, stairways (as necessary), protective railings, and materials to be used are provided.

3 The permit application appears to include all check list required information and documentation. The application packet may be poorly organized. The supplied plot plan is poorly drafted but does appear to contain essential information such as property line setbacks of the major structures on the property and of the proposed deck. While a dimensional drawing of the proposed structure(s) is included, the placement of the foundation and/or pilings is not immediately clear. Structural detailed drawings for the proposed structure, its foundation, railings and potential stairways maybe missing or poorly drawn. It is difficult to determine how the adjoining structures will be attached to one another. The relationships amongst other structural features (e.g., windows, sliders, building vents, other structures on the property) are difficult to determine.

The above paragraph descriptions are to help differentiate amongst the range of quality regarding permit applications to help determine their relative placement in review queues. They are not a complete listing of all required information. A lower number corresponds to a higher quality application and presumably the less clarification and independent analysis required to determine permit application compliance with applicable code requirements.

2. Grading Schedule For Building Permit Applications At Zoning Review

Grade

1 The permit application is clearly complete, accurate for zoning determination purposes, legible and arranged according to an easy to follow table of contents. The carefully drafted and stamped plot plan in a machine readable digital format clearly shows the property zoning, required dimensions of the proposed structure(s), its relationship to other on site structures (if any), and setbacks from all property lines. The plot plan and the building plans match. Points of egress, other structural features, garage, driveway, curb cuts and all structural detailed drawings inclusive of materials to be used are clearly listed and appear complete. The proposed use meets all zoning requirements.

2 The permit application in both hard copy and electronic formats includes all check list required information and documentation. While possibly informal in appearance, the application and plot plan are complete and appear to be accurate. The supplied building plans appear to be complete and accurate in their representations inclusive of project description, necessary dimensions, and cross sections. The proposed use(s) may require a variance, special exception, conditional use, contract zoning change or other conditional approvals.

3 The permit application appears to include all required information and documentation listed on the checklist. The application packet may be poorly organized and may require revision(s). The supplied plot plan is poorly drafted and contains only some of the essential information such as property line setbacks of the major structures on the property and of the proposed structure. While dimensional drawings of the proposed structure are included, the placement of the foundation and/or pilings are not immediately clear. Structural detailed drawings for the proposed structure, its foundation(s), and other structural requirements may be missing or poorly drawn. It is difficult to determine the relationships amongst other structures, structural features (e.g., windows, sliders, building vents, utilities). The proposed use(s) may require a variance, special exception, conditional use, contract zoning change or other conditional approvals.

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3. Grading Schedule For Building Permit Applications At Plan Review, Fire Prevention & Historic Preservation

Grade

1 The permit application is clearly complete, accurate for plan review determination purposes, legible and arranged according to an easy to follow table of contents. A detailed code analysis report is provided (if required). The carefully drafted and stamped plot and matching building plans in a machine readable digital format clearly show the required dimensions of the proposed structure(s), their relationship to other on site structures (if any), and setbacks from all property lines. Points of egress, other structural features, garage, driveway, curb cuts and all structural detailed drawings inclusive of materials to be used are clearly listed and appear complete. The proposed use appears to meet all building code requirements as best as can be determined.

2 The permit application electronic formats includes all check list required information and documentation. While possibly informal in appearance, the application, plot plan are complete and appear to be accurate. The supplied building plans appear to be complete and accurate in their representations inclusive of project description, necessary dimensions, and cross sections. The proposed use(s)/and or plans may require minor revisions, very few additions and/or minor conditional approvals.

3 The permit application packet may be poorly organized and may require revision(s). The supplied plot and building plans are poorly drafted or prepared and contain only some of the essential information such as property line setbacks of the proposed structure, other structures on the property, structural drawings, samples cross sections, and structural details. While some dimensional drawings of the proposed structure are included, the placement of the foundation and/or pilings is not immediately clear. It is difficult to determine the relationships amongst other structures, structural features (e.g., windows, sliders, building vents, utilities, fire sprinklers {if required}). The proposed use(s) and/or structures require revision, additions and clarifications prior to further review and approval.

The above paragraph descriptions are to help differentiate amongst the range of quality regarding permit applications to help determine their relative placement in review queues. They are not a complete listing of all required information. A lower number corresponds to a higher quality application and presumably the less clarification and independent analysis required to determine permit application compliance with applicable code requirements.