

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



MONDAY, NOVEMBER 4, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 4, 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 Bryan Donahoo, Graceview Baptist

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

accordance with law.]

5.0 Presentations:

- Presentation of **SH 249 Groundbreaking Photos**
- Presentation of **Mayor's "Man of the Year"**
- Presentation of **Eagle Scout, Cameron James Arnold**
- Presentation to **TOMAGWA** regarding *Sherine's Stride*

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 ("Muppets from Space") – 5:00 p.m.**
- November 19, 2013 – **25th 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 Bluegrass Festival**

7.0 Approve the Minutes of the October 21, 2013 Regular City Council Meeting

8.0 Old Business:

- 8.1 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.

9.0 New Business:

- 9.1 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

- 9.2 Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expiring December 5, 2013
- 9.3 Approve Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues in the Amount of \$40,000 for SCCCHA's 2013-2014 Fiscal Budget for Annual Operations
- 9.4 Approve Request by The Regional Arts Council (TRAC) for Financial Support in the Amount of \$24,500, for Four Performances of "The Nutcracker" Ballet, to be held December 7 and 8, 2013 at the Tomball High School Auditorium.
- 9.5 Approve Resolution No. 2013-30, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District
- 9.6 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.
- 9.7 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.
- 9.8 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 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.

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 31st day of October 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 4, 2013

Topic:

- Led by Pastor Bryan Donahoo, Graceview Baptist

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 4, 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:

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 4, 2013

Topic:

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 4, 2013

Topic:

- Presentation of **SH 249 Groundbreaking Photos**
- Presentation of **Mayor's "Man of the Year"**
- Presentation of **Eagle Scout, Cameron James Arnold**
- Presentation to **TOMAGWA** regarding *Sherine's Stride*

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	

ATTACHMENTS:

Eagle Scout - Cameron James Arnold



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

November 4, 2013

Eagle Scout Cameron James Arnold
Boy Scout Troup 1659
Boy Scouts of America
21914 Holly Branch Drive
Tomball, Texas 77375

Dear Eagle Scout Arnold:

Allow me to congratulate you for receiving approval by the Board of Review as having met the requirements for Eagle Scout, to *"Demonstrate that you live by the principles of the Scout Oath and Law in your daily life."* It is my great pleasure to commend your achievement. I know you have dedicated many hours of study and work to reach this high honor.

As a fourth generation recipient of the Eagle Scout designation, I am honored to be the one to acknowledge your achievement in person at our City of Tomball Council Meeting of November 4, 2013. The very traits considered essential to reach Eagle Scout rank are the very same attributes needed to be a leader of one's peers and associates, and are set forth in the Scout Law: *"A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent."*

Many of our country's great leaders, doctors, and lawyers have been Eagle Scouts. Through your dedication to the Scout Oath you have been trained to deal with challenges that will shape your life through adulthood experiences that cannot be taken from you, no matter what hardships and difficult times you may face.

Earning the rank of Eagle Scout is possibly one of the greatest achievements a young man may realize. You are now one of the elite; you must carry the flag and pass it to the next generation, keeping our country great for years to come and inspiring others to follow in your footsteps.

I wish the very best to you and I hope you fulfill all of your dreams and plans.

Sincerely,

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: November 4, 2013

Topic:

- 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** ("*Muppets from Space*") – 5:00 p.m.
- November 19, 2013 – **25th 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 which no action will be taken:
 - Mike Baxter – Report on **"Zomball in Tomball Do-Over" at the Depot** and *Tomball Bluegrass Festival*

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Mayor's Coffee

2nd Saturday at the Depot ("*Muppets from Space*")

Tuesday, November, 2013

Start Time 5:30 P.M.

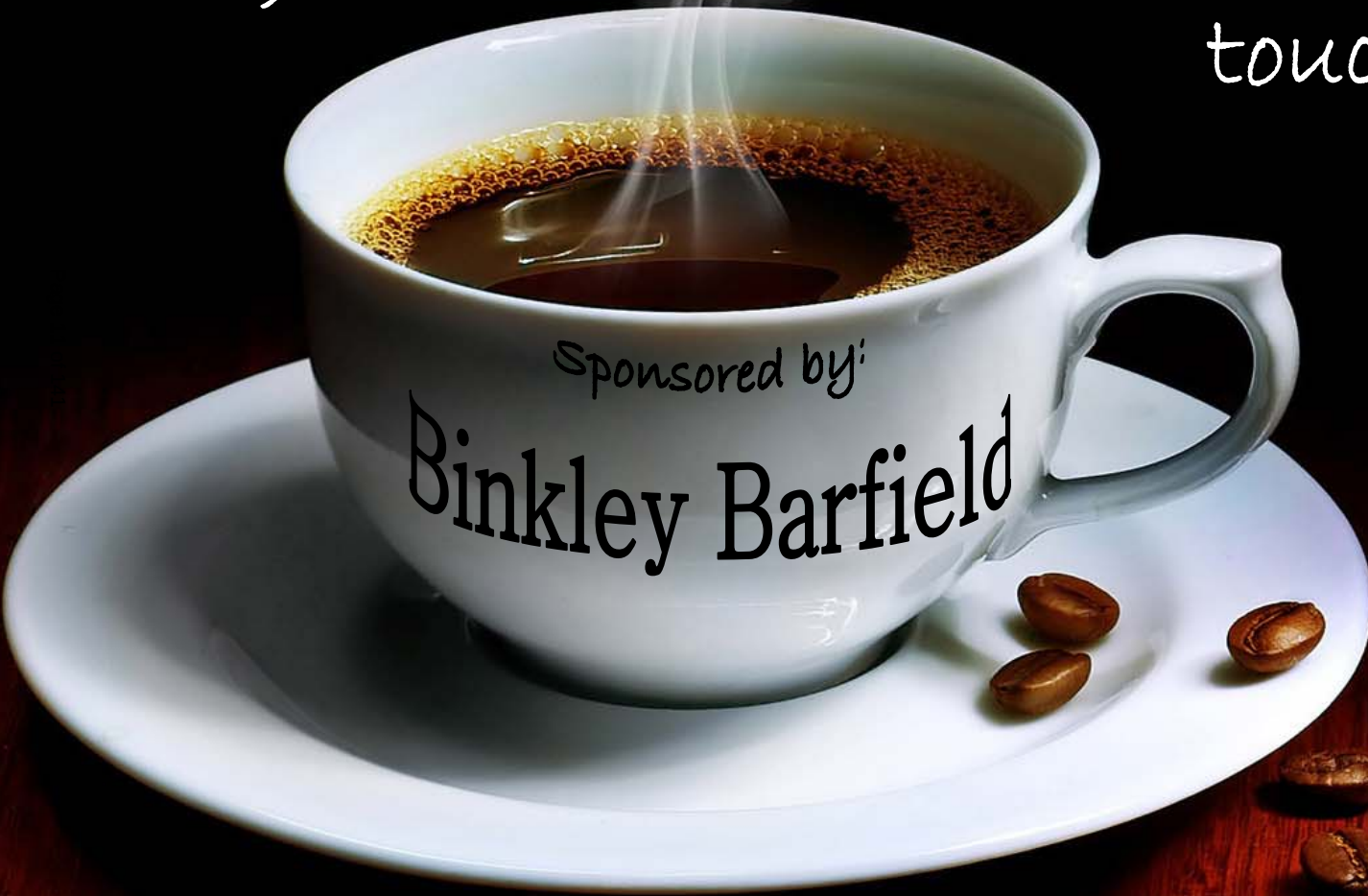
Sol de Luna

(Cisco's Banquet Room)

207 Commerce

Mayor's Coffee

Stop by to get in
touch



Gretchen Fagan
Mayor

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

2ND SATURDAY AT THE DEPOT
"Muppets From Space"
NOVEMBER 9TH STARTING AT 5 PM

Music from Space Ranger John Armour
"Muppets from Space" on the Giant Screen
Bubble wrap space walking
A galaxy of games and crafts
Food and more!



Give Thanks Tomball!

Bring non-perishable food items for TEAM, and
pet food for Abandoned Animal Rescue

Regular City Council Agenda Item Data Sheet

Meeting Date: November 4, 2013

Topic:

Approve the Minutes of the October 21, 2013 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

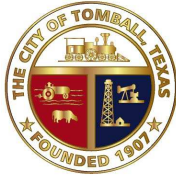
City Secretary

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

ATTACHMENTS:

Draft Minutes - October 21, 2013 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 21, 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 Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

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
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Asst. Fire Chief – Jonathan Fontenot
Chief-NWEMS – Raul Reyes

2.0 The invocation was led by Pastor Richard Jennings, River of Praise Church

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

4.0 The following Public Comment was received:

- | | |
|------------------------------------|---|
| Alan Hernandez and
Gabriel Gach | - Expressed the Tomball High School Student Council's appreciation of the City's support for the successful Tomball High School Homecoming Pep Rally, held on October 16, 2013. |
|------------------------------------|---|

5.0 Presentations:

- Fire Department Presentations:

Lieutenant Brian Holasek
Driver/Operator Chris Caron
Driver/Operator David Hill
Driver/Operator Scott Simpson
Driver/Operator Ethan Grossman
Driver/Operator Steven McHenry
Driver/Operator Josh Brookshire
Firefighter William McDugle.

6.0 Reports and Announcements:

- October 22, 2013 – **“Zomball in Tomball Do-Over” at the Depot** – 6:00 p.m.-7:30 p.m.
- October 26, 2013 – ***Tomball Bluegrass Festival*** – 11:30 a.m.-6:00 p.m.
- November 4, 2013 – Appointments to Tourism Advisory Committee for terms expiring December 5, 2013
- November 5, 2013 – **Mayor's Coffee** – 5:00 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 – **25th Anniversary of Lone Star College-Tomball**
- November 23, 2013 – **48th Annual Tomball Holiday Parade** – 10:00 a.m.
- December 6-7, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 7, 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:
 - Craig Meyers - ROW update on Medical Complex and M121
 - Lisa Coe/Mike Baxter – Success of ***Sherine's Stride 5K and 1 Mile Walk/Run***

7.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Minutes of the following meetings:

- October 7, 2013 Regular City Council Meeting
- October 14, 2013 Special City Council Meeting.

Motion carried unanimously.

8.0 New Business:

8.1 Consideration to approve **ZONING CASE P13-143**: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) 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.”

- Mayor Fagan opened the public hearing Public Hearing on **ZONING CASE P13-143** at 6:20 p.m. The following public comment was received:

Nancy Cullen - Ms. Cullen expressed her support for the
403 Peach, 77375 proposed zoning designation and requirements.

Receiving no additional comments, Mayor Fagan closed the public hearing at 6:21 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-19 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on First 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>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 8.2 Mayor Fagan announced that the Public Hearing on Zoning Case P13-148 is postponed to the regularly scheduled City Council meeting of January 20, 2014, unless further tabled by the Planning and Zoning Commission.

No action required.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2013-29, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 48th Annual Tomball Holiday Parade, "Cartoons on Parade", to be held in Tomball on Saturday, November 23, 2013 and to Approve Requested Street Closures and In-kind Services.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to authorize the City Manager to Request that Harris County Commissioners Court Enter into an Interlocal Agreement with the City of Tomball for Harris County to Provide Contingency Debris Removal Services to the City of Tomball in the Event of a Disaster Incident.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of November 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

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.

Background:

On August 28, 2013, an individual contacted the City of Tomball inquiring whether a psychic, astrology, and palm/tarot card/crystal reading land use was a permitted use within City limits. City staff informed this individual that the proposed land use was not listed in Section 38.2 ("Use Charts") of the Zoning Ordinance and would need to be added in order to be allowed within the City. Consequently, the City is initiating the addition of this unlisted land use per Section 38.1 ("Conformance With The Use Charts") of the Zoning Ordinance.

On October 14, 2013, the Planning and Zoning Commission considered Zoning Case P13-143. Commissioner Beauvais made a motion to approve Zoning Case P13-143, second by Commissioner Roquemore. The motion failed with a 2-3 vote. The vote was as follows:

Commissioner Tague - Aye
Commissioner Roquemore - Nay
Commissioner Torres - Nay
Commissioner Walicki - Aye
Commissioner Beauvais - Nay.

Therefore, the Planning and Zoning Commission's recommendation is to DENY Zoning Case P13-143. Due to the Commission's recommendation of denial, City Council's vote must be a super majority, per Local Government Code, Chapter 211.006(f).

On October 21, 2013, Council adopted Ordinance No. 2013-19 on first reading.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2013-19 on second reading.

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:

Ordinance No. 2013-19
Notice of Public Hearing
P13-143 Staff Report

ORDINANCE NO. 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.

* * * * *

WHEREAS, the City of Tomball has requested that Section 38.2 (“Use Charts”) of the Zoning Ordinance be amended 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;

WHEREAS, the City of Tomball has requested that Section 45.2 (“Definitions”) of the Zoning Ordinance be amended by creating a definition for “Fortune Telling and Similar Activities.”

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 deny the proposed amendments 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		
Personal & Business																		
Fortune Telling and Similar Activities																C		1 space: 300 sf

Section 3. Section 45.2 (“Definitions”) of the Comprehensive Zoning Ordinance is hereby amended by adding the following text:

FORTUNE TELLING AND SIMILAR ACTIVITIES: A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry, or any similar means.

Section 4. 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 5. 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 6. 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 21ST DAY OF OCTOBER 2013.

COUNCILMAN HUDGENS	<u>AYE</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 THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF NOVEMBER 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 14, 2013
&
CITY COUNCIL
OCTOBER 21, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 14, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 21, 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 P13-143: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) 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.”

ZONING CASE P13-148: Request by the City of Tomball to amend Section 34.4 (“Area Regulations for Residential Uses”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

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.

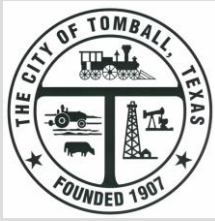
CERTIFICATION

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 10th day of October 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: October 14, 2013

ZONING CASE P13-143: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Fortune Telling and Similar Activities,” permitting it with a Conditional Use Permit (CUP) 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.”

BACKGROUND

On August 28, 2013, an individual contacted the City of Tomball inquiring whether a psychic, astrology, and palm/tarot card/crystal reading land use was a permitted use within City limits. City staff informed this individual that the proposed land use was not listed in Section 38.2 (“Use Charts”) of the Zoning Ordinance and would need to be added in order to be allowed within the City. Consequently, the City is initiating the addition of this unlisted land use per Section 38.1 (“Conformance With The Use Charts”) of the Zoning Ordinance.

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			
Personal & Business																
Fortune Telling and Similar Activities													C			1 space: 300 sf

Section 45.2 “Definitions”

Fortune Telling and Similar Activities: A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry, or any similar means.

ANALYSIS

City staff is recommending that this land use be permitted with a Conditional Use Permit in the Light Industrial District. Based on research done by City staff of other zoned municipalities, it would appear that the most appropriate zoning classification for this land use is the Light Industrial District. This district provides robust adjacency considerations in the form of deeper building setbacks and screening/buffering requirements which are ideal for such a use. Moreover, in the City of Tomball, most of the industrially-zoned properties are adjacent to either residential zoning districts or uses. Requiring a CUP will further protect neighboring properties because they allow for

additional adjacency considerations to be incorporated into the design of the site and operation of the business.

The United States Fourth Circuit Court of Appeals upheld the right of a local government to allow fortune telling businesses with a Conditional Use Permit in Industrial zoning districts on February 26, 2013, (*Patricia Moore-King v. County of Chesterfield, Virginia*). The case ruling states, “With respect to an occupation such as fortune telling where no accrediting institution like a board of law examiners or medical practitioners exists, a legislature may reasonably determine that additional regulatory requirements are necessary.” City staff concurs with the Fourth Circuit Court of Appeals’ determination that fortune telling businesses require “additional regulatory requirements.” In this situation, the most appropriate “additional regulatory requirements” appear to be allowing this land use only in the Light Industrial District with a CUP.

The City’s authority to place particular uses in specific zoning districts is a well-established police power granted to it by the Tenth Amendment of the U.S. Constitution. The courts have established in several rulings (but more specifically in *City of Renton v. Playtime Theatres, Inc.*) that this power must be exercised in a way that is “content-neutral” in its application of time, place, and manner. In addition, it must provide an avenue for any lawful land use to be established somewhere within that municipality. City staff is recommending that Fortune Telling and Similar Activities be located in the Light Industrial District with a CUP because of the potential effects on an area rather than the content of the specific land use. Moreover, the land use is being given an opportunity to be established in an appropriate zone within the City. Consequently, it would appear that this recommendation is content-neutral, while still protecting a substantial property right.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on September 30, 2013; no public comments have been received as of October 9, 2013.

RECOMMENDATION

Approval of the proposed amendments.

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

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

Background:

Tandem Energy has provided a bond for its Oil and Gas Well Drilling & Operations Permit 2007-09-02 since its issuance in 2007. Tandem Energy is requesting Council approval to provide a letter in lieu of the surety bond currently required under Section 30-51. Bond Requirements, (c) of the City's Code, which states that "the City Council, with the approval of the city attorney, may waive the requirement for the surety bond described by this section, as to any permittee, when it is found and determined that such permittee is financially responsible and capable of meeting obligations for amounts in excess of \$1,000,000.00. Upon such determination, the City Council may allow the permittee to file, in lieu of any surety bond, a letter of acceptance binding and obligating such permittee to abide by the conditions prescribed in this section for surety bonds."

Tandem's current bond expires on December 10, 2013; in order to cancel the bond, Tandem must provide notice by November 10, 2013.

Origination:

Tandem Energy

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:

Letter of Acceptance - Tandem Energy

October 25, 2013

City Council of the City of Tomball, Texas
401 Market St
Tomball, TX 77375

Dear Honorable City Council Members:

On behalf of Tandem Energy Corporation, I am writing to ask for approval of a letter of acceptance in lieu of a surety bond – the letter being 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.

Tandem Energy has been operating oil and gas wells in the Tomball area since 1996. We currently operate 33 wells in the Tomball area. Our TGU #6-4 well is located within city limits. Over the past 17 years, we have been contributing to the Tomball area local economy. We buy many of our products from local vendors, and we hire employees that live locally in Tomball. In fact, our region superintendent for the Tomball Field, Mr. Bill Baker, and two other employees are residents of the City of Tomball.

Sec. 30-51(c) states that a letter in lieu may be permitted “when it is found and determined that such permittee is financially responsible and capable of meeting obligations for amounts in excess of \$1,000,000.” For verification of financial responsibility, please use the following information:

Bank:	Texas Capital Bank
Act. No.:	Tandem Energy Corporation, 1111075972
Contact:	Ms. Donna Schwark, Treasury Management Representative (214) 932-6659 Donna.schwark@texascapitalbank.com

We are very appreciative of your time and consideration of our request. Upon approval of our request, we will send a confirmation letter of acceptance to abide by all of the conditions prescribed in Section 30-51 of Ordinance No. 2008-23.

Please do not hesitate to contact me at any time should you have any questions, comments or concerns. My direct line is 713.987.7319 and my mobile number is 713.305.3999. Thank you.

Very truly yours,

TANDEM ENERGY CORPORATION



Tom Nguyen

Cc: Ralph Schofield, COO
Oliver Williams, HSE & Compliance Manager

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 4, 2013

Topic:

Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expiring December 5, 2013

Background:

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

The appointments in each category were made for 1-, 2-, and 3-year terms in order to create staggered expiration dates. The 3-year terms are now expiring and appointments/reappointments must be made for the following positions:

- Representing Tomball Residents: Jeffie Cappadonna - Position 3
- Representing Businesses located within Tomball: Rodney Hutson, M.D. - Position 6
- Representing a Hotel or Motel located within Tomball: Ron Tocci, La Quinta - Position 9

Mrs. Cappadonna, Dr. Hutson, and Mr. Tocci have requested reappointment to the Tourism Advisory Committee. Appointees to Positions 3, 6 and 9 will now serve for three years, with terms expiring December 1, 2016. Attached are applications of the current representatives, along with attendance records of the TAC board members.

As Mayor, I would like to recommend reappointment of Jeffie Cappadonna, Dr. Rodney Hutson, and Ron Tocci to their respective positions. Nominations for these positions will also be accepted at the Council meeting.

Applications of the current committee members and those interested in serving on the Tourism Advisory Committee are attached, including an application from LeighAnne Plumlee, Hampton Inn & Suites, for Position 9, representing a Hotel or Motel located within Tomball located within Tomball. Attendance records are also provided.

Origination:

Mayor

Recommendation:

N/A

Funding:

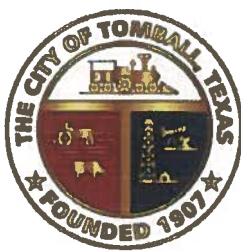
Party(ies) responsible for placing this item on agenda:

City Secretary

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

ATTACHMENTS:

Jeffie Cappadonna Application
 Rodney Hutson Application
 Ron Tocci Application
 LeighAnne Plumlee Application
 TAC Attendance - 2011-2013



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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

Please Type ^{or} Print Clearly:

Date: 11-14-10

Name: Jeffie K. Cappadonna

Phone: 281-351-8949
(Home)

Address: 12727 Zion Rd

Phone: 713-681-0627
(Work)

Email: jk.cappadonna@att.net

713-906-7335 cell

I have lived in Tomball 26 years.

I am ☒ am not ☐ a U.S. Citizen

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

☒
☐
☐

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

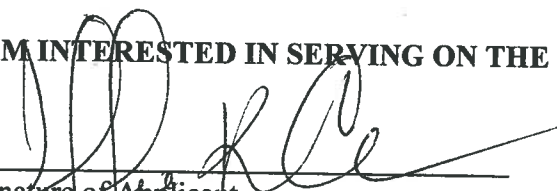
Occupation: I have raised 4 children in Tomball Schools, as a stay
at home mom my husband has become wheelchair bound so I
currently assist him @ work - we have owned Mid-West Electric Co
in Houston since 1974.

Professional and/or Community Activities: TPD - "VIPS" - Tomball Regional Hospital Volunteer
M.D. Anderson's Children's Cancer Project Volunteer - Too many school
jobs too list over the years -

Additional Pertinent Information/References: Loyed - Love Tomball!

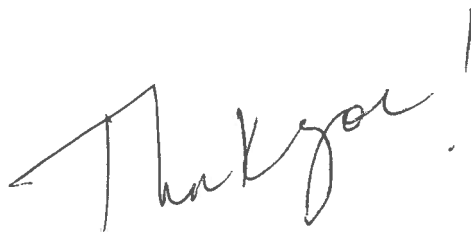
Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

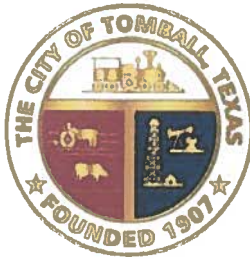
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

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





CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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Please Type or Print Clearly:

Date: 11/16/10

Name: Redway K Hutson MD

Phone: 281-356-4305
(Home)

Address: 9431 Rosiz Ln Suite 100
Magnolia, TX 77354

Phone: 281-356-4305
(Work)

Email: RKHUTSON@SBCglobal.net

I have lived in Tomball years.

I am ☒ am not ☐ a U.S. Citizen

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

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

Occupation: Ophthalmologist (Retired)
Developer/Builder (Active)

Professional and/or Community Activities: CEO/President Hutson Enterprises LLC
Board of Director Downtown Tomball Association, Member Comprehensive
Plan Advisory Committee, City of Tomball, Advisory Committee Livable Centers
Project, Member Tomball Chamber of Commerce
Additional Pertinent Information/References: Business/Property Owner City of
Tomball For 38 years —

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

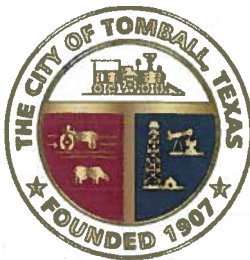
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

 12/16/10

Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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Please Type or Print Clearly:

Name: RONALD JOSEPH Toci

Date: 11/4/2010

Address: 27004 DECKER PRAIRIE ROSEHILL

Phone: (832) 752 3336

Phone: (281) 516 0400

(Home)

(Work)

Email: lq0606@gmail.com

I have lived in Tomball 0 years.

I am ☒ am not ☐ a U.S. Citizen

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



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

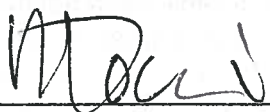
Occupation: General Manager La Quinta Inns and Suites

Professional and/or Community Activities: General Manager La Quinta
Tomball, TX.

Additional Pertinent Information/References: Jacob Koh (281) 516-0400
owner

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

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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

Please Type of Print Clearly:

Date: 10/29/13

Name: Leigh Anne Plumlee

Phone: 832-306-8773

(Home)

Address: 27206 azalea ct

Phone: 281-357-1500

(Work)

City/State/Zip Magnolia Tx 77354

Cell: 832-588-1058

Email: Leighanne.plumlee@ Hilton.com

I have lived in Tomball ____ years.

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

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

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

Occupation: I am the General Manager For The Hampton Inn & Suites In Tomball Texas

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Leigh Anne Plumlee
Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

Tourism Advisory Committee

Attendance

2013

January 28, 2013 (Regular)

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

April 22, 2013

Meeting cancelled

July 30, 2013 (Regular)

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

July 22, 2013 CANCELLED-NO QUORUM

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

October 22, 2013 (Regular)

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

2012

January 23, 2012 (Regular)

Holly Cook
Ken Shuman
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson - [absent](#)
Kevin Lala
LeMar Barr
Ronald Tocci - [absent](#)

April 23, 2012 (Regular)

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

July 23, 2012 (Regular)

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

October 22, 2012 (Regular)

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

2011**January 24, 2011 (Regular)**

Holly Cook
 Ken Shuman
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday
 Rodney Hutson
 Kevin Lala
 LeMar Barr
 Ronald Tocci

April 28, 2011 (Regular)

Holly Cook
 Ken Shuman – [absent](#)
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday
 Rodney Hutson
 Kevin Lala – [absent](#)
 Prakesh Patel
 Ronald Tocci

February 16, 2011 (Special)

Holly Cook
 Ken Shuman
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday
 Rodney Hutson
 Kevin Lala - [absent](#)
 LeMar Barr - resigned
 Ronald Tocci

July 5, 2011 (Special)

Holly Cook
 Ken Shuman
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday
 Rodney Hutson
 Kevin Lala
 Prakesh Patel – [absent](#)
 Ronald Tocci

February 28, 2011 (Special)

Holly Cook
 Ken Shuman
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday
 Rodney Hutson
 Kevin Lala – [absent](#)
 Ronald Tocci

July 18, 2011 (Special)

Holly Cook
 Ken Shuman
 Mary Harvey
 Jeffie Cappadonna
 Beverly Leday – [absent](#)
 Rodney Hutson
 Kevin Lala
 Prakesh Patel
 Ronald Tocci – [absent](#)

July 25, 2011 (Regular)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna
Beverly Leday
Rodney Hutson
Kevin Lala – [absent](#)
Prakesh Patel – [absent](#)
Ronald Tocci

August 22, 2011 (Special)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna
Beverly Leday – [absent](#)
Rodney Hutson
Kevin Lala
Prakesh Patel
Ronald Tocci – [absent](#)

October 24, 2011 (Regular)

Holly Cook
Ken Shuman – [absent](#)
Mary Harvey
Jeffie Cappadonna – [absent](#)
Beverly Leday
Rodney Hutson
Kevin Lala – [absent](#)
Prakesh Patel – [absent](#)
Ronald Tocci

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 4, 2013

Topic:

Approve Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues in the Amount of \$40,000 for SCCHA's 2013-2014 Fiscal Budget for Annual Operations

Background:

Spring Creek County Historical Association requested additional support through hotel-motel tax revenues in the amount of \$40,000.

On October 22, 2013, the Tourism Advisory Committee voted to approve Spring Creek County Historical Association's request for funding through hotel-motel tax revenues in the amount of \$30,000, which was previously approved by Council in the 2013-2014 Fiscal Year Budget.

Origination:

Spring Creek County Historical Association

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:

Spring Creek
Spring Creek by-laws

July 6, 2013

Mr. George Shackelford
City Manger of Tomball

Dear George:

Attached is the application for budget request funds from the Hotel/Motel Tax Revenue for the fiscal year of 2013 and 2014 to assist in the historical preservation of the Spring Creek County Historical Association (commonly referred to as the Tomball Museum Center.).

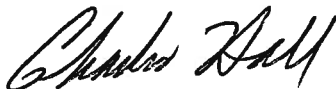
This application follows our August 7, 2012 letter covering the prior year application. We would appreciate your review and consideration by the Committee for the fiscal budget year 2013-2014.

The Museum is very appreciative of the support we have received from the City. We are in the process of surveying and replatting the Museum property for rezoning application to the City for a classification as a Museum Complex.

Also, we have received a donation of a Windmill that has been completely repaired that was previously located on the north side of Tomball. We would like to erect this Windmill for use with our third grade school kids that tour for their history class.+

If we could get the approval of the City and the Budget Hot Funds Committee as outlined on the attached list of Planned Projects for the Museum this would be a tremendous help financially to the Museum and visitors to the City.

Yours assistance is greatly appreciated.



Charles Hall-President
Spring Creek County Historical Association



CITY OF TOMBALL

APPLICATION FOR USE OF HOTEL OCCUPANCY TAX

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

Applications may be mailed or hand delivered to:

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

Applicant Organization: Spring Creek County Historical Association

Organization Director: Mrs. Jean Alexander

Project or Event for which funding is requested: Museum Operations - 2013 -2014

Date of Event: Annual 2013 - 2014 Operations

Description of project or event for which funding is requested: Ongoing activities and tours

Location of project or event:

GRANT AMOUNTS:

Amount Requested for 2013-2014	\$ 40,000.00
Amount Requested for 2012-2013	\$ 38,000.00
Amount Received during 2012-2013	\$ 30,000.00
% increase requested over last year's grant	33%

Spring Creek County | Historical Association

2013 - 2014 Organization Budget Summary

	City Funds	Other Funds	Total
Personnel	\$5,000.00	\$21,000.00	\$26,000.00
Contracted Services and	\$11,000.00	\$ 9,200.00	\$20,200.00
Repair & Maintenance	\$24,000.00	0	\$24,000.00
Travel			0
Rental Expense			0
Depreciaton/Mortgage			0
Advertising		\$ 2,000.00	\$2,000.00
Insurance		\$10,000.00	\$10,000.00
Other expenses		\$12,800.00	\$12,800.00
Volunteer Time			0
Donated Goods/ Services			0
Total	\$40,000.00	\$55,000.00	\$95,000.00

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

<u>Government</u>	<u>Amount of Funds</u>
Local	_____
County	_____
State	_____
Federal	_____
<u>Other Investors/Contributors</u>	
Individual	\$17,000.00
Corporate	_____
Foundations	\$5,000.00
<u>Fees</u>	
Admissions	<u>\$15,000.00</u>
Applications	_____
Vendors	_____
Tuition	_____
 <u>Concessions</u>	 _____
<u>Memberships</u>	<u>\$3,000.00</u>
<u>Subscriptions</u>	_____
<u>Other</u>	<u>\$15,000.00</u>
Total	<u>\$55,000.00</u>

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

2,500 people visiting from other than Tomball through out
The year

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

Yes, 7 foreign countries, 18 various states, and numerous
other cities and towns around Texas

Organization Contact Name, Title, Address and Phone Number:

Charles R. Hall - President
10715 Mahaffey Rd
Tomball, Texas 77375 281-351-0570

Contact's Signature: Charles R. Hall

Date: 7-6-13



VALIDATION OF APPLICATION

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

Charles R. Hall 
Signature of Authorizing Official

7-6-2013
Date

Charles R. Hall
Typed Name

President
Title within Organization

281-351-0570
Telephone

crhall12@sbcglobal.net
Email address

**Application for Grant Funds from the Hotel /Motel Tax-2013-2014 Fiscal Year
Spring Creek County Historical Association
Commonly Referred to As the Tomball Museum**

Purpose: To provide a Museum that represents the historical preservation of the City of Tomball and the surrounding Community and to attract visitors from around the country to tour the ten historical buildings that are furnished as they existed 100 years ago in the Tomball area.

Plan:

1. Extend the hours of operation for the Museum to accommodate the Visitors coming to the Museum for guided tours.
2. Promote the various activities of the Museum and publicize on both a state and local basis in various Travel and Tourist magazines and other publications. Also, we plan to replace the Web Site to have a friendlier site to get information to the general public through the Internet.
3. Expand our scope to accommodate various AARP groups that have inquired about visiting the Museum. Also, with expanding our hours of operation and adding additional staff, we will be able to have more school children for Texas history classes, church groups, private schools, girl and Boy Scout troops, and visitors who are visiting Tomball from other States and cities throughout the United States. It should be noted that in the past years, we have not been able to meet some of the travel plans for many visitors.
4. Paint and preserve the exhibit of the Neidigk Sawmill project.
5. Continue numerous planned maintenance projects to improve the general appearance and the preservation of the 10 historical buildings for future visitors. (Refer to the list of future projects for the fiscal year of 2013-2014.)

Spring Creek County Historical Association
Schedule of Planned Projects for Fiscal Year 2013-2014

1. Get water tap from City, then install water sprinkler system for the Barn and School House areas.
2. Power wash, prime, and paint the Schoolhouse.
3. Power wash, prime, and paint the Oil Camp House.
4. Reinforce two areas of the floor in the Theiss House.
5. Survey and replat the entire Museum property to apply for new zoning to a Museum Complex. (Currently zoned SFD 1.) Note: This was requested by the City Administration.
6. Pour concrete slab and install windmill that was originally located on the outskirts of Tomball. Windmill has been completely repaired and donated to the Museum. The current zoning restrictions for SFD 1 do not allow for sufficient set-back footage from the property lines. This is another reason for rezoning of the Museum Complex.
7. Replace 5 ton air conditioner for the Griffin House.
8. Contract the furnishing of steel and erection of the metal roof over the Sawmill (size approx. 55 feet long by 20 feet wide.)
9. Replace the 5 ton air conditioner in the Griffin House.
10. Numerous other repair and maintenance projects as required. We are not sure of the scope of these projects as they are necessary to maintain 10 building that are over 100 years old.

Application for Grant to the City Of Tomball-July 6, 2013

The function of the Spring Creek County Historical Association (Tomball Museum) is to preserve the history of Tomball and the surrounding community for the present and future generations. The Museum provides our tourists, citizens, school children, church groups, senior citizens, scouts, and other organizations an opportunity to look back in time and see the history of Tomball through guided tours of our historic homes, businesses, and other exhibits. We provide tours for school children (at no cost to the schools) to instill an awareness of Tomball's history.

The future of the Museum depends on significant financial support from the City and donations from our citizens. These funds help provide for the Candlelight Tours of the Museum facilities at Christmas; Annual Heritage Tea Celebration in April honoring individual(s) that have contributed to the civic and/or cultural activities of the City Of Tomball. The Museum needs the City's financial support for operational and continual maintenance expenses of 10 historic buildings most of which are over 100 years old.

The Museum meets practically all of the guidelines for the Hotel Occupancy Tax policy.

The Museum supports the Chamber's goals and we promote the City with tours on Sunday's and Thursday's each week for visitors to Tomball throughout the entire year.

The Museum has its own Website on the Internet, and is a member of the Chamber Of Commerce, and the local newspapers write articles and publicize the Museum's various activities.

This past year the Museum received visitors from 7 foreign countries, 18 various states, and numerous different Texas cities. Approximately 4000 people visited the Museum during the year. The Museum is proud of our partnering relationship with the City. We feel we are part of the City's mission to promote Tomball to people visiting our City.

The budget for annual 2013 year is \$95,000 which represents an increase of \$17,500 over the prior year's budget of \$77,500.

SPRING CREEK COUNTY HISTORICAL ASSOCIATION

2013 BUDGET

REVENUES

DONATIONS - UNDESIGNATED	\$10,000
DONATIONS - COBB/McCOURT	\$5,000
BUILDING USE FEES	\$15,000
CITY HOTEL TAX REVENUE	\$45,000
MEMBERSHIP DUES	\$3,000
OIL/GAS ROYALTY INCOME	\$10,000
INTEREST INCOME	\$4,000
DONATIONS - CANDLELIGHT TOUR/HERITAGE TEA	\$2,000
MISCELLANEOUS INCOME	\$1,000
 TOTAL REVENUES	 \$95,000

EXPENSES

SALARIES	\$24,000
FICA EXPENSE	\$2,000
ACCOUNTING & BOOK-KEEPING	\$3,000
CANDLELIGHT TOUR EXPENSES	\$2,000
HERITAGE TEA EXPENSE	\$1,000
INSURANCE EXPENSE	\$10,000
JANITOR/CLEANING	\$1,200
MISCELLANEOUS EXPENSES	\$1,000
OFFICE EXPENSE	\$1,000
POSTAGE	\$1,000
REPAIRS & MAINTAINANCE	\$24,000
SECURITY EXPENSE	\$1,000
SUPPLIES	\$600
TELEPHONE/WEB-SITE	\$1,500
UTILITIES	\$9,000
BUILDING USE EXPENSE	\$1,500
PEST CONTROL	\$500
PUBLICITY	\$500
DUES & SUBSCRIPTIONS	\$200
YARD MAINTAINANCE	\$10,000
 TOTAL EXPENSES	 \$95,000

NET REVENUE

\$0

ELLEN H. STUTTS

CERTIFIED PUBLIC ACCOUNTANT
14011 PARK DRIVE • SUITE 113
TOMBALL, TEXAS 77377

THE TEXAS SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

281-290-0626
281-351-5378 FAX

Independent Accountant's Compilation Report

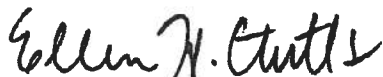
To the Board of Directors
Spring Creek County
Historical Association

I have compiled the accompanying statement of assets, liabilities and fund balance— income tax basis of Spring Creek County Historical Association (a not for profit organization) as of December 31, 2012, and the related statement of revenue and expenses for the one and twelve month periods then ended, and the accompanying supplementary statement of fund balance – income tax basis. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Association's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.



Ellen H. Stutts
March 28, 2013

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF ASSETS, LIABILITIES & FUND BALANCE
INCOME TAX BASIS
DECEMBER 31, 2012

ASSETS

CURRENT ASSETS		
CASH - SPIRIT OF TEXAS BK	\$	31,077.74
CASH - SPIRIT OF TEXAS BK - MM		7,699.74
CD - FNBK BELLVILLE		100,000.00
CD - SPIRIT OF TEXAS BANK		50,008.22
CD - SPIRIT OF TEXAS BK 2		99,999.99
CD - SPIRIT OF TEXAS BANK		50,008.22
MISC RECEIVABLES		674.67
TOTAL CURRENT ASSETS		339,468.58
PROPERTY AND EQUIPMENT		
FURNITURE & FIXTURES		51,721.88
ALARM SYSTEM - GH&TH		1,900.00
JAIL		3,105.50
SAWMILL		4,380.00
GAZEBO		2,552.10
BUILDINGS		125,662.67
SPRINKLER SYSTEM		4,410.00
SIDEWALK		4,118.50
LAND		70,055.79
ACCUM DEPRECIATION		(196,891.00)
TOTAL PROPERTY AND EQUIPMENT		71,015.44
OTHER ASSETS		
DEPOSITS		400.00
TOTAL OTHER ASSETS		400.00
TOTAL ASSETS	\$	410,884.02

LIABILITIES & FUND BALANCE

CURRENT LIABILITIES		
FEDERAL INCOME TAX W/H	\$	276.00
FICA PAYABLE		454.86
TOTAL CURRENT LIABILITIES		730.86
LONG-TERM LIABILITIES		
TOTAL LONG-TERM LIABILITIES		0.00
TOTAL LIABILITIES		730.86
FUND BALANCE		
FUND BALANCE		408,849.20
NET REVENUE		1,303.96
TOTAL FUND BALANCE		410,153.16
TOTAL LIABILITIES & FUND BALAN	\$	410,884.02

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF REVENUE & EXPENSES
INCOME TAX BASIS
FOR THE TWELVE PERIODS ENDING DECEMBER 31, 2012

	Current Month		Year to Date	
REVENUES				
DONATIONS-UNDESIGNATED	0.00	0.00	8,691.00	14.23
DONATIONS-COBB-MCCOURT	0.00	0.00	1,500.00	2.46
DONATIONS-OIL PATCH KIDS FUN	0.00	0.00	1,775.00	2.91
BUILDING USE FEES	400.00	12.30	4,976.00	8.15
GRANT-CITY OF TOMBALL	0.00	0.00	30,000.00	49.12
MEMBERSHIP DUES	0.00	0.00	2,380.00	3.90
OIL/GAS ROYALTY INCOME	1,935.92	59.55	7,964.09	13.04
INTEREST INCOME	336.93	10.36	3,204.85	5.25
DONATIONS - CANDLELIGHT TOUR	578.00	17.78	578.00	0.95
TOTAL REVENUES	3,250.85	100.00	61,068.94	100.00
EXPENSES				
SALARIES	1,140.00	35.07	13,680.00	22.40
FICA EXPENSE	87.21	2.68	1,046.52	1.71
ACCOUNTING & BOOKKEEPING	0.00	0.00	2,065.00	3.38
CANDLELIGHT TOURS EXPENSE	71.91	2.21	190.83	0.31
DEPRECIATION EXPENSE	0.00	0.00	3,000.00	4.91
DOCENT EXPENSE	0.00	0.00	6,000.00	9.82
DUES & SUBSCRIPTIONS	0.00	0.00	195.00	0.32
HERITAGE TEA EXPENSE	0.00	0.00	67.16	0.11
INSURANCE EXPENSE	477.00	14.67	8,347.69	13.67
JANITOR	245.00	7.54	2,050.00	3.36
MISCELLANEOUS EXPENSE	5.00	0.15	85.00	0.14
OFFICE EXPENSE	0.00	0.00	1,404.89	2.30
REPAIRS & MAINTENANCE	0.00	0.00	251.55	0.41
REPAIRS - BARN	0.00	0.00	287.32	0.47
REPAIRS - SCHOOL	0.00	0.00	350.00	0.57
REPAIRS - GAZEBO	0.00	0.00	475.00	0.78
REPAIRS - GRIFFIN HOUSE	0.00	0.00	2,271.67	3.72
REPAIRS - FELLOWSHIP	156.31	4.81	355.62	0.58
REPAIRS - SAWMILL	0.00	0.00	254.61	0.42
SECURITY EXPENSE	0.00	0.00	590.92	0.97
SUPPLIES	71.97	2.21	485.67	0.80
TAXES - AD VALOREM	127.54	3.92	278.64	0.46
PRODUCTIONS TAXES	367.05	11.29	367.05	0.60
TELEPHONE	87.28	2.68	956.83	1.57
UTILITIES	659.07	20.27	7,362.14	12.06
BUILDING USE EXPENSE	0.00	0.00	1,300.00	2.13
YARD MAINTENANCE	0.00	0.00	6,000.00	9.82
WEBSITE EXPENSE	0.00	0.00	45.87	0.08
TOTAL EXPENSES	3,495.34	107.52	59,764.98	97.86
NET REVENUE	\$ (244.49)	(7.52)	\$ 1,303.96	2.14

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

BY-LAWS OF THE SPRING CREEK COUNTY HISTORICAL ASSOCIATION

ARTICLE I – Name

Sec. 1. The name of the organization shall be the SPRING CREEK COUNTY HISTORICAL ASSOCIATION, pursuant to its Articles of Incorporation by the State of Texas, dated April 17, 1964 (Charter No. 203367), and hereinafter referred to as "The Association".

Sec. 2. The principal place of business and general office shall be the Museum Center, located in Tomball, Texas.

ARTICLE II – Purpose

Sec. 1. Promotion of historical, cultural and educational pursuits.

Sec. 2. Discovery, collection, and preservation of any and all articles, materials, documents and other objects which may establish or illustrate the history, growth, or population, culture, education, resources, trade and daily life in the area of northern Harris County and contiguous areas.

Sec. 3. Maintenance of a museum center consisting of as many buildings as may be deemed expedient or necessary, consistent with resources of the Association; the collection, exhibition, and preservation of all such articles, property, and objects of historical value; and enlisting the interest and support of the people and institutions of the area in its historical background and its cultural ideals.

Sec. 4. To accept, receive, and acquire funds, stocks, securities, and property by donations, bequests, and devices, or otherwise; hold, invest, reinvest, convert, exchange, lease, sell, transfer, mortgage, pledge, and dispose of any and all funds, stocks, securities, and properties so received or acquired for the purpose of construction, providing, operating, and maintaining said museum; and to do all acts, exercise all powers, and assume all obligations necessary or incident thereto under and in accordance with provisions of the Texas Non-Profit Corporation Act.

Sec. 5. The Corporation shall have no capital stock and shall be a non-profit corporation.

ARTICLE III – Membership

Sec. 1. Membership of The Association shall be available to persons interested in historical and educational pursuits and shall bear the following classifications and financial requirements:

- (a) Individual Member – dues shall be \$15.00 annually.
- (b) Family Membership – dues shall be \$25.00 annually.
- (c) Life Members – a single payment of \$250.00.
- (d) Corporate Members – dues shall be \$100.00 annually.
- (e) Corporate Life Member – a single payment of \$1,000.00

Sec. 2. All annual dues shall be due and payable at the April meeting of each year and shall be delinquent after August 1 of each year.

Sec. 3. All adult members shall be extended voting privileges.

Sec. 4. Any member of the Association who is receiving any type of compensation for services rendered to the Association may not at the same time be serving as a trustee of the Association.

ARTICLE IV – Organization

Sec. 1. The policies and affairs of The Association shall be determined and directed by the Board of Trustees, consisting of twelve (12) members. These members shall be elected to serve for a rotating term of three (3) years. Each year, four (4) members shall be elected at a General Membership Meeting of The Association held during the month of April unless the Association has determined another date. Any candidate for election shall have been a member for a minimum period of one (1) year before being eligible for election. A nominating committee consisting of three (3) members in good standing shall submit a slate of candidates. Any additional nominations must be submitted in writing to the nominating committee chairperson two (2) weeks prior to the general meeting. The nominating committee must certify all candidates. Elections may be by balloting in person or by absentee ballot. Any member desiring to vote absentee should arrange to obtain an absentee ballot from The Association office and return in the preaddressed envelope provided. All absentee ballots must be received by 12 midnight on Friday prior to the General Membership Meeting and election. Ballots will determine the election by simple majority, or by acclamation.

Sec. 2. Officers of the Association shall be elected from the Board of Trustees at the April General Membership Meeting following the Board of Trustees' election. The officers shall be President, Vice-President, Secretary and Treasurer.

Sec. 3. New Trustees will commence duties in May.

Sec. 4. Interim vacancies occurring on the Board of Trustees shall be filled for the unexpired term by appointment by the Board of Trustees. Any Trustee absent from three (3) consecutive meetings, except for reasons that are beyond his control, shall be deemed to have forfeited his position and shall be replaced by appointment by the Board of Trustees to fill the unexpired term.

Sec. 5. Special meetings of the Board of Trustees may be called into session by the President or upon the request of three (3) members of the Board of Trustees.

ARTICLE V. – Executive Director

Sec. 1. The Board of Trustees shall appoint an Executive Director from among persons that may have applied for such position or someone nominated by a member of The Association. The Director shall be responsible to the Board of Trustees for the day to day operations of The Association and its committees; be responsible for the recruitment, organization, training and assignment of docents; and be responsible for promoting and conducting their overall programs.

Sec. 2. The Board of Trustees shall outline the specific duties of the Director and establish compensation for the Director consistent with the requirements of the position and the financial ability of The Association. The Director shall be appointed for a term of One (1) year with a further extension of service dependent upon a review by the Board of Trustees.

Sec. 3. The Director shall attend all meetings of the Association, the Board of Trustees, and any major activities but shall not be entitled to vote in meetings of the Board of Trustees.

ARTICLE VI. – Meetings

Sec. 1. Regular General Membership Meetings of The Association shall be scheduled with times announced in the Newsletter. Election of Board Members shall take place at a general meeting in April. Meetings shall be held to conduct the business of The Association and to present an educational, historical, or social program.

Sec. 2. (a) Ten (10) members shall constitute a quorum for a General Membership meeting of The Association.

(b) Seven (7) members shall constitute a quorum for a meeting of the Board of Trustees.

ARTICLE VII. – Nominating Process

In January, the President shall appoint a nominating committee to select candidates for positions on the Board of Trustees. The slate of candidates shall be selected in time to appear in the March or April Newsletter. The slate of candidates shall be presented at the April general meeting.

ARTICLE VIII. – Duties and Responsibilities of Board of Trustees

The trustees shall be responsible for the formulation and implementation of policies, standards, conditions and operation of The Association and Museum, and the Executive Director shall execute such policies in the operation of the Museum.

The Trustees shall:

- (a) Establish the basic policies.
- (b) Adhere to the by-laws.
- (c) Employ and discharge the Executive Director as well as set duties and salary.
- (d) Purchase, acquire, sell or dispose of major properties of the Museum, subject to the approval of the General Membership of The Association.
- (e) Preserve the Museum's properties and collections.
- (f) Maintain The Association's financial integrity.
- (g) Approve an annual budget.
- (h) Support and attend the functions of The Association.

ARTICLE IX. – Duties of Officers

1. PRESIDENT OF THE BOARD OF TRUSTEES AND THE ASSOCIATION

- (a) shall be the chief executive officer of The Association and shall be responsible for overall implementation of policies, standards, conditions and operations with the advice and consent of the Board of Trustees.
- (b) Shall preside at all of the meetings of the Board of Trustees and the General Membership meetings of The Association.
- (c) shall serve ex-officio on all committees
- (d) shall appoint chairmen of committees.

- (e) shall sign all documents of The Association and perform such other duties as are usually considered appropriate to the office of President.
- (f) shall be able to sign checks for disbursements of The Association's funds as approved by the Board of Trustees.

2. VICE-PRESIDENT OF THE BOARD OF TRUSTEES AND ASSOCIATION

- (a) shall in the absence of the President of the Board of Trustees perform the functions and duties of that office, and in the event of a vacancy, to assume the office of President of the Board of Trustees and The Association until the next regular election for officers.
- (b) may also be appointed to serve on committees.

3. SECRETARY OF THE BOARD OF TRUSTEES AND THE ASSOCIATION

- (a) shall record and certify all minutes of all meetings of the Board of Trustees and The Association.
- (b) shall make available copies of minutes of the previous meetings of the General Membership and the Board of Trustees.
- (c) shall notify the Board of Trustees of approaching meetings.
- (d) shall conduct official correspondence and sign all official documents, resolutions and papers of The Association together with the President of the Board of Trustees.

4. TREASURER OF THE BOARD OF TRUSTEES AND THE ASSOCIATION

- (a) shall act as custodian of all funds of The Association, sign checks, and make disbursements as approved by the Board of Trustees with the exception that items of a routine nature will not require such approval.
- (b) Shall keep and maintain, or cause to be kept and maintained, books reflecting an accurate record of transactions and the financial condition of The Association and to furnish regular written reports to the Association at the beginning of each General Membership Meeting.
- (c) shall submit the records for an annual audit.
- (d) shall allocate monies for the activities of The Association in accordance with the annual budget.
- (e) shall be responsible for seeing that non-routine expenditures in excess of \$100.00 have prior approval of the Board of Trustees.

ARTICLE X-- DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

The Director shall:

- (a) Operate the museum according to policies determined by the Board of Trustees.
- (b) Initiate and approve exhibitions and programs.
- (c) Handle the routine expenditures as allowed by a budget approved by the Board of Trustees. Non-routine and non-recurring items shall require final approval of the Board of Trustees before a purchase contract is completed.
- (d) Initiate publicity for the museum.
- (e) Publish a regular newsletter.

ARTICLE XI – COMMITTEES AND CHAIRMEN

Committees and Chairmen, as needed, shall be appointed by the President of the Board of Trustees from the membership of The Association.

ARTICLE XII – AMENDMENT

These By-Laws May be amended by an affirmative voted of two-thirds ($\frac{2}{3}$) majority of the members present at any regular or special meeting of The Association at which a quorum is present. No amendment shall be made unless a formal notice of the proposed amendment has been presented at a previous meeting.

ARTICLE XIII – PARLIAMENTARY AUTHORITY

Roberts' Rule of Order (Revised) shall govern in all cases to which they are applicable and in which they are not inconsistent with the Constitution and By-Laws of The Association.

ARTICLE XIV -- DISSOLUTION OF ASSETS

The Spring Creek County Historical Association upon dissolution will transfer its assets to the State of Texas, or to a charitable, religious, educational or other similar organization that is qualified as a charitable organization under Section 501 c (3) of the Internal Revenue Code.

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

Approve Request by The Regional Arts Council (TRAC) for Financial Support in the Amount of \$24,500, for Four Performances of "The Nutcracker" Ballet, to be held December 7 and 8, 2013 at the Tomball High School Auditorium.

Background:

In the FY2014 budget, \$11,000 was appropriated by Council for The Regional Arts Council (TRAC), which is the same amount budgeted in FY2013. The adopted budget contains an additional category in the Hotel-Motel Tax Revenues entitled "Grants," in which \$20,000 has been appropriated for additional requests throughout the 2014 fiscal year.

Should City Council allocate any additional funding over the \$11,000 appropriated for TRAC, those funds would come from the Grants account.

Please note that we are closely monitoring the ending fund balances in the Hotel/Motel Tax Fund accounts. For the past several years, we have spent an average of \$38,000 annually more than in revenue received. This is due to new programming and City events being held. Additionally, the City is spending roughly the same amounts that have been spent in previous years; however, with the addition of our Marketing Director, I believe we are spending the hotel/motel funds more wisely and putting the funds where it counts more.

On October 22, 2013, the Tourism Advisory Committee voted to recommend that TRAC should receive the budgeted amount, \$11,000, previously approved by Council in the FY 2013-2014 Budget.

Origination:

Tomball Regional Arts Council

Recommendation:

N/A

Funding:

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

City Manager

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

ATTACHMENTS:

TRAC information



Houston Repertoire Ballet

"The Nutcracker" 2013 Principle Staff and Artist Bio's

Victoria Vittum, Artistic Director and Co-Founder

Victoria Vittum is a nationally recognized teacher and choreographer. She received her early training from Julio de Bethencourt and also holds a B.A. in Dance Education from Lamar University. She has choreographed for professional and civic companies throughout the country as well as having her work presented at the Edinburgh Festival in Scotland. Ms. Vittum has been the recipient of numerous awards, including two Monticello Choreography Awards, Illinois State University Choreography Competition Winner, and two nominations for the General Electric American Choreographer Awards, and two of her original ballets have been placed on the National Choreography Plan. For over a decade she was on the faculty of Margo Marshall School of Ballet and served as Resident Choreographer and Associate Artistic Director of the City Ballet of Houston. Ms. Vittum has been a guest teacher for Chrysalis Repertory Dance Company, Hope Stone, HSPVA, Houston Grand Opera and Ballet Prejocaj of France. She served as Resident Choreographer of Gwinnett Ballet Theater in Atlanta, GA and was on the guest faculty of the Washington School of Ballet's Summer Intensive Program in 2002 & 2003. From 1998 - 2003 Ms. Vittum taught at Houston Ballet, both classes for the company as well as for the academy. She is once again teaching classes at Houston Ballet and concurrently is the Director of the Ballet Center of Houston and Artistic Director of HRB. Ms. Vittum is married to Julio de Bethencourt.

Gilbert Rome, Co-Founder:

Gilbert Rome began his training in New Orleans with Gayle Parmalee. During his professional career, he performed with such legends as Rudolf Nureyev, Erik Bruhn, Lynn Seymour, and Marcia Haydee. Mr. Rome has performed in most all of the Classical Repertoire and has worked under internationally acclaimed choreographers and teachers such as Celia Franca, Erik Bruhn, Todd Bolendor, John Cranko, and Betty Oliphant. His professional background includes the National Ballet of Canada, State Opera House in Koln and Frankfurt, Germany, Mississippi Coast Ballet and Houston Ballet. He has served as Resident Choreographer and Co-Artistic Director of City Ballet of Houston under the direction of Margo Marshall, from the years 1980 – 1993. He has been a member of the teaching staff at Houston Ballet Academy, Houston Dance Center, Southwest and Southeast Regional Ballet Festivals and the High School for the Performing and Visual Arts. Mr. Rome has choreographed no less than seventy ballets between 1973 and 1997 throughout the country and has been the recipient of numerous awards as a teacher and choreographer. Mr. Rome choreographed a ballet for Loyola University, which premiered in November 2002 in New Orleans, and returned there as a guest teacher in the summer of 2003. Mr. Rome retired as the Director of the Margo Marshall - Gilbert Rome Studio of Dance and as the Co-Artistic Director of Houston Repertoire Ballet in 2006.

Barbara LeGault, Ballet Mistress:

Barbara LeGault is a graduate of Houston's High School for the Performing and Visual Arts. Barbara LeGault trained under Margo Marshall and is formerly with City Ballet of Houston. Since that time she danced many lead roles with the Pittsburgh Ballet Theater and the Louisville Ballet. She was directed by Alun Jones and Helen Starr. In 1979, Jones paid Ms. LeGault the ultimate compliment by creating his Cinderella especially for her. She also danced with Tennessee Festival Ballet, directed by David and Anna Marie Holmes, and with the Summer Festival Ballet in Lisbon, Portugal. Her repertoire includes appearances in Don Quixote, Swan Lake, The Nutcracker, and Sleeping Beauty. Other roles to her credit are in the Houston Grand Opera productions, Mefeistofoles and Aida. She is currently a faculty member of Ballet Center of Houston and the Ballet Mistress for Houston Repertoire Ballet.

Yuriko Kajiya - Sugar Plum Fairy

Soloist- American Ballet Theatre

Born in Nagoya, Japan, Yuriko Kajiya began her training at the age of eight. At ten, she moved to China and became one of the first foreign students to study with and graduate from the Shanghai Ballet School on scholarship. During her stay in China, Kajiya performed many times on Chinese national television.

In 1997, at age 13, Ms. Kajiya won the Best Performance Award in the senior category at the Tao Li Bei National Ballet Competition. In 1999, she became one of the youngest finalists at the Third International Ballet Competition in Nagoya. In January 2000, she won the renowned Prix de Lausanne Scholarship which enabled her to study at the National Ballet of Canada School in Toronto.

Ms. Kajiya starred in the 2007 documentary *Passion Across a Continent* in Japan. She also appeared on the Tokyo Talk Show and presented the American Ballet Theatre documentary *Dancers*. She has performed as a guest in Japan dancing Odette in *Swan Lake*, Act II and *A Midsummer Night's Dream*, as well as appearing in galas at the West Virginia Dance Festival, Santa Fe Festival, Chicago Dancing Festival, the Hope and Pride Gala of Japan, New National Ballet Gala and the Prix de Lausanne. Most recently, she appeared in a 90-minute documentary entitled *Yuriko: Ballerina*.

Ms. Kajiya joined American Ballet Theatre's Studio Company in September 2001. She became an apprentice with the main Company in 2002 and was promoted to the corps de ballet in June. She was appointed a Soloist with American Ballet Theatre in August 2007.

Her repertoire includes Gamzatti and first and second Shades variations in *La Bayadère*, Blossom in *Cinderella*, Gulnare and an Odalisque in *Le Corsaire*, Kitri, Amour and a Flower Girl in *Don Quixote*, Giselle, Zulma and the peasant pas de deux in *Giselle*, Valencienne in *The Merry Widow*, Clara and the Grand Pas de Deux in Alexei Ratmansky's *The Nutcracker*, Clara in Kevin McKenzie's *The Nutcracker*, Olga in *Onegin*, Henrietta in *Raymonda*, Princess Florine, the Lilac Fairy, the Fairy of Joy and the Fairy of Fervor in *The Sleeping Beauty*, the pas de trois, cygnets, Polish Princess and Hungarian Princess in *Swan Lake*, the Waltz in *Les Sylphides*, *Tchaikovsky Pas de Deux* and leading roles in *Baker's Dozen*, *Ballo della Regina*, *Birthday Offering*, *Brief Fling*, *Chamber Symphony*, *Dark Elegies*, *Désir*, *Diversion of Angels*, *Drink to Me Only With Thine Eyes*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Rabbit and Rogue*, *Seven Sonatas*, *Sinfonietta*, *Symphony in C* and *Theme and Variations*. She created a leading role in Alexei Ratmansky's *Dumbarton*.

Jared Matthews - Cavalier

Solist - American Ballet Theatre, HRB Alum

Jared Matthews was born in Houston and received his early ballet training there under the guidance of Victoria Vittum and Gilbert Rome. He was awarded a full scholarship to study at North Carolina School of the Arts summer program as well as the School of American Ballet and American Ballet Theatre. While attending American Ballet Theatre's Summer Intensive Program in 2001 as a Coca Cola Scholarship winner, he was invited to join ABT's Studio Company.

Mr. Matthews joined American Ballet Theatre as an apprentice in 2002 and as a member of the corps de ballet in April 2003. He was appointed a Soloist in August 2007. His repertoire with the Company includes Albrecht, Hilarion and the peasant pas de deux in *Giselle*, Franz in *Coppélia*, Lankendem in *Le Corsaire*, Lensky in *Onegin*, a Stepsister's Escort in *Cinderella*, Espada in *Don Quixote*, Lysander in *The Dream*, the Turning Boy in *Études*, Gaston in *Lady of the Camellias*,

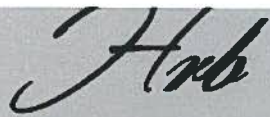
Rakitin in *A Month in the Country*, Camille in *The Merry Widow*, Lensky in *Onegin*, Cassio in *Othello*, the Head Wrangler in *Rodeo*, Mercutio and Benvolio in *Romeo and Juliet*, the Bluebird in *The Sleeping Beauty*, Benno and von Rothbart (Ballroom) in *Swan Lake*, Gurn in *La Sylphide*, Aminta and Orion in *Sylvia*, *Tchaikovsky Pas de Deux*, *Thaïs Pas de Deux* and leading roles in *Black Tuesday*, *Brief Fling*, *Dark Elegies*, *Désir*, *Drink To Me Only With Thine Eyes*, *Duets*, *Gong*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Sechs Tänze*, *Seven Sonatas*, *Sinfonietta*, *Some Assembly Required*, *Symphonic Variations*, *Symphony #9*, *Symphony in C*, *Troika* and *workwithinwork*. He created the leading roles in *C. to C. (Close to Chuck)*, *Glow-Stop*, *One of Three* and *Thirteen Diversions*.

As a guest artist, Mr. Matthews has appeared with the Royal Winnipeg Ballet and with both the Noriko Hara Ballet and the Kamakura Ballet Company in Japan. He has toured as a guest artist with Les Ballet GranDiva. He has also appeared in the 2008 Hopes and Prize Gala in Japan. In America he has danced with the Rochester City Ballet, Civic Ballet of Chicago, the Houston Repertoire Ballet, New England Dance Ensemble, the West Virginia Dance Festival and the 2007 and 2008 Chicago Dancing Festival. Mr. Matthews appeared on *So You Think You Can Dance*, performing the pas de deux from *Don Quixote*.

Mr. Matthews has taught technique and partnering classes for the David Howard Foundation's *A Month of Sundays* program, West Virginia Dance Festival, at workshops in Yokohama, Japan and at local dance studios in the United States.

Joseph Modlin - Drosselmeyer

Joseph Modlin, a native of Indiana, began his dance training at Ball State University in Muncie, Indiana. While there he also trained with Anderson Young Ballet Theatre. Since moving to Houston in 1997, Joe has danced with Houston Repertoire Ballet, Chrysalis Dance Company, Allegro Ballet, and Woodlands Dance Company. He has guested with several independent choreographers such as Amy Ell, Leslie Scates, Karen Stokes, Lindsey McGill, Toni Valle and Sara Draper. Joe is currently dancing with Jane Weiner and Hope Stone, Inc. and has been with them since 1998.



houstonrepertoireballet

VICTORIA VITTUM
ARTISTIC DIRECTOR & FOUNDER

GILBERT ROME
FOUNDER

PURCHASE TICKETS

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THE NUTCRACKER DECEMBER 7 - 8



SUPPORT THE BALLET



BALLET CENTER OF HOUSTON



NUTCRACKER TEA

Houston Repertoire Ballet

Houston Repertoire Ballet (or HRB) is the premier junior ballet company in Northwest Houston providing professional quality performances in Tomball and the surrounding areas. Our program attracts and develops some of the finest young dancers who have gone on to professional ballet companies throughout the country. Please learn more about us through this site and join us for our acclaimed Nutcracker or Spring Ballet... you'll be glad you did!

PURCHASE TICKETS



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ConocoPhillips

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hag houstonartsalliance

HOUSTON ENDOWMENT

**THE REGIONAL
ARTS
COUNCIL**



The Nutcracker

SPRING CONCERT

PURCHASE TICKETS

December 7-8, 2013
Tomball High School Auditorium

Houston Repertoire Ballet invites you to create a holiday tradition by attending the 2013 production of The Nutcracker.

Our holiday production of the Nutcracker is a wonderful tradition for families to attend each Christmas. We offer the highest quality production complete with beautiful costumes and extravagant hand-made sets. Come see Clara, the Nutcracker, the Snow Queen, the Sugar Plum Fairy and many other familiar characters perform in the beautiful Nutcracker Ballet!

As always, we have new and exciting additions to this year's performance. We are especially pleased to announce the 2013 Nutcracker Guest Artists performing the role of The Sugar Plum Fairy and The Cavalier. This year's four full-length performances will feature Jared Matthews and Yuriko Kajiya, acclaimed Soloists with New York's American Ballet Theater. And as a special treat for the Tomball community, HRB has partnered with the Cypress Philharmonic under the leadership of music director Glynnes Lanthier to perform Tchaikovsky's original score for the ballet.

This is a special opportunity you and your family won't want to miss! Join us and see why Houston Repertoire Ballet's The Nutcracker is the premiere production in the Northwest Houston area.



Ticket Policy

HRB is committed to offering its patrons the most convenient and flexible means to purchase tickets while maintaining low prices for our top quality productions. During the last several years, we have introduced the following features in order to better serve you:

- **Reserved seating** – Select the seats of your choice.
- **Special needs seating** – HRB offers wheelchair accessible seating for each performance. If you or someone in your party requires this, please call us for arrangements and availability.
- **Online ticket sales** – Pick your seat from the comfort of your home at no extra cost to you.
- **Mail-out option** – If you do not want to wait to pick up your ticket at the performance, HRB can mail your tickets in advance for a nominal fee. Tickets purchased less than one week prior to the performance date **MUST** be picked up at 'will-call' since delivery by mail in time for the performance cannot be guaranteed.
- **Walk-in service** – Buy tickets at Ballet Center of Houston.
- **Group Sales** – We'll help accommodate larger groups.

Houston Repertoire Ballet tries to make special efforts to serve community groups such as Scouts, seniors, churches, clubs, or educational classes. In addition, groups of 15 or more from an organization in the community (purchased together) are eligible for a 10% discount off the listed ticket price. Please contact HRB for assistance.

Ticket prices may vary from one performance to the next. For details, please refer to the ticket sales link or the web page for the performance of interest.

Come in and let us help or call us at 281-940-4721
e-mail : tickets@hrbdance.org

HIGHLIGHTS OF OUR TICKET POLICY

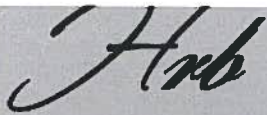
- All ticket sales are final. No refunds. We offer ticket exchanges for a \$2.00 per ticket administration fee.
- Online ticket orders require a credit card to complete.
- Online ticket orders receive confirmation through tix.com.
- Will-call orders require a receipt or confirmation number to collect tickets at the theater.

ADDITIONAL PERFORMANCE INFORMATION

- **CAMERAS & OTHER DEVICES** For the respect, comfort and safety of the dancers and patrons, the use of cameras and recording devices is not permitted. Please ensure that all noise-making electronics (phones, pagers, PDAs, handheld games, etc.) are turned off before the show starts.
- **LATE SEATING** For the respect, comfort and safety of the patrons who arrived on time, if you arrive after the performance has started, you will be seated in the back of the theatre (at the House Manager's discretion) until intermission. At that time, an usher will be happy to show you to your assigned seats.
- **CONCESSIONS** Beverages (including soft drinks, coffee & bottled water) are available along with a variety of snacks before performances and at intermission.
- **PLEASE NOTE:** Food and drink are not permitted in the theater.

THE NUTCRACKER SPRING CONCERT

PURCHASE TICKETS



houstonrepertoireballet

VICTORIA VITTUM
ARTISTIC DIRECTOR & FOUNDER

GILBERT ROME
FOUNDER



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History of HRB

ARTISTIC DIRECTOR

ARTISTIC STAFF

THE DANCERS

ALUMNI

CONTACT

The Houston Repertoire Ballet (HRB) is a non-profit 501(c)(3) dance organization. The youth ballet was conceptualized in 1994 and received non-profit status in 1995. It arose from the need and desire to provide North Harris County communities with the highest quality of dance education and performance. HRB has grown to become the premier pre-professional company in the area requiring discipline and commitment from the dancers and providing two major productions for the community each season.

The Houston Repertoire Ballet Company is a collaborative effort of its artistic directors, Gilbert Rome and Victoria Vittum. Both are nationally recognized teachers and choreographers. Since its inception, HRB students have been accepted to an impressive list of nationally recognized ballet programs throughout the country. In addition, HRB dancers have gone on to dance professionally with numerous professional ballet companies.

Mission of HRB...

Houston Repertoire Ballet (HRB) is dedicated to the pursuit of excellence in the art of classical ballet, providing a program of the highest quality to local dancers through professional instruction, education and performance experiences. To ensure quality, acceptance into the company is limited and by invitation only.

The company gives young, talented, dedicated dancers the serious training needed for them to enter the professional world of dance, while providing cultural education and community service to surrounding cities. Dancer development is also encouraged through competition for HRB's Daisy Rome dance scholarship sponsored annually to promote artistic growth.



houstonrepertoireballet

VICTORIA VITTUM
ARTISTIC DIRECTOR & FOUNDER

GILBERT ROME
FOUNDER



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Arts & Education

Arts & Education (A&E) performances

The program consists of ballets that are appropriate for young audiences and are part of HRB's repertoire. Here the students have the opportunity to attend an actual ballet performance in an hour-long program that begins with an educational introduction and is followed by a portion of the repertoire currently being performed for the general public.

A short introduction is made from the stage giving the students information on the story, history, music, choreography, scenery, stagecraft, and costumes designs of the ballets. The opportunity for students to attend live theatrical productions provides the vital exposure in the arts. Arts & education is nationally recognized to enrich and broaden the academic achievements of students. HRB shares this belief that the highest quality of dance will enlighten, challenge, motivate and edify the minds, the bodies and the spirits of all the children.

IN THE COMMUNITY

MASTER CLASS SERIES

CHILDRENS GUILD

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/15/2013

PRODUCER

Wardwell Insurance Agency
810 Highway 6 South #230
Houston, TX 77079
281-589-1348

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Houston Repertoire Ballet

8515 F Jackrabbit Rd.
Houston, TX 77095
281-859-5514

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: COLONY INSURANCE COMPANY

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC	MP3957286	02/23/13	02/23/14	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ Excl GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALLOWED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS ☐ OTHER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		OTHER Property	MP3957103	2/23/13	2/23/14	\$200,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Tomball ISD is named as Additional Insured with respect to General Liability.

CERTIFICATE HOLDER

Tomball ISD
Tomball High School
City of Tomball, Texas

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



2013 BOARD OF DIRECTORS

Chairman of Board

Paula Whitaker-Hancock
Champions Christian Counseling
(281) 684-7045 – Cell
(281) 357-4111 – Work
Paulaw1964@sbcglobal.net
Term: through 6/30/2015

Board Member

Website and Media
Jay Jackson
MakeItComplete.com
jjackson@makeitcomplete.com
Term: through 6/30/2014

Vice - Chairman of the Board

Grant Writing/Fund Raising Chair
Kelly Hamann
TOMAGWA HealthCare Ministries
(832) 559-5224
kellyh@tomagwa.org
Term: through 4/30/2014

Board Member

Artist and Instructor
Elizabeth Sapre
(832) 656-8737
lzsapre@yahoo.com
Term: through 6/30/2013

Secretary

Arts & Education Chair
Jodye Sortino
(832) 722-3960 – Cell
(281) 370-5162 – Home
hsortino@comcast.net
Term: through 4/30/2014

Board Member

Visual Art Advisor
Howie Doyle
(281) 924-1096
Hdoyle@doylepublishing.com
Term: through 6/30/2014

Treasurer/Parliamentarian

Public Relations/Community Liaison
Elaine Chrisman
832-326-1827
elainechrisman@yahoo.com
Term: through 6/30/2014

Board Member

Ronald Jones, Lead Faculty Drama
Lone Star College, Cy-Fair
(281) 290-3929 – Work
(832) 330-4578 – Cell
Ronald.W.Jones@lonestar.edu
Term: through 4/30/2014

Board Member

Arts & Education Chair
Cindy Bartholomew
713-826-2608
Mcbartholomew@yahoo.com
Term: through 6/30/2014



The Regional Arts Council (TRAC) holds its monthly Board of Directors meetings the second Monday of every calendar month. Meeting dates for 2013 – 2014 are provided:

October 14th

November 11th

December 9th

January 13th

February 10th

March 10th

April 14th

May 12th

June 9th

July 14th

August 11th

September 8th

THE REGIONAL ARTS COUNCIL

BY LAWS

Adopted 1988 - Revision May 26, 2010

ARTICLE I NAME

The name of this corporation is The Regional Arts Council (TRAC).

ARTICLE II PURPOSE

- A. The purpose of The Regional Arts Council (TRAC) shall be:
- To promote, advance, and support the arts for the enrichment of the residents of the South Montgomery and Northwest Harris Counties;
 - To sponsor cultural events from the performing and visual arts for the purpose of advancing the cultural awareness of the residents of our region regardless of their race, creed, color, sex, or age;
 - To offer assistance to enrich the presence of cultural arts in the South Montgomery County and Northwest Harris County areas; and
 - To foster partnerships with schools, civic and other groups to promote arts activities.
- B. TRAC, because of its position as both a non-profit organization and provider of the arts, will abstain from any activities that are deemed to be politically motivated. It will abstain from any activities that result in personal financial profit to any of the members of the Board of Directors, unless a majority vote of the Board of Directors determines the activity would be beneficial to TRAC through ticket sale revenues or advancing the community's perception of TRAC.
- C. TRAC is an equal opportunity organization.

ARTICLE III MEMBERSHIP

Section 1 Board of Directors

- A. TRAC shall be governed by a Board of Directors consisting of at least five members, but not more than fifteen members. The term of office for Directors shall be for a minimum of three (3) years.
- B. Officers shall be elected in the years divisible by three at the April meeting. Directors may volunteer to run for any office. Officers shall be elected by a majority vote of the members present at the April meeting.
- C. The Board of Directors shall at any time select Ex officio members to serve for a period of one year. Their membership may be renewed

annually as deemed appropriate by the Board of Directors. Ex officio members of the Board are encouraged to attend events sponsored by TRAC. Ex officio members should not exceed 20% of the entire Board membership and they do not vote.

- D. Members of the Board of Directors shall be removed by voluntary resignation or by an affirmative vote of two thirds (2/3) of the Board.
- E. Removal of a board member requires a two thirds (2/3) majority vote of the Board of Directors present when the vote is called. The Chairman of the Board will notify the Board Members when such a vote will be required prior to the meeting.
- F. Any vacancy created by resignation or removal may be filled by a vote of the remaining members of the Board of Directors, and the appointee shall serve the remainder of the term of the vacating member.
- G. Members of the Board of Directors should attend as many of the events sponsored by TRAC as possible.
- H. The Board of Directors shall meet via electronic or other media, in lieu of an attended meeting should the Chairman desire. Meetings shall be called by the Chairman of the Board.
- I. Special meetings may be called by the Chairman of the Board. Special meetings will require giving notice to all members of the Board at least 24 hours prior to such meeting unless announced at any regular meeting.
- J. A majority of the Board of Directors shall constitute a quorum for the purpose of convening any regular or special meeting.
- K. The Board of Directors shall have exclusive power to enact, repeal, or amend the By Laws, amend the Articles of Incorporation, or dissolve The Regional Arts Council. Members may not take any action inconsistent with law, with the Articles of Incorporation, or with the By Laws. The Board may delegate to any committee or officer any portion of its power, subject to any limitation imposed by law or which the Board may see fit to impose. The officers of the Board shall have those powers delegated to them by the By Laws and such additional powers as may be delegated by the Board of Directors.

Section 2 Officers

- A. The Board of Directors shall elect from its members a Chairman of the Board, a Vice Chairman, a Secretary, and a Treasurer. These officers, with the Immediate Past Chairman of the Board, shall constitute the

Executive Committee. The Executive Committee shall have the power of the Board between meetings subject to the ratification of their actions at the following board meeting.

B. The authority of each of the said officers shall be as follows:

1. The Chairman of the Board shall preside at all meetings of the Board of Directors. The Chairman of the Board shall appoint all committees and execute other duties as appointed by the Board.
2. The Vice Chairman shall act as Chairman of the Board when the Chairman of the Board is absent.
3. The Secretary shall record the minutes of each meeting.
4. The President, or the Secretary in the event there is no operating President, shall be the official custodian of all of the corporation's records. Accurate and permanent Minutes of all meetings of the Board of Directors and of the Executive Board shall be maintained.
5. The Treasurer shall be responsible for all funds held by the corporation, provide financial reports to the Board as specified by the Board, and shall have authority to sign checks and make deposits. At least one other Director shall be required to sign checks for the organization. A complete financial report shall be made available at each regular meeting of the Board of Directors.

Section 3 President

The Board of Directors may hire or appoint a President whose duties are specified by the Board of Directors.

Section 4 Committees

A. Committee Chairs will be appointed by the Chairman of the Board as deemed necessary. Committees that may be formed include, but are not limited to:

- Publicity/Marketing
- Scholarship
- Membership
- Fundraising
- Audit
- Gala
- Advisory Council

- B. Committees have no authority to bind the Board of Directors or to enter into any agreements on behalf of The Regional Arts Council beyond any authority previously granted by the Board.

Section 5 Advisory Council

- A. An Advisory Council to The Regional Arts Council's Board of Directors may be selected and shall advise the Board regarding programming, marketing, and financial concerns while being cognizant that the Board of Directors may or may not act on this advice.
- B. Advisory Council members shall be responsible to the Executive Board.

ARTICLE IV GENERAL PROVISIONS

- A. The Regional Arts Council shall observe a fiscal year beginning July 1 and ending the following June 30.
- B. The Board of Directors is authorized to accept or reject any or all offered gifts according to its discretion.
- C. These By Laws may be amended at any time by affirmative majority vote at a meeting of the Board of Directors, or at a special meeting, provided that notice of such proposed amendment has been given to all members of the Board at least seventy-two (72) hours in advance.
- D. This organization shall be governed by *Robert's Rules of Order Newly Revised* in the absence of any specific reference in these By Laws.
- E. Upon dissolution of The Regional Arts Council, the Board of Directors will transfer all assets to another organization that has the 501 (c) (3) IRS classification.

HRB Company Member – 2013 Accomplishments

Emma Biondillo	*Texas Ballet Theater, Ballet Austin, The Washington School of Ballet
Ivria Bunner	Ballet West
Elizabeth Cermak	*Burklyn Ballet Theatre & BBT Edinburgh Connection, The Washington School of Ballet
Sarah Cermak	*Burklyn Ballet Theatre & BBT Edinburgh Connection, The Washington School of Ballet
Nicole Ciacciofera	American Ballet Theater - Austin, The Washington School of Ballet
Jorjana Gietl	Joffrey Miami, Joffrey NY, Joffrey San Francisco, Joffrey South Georgia, Joffrey West
Andreina Hurtado	*Texas A&M Univ Dance Intensive
Kendall Jackson	*Next Generation Ballet, Joffrey Ballet, Joffrey Workshop TX (partial scholarship)
Kaitlyn Jones	Dance Theatre of Harlem
Chelsea Knipp	*New Orleans Ballet Association, Austin Ballet
Allison Lohr	*Tulsa Ballet, *Ballet Magnificat!, Texas Ballet Theater
Jessica Lohr	*The Washington School of Ballet, Ellison Ballet, Orlando Ballet (partial scholarship), Texas Ballet Theater, Tulsa Ballet
Katie Lohr	*Ballet Magnificat!
Viviane Lovato	*The HARID Conservatory, Houston Ballet, Next Generation Ballet, The Washington School of Ballet
Aubrey Parks	*Atlanta Ballet, *Texas A&M Univ Dance Intensive
Rachel Pastrano	Joffrey Workshop Texas
Hannah Pidgeon	*Houston Ballet
Mallory Pruitt	*Tulsa Ballet, American Ballet Theatre - Austin, Pittsburgh Ballet Theatre
Courtney Reid	Burklyn Ballet, Joffrey Workshop Texas (partial scholarship)
Shea Ritter	Joffrey Workshop Texas (partial scholarship)
Kaylin Sheppard	Texas Ballet Theater, The Washington School of Ballet
Miranda Smith	*Ballet West, American Ballet Theatre, Tulsa Ballet
Andrew Vecseri	*Houston Ballet
Jonathan Vecseri	*Houston Ballet
Claire White	*Nashville Ballet (partial scholarship), Orlando Ballet (partial scholarship), Texas Ballet Theater, Tulsa Ballet, The Washington School of Ballet
Leah White	American Ballet Theatre - New York, Joffrey Workshop Texas (partial scholarship)
Caroline Wong	Burklyn Ballet Theatre

All were accepted by audition. / *Denotes summer program planning to attend

HRB Alumni

2013:	Jessica Lohr	Washington Ballet – Trainee Program
	Emily Main	Texas A&M Univ, Dance Minor
	Sarah Noman	Univ of Tulsa, Dance Minor
	Claire White	Nashville Ballet, Trainee Program
2012:	Raquel de la Bastide	Texas Christian Univ - Classical Ballet Program
	Romney Thomas	Sam Houston State Univ - Dance Prog. (schol.)
	Julie Hoffart	Teacher Ballet Center of Houston
2011:	Meredith Neel	Houston Ballet Academy Level 8
	Kristen Newsom	Sam Houston State Univ, Dance Program
	Leah Slavens	Pacific Northwest Ballet
2010:	Melissa Dooley	Pittsburg Ballet Theatre, Alabama Ballet
	Kaitlin Mouton	David Taylor Dance Theatre, Denver, CO
	Chelsea Niemuth	Oral Roberts Univ- Dance Major Scholarship
	Amaris Sharrat	Nevada Ballet
	Lily Young	Washington Ballet
2009:	Regan Hand	Ballet Magnificat! Jackson, MS
	Nicole Plunkett	Univ of Texas, Dance Major
	Kate Simpson	Louisville Ballet, Charleston Ballet Theater
2008:	Nache Mace	Univ of Oklahoma, Dance Major
	Ashley Powers	Univ of Alabama, Dance Major
	Amy Skipton	Univ of Texas, Dance/Physical Therapy Major
2007:	Morgan Buchanan	Colorado Ballet
	Emily Dyson	Univ of Oklahoma- Dance Major,
		Kaleidoscope Dance Company
	Allison Wardwell	Univ of Texas, Dance Major
2006:	Evelyn Monzalvo	Disney Productions
2005:	Erin Goodman	Univ of Kansas Dance Company
2003:	David Armendariz	David Taylor Dance Theatre, Denver, CO,
		Havana Nights, Las Vegas
	Emily Tune	Univ of Oklahoma, Dance Major,
		Teaching in AZ
2002:	Austin Kilgore	Southern Methodist Univ, Dance/Business
		Major, Meadows Artistic Foundation Scholarship
	Emily Rupp	Lake Cities Ballet Theatre of Lewisville,
		Dallas Contemporary Ballet
2001:	Dorothy Carter	Dayton Ballet
	Kelly Coleman	Carolina Ballet, Harid Conservatory, Scholarship
	Jared Matthews	American Ballet Theatre, Soloist
	Amanda Powell	Carnival Cruise Lines
2000:	Elizabeth Keller	Miami City Ballet
	Patricia Monzalvo	Universal Studios & Disney Productions
	Anysley Stephenson	Pointe Park College, Pittsburg, PA, BFA in Jazz,
		Teaching in Denver, CO
	Victoria Wadsworth	Texas Ballet Theatre
1999:	Kasha Liggett	Southern Methodist Univ- Dance/Business Major,
		Pacific Northwest Ballet School
1998:	Desiree Rausch	Pussy Cat Dolls, Back up dancer for Michael
		Jackson, Sandra Organ Dance Company
1997:	Kristy Dawson-Nilsson	Atlanta Ballet, Charleston Ballet, Choreographer
		& Teacher
1996:	Janie Taylor	New York City Ballet, Principal



October 15, 2013

Mr. Glenn Windsor, Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375

Reference: 2013 Proposal Increase - Use of Hotel Occupancy Tax - "Improvement"

Dear Mr. Windsor:

For more than **25 years**, *The Regional Arts Council* has been instrumental in bringing fine arts events to the Tomball and surrounding areas! For the past **16+ years** we have partnered with the Houston Repertoire Ballet to bring quality and professional dance performances to the City of Tomball.

We are excited to announce The "Nutcracker" 2013 full performances will have a **live orchestra** for the music – The Cypress Philharmonic! The cost for this live orchestra is more than \$30,000 alone. It will definitely be a beautiful addition to the performance series and attract a new audience to Tomball! Another new change will be the addition of one (1) full show. In 2012, there were three (3) complete shows, an abbreviated Art and Education performance (approximately 700 +/- reduced price tickets for low-income families) and one (1) free performance to approximately 700 TISD students. In 2013, there will be **four (4) full shows** of the "Nutcracker"! Attendance for 2012 was more than **92%**, which is already excellent. With the addition of the live orchestra and a fourth full show, we anticipate even greater attendance that will target a different audience base.

We would like the City of Tomball to consider our request for an increase to our funding support for "improvements" made with the addition of the live orchestra for the 2013 "Nutcracker", as stipulated in the HOT funding guidelines item #4 (improvement). We would like to seek funding support in the amount of \$24,500.

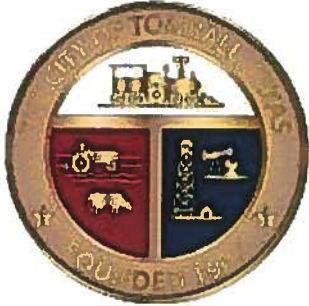
In addition to the cost of the live orchestra, there will be a \$6,000 increase to guest artist expenses. The total estimated cost for The "Nutcracker" 2013 production is \$70,000. Providing a high quality, professional production with beautiful costumes and extravagant hand-made sets not only keeps local residents from leaving the city to attend out-of-town productions, but it attracts thousands of out-of-town patrons into the city to shop, dine and stay overnight throughout the entire weekend. Houston Repertoire Ballet will also be bringing their Spring Show – mixed repertoire program and their recitals both to Tomball in 2014, further increasing visitors to Tomball, Texas!

The "The Nutcracker" has become Tomball's holiday tradition for families to attend each Christmas, with many returning year after year with their children and grandchildren. **The Regional Arts Council** looks forward to continuing to partner with the City of Tomball, and would like to thank you in-advance for your consideration of this request. Please contact me at 832-559-5224 if you have any questions or require additional information.

Sincerely,

Kelly Hamann

Board Member - The Regional Arts Council

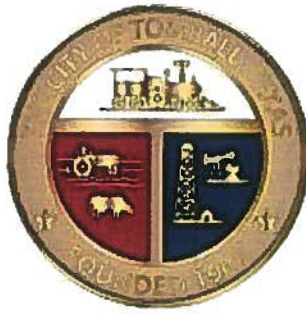


City of Tomball 2013 Application for Use of Hotel Occupancy Tax



The Regional Arts Council

Kelly Hamann, Board Member



CITY OF TOMBALL

APPLICATION FOR USE OF HOTEL OCCUPANCY TAX

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

Applications may be mailed or hand delivered to:

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

Applicant Organization: The Regional Arts Council

Organization Director: Kelly Hamann

Project or Event for which funding is requested: The Nutcracker Ballet 2013

Date of Event: December 6th, 7th and 8th, 2013

Description of project or event for which funding is requested: Six (6) performances of "The Nutcracker" Ballet – December 6th through 8th, 2013. The Regional Arts Council (TRAC) has been instrumental in bringing "The Nutcracker" ballet to the City of Tomball for the past 16 years. The first production starting in 1998 included only Act II. By 2001, the entire full-length magical production expanded to 3 days, and attracted an audience of nearly 3,000 each year.

Beginning in 2010, one (1) Friday performance was added for the 3rd grade students in Tomball ISD. The performance was provided free of charge, to allow many underserved youngsters the opportunity to experience the beauty and artistry of a live performance. Due to the growing demand, there are two (2) free Friday performances and up to 1500 seats available, so more students continue to have the opportunity to attend. In addition, TISD's middle school and high school dance students are also invited to attend, further increase student exposure to this annual live event and Tomball High drama students usher and work the production.

TRAC and HRB are thrilled to share a very exciting change to The Nutcracker! The Nutcracker 2013 will include a live orchestra for the musical sections. The Cypress Philharmonic has contracted to perform at all four (4) full shows. This will be a beautiful addition to the performance series and will attract a new audience to Tomball for this

enhanced season of performances. This is a significant change financially, as well as, an exciting enhancement for the audience. The Cypress Philharmonic is a non-profit 501(c)(3) semi-professional orchestra (about half paid, half volunteer) based in the Cypress area. The Nutcracker will be part of their second season. They have a diverse group of musicians, ranging from All-State high school students and music performance majors from Rice and University of Houston, to seasoned professionals who have 40+ years of experience. Many of the members are band and orchestra directors in CFISD. They have several focus points, including mobilizing the community to listen to symphonic music of the classical and contemporary varieties, collaborating with other artistic entities (dance, chorus, theatre and composers), and presenting works from non-European and female composers.

There are 53 musicians in the orchestra. For the Nutcracker, they will be playing with a slightly reduced orchestra, which will be approximately 46 people. Cost for the live orchestra production is \$30,000, which pays for the music, musicians and the director to do 3 rehearsals (two for musicians alone before rehearsing with the dancers) and the 4 full performances. We are seeking a funding increase from the City to help defer the cost of this value added expense.

To further expand community outreach, ticket discounts continue to be provided to many groups including; Boys and Girls Country, Girl Scouts of American, assisted living facilities in the Tomball area and senior citizens, who may otherwise be unable to attend this annual event.

The increased size and number of performances, as well as, the addition of a quality, live orchestra will increase the City of Tomball's exposure to out-of-town guests. This event has become an annual tradition bringing family and friends from all parts of the country together to celebrate the holidays to shop, eat and stay at local businesses within the City.

Location of project or event: The Tomball High School Theater in the Leonard Chambers Fine Arts Wing at Tomball High School, 30330 Quinn Road, Tomball, TX.

GRANT AMOUNTS:

Amount Requested for 2012-2013	<u>\$14,900</u>
Amount Received for 2011-2012	<u>\$11,000</u>
% increase requested over last year's grant	<u>-1.79%</u>

2012-2013 Organization Budget Summary (Nutcracker Program)

	City Funds	Other Funds	Total
Personnel			
Contracted/Rental Services	\$15,450	\$0	\$15,450
Travel/Guest Artists	\$2,000	\$8,000	\$10,000
Rental Expense			
Depreciation/Mortgage			
Advertising/Printing	\$3,000	\$2,750	\$5,750
Insurance		\$800	\$800
Artistic Improvement – Live Orchestra	\$4,050	\$25,950	\$30,000
Other expenses		\$8,000	\$8,000
Volunteer Time			
Donated Goods/Services			
Total	\$24,500	\$45,500	\$70,000

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

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

<u>Government</u>	<u>Amount of Funds</u>
Local	<u>\$0</u>
County	<u>\$0</u>
State	<u>\$0</u>
Federal	<u>\$0</u>
<u>Other Investors/Contributors</u>	
Individual	<u>\$0</u>
Corporate	<u>\$5,000</u>
Foundations	<u>\$</u>
<u>Fees</u>	
Admissions	<u>\$45,000</u>
Applications	<u>\$0</u>
Vendors	<u>\$0</u>
Tuition	<u>\$0</u>
<u>Concessions - Boutique</u>	<u>\$6,500</u>
<u>Memberships</u>	<u>\$0</u>
<u>Subscriptions</u>	<u>\$0</u>
<u>Other - Silent Auction</u>	<u>\$1,500</u>
Total	\$58,000

How many people do you expect will visit Tomball from out-of-town as a result of this project or event?

2,800 (not including free shows) Explain the basis of your answer to the preceding question:

The 2,800 projection for 2012 is based on attendance average for the last two (2) years and does not include the 1,500 student capacity for the two (2) third- grade performances. Based upon zip code analysis and past history, of the 2,768 attendees in 2012, approximately 12% are Tomball zip codes, bringing the out-of-town visitor number to around 2,432. The attendance information for the 2012 performances, showing patron zip codes and hometowns, is included. Please note that the Tomball zip code numbers include purchases by many Tomball residences that leave tickets at "Will-Call" for their out-of-town guests and friends. Attendees for the 2012 season traveled as far as Amarillo, Dallas, Austin and Freeport to see a performance.

Are attendees for this event or users of this project expected to stay over-night in Tomball hotels or motels?

If you answer yes to this question, state the basis for your answer:

Yes. Many family and friends from out-of-town have reported they have secured reservations at the local hotels / motels for one or more nights during the Nutcracker weekend. The local hotels were not able to provide occupancy information to us for the first week in December and how it compares to other weeks of the year. Previous 2010, 2011 and 2012 attendance records show patrons traveling from as far away as Oregon, Virginia, Florida and Louisiana. Principle dancers travel from New York and other states. The dance group and stage hands arrive early in the week to rehearse and build stage props, with the long days, they often stay overnight from Thursday throughout the performance weekend.

Organization Contact Name, Title, Address and Phone Number:

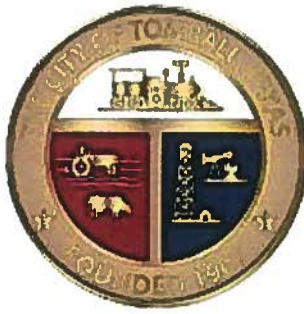
Kelly Hamann, Board Member, The Regional Arts Council (TRAC), P. O. Box 1321, Tomball, TX 77377-1321.

Day time: 832-559-5224, Evening hours: 281-259-7938.

Contact's Signature: _____



Date: 10-16-13



VALIDATION OF APPLICATION

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

Kelly Hamann
Signature of Authorizing Official

October 16, 2013

Date

Kelly Hamann

Typed Name

Board Member

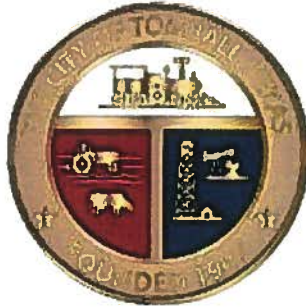
832-559-5224

Title within Organization

Telephone

Khtodayo8@yahoo.com

Email address



NARRATIVE QUESTIONS

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

1. Describe the history and purpose of the organization.

The Regional Arts Council (TRAC) was established more than 22 years ago by a group of Tomball residents who were interested in organizing a group to provide support to bring quality fine art events to Tomball, and the surrounding area. The purpose of TRAC, as stated in the By-Laws, is summarized as follows: "purpose is to promote, advance and support the arts for the enrichment of the residents of South Montgomery and NW Harris Counties...to sponsor cultural events from the performing and visual arts to the purpose of advancing the cultural awareness of the residents..." TRAC's 15 year affiliation with Houston Repertoire Ballet (HRB) has boosted TRAC's purpose in the area by presenting this nationally known and locally produced Christmas special, "The Nutcracker", that appeals to young and old.

2. Describe how any grant funds will be used.

The City of Tomball provides a major role in supporting the annual performance of the "The Nutcracker"! Funding will be used to attract tourism to the City of Tomball through the six performances of "The Nutcracker". Support will assist HRB and TRAC with the cost of advertising, printing and promotional programs and flyers, program improvements (live orchestra) to draw new audience, and contract services for use of facility to assist in the presentation, performance and execution of this annual artistic live dance performance.

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

TRAC has several activities throughout the year, this grant will be mainly be used for "The Nutcracker" performance expenses, by far our most significant event of the year. Should TRAC have any "profit" from this event, those funds will be used to assist local graduating students majoring in the arts through scholarships, sponsor art shows, painting events, Air Force Band performance and many other local community art events.

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

As previously mentioned, this event has been very successful for the past 15 years, with attendance continuing to meet or break the previous year's figures. Even with our struggling economy, attendance figures continue

to rise from 2010 to 2012. Attendance for 2012 reported 2,768 seats sold for an average capacity of nearly 93%. More than 5,800 tickets were purchased over the past two years for "The Nutcracker" performances (not including free performances). Performance on Saturday can reach near sellout figures. With an improved advertising plan and a much better system of ticket purchases, we project all performances may reach 95% of capacity this year. The two Friday morning performances can hold up to 1500 third-grade (3rd) students in TISD, most of who are underserved public school children and may never have the opportunity to attend a quality, live performance like "The Nutcracker" without this public outreach. Students attending the Friday performances will also receive a special education booklet, pre performance talk and a chance for a meet and greet with the costumed dancers after the performance. Numerous tickets are donated to Boys and Girls Country, with discounts offered for Girl Scouts and seniors coming from retirement and assisted living centers around the area.

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

Reviewing the Guidelines for Expenditures, Requests for Funding, and Reporting" published in the City of Tomball "Rules" approved by Tomball City Council on October 5, 2009, our project / event fits neatly into item #4: "the encouragement, promotion, improvement and application of the arts, includingdance...and other arts related to the presentation, performance, execution and exhibition of these major forms".

"The Nutcracker" performance is targeted to elementary age students to encourage their interest in the pursuit of excellence in classical ballet by spotlighting dancers, of all school ages, performing in this Christmas favorite. The young people are always amazed at what these young performers can do and are mystified by the dancing excellence of the high school age children as well. Since this event spans several days, many families and out of town guests have indicated that they plan to remain in Tomball, occupying one of the local hotels. Ticket sales have shown guests traveling from all parts of the country to attend a loved one's performance.

Now children and adults alike will have the opportunity to experience "The Nutcracker" in Tomball like never before! The 2013 full performance shows will include music from a live orchestra!

"Music expresses that which cannot be said and on which it is impossible to be silent." ~ **Victor Hugo**

Increased support from the City will assist in "improving" this already wonderful Holiday Tradition with the addition of live music. Support will help keep costs low and fulfill our goal of sharing the arts within our community, for the residence of our community, while training young talented dancers, and providing them with valuable performance experience.

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

Since the first performance in 1998, TRAC meets with the company from Houston Repertoire Ballet several times per year following the event to critique and plan for the following year. A good example of the post event planning is the addition of the two (2) student performances. These free performances provide a chance for the 3rd grade students, many of which are underserved, in the Tomball area to see a performance targeted specifically to them to gain an appreciation of art and dance. The flyers and advertising programs are continually evaluated to improve ordering, ticket reservation, will call program and other pre and night-of activities. Patron feedback from surveys of each performance is reviewed. With the addition of a promotional

service, written and verbal advertising for the program and the City of Tomball are expanding across the state and beyond.

Many business and organization websites include this annual event on their events calendar and website including TRAC www.tomballarts.com and other Art informational sites, Chamber of Commerce, Rotary Clubs, Lions Club, many subdivision event calendars, and others include "The Nutcracker". Word of mouth continues to be a positive form of advertising, which seems to add new faces each year. There are TV and Radio Public Service Announcements, based on news releases, which help spread the word. We rent banner space from the City of Tomball for main street visibility.

And finally, "The Nutcracker" ballet publicizes itself "our holiday production of "The Nutcracker" is a wonderful tradition for families to attend each Christmas", and many return each year, some with their children and grandchildren. The excitement of this high quality production with beautiful costumes and extravagant hand-made sets, highlighted by a Christmas tree that actually grows during the performance, never gets old to young and old alike. Many attendees dress up in their holiday attire to see Clara, The Sugar Plum Fairy, the Nutcracker, the Snow Queen, Mother Ginger and many others perform this magical Christmas favorite. With the addition of the live orchestra, 46 musicians and their families will now become a part of this annual Holiday Tradition.

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

This event has brought nearly 10,000 patrons to see "The Nutcracker" over the past three-years. People travel into the Tomball City limits throughout the performance weekend, and many are from out-of-town. It also allows hundreds of Tomball residences to stay close to home within the City, rather than attending a holiday performance in Houston or outlining cities. The dance company and support crew spend the better part of 5 days in Tomball. The setup and support groups stay in town long before and long after the daily performances. The musicians and director will perform three (3) rehearsals (two for musicians alone before rehearsing with the dancers) and the 4 full performances. Many families commute to Tomball to dine and shop before and/or after each performance. Food is purchased at many of the restaurants by and for performers and volunteers. The families and friends purchase flowers locally at the many flower sources within the City. During most of the week, Tuesday through Sunday evening, there are more than 50 company performers, 55 student dancers (some from College Station), 10 adult dancers, 5 guest artists (some from New York) and more than 100 volunteers; many sleeping, eating and purchasing last minute supplies in the area. Not counting personal money spent in Tomball by these 220 plus people, the dance troupe has budgeted and donated another \$1,500 to be utilized in Tomball. The Regional Arts Council (TRAC) turned over the sale of concession items to the Tomball ROTC students, providing them with a fund raising event and retaining 100% of the proceeds. In addition, hundreds of underserved 3rd grade TISD students are given the opportunity to experience a live ballet or theatrical performance and live musical orchestra for the first time.

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

The Regional Arts Council and Houston Repertoire Ballet bring the arts to Tomball! The residents of Tomball, as well as, Northwest Harris and South Montgomery counties are provided a professionally staged ballet, at an easily accessible venue, at an affordable price. The "Nutcracker" is a family favorite and has become a holiday

tradition, which also includes dining at one of the local restaurants before or after the performance(s). Since the performances start early in the day and end into the evening, we encourage the out-of-town performers and guests to stay in the local hotels / motels; with the convenience and competitive rates, and the rising cost of gasoline, many stay within the city. Even before and after the performances, there is extra practice time; costume work and set design work that makes it much easier for the workers and performers to stay locally. Tomball now has a very good group of hotel / motels, which was not the case when we started "The Nutcracker" in 1998, and they are all being utilized!

The Nutcracker

From: Saturday 12/8/2012
Through: Sunday 12/9/2012

Ticket Quantity
2,768

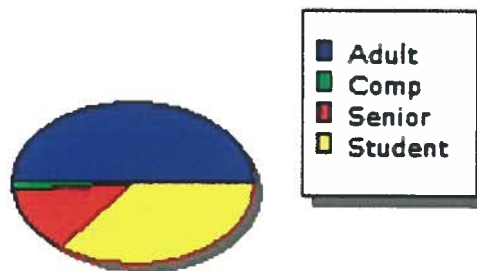
Face Value
\$41,143.00

Ticket Sales Revenue

Face Value:	\$35,433.00
Customer Fees:	\$0.00
Discounts:	(\$369.30)
Net Revenue:	\$35,063.70

Adult:	1,091	49.68%
Comp:	52	2.37%
Senior:	287	13.07%
Student:	766	34.88%
Total:	2,196	100.00%

Sales By Ticket Type



2012 Nutcracker Arts and Education Performance

From: Sunday 12/9/2012
Through: Sunday 12/9/2012

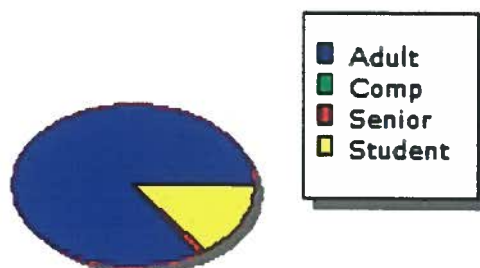
Ticket Sales Revenue

Face Value:	\$5710.00
Customer Fees:	\$0.00
Discounts:	(\$0.00)
Net Revenue:	\$5710.00

Note: A&E demographics reflect customer choice when purchasing tickets. As there is no discount for Seniors or Students for this performance many patrons opt for Adult tickets. Estimated actual attendance for this performance is 50% Adult/Senior, 50% Student.

Adult:	479	83.74%
Comp:	1	0.17%
Senior:	7	1.22%
Student:	85	14.86%
Total:	572	100.00%

Sales By Ticket Type



Houston Repertoire Ballet

The Nutcracker 2012

Tomball High School Auditorium

Box Office 195 patrons

Tomball 336 patrons

Magnolia 72 patrons

The Woodlands 55 patrons

Amarillo 3 patrons

Bellville 24 patrons

Channelview 39 patrons

College Station 69 patrons

Conroe 34 patrons

Cypress 635 patrons

Desoto 2 patrons

Dripping Springs 1 patron

Galveston 1 patron

Hempstead 7 patrons

Hockley 23 patrons

Houston 822 patrons

Huffman 2 patrons

Humble 17 patrons

Irving 2 patrons

Jersey Village 24 patrons

Katy 83 patrons

Kingwood 14 patrons

Lake Jackson 2 patrons

Little Elm 4 Patrons

Missouri City 8 patrons

Montgomery 18 patrons

Nacogdoches 2 patrons

Pattison 2 patrons

Pflugerville 2 patrons

Pinehurst 8 patrons

Plantersville 10 patrons

Splendora 1 patron

Spring 205 patrons

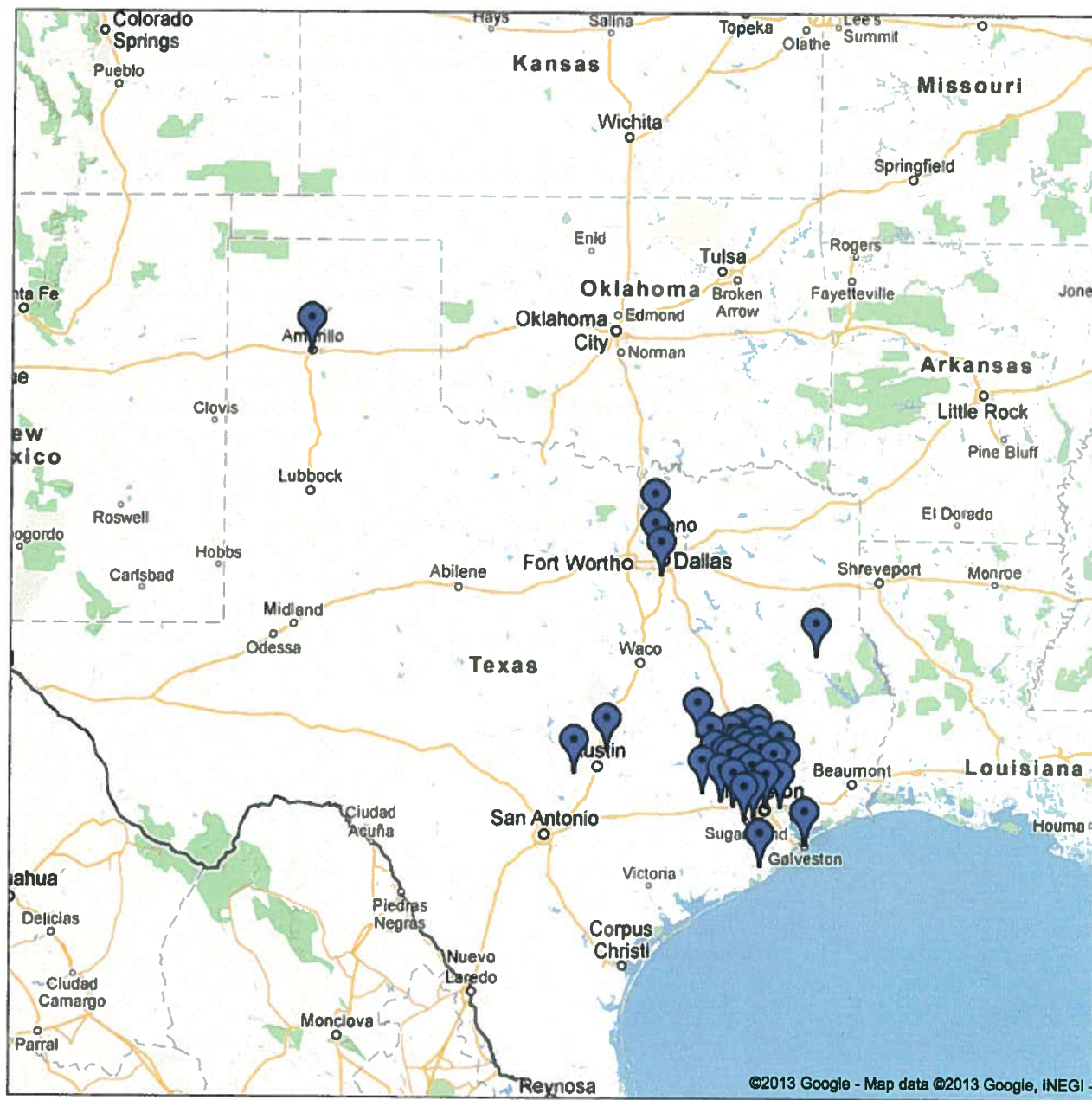
Sugar Land 3 patrons

Waller 4 patrons

Washington 4 patrons

Willis 2 patrons

Patron Total: 2768



Tomball Nutcracker patrons December 2012

Map showing where Nutcracker patrons reside. December 8 & 9, 2012. 2,768 Nutcracker patrons at Tomball High School Auditorium.

Unlisted · 39 views

Created on Sep 28, 2010 · By · Updated 30 minutes ago



Box Office 195 patrons

Patrons who purchased tickets at the theater on performance day.

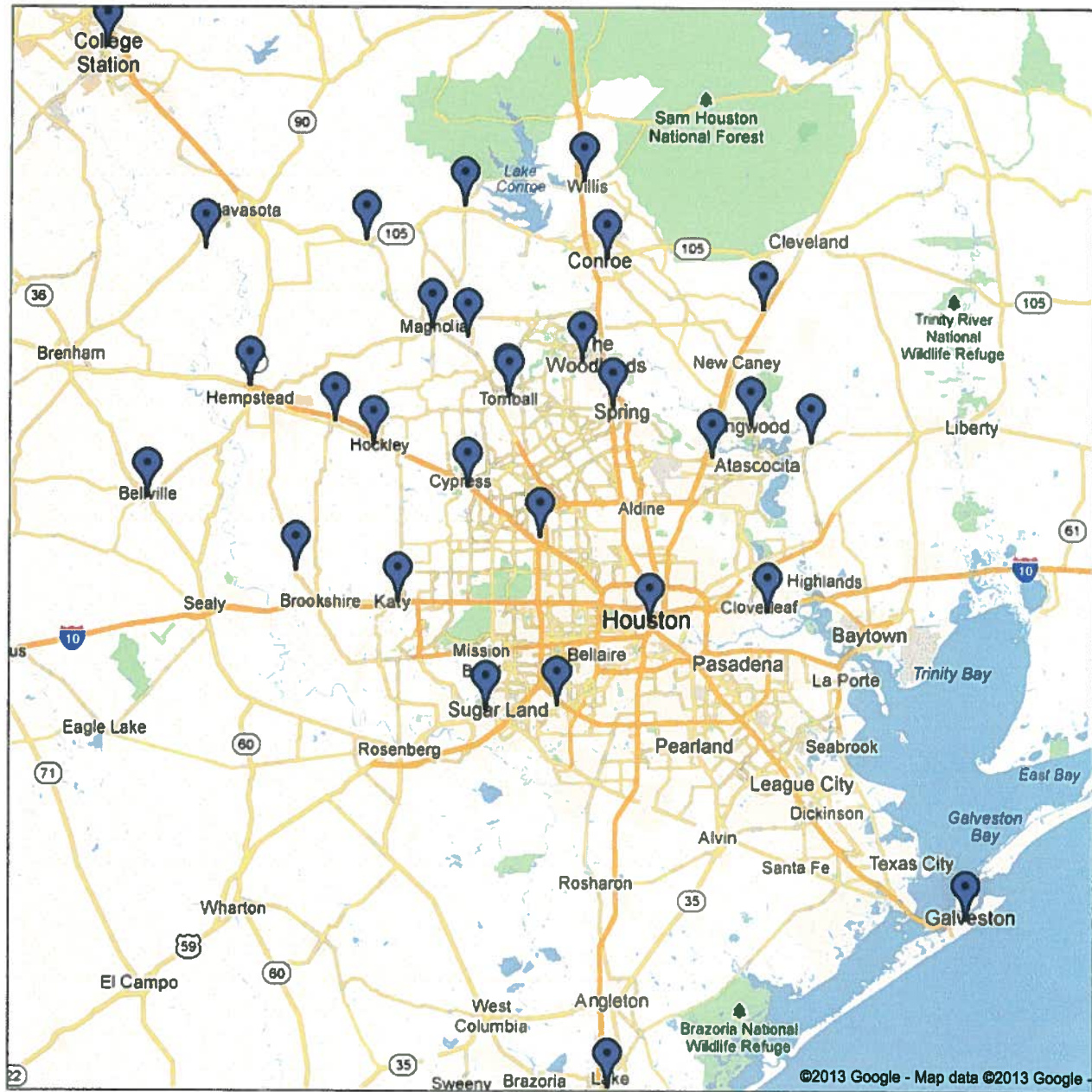


Tomball 336 patrons

336 patrons in the Tomball area

-  Magnolia 72 patrons
-  The Woodlands 55 patrons
-  Amarillo 3 patrons
-  Bellville 24 patrons
-  Channelview 39 patrons
-  College Station 69 patrons
-  Conroe 34 patrons
-  Cypress 635 patrons
635 patrons from the Cypress area
-  Desoto 2 patrons
-  Dripping Springs 1patron
-  Galveston 1 patron
-  Hempstead 7 patrons
-  Hockley 23 patrons
-  Houston 822 patrons
822 patrons with Houston addresses
-  Huffman 2 patrons
-  Humble 17 patrons
-  Irving 2 patrons
-  Jersey Village 24 patrons
-  Katy 83 patrons
-  Kingwood 14 patrons
-  Lake Jackson 2 patrons
-  Little Elm 4 Patrons
-  Missouri City 8 patrons
-  Montgomery 18 patrons
-  Nacogdoches 2 patrons
-  Pattison 2 patrons
-  Pflugerville 2 patrons
-  Pinehurst 8 patrons
-  Plantersville 10 patrons
-  Splendora 1 patron

-  Spring 205 patrons
205 patrons in the Spring area
-  Sugar Land 3 patrons
-  Waller 4 patrons
-  Washington 4 patrons
-  Willis 2 patrons



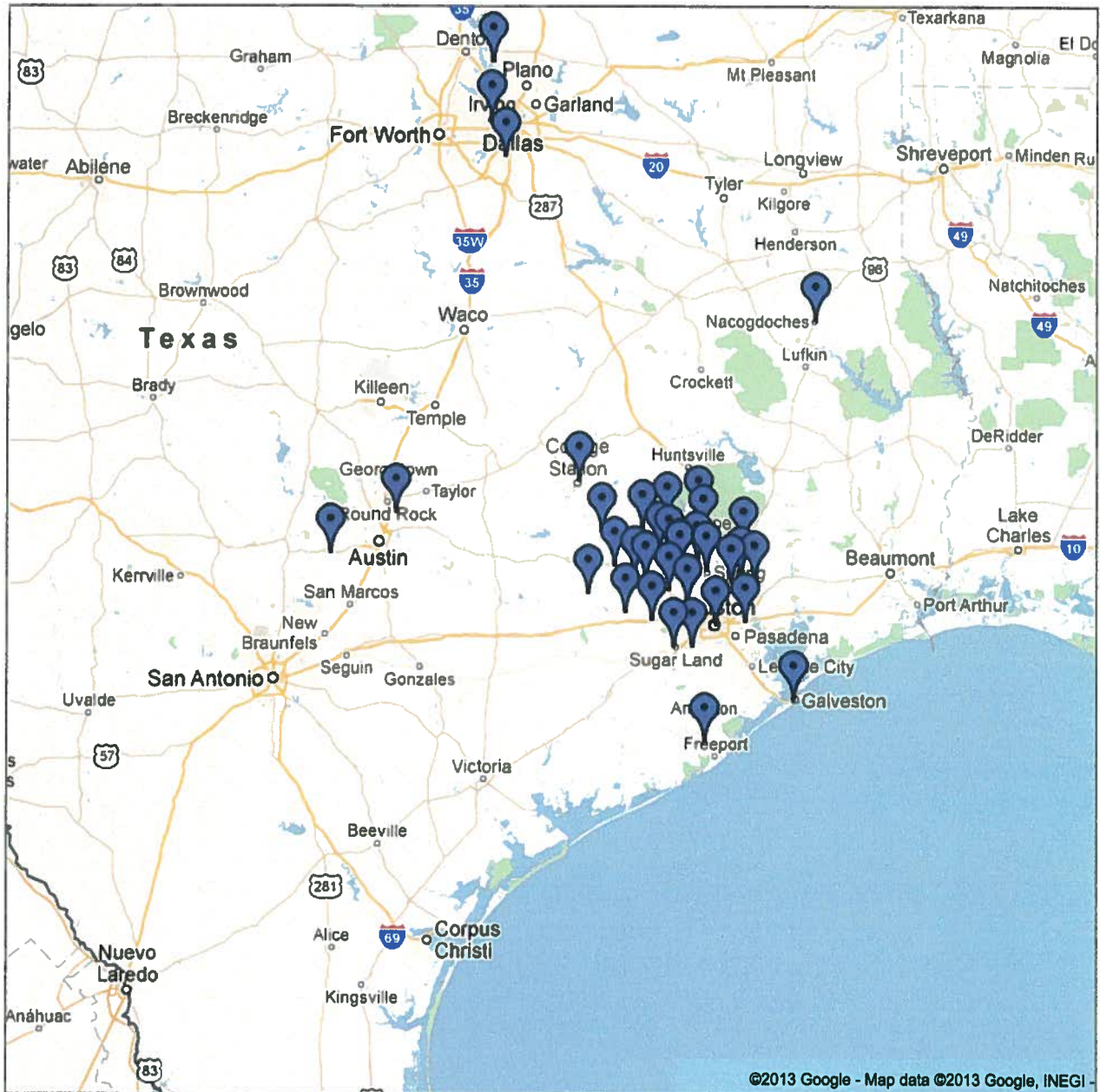
Map showing where Nutcracker patrons reside. December 8 & 9, 2012. 2,768 Nutcracker patrons at Tomball High School Auditorium.

Created on Sep 28, 2010 · By · Updated 30 minutes ago

- Box Office 195 patrons
Patrons who purchased tickets at the theater on performance day.
- Tomball 336 patrons
336 patrons in the Tomball area

-  Magnolia 72 patrons
-  The Woodlands 55 patrons
-  Amarillo 3 patrons
-  Bellville 24 patrons
-  Channelview 39 patrons
-  College Station 69 patrons
-  Conroe 34 patrons
-  Cypress 635 patrons
635 patrons from the Cypress area
-  Desoto 2 patrons
-  Dripping Springs 1 patron
-  Galveston 1 patron
-  Hempstead 7 patrons
-  Hockley 23 patrons
-  Houston 822 patrons
822 patrons with Houston addresses
-  Huffman 2 patrons
-  Humble 17 patrons
-  Irving 2 patrons
-  Jersey Village 24 patrons
-  Katy 83 patrons
-  Kingwood 14 patrons
-  Lake Jackson 2 patrons
-  Little Elm 4 Patrons
-  Missouri City 8 patrons
-  Montgomery 18 patrons
-  Nacogdoches 2 patrons
-  Pattison 2 patrons
-  Pflugerville 2 patrons
-  Pinehurst 8 patrons
-  Plantersville 10 patrons
-  Splendora 1 patron

-  Spring 205 patrons
205 patrons in the Spring area
-  Sugar Land 3 patrons
-  Waller 4 patrons
-  Washington 4 patrons
-  Willis 2 patrons



Tomball Nutcracker patrons December 2012

Map showing where Nutcracker patrons reside. December 8 & 9, 2012. 2,768 Nutcracker patrons at Tomball High School Auditorium.

Unlisted · 39 views

Created on Sep 28, 2010 · By · Updated 30 minutes ago



Box Office 195 patrons

Patrons who purchased tickets at the theater on performance day.



Tomball 336 patrons

336 patrons in the Tomball area

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-  Sugar Land 3 patrons
-  Waller 4 patrons
-  Washington 4 patrons
-  Willis 2 patrons



◆◆ CALENDAR LISTING ◆◆ CALENDAR LISTING ◆◆

For More Information:
Eileen Ansel Conery
Eileenac@comcast.net
713-856-8780/832-816-8780

HOUSTON REPERTOIRE BALLET TO COLLABORATE WITH THE CYPRESS PHILHARMONIC FOR ITS HOLIDAY CLASSIC

THE NUTCRACKER

SELL-OUT PERFORMANCES SET FOR DECEMBER 7 & 8

WHO: Houston Repertoire Ballet (HRB), featuring guest artists Jared Matthews as the Cavalier and Yuriko Kajiya as the Sugar Plum Fairy, both soloists of American Ballet Theatre, as well as Glyness Lanthier, President and Music Director of Cypress Philharmonic.

WHAT: The premier pre-professional ballet company in Northwest Houston proudly presents its 12th annual *The Nutcracker* performance series, this year for the first time in collaboration with the Cypress Philharmonic. The program attracts and develops some of the finest young dancers in the greater Houston area, with many of the dancers advancing to professional ballet companies throughout the country. HRB graduates can be seen with New York City Ballet, American Ballet Theatre, Miami City Ballet, Pacific Northwest Ballet, Atlanta Ballet, Pittsburgh Ballet Theatre and other prestigious companies.

WHEN/WHERE: Saturday, December 7 at 2 pm & 7 pm
Sunday, December 8 at 1 pm & 4:30 pm

Tomball High School Theatre
30330 Quinn Road
Tomball, Texas 77375

TICKETS: For ticket information, call 281-940-HRB1 (4721) or visit www.hrbdance.org. Cost is \$18 for students and seniors, \$22 for all other.

OUTREACH: The dancers of HRB perform excerpts from each production and make costumed appearances at various nursing homes, libraries, group events and at Arts & Education performances. Also, HRB brings two matinee performances to Tomball ISD third grade students, fulfilling the arts component of their curriculum. To schedule an outreach event for your organization, call 281-940-HRB1 (4721).

ABOUT HRB: The Houston Repertoire Ballet (HRB) is a non-profit 501(c)(3), founded by Victoria Vittum and Gilbert Rome, both nationally acclaimed teachers and choreographers who served as its co-

- more -

artistic directors. Today, Ms. Vittum oversees training and programming with an equal eye to serving the needs of the community.

Since 1994, HRB has contributed to the cultural fabric of Harris and Montgomery Counties by providing excellent dance training to the area's young ballet stars and dance educators of tomorrow, while also presenting two high-quality productions annually at affordable prices. *The Nutcracker* and a Spring Program, introduce area children and their families to the world of classical and contemporary ballet. Today, HRB is considered to be the premier pre-professional ballet company in the Houston region, and is recognized for sharing its gifts with the community and beyond.

The Nutcracker's brilliant blend of costumes, sets and choreography creates a magical storybook world enjoyed by children and adults alike. With a cast of more than 100 HRB dancers and area children, HRB's masterful production is the highlight of the holidays!

MISSION: HRB's mission is dedicated to providing the finest classical ballet instruction, education and performance experience to local gifted students, and to preparing them for a professional career in the world of dance. HRB also is committed to serving the suburban Houston region with high-quality theatre productions that educate, engage and entertain residents of all ages and perpetuate their appreciation of dance as an art form.

GUEST BIOS: Born in Nagoya, Japan, *Yuriko Kajiya* began her training at the age of eight. At 10, she moved to China and became one of the first foreign students to study with and graduate from the Shanghai Ballet School on scholarship. During her stay in China, Kajiya performed many times on Chinese national television. In 1997, at age 13, Ms. Kajiya won the Best Performance Award in the senior category at the Tao Li Bei National Ballet Competition. In 1999, she became one of the youngest finalists at the Third International Ballet Competition in Nagoya. In January 2000, she won the renowned Prix de Lausanne Scholarship, which enabled her to study at the National Ballet of Canada School in Toronto.

Ms. Kajiya starred in the 2007 documentary *Passion Across a Continent* in Japan. She also appeared on the Tokyo Talk Show and presented the American Ballet Theatre documentary *Dancers*. She has performed as a guest in Japan dancing Odette in *Swan Lake*, Act II and *A Midsummer Night's Dream*, as well as appearing in galas at the West Virginia Dance Festival, Santa Fe Festival, Chicago Dancing Festival, the Hope and Pride Gala of Japan, New National Ballet Gala and the Prix de Lausanne. Most recently, she appeared in a 90-minute documentary entitled *Yuriko: Ballerina*. Ms. Kajiya joined American Ballet Theatre's Studio Company in September 2001. She became an apprentice with the main Company in 2002 and was promoted to the corps de ballet in June. She was appointed a Soloist with American Ballet Theatre in August 2007.

Her repertoire includes Gamzatti and first and second Shades variations in *La Bayadère*, Blossom in *Cinderella*, Gulnare and an Odalisque in *Le Corsaire*, Kitri, Amour and a Flower Girl in *Don Quixote*, Giselle, Zulma and the peasant pas de deux in *Giselle*, Valencienne in *The Merry Widow*, Clara and the Grand Pas de Deux in Alexei Ratmansky's *The Nutcracker*, Clara in Kevin McKenzie's *The Nutcracker*, Olga in *Onegin*, Henrietta in *Raymonda*, Princess Florine, the Lilac Fairy, the Fairy of Joy and the Fairy of Fervor in *The Sleeping Beauty*, the pas de trois, cygnets, Polish Princess and Hungarian Princess in *Swan Lake*, the Waltz in *Les Sylphides*, *Tchaikovsky Pas de Deux* and leading roles in *Baker's Dozen*, *Ballo della Regina*, *Birthday Offering*, *Brief Fling*, *Chamber Symphony*, *Dark Elegies*, *Désir*, *Diversion of Angels*, *Drink to Me Only With Thine Eyes*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Rabbit and Rogue*, *Seven Sonatas*, *Sinfonietta*, *Symphony in C* and *Theme and Variations*. She created a leading role in Alexei Ratmansky's *Dumbarton*.

Jared Matthews was born in Houston and received his early ballet training there under the guidance of Victoria Vittum and Gilbert Rome. He was awarded a full scholarship to study at North Carolina School of the Arts summer program as well as the School of American Ballet and American Ballet Theatre. While attending American Ballet Theatre's Summer Intensive Program in 2001 as a Coca Cola Scholarship winner, he was invited to join ABT's Studio Company. Mr. Matthews is currently being coached by David Howard.

Mr. Matthews joined American Ballet Theatre as an apprentice in 2002 and as a member of the corps de ballet in April 2003. He was appointed a Soloist in August 2007. His repertoire with the Company includes Albrecht, Hilarion and the peasant pas de deux in *Giselle*, Franz in *Coppélia*, Lankendem in *Le Corsaire*, Lensky in *Onegin*, a Stepsister's Escort in *Cinderella*, Espada in *Don Quixote*, Lysander in *The Dream*, the Turning Boy in *Études*, Gaston in *Lady of the Camellias*, Rakitin in *A Month in the Country*, Camille in *The Merry Widow*, Lensky in *Onegin*, Cassio in *Othello*, the Head Wrangler in *Rodeo*, Mercutio and Benvolio in *Romeo and Juliet*, the Bluebird in *The Sleeping Beauty*, Benno and von Rothbart (Ballroom) in *Swan Lake*, Gurn in *La Sylphide*, Aminta and Orion in *Sylvia*, *Tchaikovsky Pas de Deux*, *Thaïs Pas de Deux* and leading roles in *Black Tuesday*, *Brief Fling*, *Dark Elegies*, *Désir*, *Drink To Me Only With Thine Eyes*, *Duets*, *Gong*, *In the Upper Room*, *The Leaves Are Fading*, *Overgrown Path*, *Petite Mort*, *Sechs Tänze*, *Seven Sonatas*, *Sinfonietta*, *Some Assembly Required*, *Symphonic Variations*, *Symphony #9*, *Symphony in C*, *Troika* and *workwithinwork*. He created the leading roles in *C. to C. (Close to Chuck)*, *Glow-Stop*, *One of Three* and *Thirteen Diversions*.

As a guest artist, Mr. Matthews has appeared with the Royal Winnipeg Ballet and with both the Noriko Hara Ballet and the Kamakura Ballet Company in Japan. He has toured as a guest artist with Les Ballet GranDiva. He also has appeared in the 2008 Hopes and Prize Gala in Japan. In America he has danced with the Rochester City Ballet, Civic Ballet of Chicago, the Houston Repertoire Ballet, New England Dance Ensemble, the West Virginia Dance Festival and the 2007 and 2008 Chicago Dancing Festival. Mr. Matthews appeared on *So You Think You Can Dance*, performing the pas de deux from *Don Quixote*.

Mr. Matthews has taught technique and partnering classes for the David Howard Foundation's *A Month of Sundays* program, West Virginia Dance Festival, at workshops in Yokohama, Japan and at local dance studios in the United States.

Major funding for HRB is provided by Houston Endowment, Inc. and ConocoPhillips. Additional support comes from ExxonMobil. The School Outreach Arts and Education Program is sponsored by Target. The Nutcracker is hosted by Tomball-The Regional Arts Council.

#



A day of fun for
the whole family!
Sunday, April 21
12 p.m. - 5 p.m.


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The Regional Arts Council

by Tamra Santana

May 2, 2013

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Courtesy The Regional Arts Council

The Regional Arts Council hosts a painting class event at Cisco's Salsa Company.



Courtesy The Regional Arts Council

Residents show off their finished work at a Margaritas and Masterpieces event.

Nonprofit brings art to Tomball for 25 years

The Regional Arts Council in Tomball works to bring sugar plum fairies to the area in December, art education to students throughout the year and the opportunity for any area resident to paint a masterpiece.

"Art is always an enrichment for our lives," said Paula Whitaker, the art council's chairwoman. "We want to bring exposure of all types of arts to people. Statistics show a community that is rich in art has less crime, has a better family system and children that do better. Art brings more culture and a more well-rounded community."

The nonprofit group, which has been around for 25 years, has a scholarship endowment at Lone Star College-Tomball providing an annual scholarship to a student majoring in some form of the arts.

In addition, the Arts Council sponsors and coordinates with the Houston Repertoire Ballet to bring the Nutcracker to Tomball the first weekend in December.

"The tickets are very reasonable and the quality is outstanding," said Whitaker, who has been on the board of the Regional Arts Council for eight years. "You don't have to go downtown to see a professional production."

Third graders at Tomball ISD attend the performance every year, Whitaker said.

It is an opportunity to gain exposure to a high quality artistic production that otherwise would not have existed for them, she said.

The Regional Arts Council has recently partnered with Tomball's DaVinci Artists Gallery to offer art classes for children with special needs and foster children. The art council offers art classes to all children, as well as private lessons with professional artists in the area.

"It's such a beautiful cause," said Shirley Skidmore, co-director of DaVinci Artists Gallery. "Anything to help children and bring out their rays of sunshine. It's an avenue for children to express themselves."

The Regional Arts Council holds an event several times each year called Margaritas and Masterpieces. Held at Cisco's Salsa Company in Tomball, the event offers art instruction and painting for an admission price of \$35. The next class will be July 27. The class has been well received, Whitaker said.

"I tell them, God has put a little artist in all of us," Whitaker said. "You just watch and God shows up. He will help you have a beautiful picture."

The Regional Arts Council is considering offering art classes next year in local nursing homes.

"I love the arts, and I just feel it's so important to give back to our community and promote art any way we can," Whitaker said.

333 South Cherry Street, Tomball, www.tomballarts.com

Tags

Art, Tamra Santana, Tomball, Tomball | Magnolia May 2013, Tomball nonprofit, Tomball Regional Arts Council

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ELECTION
COVERAGE

vote
2013

ON THE TOWN

HOUSTON



Take our monthly Poll

One year after Texas students began taking end-of-course exams to graduate from high school, two pieces of legislation—Senate Bill 3 and House Bill 5—aim to reduce the number of state standardized tests students are required to take and overhaul the state's graduation plan. We want to know how you think students in Texas should be tested to prepare for life after high school.

What type of standardized testing should Texas high schoolers be required to take to graduate?

- ☐ Five end-of-course exams, as proposed in House Bill 5
- ☐ Keep the existing 15 end-of-course exams
- ☐ Students should not need to take any form of standardized testing to graduate
- ☐ Other:

Vote

[View Results](#)

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-30, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District

Background:

In August, Harris County Appraisal District requested nominations for the two-year term beginning on January 1, 2014. The current representative for the 32 smaller cities and towns in Harris County, other than the City of Houston, on the six-member HCAD Board of Directors is Ed Heathcott, who has served on the board since January 1, 2008. On August 19, 2013, Council approved Resolution No. 2013-23, nominating Mr. Heathcott for a fourth term.

Mr. Heathcott was the only individual nominated for the board position representing cities other than the City of Houston. Harris County Appraisal District now asks Council to cast its ballot for Ed Heathcott for the position on the Board of Directors of the Harris County Appraisal District representing small cities other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Origination:

Jim Robinson, Chief Appraiser-HCAD and Ed Heathcott, Representative-Suburban Cities

Recommendation:

City staff makes no 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	

ATTACHMENTS:

Request from HCAD

Resolution No. 2013-30



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF THE CHIEF APPRAISER

TO: Presiding Officers of Taxing Units
Served by the Harris County Appraisal District

FROM: Sands Stiefer, Chief Appraiser

SUBJECT: Election of Board of Directors of the
Harris County Appraisal District

DATE: October 17, 2013

The nomination period for board candidates representing the small cities, school districts, junior college districts and conservation & reclamation districts closed October 15, 2013. The names of all candidates officially nominated to me on or before that date are reflected on the enclosed "Certification of Ballot" forms.

Candidates for contested positions are listed alphabetically on the ballots in the manner required by the Texas Tax Code.

Katherine (Toni) Trumbull was the only person nominated for the board position representing school districts other than Houston ISD and the junior college districts.

Ed Heathcott was the only person nominated for the board position representing cities other than the City of Houston.

Glenn Peters, Charles Johnson and Howard Martin, Jr. are nominees for the position representing the conservation and reclamation districts.

To assist you in the election procedure, I have enclosed a Certification of Ballot and a suggested form of resolution for casting your vote for the candidate representing your type of taxing unit. ***Ballot forms for all four types of units are enclosed to make you aware of all nominees, even though only taxing units of a particular type may vote in the election applicable to that type of unit.*** The governing body of each taxing unit is entitled to one vote for the candidate of its choice from the names appearing on the appropriate Certification of Ballot. Please note, the

junior college districts vote collectively. Each board of trustees for the respective junior college districts may file a vote by resolution with the chief appraiser, however, the collective vote of the junior college districts will thereafter be cast for the candidate who receives the most votes from among the junior college districts.

Each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. ***The vote must be by resolution.*** The resolution, or a certified copy thereof, together with the completed Certification of Ballot, must be delivered to Sands Stiefer, Chief Appraiser, 13013 Northwest Freeway, Houston, Texas 77040, or mailed to P. O. Box 920975, Houston, Texas 77292-0975 ***to arrive before 5:00 p.m. Monday, December 16, 2013.*** The outside of the envelope should be marked "Ballot for Board of Directors." Ballots that arrive after that day and time will not be counted.

On Tuesday, December 17, 2013, the chief appraiser will count the votes, declare the results, and notify the winners, the nominees, and the presiding officers of each taxing unit. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

These procedures do not apply to Harris County, the City of Houston, or the Houston Independent School District. Those units will select their board member by adopting a resolution appointing such member by December 16, 2013, and delivering an original or certified copy to the Office of the Chief Appraiser.

If you have questions about the board selection process, please call me at 713/957-5299.

Attachments

c: HCAD Board Members
 Tax Assessors
 Attorneys

RESOLUTION NO. 2013-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, CASTING ITS BALLOT FOR THE
ELECTION OF A PERSON TO THE BOARD OF DIRECTORS
OF THE HARRIS COUNTY APPRAISAL DISTRICT**

* * * * *

WHEREAS, the Chief Appraiser of the Harris County Appraisal District, Harris County, Texas, has delivered to the Mayor of this City the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this City deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; **now, therefore**

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

Section 1. That the facts and recitations set forth in the preamble of this Resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City of Tomball, Texas, casts its vote and it does hereby cast its vote for **Ed Heathcott** to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the Mayor be, and she is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this Resolution to the Chief Appraiser of the Harris County Appraisal District no later than December 16, 2013.

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

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

**CERTIFICATION OF BALLOT
FOR BOARD OF DIRECTORS
HARRIS COUNTY APPRAISAL DISTRICT**

I, Gretchen Fagan, Mayor of the City of Tomball, Texas, certify that on the 4th day of November 2013, the City Council of the City of Tomball, Texas did, by Resolution No. 2013-30, cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of Council's choice.)

Ed Heathcott [X]

I further certify that a true and correct copy of the Resolution No. 2013-30 casting such ballot is attached hereto.

WITNESS MY HAND this 4th day of November 2013.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

I, Doris Speer, City Secretary for the City of Tomball, Texas, do hereby certify that I am the custodian of the records of the City, and that the attached Resolution No. 2013-30, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District is a true and correct copy from the official records of the City of Tomball, Texas.

Doris Speer
City Secretary

November 4, 2013
Date

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

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.

Background:

The fire department is continually assessing the emergency response needs of the community and has determined, based on existing roadways and travelling distances as well as anticipated growth, that a fire station is needed in the northeast quadrant of the City. The site is presently outside the city limits but in the ETJ of the city. The selected site provides access to the northern portions of the City along Zion and E. Hufsmith Roads as well as the eastern portion of the City along FM 2978, both areas in which the Department's response time goals are not achievable due to travelling distances, roadway conditions, traffic congestion and railroad crossings.

The land is being donated in exchange for a \$25,000 reimbursement of costs incurred by Enterprise for a survey, environmental phase I report and staff time spent on evaluating the transfer of the property. Rick Gatewood has estimated the value of the land to be approximately \$185,000.

Based on conversations, it appears advisable to have an Environmental Phase II study completed to establish a baseline that no below grade contamination exists. One estimate for that work has been received at \$9,500 and a second estimate has been requested in an effort to lower that cost. Additional costs of closing the transaction will be additional survey work, title policy and related closing costs estimated to be approximately \$5,000.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding: No

Funds will be transferred from Account: to Account:

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

Randy Parr

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

ATTACHMENTS:

Memo summarizing the site attributes

Aerial photo indicating anticipated foliage buffer

Agreement between COT and Enterprise Crude Pipeline

TOMBALL FIRE DEPARTMENT
1200 RUDEL
TOMBALL, TEXAS 77375

MEMORANDUM

Date: October 17, 2013
To: George Shackelford
From: Randy Parr
Subject: Stanolind Road – Enterprise Crude Pipeline LLC Property

I would like to move forward with the acquisition of this property. The site satisfies the requirements of responding to the underserved northern and eastern areas of the city along Zion Road and FM 2978 respectively. It is anticipated that this station would be able to place a truck on the scene at Baker Hughes sooner than any other because of the 4 lane roadway (FM 2978), minimal traffic and no controlled intersections. It also provides us a station with the capability of quickly responding to the eastern half of the city north of Main Street should a BNSF train be blocking the crossings.

This property is adjacent to a crude oil storage facility. The tank has what is termed a floating roof which means the roof floats on top of the product which would minimize the area in which explosive vapors could accumulate. It also eliminates the possibility of the top being launched away from the tank in an incident such as a lightning strike.

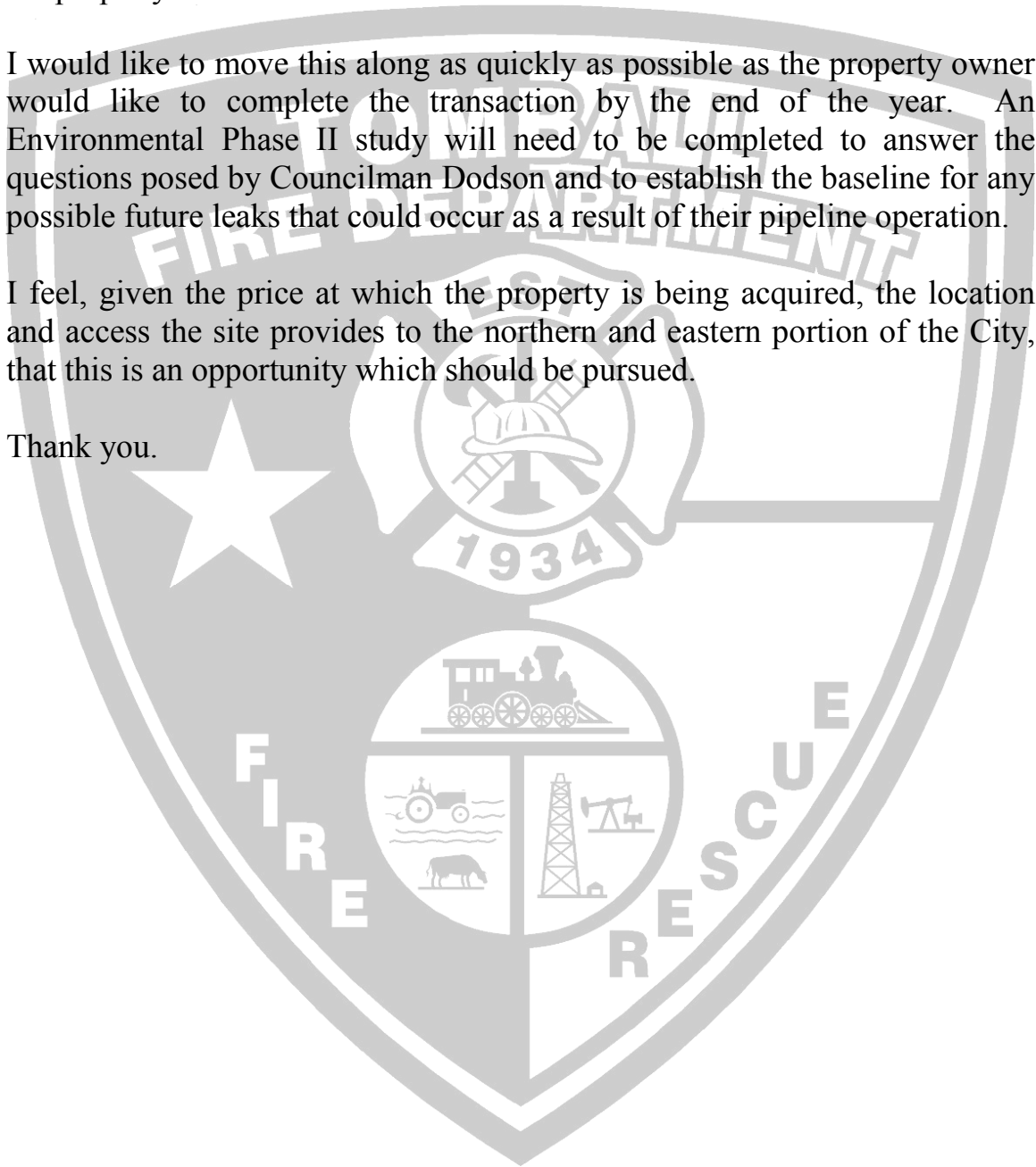
NFPA 30, Flammable and Combustible Liquids Code, 2012 Edition provides guidance in the minimum distances from which buildings and roadways must be located from these types of tanks storing this type of product. Table 22.4.1.4, Location of Above Ground Storage Tanks Storing Boil-Over Liquids, indicates that for floating roof tanks with protection for exposures (defined as “fire protection for structures on property adjacent to liquid storage that is provided by a public fire department which is capable of providing cooling water streams to protect the property adjacent to the liquid storage”), the minimum distance from the property line that can be built on is ½ the diameter of the tank. The storage tank is approximately 100

feet in diameter and Enterprise is retaining a 50 foot wide demising strip around the tract that they are transferring to the City. Between the approximate 150 foot distance from the tank to the 50 foot of heavily wooded demising strip, there will be approximately 200 feet of distance to the property line.

I would like to move this along as quickly as possible as the property owner would like to complete the transaction by the end of the year. An Environmental Phase II study will need to be completed to answer the questions posed by Councilman Dodson and to establish the baseline for any possible future leaks that could occur as a result of their pipeline operation.

I feel, given the price at which the property is being acquired, the location and access the site provides to the northern and eastern portion of the City, that this is an opportunity which should be pursued.

Thank you.



AGREEMENT FOR THE SALE OF REAL ESTATE

AGENT FOR THE SELLER

None

AGENT FOR BUYER

None

THIS AGEEMENT, this _____ day of _____, A.D. 2013.

1. **PRINCIPALS** - Between *ENTERPRISE CRUDE PIPELINE LLC*, hereinafter called Seller, and the City of Tomball, Texas hereinafter called Buyer.
2. **PROPERTY** - Seller hereby agrees to sell and convey to Buyer, who hereby agrees to purchase:

ALL THAT CERTAIN tract of land containing 2.2279 acres in Harris County, Texas, out of the Joseph Miller Survey, Abstract 50, such 2.2279 acre tract being more particularly described on Exhibit "A" attached hereto and made a part hereof.

3. **TERMS** (A) Purchase Price: TWENTY FIVE THOUSAND (\$25,000) Dollars which shall be paid to the Seller by the Buyer as follows:
(B) Cash or check at signing this agreement: \$0.00
(C) Cash or check at time of settlement: \$25,000

Total \$25,000

- (D) The settlement shall be made on or before: 12/31/2013. If settlement does not occur on or before 12/31/2013, the Seller may cancel this agreement of sale in which event the parties shall have no further obligation to one another.
 - (E) Conveyance from Seller will be by special warranty deed.
 - (F) The following shall be apportioned pro-rata as of and at time of settlement: taxes as levied and assessed, rents, water and or sewer rents, if any, together with any other lienable municipal services.
4. **MORTGAGE CONTINGENCY** - This agreement is NOT contingent upon a mortgage.
5. **SPECIAL CLAUSES**
 - (A) This agreement of sale is pursuant to a Resolution adopted by the City Counsel of the City of Tomball, Texas
 - (B) The City reserves the right to conduct a Phase II Environmental Assessment of the premises. Said assessment shall be concluded within 45 days of the date of this agreement. If said assessment is not satisfactory to Buyer, Buyer may cancel this agreement of sale in which event the parties shall have no further obligation to one another.
6. **NOTICES & ASSESSMENTS**

- (A) Seller represents as of the approval date of this agreement that no public improvement has been made against the premises which remain unpaid and that no notice by any government or public authority has been served upon the Seller or anyone on the Seller's behalf, including notices relating to violations of zoning, housing, building, safety, fire ordinances or environmental laws or regulations which remain uncorrected unless otherwise specified herein.
- (B) If required by law, Seller shall deliver to Buyer on or before settlement, a certification from the appropriate municipal department or departments disclosing notice of any uncorrected violation of zoning, housing, building, and safety or fire ordinances.
- (C) Seller will be responsible for any notice of improvements or assessments received on or before the date of Seller's approval of this agreement, unless improvements consist of sewer or water lines not in use.
- (D) Buyer will be responsible for any notice served upon Seller after the approval date of this agreement and for the payment thereafter of any public improvement.

7. TITLE AND COSTS

- (A) The premises are to be conveyed free and clear of all liens, encumbrances, and easements, EXCEPTING HOWEVER, the following: existing building restrictions, ordinances, easements of record, easements visible upon the ground, privileges or rights of public service companies, if any; otherwise the title to the above-described real estate shall be good and marketable and such as will be insured by a reputable Title Insurance Company at the regular rates.
- (B) In the event the Seller is unable to give a good and marketable title and such as will be insured by a reputable Title Company, subject to aforesaid, Buyer shall have the option of taking such title as the Seller can give without abatement of price or of canceling this agreement in which event all deposit monies and interest earned thereon will be payable to Buyer and this agreement shall become NULL AND VOID and all copies will be returned for cancellation.
- (C) The Buyer will pay for the following: (1) The premium for mechanics lien insurance and/or title search, or fee for cancellation of same, if any; (2) the premiums for flood insurance and/or fire insurance with extended coverage insurance binder charges or cancellation fee, if any; (3) appraisal fees and charges paid in advance to mortgagee, if any; (4) Buyer's normal settlement costs and accruals.
- (D) Any survey or surveys which may be required by the Title Insurance company or the abstracting attorney, for the preparation of any adequate legal description of the premises (or the correction thereof), shall be secured and paid for by the Buyer.

8. POSSESSION AND TENDER

- (A) Possession is to be delivered by deed, and physical possession at time of settlement.
- (B) Seller will not enter into any new leases, written extension of existing leases, if any, or additional leases for the premises without expressed written consent of the Buyer.
- (C) Formal tender of an executed deed and purchase money is hereby waived.
- (D) Buyer reserves the right to make a pre-settlement inspection of the subject premises.

9. MAINTENANCE AND RISK OF LOSS

- (A) Pending settlement, Seller shall maintain the property and any personal property specifically scheduled herein in its present condition, normal wear and tear excepted.
- (B) Seller shall bear risk of loss from fire and other casualties until time of settlement. In the event of damage to any property included in this sale by fire or other casualties, not repaired or replaced prior to settlement, Buyer shall have the option of rescinding this agreement and receiving all monies paid on account or of accepting the property in its then condition together with the proceeds of any insurance recovery obtainable by

Seller. Buyer is hereby notified that he may insure his equitable interest in this property as of the time of the acceptance of this agreement.

10. **RECORDING** - This agreement shall not be recorded in the Office of the Recorder of Deeds or in any other office or place of public record and if Buyer causes or permits this agreement to be recorded, Seller may elect to treat such act as a breach of this agreement.
11. **ASSIGNMENT** - This agreement shall be binding upon the parties, their respective heirs, personal representatives, guardians and successors, and to the extent assignable, on the assigns of the parties hereto, it being expressly understood, however, that the Buyer shall not transfer or assign this agreement without the written consent of the Seller.
12. **DEFAULT-TIME OF THE ESSENCE** - The said time for settlement and all other times referred to for the performance of any of the obligations of this agreement are hereby agreed to be of the essence of this agreement. Should the Buyer:
(A) Fail to make any additional payments as specified in paragraph #3, or
(B) Violate or fail to fulfill and perform any other terms or conditions of this agreement, then in such case, all deposit money and other sums paid by the Buyer on account of the purchase price, whether required by this agreement or not, may be retained by the Seller as liquidated damages for such breach; the parties shall be released from all liability or obligations and this agreement shall be NULL AND VOID and all copies will be returned to the Seller's Agent for cancellation.
13. **REPRESENTATIONS** It is understood that Buyer has inspected the property, or hereby waives the right to do so and has agreed to purchase it as a result of such inspection and not because of or in reliance upon any representation made by the Seller or any other officer, partner or employee of Seller, or by any Agent, Subagent, their salespeople and employees, officers and/or partners.

The Buyer has agreed to purchase it in its present condition unless otherwise specified herein. It is further understood that this agreement contains the whole agreement between the Seller and the Buyer and there are no other terms, obligations, covenants, representations, statements or conditions, oral or otherwise of any kind whatsoever concerning this sale. Furthermore, this agreement shall not be altered, amended, changed or modified except in writing executed by the parties.

NOTICES TO PARTIES: WHEN SIGNED, THIS AGREEMENT IS A BINDING CONTRACT.
Parties to this transaction are advised to consult an attorney before signing if they desire legal advice.

ATTEST:

BUYER

The City of Tomball, Texas

By: _____

Dated: _____

Dated: _____

ATTEST:

Dated: _____

SELLER

ENTERPRISE CRUDE PIPELINE LLC

By: _____

Leonard W. Mallett, Group Senior Vice-
President

Dated: _____

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

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.

Background:

Due to the numerous pipelines located within the Tomball area, several pipelines will need to be lowered as a result of the construction of Medical Complex Drive, Segment 3. The pipeline companies have the option to design the pipeline lowerings, or they can request the City provide an engineer to design the line adjustment to their specifications. We have already had one pipeline company request the City to provide the engineer, therefore, this agreement will cover all potential pipeline lowerings specific to this project.

Origination:

Engineering and Planning

Recommendation:

Approval

Funding:

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

Engineering

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

ATTACHMENTS:

Professional Services Agreement

Exhibit A

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
SEGMENT 3, MEDICAL COMPLEX DRIVE EXPANSION;
PIPELINE LOWERING DESIGN
E&P Project Number: 2011-10019**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

THIS AGREEMENT made on the _____ day of November, 2013 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and Cobb, Fendley & Associates, Inc. ("Engineer").

WITNESSETH:

WHEREAS, the City desires to obtain general engineering services related to Pipeline Lowering design for a portion of the proposed cross-town thoroughfare Medical Complex Drive, Segment 3, (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to provide general engineering services related to pipeline lowering design, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to the proposed design of pipeline lowering;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering surveying, and right of way acquisition services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

SECTION II CHARACTER AND EXTENT OF SERVICES

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Work to complete the Design Phase of the Project is as shown in Attachment A, notwithstanding any extraordinary delays beyond the control of CobbFendley. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

Engineer shall and does hereby agree to indemnify and hold harmless the City, its officers, agents, and employees from any and all damages, loss or liability of any kind whatsoever, by reason of death or injury to property or third persons caused by the

negligent act or omission of Engineer, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and Engineer will, at its cost and expense, defend, pay on behalf of, and protect the City, its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arise in whole or in part from the negligence of Engineer.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the Scope of Work plus reimbursable expenses, on the basis set forth in Attachment "A," up to an amount not to exceed \$60,000.00, as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving seven (7) days prior written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer performed under this Agreement bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Cobb, Fendley & Associates, Inc.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040-6153
Attn: Dale Conger, P.E.

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
501 James Street
Tomball, Texas 77375
Attn: Engineering

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

SECTION XVII MISCELLANEOUS PROVISIONS

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Contractor further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the City Manager of said City and attested by the City Secretary and Cobb, Fendley & Associates, Inc., acting by and through its duly authorized officer/representative, does now sign, execute. and deliver this instrument.

EXECUTED on this _____ day of November, 2013.

ENGINEER:

COBB, FENDLEY & ASSOCIATES, INC.

By: _____
Name: Dale Conger, P.E.
Title: President

CITY OF TOMBALL, TEXAS

George Shackelford, City Manager

ATTEST:

Doris Speer, City Secretary

ATTACHMENT "A"
SCOPE OF SERVICES
AND
BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES

ATTACHMENT “B”

INSURANCE

Attachment “A”

Scope of Services and Basis of Compensation and Reimbursable Expenses

Project General Description

Surveying and design efforts for the conflict investigation, relocation and/or adjustment of existing Pipelines in conflict with the Medical Complex Drive (Segment 3) paving and drainage improvement. Medical Complex Segment 3 corridor is generally from the eastern end of the existing Medical Complex roadway near Lawrence Street to Cherry Street.

Scope Of Services

The scope of the project will involve professional engineering and surveying services for items of work such as utility conflict investigation and resolution, horizontal and vertical adjustment design for various pipeline/utility, field surveying, limited ROW mapping/abstract, and staking of crossing pipeline easements including proposed adjusted pipeline locations.

Additional Services

CobbFendley will provide the following additional services however; other Additional Services elements of engineering service may become desirable or necessary during the course of the project. All Additional services items shall be specifically authorized in writing by the City Engineer in writing.

A. SURVEYING & RIGHT OF WAY MAPPING SERVICES—CobbFendley

1. As needed topographical and ROW field surveys for locating and staking the existing pipeline corridors crossings. The limited topographical surveys typically extend outside of the proposed 150 ft wide roadway corridor as required for design of pipeline adjustments.
2. Prepare parcel abstract and all documentation necessary to locate and delineate the existing pipeline easements, ROW, and fee strips.

B. ENGINEERING DESIGN AND PRODUCTION SERVICES-- CobbFendley

1. Preliminary Engineering
 - a. Pipeline As-built research/system maps
 - b. Prepare preliminary plans
 - c. Provide material specifications
 - d. Provide plan exhibit
 - e. Subsurface Utility Engineering (SUE), if deemed necessary

2. Plan and Profile Design

- a. Prepare preliminary design plan and profile utilizing the Segment 3, Medical Complex Drive Expansion files in MicroStation format as background drawings
- b. Produce plan and profile drawings to include piping plans, elevations and materials list

Compensation

The compensation to be paid to CobbFendley for providing the described engineering additional services will be as follows:

I.	Additional Services – requiring prior City of Tomball authorization ¹ .	
a.	Surveying, supplemental field topography	\$ 6,500.00
b.	Surveying, ROW delineation, and abstracting	\$ 8,000.00
c.	Surveying, Staking the pipeline easement and pipeline adjustment H&V	\$ 7,500.00
d.	Preliminary Engineering, pipeline conflict investigation ²	\$ 9,000.00
e.	Final plan&profile production pipeline adjustment engineering ²	\$ 21,500.00
f.	Other Additional Services such as SUE services ³	\$ 5,000.00
		<u>\$ 57,500.00</u>
II.	Reimbursable	
a.	Reproductions.....	\$ 1,000.00
b.	Direct Expenses	\$ 1,500.00
		<u>\$ 2,500.00</u>

Total Fee Budget (T&M budgets)	\$ 60,000.00
---	---------------------

The total compensation for the abovementioned additional services is for the City of Tomball budgetary purposes in the not to exceed amount of \$60,000.00. It is our mutual understanding that this total will be augmented by the City of Tomball in the event the budgeted funds are depleted and/or deemed inadequate to perform further engineering service.

¹ Additional Services will be discussed with the City and the terms for each service authorized by the City in writing prior to providing the service. Several services contain options for selection. In the case of options, the figures shown here are the higher limits for each for establishing a budget. Each fee from a subconsultant also contains a 10% additional amount for CobbFendley's coordination and administration of those services.

² Rate Schedule is CobbFendley's Standard Rate Schedule which describes the hourly rates and other charges for hourly rate services. Only those man-hours directly expended on the project are invoiced.

³ Other Additional Services have not been identified at this time. Additional elements of engineering service may become desirable or necessary during the course of the project. These items, when specifically agreed to in writing by the City, will be invoiced according to the Standard Rate Schedule. Additional Services may include such things as: construction surveying or staking, construction period inspection or site visitation services, materials testing services (subgrade compaction, lime content, concrete testing.), Services rendered in resolution of extensive claims by Contractor or City, or comprehensive review of bidder qualifications. This item is only for establishing budget.

Other terms of compensation:

Reimbursable items and subconsultant invoices will be subject to a 10% administration charge. Services will be charged according to those personnel directly involved in providing the service, and will be rounded to the nearest half hour.

For any Additional Service indicated as a T&M item will be negotiated for particular, defined assignments at the request of the City. When an occasion arises which the City desires to be covered by a lump sum fee, CobbFendley will negotiate an acceptable fee with the City and prepare an addendum to this Agreement which describes the scope of services to be provided and the fee. The addendum will be effective only after its execution by both parties.

Reimbursable Direct Expenses shall be those costs incurred on or directly for the CITY'S project, including but not limited to necessary transportation costs including mileage at the current IRS rate, meals and lodging, laboratory tests and analyses, and printing and binding charges.

SCHEDULE OF WORK

From the notice to proceed, the work will start immediately. CobbFendley will coordinate the work with the City of Tomball Engineering and individual pipeline/utility owner representative for a timely resolution of the conflict and design production efforts. The actual construction schedule of activities associated with adjustment/relocation of the existing utilities/pipelines is negotiated between the City of Tomball engineering staff and each individual utility/pipeline owner/representative. CobbFendley will provide the City of Tomball with monthly progress report on the design status for pipeline adjustments.

Regular City Council

Agenda Item

Meeting Date: November 4, 2013

Data Sheet

Topic:

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 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:

Approve Ordinance No. 2013-20

Funding:

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

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:						
	Shoulder Activity	Lane Encroachment	Lane Closure with Barrier	Temporary Diversion	Lane Closure w/o Barrier	One-Way Traffic Signal	Unpaved Surface
Condition	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 ____ DAY OF _____, 2013.

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

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