

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



MONDAY, OCTOBER 7, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 7, 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 John Holiday, Powerhouse Church of God in Christ

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:

- Recognition of the Crew of TFD Engine 1 by Harris County for Performing a Lifesaving Rescue at a Structure Fire

6.0 Reports and Announcements

- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk*** at 8:00 a.m. and ***1 Mile Run/Walk*** at 9:00 a.m.
- October 12, 2013 - ***2nd Saturday at the Depot*** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – ***Vote*** on Proposed Tax Rate
- October 21, 2013 - Appointment of Member to Tomball Legacy Fund, Inc.
- 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 16, 2013 – ***48th Annual Tomball Holiday Parade*** –10:00 a.m.
- November 19, 2013 – ***20th Anniversary of Lone Star College-Tomball 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 - ***Bugs, Brew & Barbecue, VW Show and MusicFest***
 - Robert Hauck - ***Annual National Night Out at the Depot***

7.0 Approve the Minutes of the Following Meetings:

- September 16, 2013 Regular City Council Meeting
- September 23, 2013 Special City Council Meeting
- September 30, 2013 Special City Council Meeting.

8.0 Old Business:

- 8.1 Adopt on Second Reading, Ordinance No. 2013-16, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article VII, Water Conservation, of Chapter 82, Utilities, Thereof in Its Entirety and Substituting Therefor a New Article VII, Water Conservation; Establishing Water Conservation Regulations; Defining Certain Terms; Providing Rules and Regulations Governing Drought Response States; Providing Procedures for Administration and Enforcement of a Water Conservation and Emergency Management Plan; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Day of Violation of Any Provision Hereof; Repealing Ordinance No. 2002-20 and All Other Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Containing

Other Provisions related to the Subject

- 8.2 Consideration to approve **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

- Reconvene and Conduct a Public Hearing on **ZONING CASE P13-117**
- Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

9.0 New Business:

- 9.1 Adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2013-2014
- 9.2 Adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2013-2014
- 9.3 Adopt, on First Reading, Ordinance No. 2013-18, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2013 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject
- 9.4 Announce that the Final Vote on the Proposed 2013 Tax Rate will be held at a Special City Council Meeting on October 14, 2013 at 5:00 p.m.
- 9.5 Approve Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook
- 9.6 Approve Amendments to Administrative Policy No. 32, entitled "*Pay and Training Policy for Volunteer Fire Fighters*", Revising the Pay and Training Policy for Tomball Volunteer Firefighters.
- 9.7 City Council will Enter into a Workshop Session for the Following Purpose:

- Long-term Planning for the Tomball Fire Department
- 9.8 Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.074 – Deliberations Regarding Personnel Matters - Evaluation of City Manager
- 9.9 Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager
- 10.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd 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: October 7, 2013

Topic:

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

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 7, 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: October 7, 2013

Topic:

- Recognition of the Crew of TFD Engine 1 by Harris County for Performing a Lifesaving Rescue at a Structure Fire

Background:

Origination:

Fire Chief, Randy Parr

Recommendation:

N/A

Funding:

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

City Secretary

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

Regular City Council

Agenda Item

Meeting Date: October 7, 2013

Data Sheet

Topic:

- October 12, 2013 – “*Sherine’s Stride for Breast Cancer Awareness*” – *5K Run/Walk* at 8:00 a.m. and *1 Mile Run/Walk* at 9:00 a.m.
- October 12, 2013 - **2nd Saturday at the Depot** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 21, 2013 - Appointment of Member to Tomball Legacy Fund, Inc.
- 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 16, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- *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 - *Bugs, Brew & Barbecue, VW Show and MusicFest*
 - Robert Hauck - *Annual National Night Out at the Depot*

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:

Sherine's Stride for Breast Cancer Awareness

Sherine's Stride for Breast Cancer Awareness

REGISTER NOW!



SHERINE'S STRIDE
FOR BREAST CANCER AWARENESS
OCTOBER 12, 2013  TOMBALL, TEXAS

CERTIFIED 5K RUN AND 1-MILE FAMILY WALK

- VISIT WWW.TOMBALLTX.GOV OR WWW.RACESONLINE.COM TO REGISTER
- CALL 281-351-5484 FOR EVENT DETAILS
- BENEFITING THE BREAST SCREENING PROGRAMS OF ToMAGWA
- CALL ROSALIE DILLON AT 281-610-2595 FOR SPONSOR INFORMATION



Saturday, October 12, 2013
5K Run/Walk at 8:00 A.M. - 1Mile Run/Walk at 9:00 A.M.
281-351-5484

Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

Sherine's Stride for Awareness was designed to raise awareness of breast cancer and bring families, friends and visitors together to support each other. Sherine Amanollahi was a police dispatcher who lost her fight against breast cancer in 2012 at the age of 30.

The Course

USATF-certified 5K course. Flat, major tree-lined streets. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages OK for 1 MILE WALK ONLY. The 5K race will be professionally managed and utilize timing shoe chips.

Awards

Prizes will be awarded to the top three finishers in each age category for the 5K Run. All kids (10 and under) participating in the 1 mile run will receive a medal.

Packet Pick-up

October 10th and 11th from 5:00 PM – 7:00 PM at the City "Events" Offices – 105 S. Cherry.
 Race Day Pick-up & Registration: 7:00 AM – 7:30 AM at the Depot (No t-shirt guarantee)

Registration

- Register online at www.racesonline.com or www.tomballtx.gov
- Register in person at Tomball City Hall—401 Market Street, Tomball, TX
- To mail or fax registrations, download forms at www.tomballtx.gov and submit to: City of Tomball, Attn: Rosalie Dillon, 401 Market St., Tomball, TX 77375.
 Fax 281-290-1088 or Email rdillon@tomballtx.gov

Event Fees*		
Category	On or Before 9/27/2013	After 9/27/2013
5K Run/Walk	\$20	\$25
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$15

*20% discount on groups of five (5) or more registering at the same time. Discount not available online.

Saturday, October 12, 2013
8:00 A.M. – 5K Run/Walk
9:00 A.M. – 1Mile Run/Walk
Historic Tomball Depot
281-351-5484

Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Age on Run Date: _____ Gender: ☐ F ☐ M

Email Address: _____

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL ☐ XXXL

Are you participating in honor of or in memory of someone: ☐ Y ☐ N

In Honor of: _____ (please print)

In Memory of: _____ (please print)

Are you a Breast Cancer Survivor: ☐ Y ☐ N

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

Event Fees		
Category	On or Before 9/27/2013	After 9/27/2013
5K Run/Walk	\$20	\$25
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$15

Your privacy will be respected and no information will be shared with third parties.

Regular City Council Agenda Item Data Sheet

Meeting Date: October 7, 2013

Topic:

Approve the Minutes of the Following Meetings:

- September 16, 2013 Regular City Council Meeting
- September 23, 2013 Special City Council Meeting
- September 30, 2013 Special City Council Meeting.

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

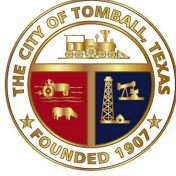
City Secretary

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

ATTACHMENTS:

September 16, 2013 Regular City Council Meeting
September 23, 2013 Special City Council Meeting
September 30, 2013 Special City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 16, 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 Dodson

Councilmembers absent:

Councilman Townsend - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Finance Director – Glenn Windsor
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Brother James Roberson, Hufsmith Church of Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Courtlynn Noack and Madi Kaczynski, members of the Tomball High School Student Council

4.0 The following public comment was received.

Martin Russell - Moved his company, Pinnacle Autobody, to
112503 Stony Mill, 77429 Tomball; extremely pleased with the assistance
provided by City staff and employees.

5.0 Reports and Announcements:

- September 23, 2013 at 5 p.m. – **Public Hearing** on Proposed Tax Rate
- September 25, 2013 at 10:30 a.m. – **SH 249 Groundbreaking**
- September 28, 2013 – ***Bugs, Brew & Barbecue, VW Show and MusicFest*** – 9:00 a.m.-6:00 p.m.
- October 7, 2013 at 6 p.m. – **Vote** on Proposed Tax Rate
- October 1, 2013 – ***Annual National Night Out at the Depot*** – 6:00-8:00 p.m.
- October 7, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk*** at 8:00 a.m. and ***1 Mile Run/Walk*** at 9:00 a.m.
- October 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 26, 2013 – ***Tomball Bluegrass Festival*** – 11:00 a.m.-7:00 p.m.
- November 2, 2013 – ***Diesels & Easels Art Festival*** – 10:00 a.m.-6:00 p.m.
- November 19, 2013 – ***20th Anniversary of Lone Star College-Tomball Walk Tomball!*** – Every Saturday at 8:00 a.m. at the Depot
- Reports by City staff, members of Council, and others about items of community interest on which no action will be taken:
 - David Kauffman presented a report on the Summer 2013 Pool Activity.

6.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve the Minutes of the September 3, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Dodson, second by Councilman Brown, to award Contract for Project No. 2013-07 - Janitorial Services to Kleen Tech, in the Amount of \$49,020.24.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Dodson, second by Councilman Brown, to “move that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.345 acres of land owned by Mary Radcliffe for the Raleigh Creek Utility Line Project and to approve Resolution No. 2013-26R, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Completion of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Mary Radcliffe, 0.345 Acres)” and to approve Resolution No. 2013-26R, a Resolution of the City Council of the City of Tomball, Texas, Determining that 0.0345 Acre Tract of Land is Needed for the Zion Road Extension Project and 0.0690 Acre Tract of Land is Needed for the Construction, Operation, Maintenance, Inspection, Replacement, and Removal of One or More Utility Lines as Part of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings. Vote was as follows:

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

Motion carried unanimously.

- 7.3 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2013-27, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council 2014 General Assembly and Designating Derek S. Townsend, Sr., Council Position 4, as the Representative and Mark A. Stoll, Council Position 2, as the Alternate.

Motion carried unanimously.

- 7.4 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Resolution No. 2013-28, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2013-2014.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve **ACQUEST TOMBALL REPLAT NO 1**: A subdivision of 7.0434 acres situated in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas and also being a Replat of Lots 70 and 71, Block 1 of Final Plat Acquest Tomball, a

subdivision in Harris County, Texas, According to the Map or Plat thereof recorded in Film Code No 645193 of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-16 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on First Reading, Ordinance No. 2013-16, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article VII, Water Conservation, of Chapter 82, Utilities, Thereof in Its Entirety and Substituting Therefor a New Article VII, Water Conservation; Establishing Water Conservation Regulations; Defining Certain Terms; Providing Rules and Regulations Governing Drought Response States; Providing Procedures for Administration and Enforcement of a Water Conservation and Emergency Management Plan; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Day of Violation of Any Provision Hereof; Repealing Ordinance No. 2002-20 and All Other Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Containing Other Provisions related to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 7.7 George Shackelford advised Council that the applicant, Cecilio Cano, had requested that Zoning Case P13-117 be tabled until the October 7, 2013 Council meeting. Mayor Fagan opened the public hearing regarding **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District at 6:39 p.m.

Donald Branham	-	Expressed his opposition to the
Full Circle Enterprises		proposed zoning change.
906 Persimmon, 77375		

Fred Fano - Expressed his opposition to the
MCA Systems, Inc. proposed zoning change.
1100 S. Persimmon, 77375
15118 Greenhaven Lake Ln, 77429

Receiving no additional comments, Mayor Fagan advised Council that, because the applicant had requested that consideration of Zoning Case P13-117 be tabled until the October 7, 2013 Council Meeting, the Public Hearing would be RECESSED until October 7, 2013 to provide an opportunity for additional comments before Council's consideration of Zoning Case P13-117.

Consideration to Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters will be placed on the October 7, 2013 agenda.

- 8.0 Motion was made by Councilman Stoll, second by Councilman Brown, to adjourn. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

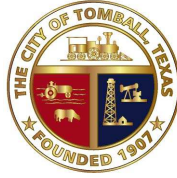
Meeting adjourned.

PASSED AND APPROVED this the 7th day of October 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



MONDAY, SEPTEMBER 23, 2013

5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Fagan. Other members present were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Councilmembers absent:

Councilman Hudgens

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
City Planner – Rebeca Guerra

2.0 No public comments were received.

3.0 Reports and Announcements:

- October 1, 2013 – ***Annual National Night Out at the Depot*** – 6:00-8:00 p.m.
- October 7, 2013 at 6 p.m. – **Vote on Proposed Tax Rate**
- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk at 8:00 a.m. and 1 Mile Run/Walk at 9:00 a.m.***
- October 12, 2013 - **2nd Saturday at the Depot** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote on Proposed Tax Rate**
- October 26, 2013 – ***Tomball Bluegrass Festival*** – 11:00 a.m.-7:00 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 16, 2013 – *48th Annual Tomball Holiday Parade –10:00 a.m.*
- November 19, 2013 – *20th Anniversary of Lone Star College-Tomball*
- *Walk Tomball!* – Every Saturday at 8:00 a.m. at the Depot – *(9:00 a.m. in October)*
- Reports by City staff and members of council about items of community interest on which no action will be taken.

4.0 New Business:

- 4.1 Mayor Fagan called the First Public Hearing on the Proposed 2013 Tax Rate to order at 5:14 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 5:14 p.m. and Announced that the Vote on the Proposed 2013 Tax Rate will be held on October 7, 2013 at 6:00 p.m. and October 14, 2013 at 5:00 p.m.

- 4.2 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve **GRAND FOUR FINAL PLAT**: Being a subdivision of 0.3255 acre of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a partial replat of Lot 81 of Tomball Outlots, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and being the same land as described in Clerk's File Number F803330 of the Real Property Records of Harris County, Texas.

Motion carried unanimously.

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

Motion carried unanimously.

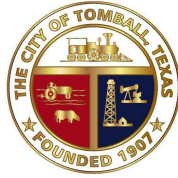
Meeting adjourned.

PASSED AND APPROVED this the 7th day of October 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



MONDAY, SEPTEMBER 30, 2013

5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Pro Tem Dodson. Other members present were:

Councilman Hudgens
Councilman Stoll
Councilman Brown

Members Absent:

Mayor Fagan - Excused
Councilman Townsend - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Finance Director – Glenn Windsor
City Engineer – Lori Lakatos
Senior Administrative Assistant – Brandy Pate

Pledges to the U. S. and Texas Flags were led by Nicholas Williams, member of the Tomball High School Student Council.

2.0 No public comments were received.

3.0 Reports and Announcements:

- October 1, 2013 – ***Annual National Night Out at the Depot*** – 6:00-8:00 p.m.
- October 7, 2013 at 6 p.m. – **Vote on Proposed Tax Rate**

- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk at 8:00 a.m. and 1 Mile Run/Walk at 9:00 a.m.***
- October 12, 2013 - **2nd Saturday at the Depot** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote on Proposed Tax Rate**
- 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 16, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- ***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.

4.0 Old Business:

- 4.1 Mayor Pro Tem Dodson called the Second Public Hearing on the Proposed 2013 Tax Rate to order at 5:04 p.m.

Receiving no public comments, Mayor Pro Tem Dodson closed the Public Hearing at 5:04 p.m. and Announced that the Vote on the Proposed 2013 Tax Rate will be held on October 7, 2013 at 6:00 p.m. and October 14, 2013 at 5:00 p.m.

5.0 New Business:

- 5.1 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the Extension of the Current Lease Agreement between the Harris County Tax Assessor-Collector and the City of Tomball for the use of the Facility located at 101 S. Walnut as a Harris County Tax Office for an Additional One-Year Term, from December 1, 2013 to November 30, 2014.

Motion carried unanimously.

- 6.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adjourn. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of October 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: October 7, 2013

Data Sheet

Topic:

Adopt on Second Reading, Ordinance No. 2013-16, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article VII, Water Conservation, of Chapter 82, Utilities, Thereof in Its Entirety and Substituting Therefor a New Article VII, Water Conservation; Establishing Water Conservation Regulations; Defining Certain Terms; Providing Rules and Regulations Governing Drought Response States; Providing Procedures for Administration and Enforcement of a Water Conservation and Emergency Management Plan; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Day of Violation of Any Provision Hereof; Repealing Ordinance No. 2002-20 and All Other Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Containing Other Provisions related to the Subject

Background:

The City adopted Article VII, Water Conservation, Of Chapter 82 Utilities, and has made prior amendments to the City's Water Conservation and Emergency Management Plan to ensure that the City's plan met current regulatory compliance. The purpose of this ordinance is to replace the City's current Water Conservation and Emergency Management Plan in its entirety to ensure all prior amendments are eliminated, and ensure that the City's plan is current with North Harris County Regional Water Authority's (NHCRWA) Drought Contingency Plan (DCD).

In accordance with a recent notice from NHCRWA dated 07/19/13, amendments are needed to the City's Drought Contingency Plan so that the requirements in our plan are at least as stringent as the requirements in their plan.

The most notable changes in the ordinance and in the City's DCP are the allowable times and days for outside water use during periods of drought or a water emergency. The title of the City's plan is also being updated from the City of Tomball Water Conservation and Emergency Management Plan to The City of Tomball Water Conservation and Drought Contingency Plan, to better reflect the intent of the plan.

Copies of the notice from NHCRWA dated 07/19/13, NHCRWA's DCP, a redlined version of the City of Tomball Water Conservation and Emergency Management Plan dated 11/09, and Ordinance No. 2013-16 are attached for your review.

Origination:

Director of Public Works

Recommendation:

Public Works staff recommends adoption of Ordinance No. 2013-16 on Second Reading as presented.

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. 2013-16
Redline Version - COT Water Conservation and Emergency Water Mgmt Plan
NHCRWA notice dated 071913
NHCRWA DCP

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 82-258, DROUGHT RESPONSE STAGES, TO REVISE REGULATIONS OF WATER USE DURING A DROUGHT, AND SECTION 82-260, ADOPTION OF WATER CONSERVATION AND EMERGENCY MANAGEMENT PLAN, OF ARTICLE VII, WATER CONSERVATION, OF CHAPTER 82, UTILITIES, TO DELETE THEREFROM THE WATER CONSERVATION AND EMERGENCY MANAGEMENT PLAN DATED OCTOBER 1998 AND ADD THERETO LANGUAGE ADOPTING THE CITY OF TOMBALL WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas desires to update its water conservation and emergency management plan to meet the requirements of the North Harris County Regional Water Authority; and

WHEREAS, the City Council hereby finds that the adoption of the City of Tomball Conservation and Drought Contingency Plan is in the best interest of the health, safety and welfare of the citizens of Tomball; now, therefore,

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

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

Section 2. Section 82-258, Drought Response Stages, of Article VII, Water Conservation, of Chapter 82, Utilities, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting the language struck through below and adding the language underscored below, the new Section 82-258 to read as follows:

“Sec. 82-258. Drought Response Stages.

The Director of Public Works or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Sec. 82-255 of this Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

Stage 1 Response -- MILD Water Shortage Conditions.

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Supply Management Measures: City will reduce waterline flushing at the discretion of the Director of Public Works or designate.

Voluntary Water Use Restrictions:

- (1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 7:00 p.m. and 5:00 a.m. on designated watering days. No watering permitted on Mondays.
- (2) All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (3) Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

Stage 2 Response -- MODERATE Water Shortage Conditions.

Goal: Achieve a 20 percent reduction in daily water demand.

Supply Management Measures: City will reduce waterline flushing at the discretion of the Director of Public Works or designate and will adhere to the Stage 2 response water use restrictions defined below.

Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Thursdays and/or Sundays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays and/or Saturdays for water customers with a street address

ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 7:00 p.m. and 5:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. and 5:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(3) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 7:00 p.m. and 5:00 a.m..

(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.

(6) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 7:00 p.m. and 5:00 a.m.. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.

(7) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(8) All non-essential water use as defined in Sec. 82-254 is prohibited.

Stage 3 Response -- SEVERE Water Shortage Conditions.

Goal: Achieve a 30 percent reduction in daily water demand.

Supply Management Measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 3 response water use restrictions defined below.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (1) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City.
- (2) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions.

Goal: Achieve a 40 percent reduction in daily water demand.

Supply Management Measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 4 response water use restrictions defined below.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (1) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (2) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (3) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (4) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response -- EMERGENCY Water Shortage Conditions.

Goal: Reduce delivery of water where appropriate to address emergency conditions.

Supply Management Measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 5 response water use restrictions defined below.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except that:

- (1) Irrigation of landscaped areas is absolutely prohibited.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Provision of Alternative Water Supplies. In the event of source contamination or failure, at the discretion of the Director of Public Works, or his/her designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater well(s), or hook-up to another public or private water supplier.”

Section 3. Section 82-260, Adoption of water conservation and emergency management plan, of Article VII, Water Conservation, of Chapter 82, Utilities, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting the language struck through below and adding the language underscored below, the new Section 82-260 to read as follows:

“Sec. 82-260. Adoption of City of Tomball Water Conservation and Drought Contingency Plan.

There is hereby adopted for the city a City of Tomball Water Conservation and Drought Contingency Plan, a true and correct copy of which is filed and maintained in the office of the city secretary.”

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

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

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF SEPTEMBER 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</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 ____ DAY OF
_____ 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City of Tomball Water Conservation and Emergency Water Management Plan

Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this drought contingency plan, hereafter referred to as the "plan," are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties.

Authorization.

The director of public works, or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The director of public works or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Application.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use that is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Waste of water or water wasting means the application of water, provided through the city's potable water system, to soil or to the ground, at a rate of flow that, or in quantity that, exceeds the rate of the water's absorption into the ground. The standing of water on the ground, or the running of water over the ground into a ditch or into gutter or other means of drainage, whether natural or man-made, shall be prima facie evidence that water has been applied at an excessive rate of flow and/or in an excessive quantity; provided, however, the following shall not constitute water wasting:

- (1) Inadvertent and incidental splashing or spilling of water during water applications; or
- (2) Leakage of water due to plumbing or piping disruptions or breaks, when such disruptions or breaks are promptly repaired or such repairs are promptly undertaken and diligently pursued until completion.

Water production capacity means sum of the design pumping capacities of groundwater wells connected to the city water system.

Criteria for initiation and termination of drought response stages.

The director of public works or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on known system design conditions and performance capabilities.

Stage 1 Trigger -- MILD Water Shortage Conditions

Requirement for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined under stage 1 in section 82-258, when total daily water demand equals or exceeds 60 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 1 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days.

Stage 2 Trigger -- MODERATE Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 2 in section 82-258, when total daily water demand equals or exceeds 70 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 2 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 2, stage 1 becomes operative.

Stage 3 Trigger -- SEVERE Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 3 in section 82-258, when total daily water demand equals or exceeds 80 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 3 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 3, stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 4 in section 82-258, when total daily water demand equals or exceeds 90 percent of the city's water production capacity for three consecutive days.

Requirement for termination. Stage 4 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 4, stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation. Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the director of public works, or his/her designee, determines that a water supply emergency exists if any of the following triggers exist:

1. Total daily water demand equals or exceeds 95 percent of the city's water production capacity for three consecutive days.
2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
3. Water supply source(s) are contaminated.

Requirements for termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of stage 5, stage 4 becomes operative.

Wasting water; vegetative watering.

It shall be unlawful for any person to cause, allow, or otherwise permit water wasting when applying water to grounds, lawns, plants, trees, shrubs, bushes, or other vegetative matter, or when applying water for any landscaping or agricultural purpose of any kind.

Notices.

(a) Upon the determination that a stage 2 or higher water condition exists, the city shall provide for notification to each customer of such condition, as applicable, of all water use restrictions then in effect, and of the penalties for failure to comply with the imposed restrictions. Such notice shall be given to each customer within the city by publication in the city's official newspaper. Additional means of notification may be employed at the discretion of the city council and/or the city manager.

(b) At such time that the water supply system has been restored to below a stage 2 condition the city shall provide notice of the termination of the condition either through available media sources or through written notice in the manner provided above.

Drought response stages.

The director of public works or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 82-255 of this plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

Stage 1 Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary ten percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the director of public works or designate.

Voluntary water use restrictions:

(1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 7pm and 5am on designated watering days (no watering on Mondays).

(2) All operations of the city shall adhere to water use restrictions prescribed for stage 2 of the plan.

(3) Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

Stage 2 Response -- MODERATE Water Shortage Conditions

Goal: Achieve a 20 percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the director of public works or designate and will adhere to the stage 2 response water use restrictions defined below.

Deleted: Tuesdays, Thursdays, and Saturdays

Deleted: Wednesdays, Fridays and Sundays

Deleted: midnight and 10:00 a.m. and 8:00 p.m. to midnight

Deleted: .

Water use restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Thursdays and/or Sundays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays and/or Saturdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 7pm and 5am on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7pm and 5am. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(3) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 7pm and 5am.

(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

(6) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 7pm to 5am. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

(7) All restaurants are prohibited from serving water to patrons except upon request of the patron.

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 30 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 3 response water use restrictions defined below.

Water use restrictions: All requirements of stage 2 shall remain in effect during stage 3 except:

(1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 7pm and 5am and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(2) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

Deleted: Tuesdays, Thursdays, and Saturdays

Deleted: Wednesdays, Fridays and Sundays

Deleted: 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight

Deleted: 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight

Deleted: 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight

Deleted: 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight

Deleted: 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight

Comment [AP1]: ALL IRRIGATION PROHIBITED IN NHCRA'S DCP

(3) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Goal: Achieve a 40 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 4 response water use restrictions defined below.

Water use restrictions: All requirements of stage 2 and 3 shall remain in effect during stage 4 except:

- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- (3) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (5) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Comment [AP2]: ALL IRRIGATION PROHIBITED IN NHCRWA'S DCP.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Goal: ~~Reduce delivery of water where appropriate to address emergency conditions.~~

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 5 response water use restrictions defined below.

Water use restrictions: All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except that:

- (1) Irrigation of landscaped areas is absolutely prohibited.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Provision of alternative water supplies. In the event of source contamination or failure, at the discretion of the director of public works, or his/her designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater well(s), or hook-up to another public or private water supplier.

Deleted: Achieve a 50 percent reduction in daily water demand

Deleted: .

Penalties for violation of this article.

(a) *Criminal penalties.* Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

(b) *Discontinuance of water service for failure to comply.*

(1) First notice. The city shall provide written notice, by hand delivery, to each customer deemed to be in violation hereof, by affixing such written notification to the front door or main entrance of the place of violation.

(2) Second notice. In the event a customer commits violations of this article on two separate occasions during any single serious water condition or emergency water condition, service to such customer shall be discontinued following written notice thereof to such customer by registered or certified mail, return receipt requested.

(3) Reconnection. No service which has been disconnected pursuant to this section shall be restored until such violation is discontinued, payment has been made to the city of a \$100.00 reconnection fee, and the violator has reimbursed the city for any and all costs incurred by the city, including reasonable attorney's fees, in the enforcement of this article.

(4) The liabilities of a customer under this subsection (b) for reconnection fees and costs shall be in addition to and cumulative of any and all other criminal penalties for which such customer may otherwise be liable hereunder, and to any other remedy available to the city, whether at law or in equity.

Adoption of water conservation and emergency management plan.

There is hereby adopted for the city a "water conservation and emergency management plan," dated October, 1998, a true and correct copy of which is filed and maintained in the office of the city secretary.

Variances.

The director of public works, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the director of public works, or his/her designee, and shall include the following:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) of the plan from which the petitioner is requesting relief.

(4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.

(5) Description of the relief requested.

(6) Period of time for which the variance is sought.

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

(8) Other pertinent information.

Variances granted by the city shall be subject to the following conditions, unless waived or modified by the director of public works or his/her designee:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Coordination with regional water planning groups.

The service area of the city is located within the region H water planning group and the city has provided a copy of this plan to the region H water planning group.

Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of scheduling and providing public notice of a public meeting to accept input on the plan. Public input on the plan was addressed in preparing the plan.



Jimmie Schindewolf, P.E.
General Manager

BOARD OF DIRECTORS
James D. Pulliam, *President*
Alan J. Rendl, *Vice President*
Lenox A. Sigler, *Secretary*
Kelly P. Fessler, *Treasurer*
Ron Graham, *Asst. Secretary*

July 19, 2013

City of Tomball
Attn: George Shackelford
City Manager
401 Market St.
Tomball, TX 77375

Re: North Harris County Regional Water Authority (the "Authority") Drought Contingency Plan

Dear George Shackelford:

In an effort to responsibly manage our water resources during drought and emergency conditions, the Authority's Board of Directors (the "Board") adopted the **North Harris County Regional Water Authority Water Supply Management and Drought Contingency Plan** (the "Plan") at its February 6, 2012 meeting. This Plan was adopted with the understanding that it was a Phase 1 Plan with a Phase 2 Plan to be presented to the Board at such time as the City of Houston (the "City") completed an update of its Drought Contingency Plan. The intent of the Authority's Phase 2 Plan would be to mirror the City's updated Drought Contingency Plan as appropriate.

On May 29, 2013, City Council adopted an updated **Drought Contingency Plan for the City of Houston** and following that action by the City, the Authority Board adopted a revised and updated Plan on July 1, 2013. This revised and updated document, entitled **North Harris County Regional Water Authority Drought Contingency Plan** (the "Authority DCP"), can be found on the home page of the Authority's website (www.nhcrwa.com).

We would request that you take the time to review the Authority's DCP and as you do so, please note ARTICLE II, Section 6, which states:

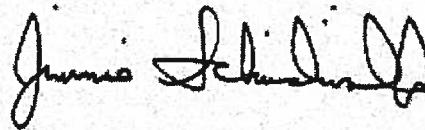
*** **6. Application.**

The provisions of the Plan apply to all Participants and Customers. All Participants must adopt a DCP with requirements at least as stringent as the requirements of this Plan. Upon the Authority implementing any stage of this Plan, each Participant shall implement at least the same stage of its DCP, but a Participant may implement any higher stage of its DCP at its own discretion.

We request that the each well owner adopt a drought contingency plan that complies with this provision no later than October 1, 2013.

Should you have any questions, please feel free to contact either Ms. Robin Bobbitt or Mr. Jonathan Polley with our General Counsel, Johnson Radcliffe Petrov & Bobbitt PLLC (713-237-1221), or Mr. Tom Rolen (713-267-3181) with our Program Manager, AECOM Technical Services, Inc., as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmie Schindewolf". The signature is fluid and cursive, with the first name "Jimmie" written in a larger, more prominent script than the last name "Schindewolf".

Jimmie Schindewolf, P.E.
General Manager

JAS/lr

xc: NHCRWA Directors

Robin S. Bobbitt, Johnson Radcliffe Petrov & Bobbitt PLLC

Jon Polley, Johnson Radcliffe Petrov & Bobbitt PLLC

Mark Evans, Authority Planning and Governmental Affairs Director

Cyndi Plunkett, Authority Financial Assistant

Tom Rolen, P.E., AECOM Technical Services, Inc.

Michael Baugher, P.E., AECOM Technical Services, Inc.

Authority's operator and the Authority's Program Manager will also monitor the daily volume of water delivered by the Authority to each Participant and the total volume delivered to all Participants.

2. Stage 1 Water Shortage.

(A) Requirement for Initiation. A Stage 1 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days and/or the City has declared a Stage 1 water shortage in accordance with the Ordinances. The Authority will notify Participants of the initiation of a Stage 1 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 1 Water Shortage terminates when either the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days or the City ends its Stage 1 water shortage. The Authority will inform Participants of the termination of the Stage 1 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a five percent (5%) reduction of average total daily usage of water within the Authority.

(D) Response Measures. During a Stage 1 Water Shortage, the General Manager shall institute a water management information program. The General Manager may use U.S. mail, electronic mail, media, and other sources to disseminate information to Participants regarding implementing voluntary response measures, including, but not limited to the following:

- (i) Requesting that Customers check for and repair all leaks, dripping faucets, and running toilets, and that Customers utilize water conservation measures such as displacement bags, low-flow shower heads and leak detection tablets;
- (ii) Requesting Customers to limit irrigation to the hours between 7:00 p.m. and 5:00 a.m. of the following day on no more than two days per week in conformity with the following schedule (no watering on Mondays):
 - a. Sundays and Thursdays for single family residential customers with even-numbered street addresses;
 - b. Saturdays and Wednesdays for single family residential customers with odd-numbered street addresses; and
 - c. Tuesdays and Fridays for all other customers;

- (iii) Advising Customers that mandatory measures may be imposed if the water shortage period continues.

3. Stage 2 Water Shortage.

(A) Requirement for Initiation. A Stage 2 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days and/or the City has declared a Stage 2 water shortage in accordance with the Ordinances. The Authority will notify Participants of the initiation of a Stage 2 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 2 Water Shortage terminates when either the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days or the City ends its Stage 2 water shortage. The Authority will inform Participants of the Stage 2 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 10 percent (10%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

- (i) The measure(s) established for a Stage 1 Water Shortage shall continue to be implemented, except as modified below; and
- (ii) During a Stage 2 water shortage, Customers are required to:
 - a. Repair detectible water leaks within 72 hours of discovery; and
 - b. Limit outdoor irrigation to the hours 7:00 p.m. and 5:00 a.m. of the following day on no more than two (2) days per week, but possibly one day per week as determined by the Authority, in conformity with the following schedule (no watering on Mondays):
 - 1) Sundays and/or Thursdays for single family residential customers with even-numbered street addresses;
 - 2) Saturdays and/or Wednesdays for single family residential customers with odd-numbered street addresses; and
 - 3) Tuesdays and/or Fridays for all other customers.

4. **Stage 3 Water Shortage.**

(A) Requirement for Initiation. A Stage 3 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days and/or the City has declared a Stage 3 water shortage in accordance with the Ordinances. The Authority will notify Participants of the initiation of a Stage 3 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 3 Water Shortage terminates when either the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days or the City ends its Stage 3 water shortage. The Authority will inform Participants of the Stage 3 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 15 percent (15%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

- (i) The measure(s) established for a Stage 1 Water Shortage and a Stage 2 Water Shortage shall continue to be implemented, except that use of water for all outdoor purposes including irrigation, ornamental, decorative, or scenic purposes such as fountains, reflecting pools, and water gardens, shall be prohibited; and
- (ii) The Authority's operator or the Authority's Program Manager will initiate weekly contact with Participants receiving water from the Authority to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water supplies if water shortage conditions worsen.

5. **Stage 4 Water Shortage.**

(A) Requirement for Initiation. A Stage 4 Water Shortage exists when the Authority is delivering to Participants more than 100% of the Supply for five (5) consecutive days and/or the City has declared a Stage 4 water shortage in accordance with the Ordinances. The Authority will notify Participants of the initiation of a Stage 4 Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release. The Authority's operator or the Authority's Program Manager will continue to monitor the daily volume of water delivered by the City and monitor any notices from the City regarding water delivery reductions or limitations. The Authority's operator and the Authority's Program Manager will also continue to monitor the daily volume of water delivered to each Customer and the total volume delivered to all Customers.

(B) Requirements for Termination. A Stage 4 Water Shortage terminates when either the Authority delivers to Participants no more than 100% of the Supply for five (5) consecutive days or the City ends its Stage 4 water shortage. The Authority will inform Participants of the Stage 4 Water Shortage in the same manner as in its initiation.

(C) Goal. Achieve a 20 percent (20%) reduction of average total daily usage of water within the Authority.

(D) Response Measures.

- (i) The measures established for a Stage 1 Water Shortage, a Stage 2 Water Shortage and a Stage 3 Water Shortage shall continue to be implemented; and
- (ii) The Authority may initiate allocation of water supplies to its Participants contractually entitled to receive water from the Authority on a pro rata basis, in accordance with Texas Water Code, Section 11.039.

6. Emergency Water Shortage.

(A) Requirement for Initiation. An Emergency Water Shortage exists when the Authority is unable to provide 100% of the Supply to Participants because of a failure in or damage to the Authority's water system. The Authority will notify Participants of the initiation of an Emergency Water Shortage by either email, mail, telephone and/or by posting notice on the Authority's website. The news media may also be informed through a press release.

(B) Requirements for Termination. An Emergency Water Shortage terminates when the condition giving rise to its initiation no longer exist. The Authority will inform Participants of the termination of the Emergency Water Shortage in the same manner as in its initiation.

(C) Goal. Reduce delivery of water as appropriate to address the emergency condition.

(D) Response Measures.

- (i) When an Emergency Water Shortage exists, the Authority will issue situation reports to Participants as frequently as the emergency condition dictates. The General Manager may call emergency meetings to discuss with Participants major operational changes if it finds such action necessary during the progress of the Emergency Water Shortage. The Authority will advise Participants of the emergency condition every business day on the Authority website; and
- (ii) The Authority may implement any water shortage response measures, whether or not such measures are contained within other parts of this Plan, including without limitation, prohibiting water use for ornamental, decorative, or scenic purposes and/or allocating water supplies to

Participants contractually entitled to receive water from the Authority on a pro rata basis, in accordance with Texas Water Code, Section 11.039.

- (iii) Every wholesale water contract entered into or renewed by the Authority, including contract extensions, will include a provision that in the case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code 11.039.

ARTICLE IV. ENFORCEMENT AND VARIANCES

1. **Enforcement.**

All of the terms, conditions and duties imposed under this Plan shall constitute rules of the Authority. As such, any failure to comply with this Plan shall be a violation of the Authority's rules and shall be subject to enforcement in the same manner as provided in the Authority's Rate Order for violations thereof.

2. **Variances.**

(A) The General Manager may, in writing, grant a temporary variance to this Plan if the General Manager determines, in its sole discretion, that failure to grant a variance will cause an emergency condition adversely affecting the public health, welfare, or safety and one or more of the following conditions are met:

- (i) Compliance with this Plan cannot be accomplished during the duration of the water supply shortage for which the Plan is in effect; or
- (ii) Alternative methods can be implemented to achieve the same level of reduction in water use and such reduction can be demonstrated.

(B) An entity requesting an exemption from the provisions of this Plan shall file a petition for variance with the General Manager within 14 days after the applicable stage of this Plan has been invoked. All petitions for variances shall be reviewed by the General Manager, and shall include the following:

- (i) Name and address of the petitioner(s);
- (ii) Detailed statement with supporting data and information as to how the implementation of this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- (iii) Description of the relief requested;
- (iv) Period of time for which the variance is sought;



C&C FENCE

Corporation

"The Commercial Fence Professionals"

Houston's Most Reliable
Source
for Cost Effective Commercial
Fence
Installation and Repair



OUR BUSINESS

PRODUCT LINES

HIGH SECURITY

RECREATIONAL

WAREHOUSE

GATE OPERATORS

BUILDER SERVICES

REPAIR & MAINTENANCE

MORE ABOUT US

FAQ

- Commercial, Industrial & Municipal Chain Link Specialists
- High Security Razor Ribbon & Barb Wire
- Full Line of Color & Coated Fencing Systems
- Ornamental Iron, All Wood & Wood-on-Metal
- Electronic Gate Operators & Access Systems
- Fully Insured - Experienced Uniformed Crews
- HUB Certified Contractor - MWOBE

E-MAIL US

C&C Fence Corp.
Physical: 931 Crenshaw - Pasadena, TX 77234
MAIL: PO Box 75103 - Houston, TX 77234-5103
Telephone **713-947-9888** - Facsimile 713-947-9932

[Our Business](#) | [Product Lines](#) | [High Security](#) | [Recreational](#) | [Warehouse](#)
[Gate Operators](#) | [Builder Services](#) | [Repair & Maintenance](#) | [More About Us](#) | [FAQ](#)

2001- C&C FENCE Corp.

Regular City Council

Agenda Item

Meeting Date: October 7, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

- Reconvene and Conduct a Public Hearing on **ZONING CASE P13-117**
- Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On July 10, 2013, City staff met with the property owner and applicant, Cecilio Cano, to discuss the possible construction of a single-family residence at the subject site. City staff informed Mr. Cano that the property is zoned Light Industrial District which does not allow single-family residences. City staff then informed Mr. Cano that if he wanted to construct a single-family residence, the property would need to be rezoned to a district permitting this use. On July 23, 2013, the City received a rezoning application from Mr. Cano requesting the subject site be rezoned from the Light Industrial District to the Agricultural District.

On September 9, 2013, the Planning & Zoning Commission voted to recommend approval of Zoning Case P13-117.

Origination:

Cecilio Cano

Recommendation:

Approval of Zoning Case P13-117

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Ordinance No. 2013-17

Notice of Public Hearing

P13-117 Staff Report

Property Owner Notification Letter

Public Comment Forms

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 271, TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE LIGHT INDUSTRIAL DISTRICT TO THE AGRICULTURAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED WESTERLY OF SOUTH PERSIMMON ROAD, NORTHERLY OF AGG ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 5 acres of land, legally described as Lot 271, Tomball Outlots, generally located westerly of South Persimmon Road, northerly of Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Light Industrial District to the Agricultural District; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the Light Industrial District to the Agricultural District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Light Industrial District to the Agricultural District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of the Property as Agricultural District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Agricultural District as described above.

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF
SEPTEMBER 2013.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
OCTOBER 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
SEPTEMBER 9, 2013
&
CITY COUNCIL
SEPTEMBER 16, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 9, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 16, 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 P13-117: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner at (281) 290-1410, rschmidt@tomballtx.gov.

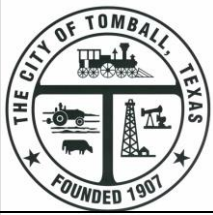
CERTIFICATION

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 3rd day of September 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Rebeca Guerra

Rebeca Guerra
City Planner

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 9, 2013

Rezoning Case: P13-117
Property Owner: Cecilio Cano
Applicant: Cecilio Cano
Legal Description: Lot 271, Tomball Outlots
Location: Westerly of South Persimmon Road, northerly of Agg Road
Area: 5 acres
Present Zoning and Use: Light Industrial District (Exhibit "A") / Undeveloped (Exhibit "C")
Comp Plan Designation: Employment/Office (Exhibit "B")
Proposed Zoning and Use: Agricultural District¹ / Single-Family Residence
Adjacent Zoning & Land Uses:
North: Light Industrial District / Undeveloped land
South: Conditional Use Permit #2 District ("Recreational Vehicles") / Rock and stone importing and distributing
West: Agricultural District / Single-family residence
East: Agricultural District / South Persimmon Road and agricultural land

BACKGROUND

On July 10, 2013, City staff met with the property owner and applicant, Cecilio Cano, to discuss the possible construction of a single-family residence at the subject site. City staff informed Mr. Cano that the property is zoned Light Industrial District which does not allow single-family residences. City staff then informed Mr. Cano that if he wanted to construct a single-family residence, the property would need to be rezoned to a district permitting this use. On July 23, 2013, the City received a rezoning application from Mr. Cano requesting the subject site be rezoned from the Light Industrial District to the Agricultural District (Exhibit "D").

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

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is undeveloped land; to the south is a rock and stone importing and distribution company; to the west is a single-family residence; and to the east is South Persimmon Road and agricultural land (Exhibit “E”). The proposed single-family residence appears to be compatible with the undeveloped land to the north, the single-family residence to the west, and the agricultural land to the east. However, the proposed use does not appear to be compatible with the rock and stone importing and distribution company immediately to the south.

The Agricultural District “is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.” There are several zoning classifications in the vicinity of the subject site. To the north is the Light Industrial District; to the south is Conditional Use Permit #2 District (“Recreational Vehicles”); and to the west and east is the Agricultural District. The Agricultural District appears to be compatible with Conditional Use Permit #2 District (Recreational Vehicles) to the south and the Agricultural District to the west and east.

The Comprehensive Plan’s (CP) Future Land Use (FLU) map identifies the site as “Employment/Office.” The CP states: “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Chapter 9 of the CP states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the rezoning request (Exhibit “D”):

- “Since the property was vacant before, there was no development to tax and so the City could not receive any more money from it. My family would like to build a house on the land and raise our family on it.
- We cleaned the property of all dead trees and built a fence and put in landscaping. It looks much better than it did when we first bought it.
- The City’s goals includes making sure that there is enough land for people to live. Since most of the land around our property is zoned Agriculture, what we want to do is the same as our neighbors.
- We just want to build a house. The Comprehensive Plan and Zoning ask for Industrial uses on the property. What we are asking is less intense, will have less pollution, and will be quieter.
- We will be a positive impact on our neighbors because we want to build a house just like them.
- We will have a paved driveway and the traffic we will have will be much less than Industrial.
- We are compatible as all of our neighbors (except on one side) are Agricultural with houses or are vacant.
- We believe our house will be better to the public health, safety, and welfare of the community than an Industrial use.”

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The proposed single-family residence appears to be compatible with the undeveloped land to the north, the single-family residence to the west, and the agricultural land to the east. The Agricultural District appears to be compatible with Conditional Use Permit #2 District (Recreational Vehicles) to the south and the Agricultural District to the west and east.

However, the rezoning request does not appear to be compatible with the Light Industrial District to the north.

B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There are approximately 70 acres of vacant property in the vicinity zoned Agricultural District; there are several vacant properties elsewhere in the City zoned Agricultural District.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

Recently, there has been considerable development City-wide recently in the Agricultural District. There has been no recent development in the vicinity of the subject site in the Agricultural District.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

If the proposed zoning change were approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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

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

According to the CP, rezonings are “to conform to the intended Future Land Use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

A request for a rezoning that is not consistent with its FLU designation may be approved due to “additional, relevant information affecting the appropriate use of the parcel.” The subject property is surrounded on three sides by lands zoned Agricultural District, and lies at the end of a corridor of properties with a FLU designation of Medium Density Residential. The proposed use is significantly less intensive than the Industrial uses which may currently be permitted. Moreover, a single-family residence would be consistent with other uses in the immediate area of the subject site. The applicants have indicated that it is not their intent to seek a CP Amendment to change the FLU of their property (now Employment/Office). This

is of particular importance in that the adjacent Employment/Office corridor can now be maintained so that any future development on that site which is consistent with a FLU of Employment/Office may be possible with a rezoning to the appropriate Zoning District.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 29, 2013; one public comment form was received from Fred and Art Fano (1100 S. Persimmon) in opposition to the request.

RECOMMENDATION

1. Staff recommend **APPROVAL** of Zoning Case P13-117 based on the following:
 - a. The Agricultural District is consistent with the existing zoning of properties in the immediate vicinity of the subject site.
 - b. The proposed use (i.e. a single-family residence) is compatible with the existing uses of properties in the immediate vicinity of the subject site and is significantly less intensive than the Industrial uses which may currently be permitted.
 - c. The proposed rezoning is not anticipated to negatively impact streets, water supply, sanitary sewers, or other utilities to the area.
 - d. The Future Land Use designation of the site will remain, thus maintaining the Employment/Office corridor for any future development.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Comprehensive Plan FLU Map
- C. Aerial Photo
- D. Rezoning Application
- E. Site Photos
- F. Public Comment Form(s)

Exhibit "A"
Zoning Map

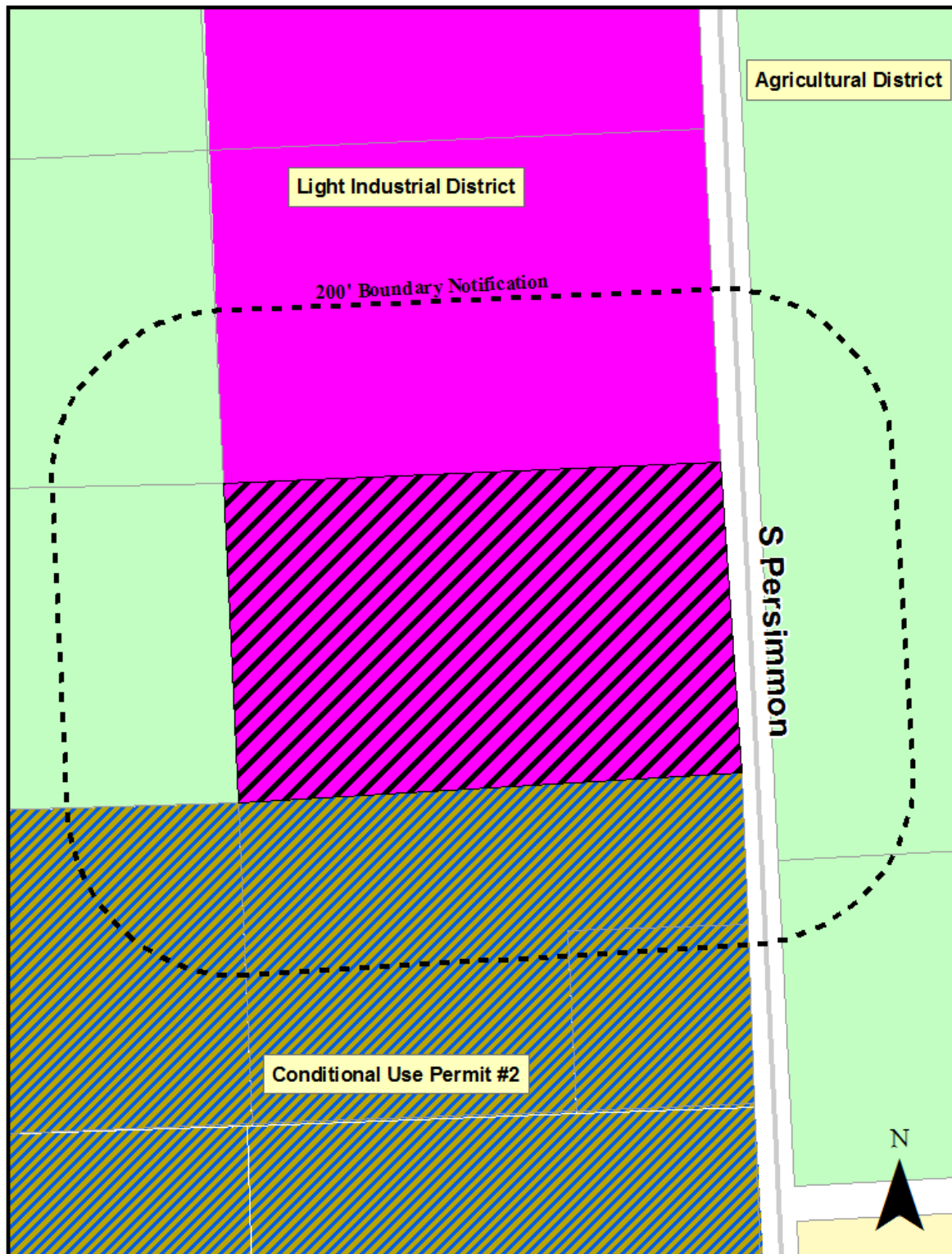


Exhibit "B"
Comprehensive Plan FLU Map

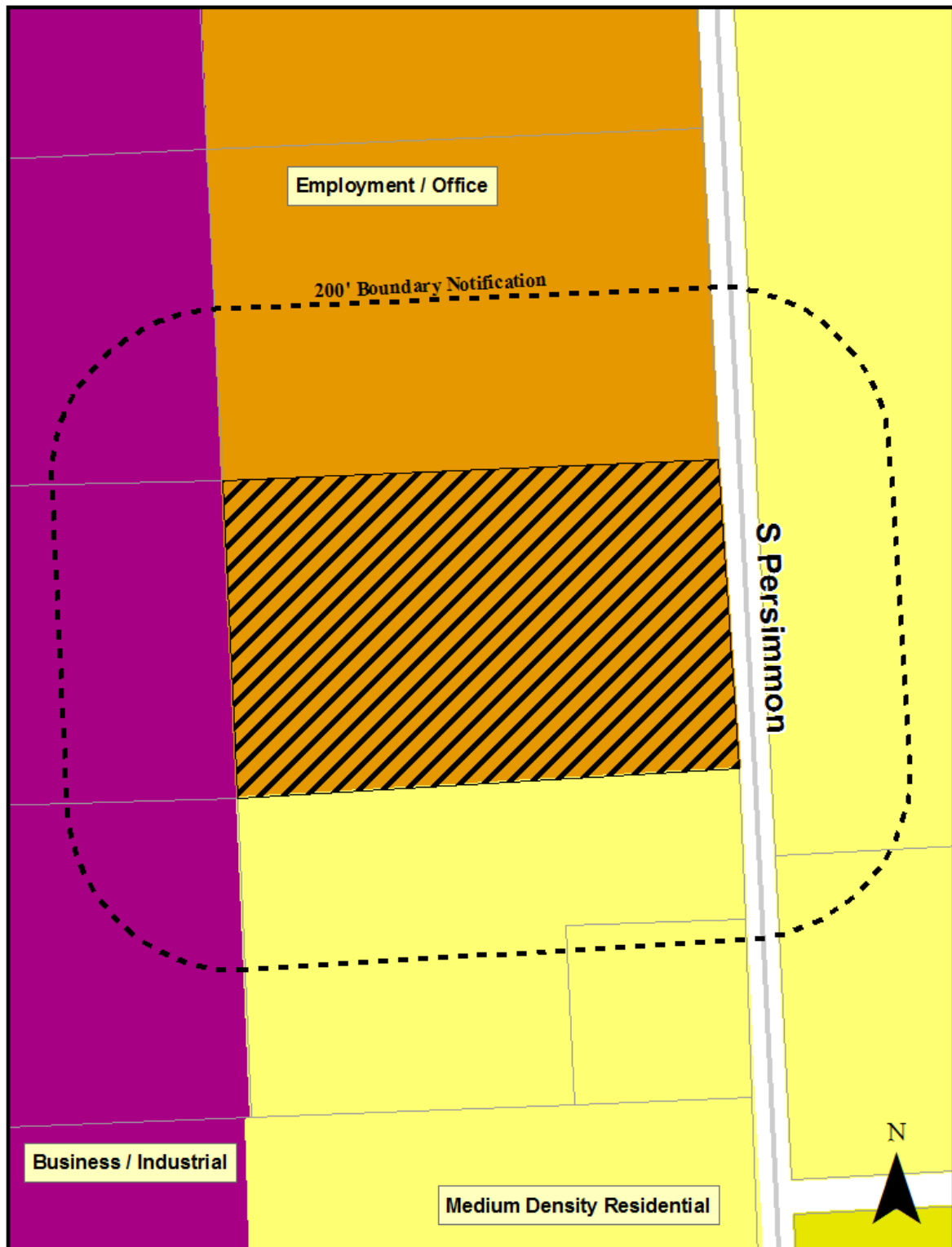


Exhibit "C"
Aerial Photo



Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

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

Owner

Name: Cecilio Cano Title: _____
Mailing Address: 4406 Brandemere way st. City: Houston State: Texas
Zip: 77066
Phone: (281) 803-1081 Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project:

Rezoning to build SFR
1006
South Persimmon St.

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

Legal Description of Property:

(see boundary survey)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District:

Light Industrial

Current Use of Property:

Vacant

Proposed Zoning District:

Agricultural

Proposed Use of Property:

Single-family Residential

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

www.ci.tomball.tx.us

HCAD Identification Number: 0352880000271 Acreage: 5 acres

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

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

X
Signature of Applicant _____ Date _____

X *Debbie Cano*
Signature of Owner _____ Date *7-23-13*

7-23-13

My name is Cecilio Cano and I
bought 5 acres in 1006 S Persimmon St.
They are ~~zoned~~ light Industrial, but
we wanted to change it to Agriculture
so we can make a ~~house~~ ~~house~~ ~~house~~ a house
in the property to live on it. Thank you
for your time.

Cecilio Cano

Cecilio Cano

- Will the proposed development enhance the City economically?
Since the property was vacant before, there was no development to tax and so the City could not receive any more money from it. My family would like to build a house on the land and raise our family on it.
- Will the proposed development enhance the City aesthetically?
We cleaned the property of all dead trees and built a fence and put in landscaping. It looks much better than it did when we first bought it.
- Is the proposed development consistent with the City's Goals, Objectives, and Actions?
The City's goals includes making sure that there is enough land for people to live. Since most of the land around our property is zoned Agriculture, what we want to do is the same as our neighbors.
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
We just want to build a house. The Comprehensive Plan and Zoning ask for Industrial uses on the property. What we are asking is less intense, will have less pollution, and will be quieter.
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
We will be a positive impact on our neighbors because we want to build a house just like them.
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
We will have a paved driveway and the traffic we will have will be much less than Industrial.
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
We are compatible as all of our neighbors (except on one side) are Agricultural with houses or are vacant.
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?"
We believe our house will be better to the public health, safety and welfare of the community than an Industrial use.

Celilio Cemo - 8-26-13

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Undeveloped land to the north.



Figure 4: Rock/stone importing and distributing company to the south.

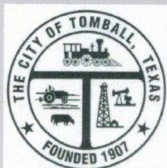


Figure 5: Single-family residence to the west.



Figure 6: Agricultural land to the east.

Exhibit "F"
Public Comment Form(s)



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

CASE #: P13-117

Name:
(please print)
Address:

FRED FAND / ART FAND

MCA SYSTEMS INC.

1100 S. PERSIMMON ST.

TOMBALL, TEXAS 77375

Signature:

Date:

9/3/2013

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117. (Please state reasons below)**

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, September 9, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, September 16, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

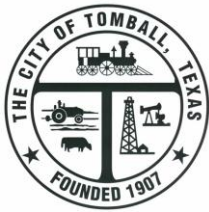
COMMENTS:

Every City Should Have a Zoning Ordinance. The South Persimmon Area is by far a Light Industrial Zone. With the exception of a trailer park, which eventually due to improper swage should be removed? There is no reason to accommodate an agriculture district in a 5 acre area, especially when the zoning was already in place when this property was sold and should had been part of the due diligence on part of the buyer. This would also hinder neighborhood industrial plans and lower property development as well as prices.

You may also comment via email to rschmidt@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.



Notice of Public Hearing

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

CASE NUMBER: P13-117

APPLICANT: Cecilio Cano

LOCATION: Westerly of South Persimmon Road, northerly of Agg Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District.

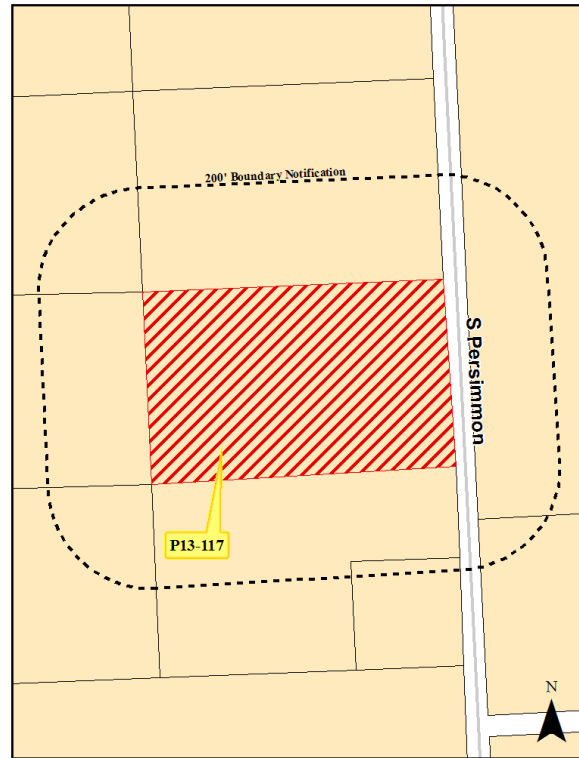
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

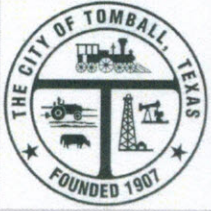


**Planning & Zoning Commission
Public Hearing:
Monday, September 9, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, September 16, 2013, 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

CASE #: P13-117

Name:

FRED FAND / ART FAND

(please print)

MCA SYSTEMS INC.

Address:

1100 S. PERSIMMON ST.

TOMBALL, TEXAS 77375

Signature:

Date:

9/3/2013

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117**. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, September 9, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, September 16, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Every City Should Have a Zoning Ordinance. The South Persimmon Area is by far a Light Industrial Zone. With the exception of a trailer park, which eventually due to improper swage should be removed? There is no reason to accommodate an agriculture district in a 5 acre area, especially when the zoning was already in place when this property was sold and should had been part of the due diligence on part of the buyer. This would also hinder neighborhood industrial plans and lower property development as well as prices.

You may also comment via email to rschmidt@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.

Rodney Schmidt

From: Rod Ousley <Rod.Ousley@tpwd.texas.gov>
Sent: Monday, September 09, 2013 3:38 PM
To: Rodney Schmidt
Subject: Fwd: Case # P13-117

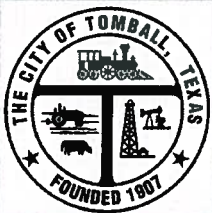
Sent from my iPhone

Begin forwarded message:

From: Rod Ousley <Rod.Ousley@tpwd.texas.gov>
Date: September 9, 2013, 8:21:46 AM CDT
To: "rschmidt@tomballtx.gov." <rschmidt@tomballtx.gov>
Subject: Case # P13-117

To whom it may concern ;

I am submitting this e-mail on behalf of Clarence L. and Mary Ousley due to the fact they are elderly and are unable to attend the meetings. They would like to vote against the requested rezoning as explained on the public notice for Zoning Case P13-117. The following reasons are why, they applied for an agriculture exemption (Timber) on their property with the Harris County appraisal district to help lower their taxes and were denied. Also they bought their property for an investment and there is the potential for area businesses to start building on Persimmon street. Due to the fact that agriculture can be inclusive of quite of few different avenues such as swine, poultry houses or alligator farms, these type of endeavors may deter businesses from wanting to develop on Persimmon street. In addition once this individual is granted this exemption there will be no recourse if he or she puts in a facility that is detrimental to future development.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: MAX VAN BALGOBIN

(please print)

Address: 8003 Dowdell Rd.

Tomball Tx., 77375

Signature: MB Balgobin

Date: 09/13

☒

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117**. (Please state reasons below)

☐

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, September 9, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, September 16, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Thanks for letting me into the process of rezoning
Agricultural use is O.K. Texas is an agricultural
State anyway and Tomball allows for livestock
and animals.

You may also comment via email to rschmidt@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular City Council

Agenda Item

Meeting Date: October 7, 2013

Data Sheet

Topic:

Adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2013-2014

Background:

During the budget process and in the published Effective Tax Rate and Rollback calculations, the portion of the tax rate allocated to the payment of the City's tax supported debt is \$0.230000. The actual ordinance adopting the tax rate for the City of Tomball for FY 2013-2014 will appear later on the agenda. This item is only for the approval of the allocation of the designated portion of the tax rate to the Interest and Sinking Fund.

Origination:

City Secretary

Recommendation:

Adoption of \$0.230000 as the portion of the tax rate for the Interest and Sinking (Debt Service) Fund for FY 2013-2014.

Funding:

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

City Secretary

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 7, 2013

Topic:

Adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2013-2014

Background:

During the budget process, \$.111455 was the recommended allocation of the total tax rate of \$.341455 to be used to fund operations and maintenance expenditures in the General Fund. The actual ordinance to approve the total tax rate of \$.341455 will appear later on the agenda. This item is only to approve the allocation of \$.111455 to maintenance and operations, as required by State law.

Origination:

City Secretary

Recommendation:

Adopt \$0.111455 as the portion of the tax rate to fund maintenance and operations for FY 2013-2014

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

City Secretary

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

Regular City Council

Agenda Item

Meeting Date: October 7, 2013

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2013-18, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2013 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Background:

The previous two items on the agenda approved the allocation of the proposed tax rate for Fiscal Year 2013-2014 (Tax Year 2013) as \$0.23000 for the Interest & Sinking Fund and \$0.111455 to Maintenance and Operations, for a total tax rate of \$0.341455.

Adoption of Ordinance No. 2013-18 on second reading will adopt the tax rate and provide for the levying of the 2013 tax rate; the second reading will take place at the October 14, 2013 Special Council meeting at 5:00 p.m.

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2013-18 on First Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-18

Notice of Tax Revenue Increase

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2013 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading; and

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 1, 2013; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of

two components, a tax rate of \$0.230000 cents per \$ 100 dollars of taxable value for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of \$0.111455 cents per \$ 100 dollars of taxable value for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2013-2014.

Section 3. There is hereby levied, for the tax year 2013, to fund the City's fiscal year 2013-2014 municipal budget, an ad valorem tax at the total rate of thirty-four and one thousand four hundred fifty-five ten-thousandths cents (\$0.341455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2013-2014. Of the total tax levied in Section 2

hereof, \$0.230000 is levied for the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2013-2014. **THIS TAX RATE WILL INCREASE**

TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.

GENERAL FUND - TO FUND MAINTENANCE AND
OPERATION EXPENDITURES OF THE CITY: \$0.111455

INTEREST & SINKING - FOR DEBT SERVICE: \$0.230000

With reference to the tax rate of \$0.230000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 67.3588% of the total \$0.341455 tax, shall apply to the gross amount of current taxes to be collected.

Section 5. All ad valorem taxes levied hereby, in the total amount of \$0.341455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2014. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code.

Section 6. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If any provision of this Ordinance is found to be invalid or unconstitutional by a court

of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

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 7TH DAY OF OCTOBER 2013.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 14TH DAY OF OCTOBER, 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

Notice of Tax Revenue Increase

The **CITY OF TOMBALL**, TEXAS conducted public hearings on September 23, 2013 and September 30, 2013 on a proposal to increase the total tax revenues of the **CITY OF TOMBALL**, TEXAS from properties on the tax roll in the preceding year by 1.1722 percent.

The total tax revenue raised last year at last year's tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, was \$ 4,692,926 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$ 4,239,803 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$ 4,334,608 .

The **CITY OF TOMBALL** is scheduled to vote on the tax rate that will result in that tax increase at public meetings to be held on **October 7, 2013** at 6:00 p.m. and on **October 14, 2013** at 5:00 p.m. at **Tomball City Hall, 401 Market Street, Tomball, Texas**.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 7, 2013

Topic:

Announce that the Final Vote on the Proposed 2013 Tax Rate will be held at a Special City Council Meeting on October 14, 2013 at 5:00 p.m.

Background:

Under the State's Truth-in-Taxation laws (Chapter 26, Tax Code), the City must announce the date, time and place of the meeting(s) at which it will vote on the tax rate and publish a special notice regarding the vote on the tax rate. The date approved by Council for the final vote on the 2013 tax levy will be at a special Council meeting on October 14, 2013 at 5:00 p.m., in City Hall, 401 Market Street, Tomball, Texas.

Origination:

Truth-in-Taxation requirements

Recommendation:

Announce that the Final Vote on the proposed 2013 Tax Rate will be held on October 14, 2013 at 5:00 p.m.

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:

Notice of Tax Revenue Increase

Notice of Tax Revenue Increase

The **CITY OF TOMBALL**, TEXAS conducted public hearings on September 23, 2013 and September 30, 2013 on a proposal to increase the total tax revenues of the **CITY OF TOMBALL**, TEXAS from properties on the tax roll in the preceding year by 1.1722 percent.

The total tax revenue raised last year at last year's tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, was \$ 4,692,926 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$ 4,239,803 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$ 4,334,608 .

The **CITY OF TOMBALL** is scheduled to vote on the tax rate that will result in that tax increase at public meetings to be held on **October 7, 2013** at 6:00 p.m. and on **October 14, 2013** at 5:00 p.m. at **Tomball City Hall, 401 Market Street, Tomball, Texas**.

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

Regular City Council Agenda Item Data Sheet

Meeting Date: October 7, 2013

Topic:

Approve Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook

Background:

Following Council's creation of the Tomball Legacy Fund, Inc. and the Charter Review Commission, staff presents proposed revisions to the City's Boards, Commission, and Committees Handbook.

Attached, for Council review and consideration is a draft containing proposed revisions. The general application has been revised to include Position 7 of the Tomball Legacy Foundation, Inc., the application for the Tourism Advisory Committee has been added, and the Table of Contents has been revised.

Amendments are also proposed to *Definitions* (page 1) to include Non-Profit Corporation Boards, to *Sunset Committees Defined* to include the Charter Review Commission (page 10), and a new section has been added, *Non-profit Corporation Boards Defined*, with a description of the Tomball Legacy Fund, Inc. (page 10).

Origination:

City Secretary

Recommendation:

Approval of Proposed Revisions.

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:

City of Tomball Boards, Commissions and Committees Handbook - Proposed Revisions

The City of Tomball, Texas



Boards, Commissions, and Committees Handbook



City of Tomball

*Gretchen Fagan
Mayor*

*Jan Belcher
City Manager*

Dear Citizen:

I would like to thank you on behalf of the Citizens of Tomball for your willingness to serve the City as an appointed member of a Board, Commission, or Committee. Your commitment of time and talent is a very important contribution to our community.

The work done by citizens who serve on Boards, Commissions, and Committees is a vital part of our city government. Board, Commission, and Committee members assist the City Council in setting public policy, implementing public policy and in communicating that policy to the community as a whole.

In recognition of the important civic commitment members of Boards, Commissions, and Committees have made, we have prepared this orientation handbook for those who are interested in possible service and to assist appointed members in performing their duties.

It is our hope that your service to the City of Tomball will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

Sincerely,

Gretchen Fagan
Mayor



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings 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. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2013 will expire in 2015.

Please Type of Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip _____

Cell: _____

Email: _____

I have lived in Tomball ____ years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

☐ Tomball Regional Health Foundation

Meeting Information

First Wednesday of January, April,
July & October, 9 a.m. (special
meetings may be called)
Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

- ☐ Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

- ☐ Tomball Legacy Fund, Inc.
Position 7, Tomball Legacy Fund, does not
require Tomball residency

Meeting Information

As called

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

Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip _____

Cell: _____

Email: _____

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: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Signature of Applicant

Please return this application to:

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



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

TABLE OF CONTENTS

Chapter I. Definitions

Boards & Commissions Defined	1
Advisory Commissions & Boards Defined	1
Capital Improvement Plan Advisory Committee	2
Tourism Advisory Committee	2
Decision-Making Boards & Commissions Defined	3
Board of Adjustments	3
Planning and Zoning Commission	5
Building Standards Commission	7
Separate Legal Entities Defined	8
Tomball Economic Development Corporation	8
Tomball Regional Health Foundation	9
Standing Committees Defined	10
Comprehensive Plan Advisory Committee (CPAC)	10
Charter Review Commission (CRC)	10
Sunset Committees Defined	10
Non-profit Corporation Boards Defined	10
Tomball Legacy Fund, Inc.	10

Chapter II. Board, Commission, and Committee Appointment Process

Application Process	11
Appointment Process	11
Notice of Appointment	11
Eligibility and Qualifications	11
Nepotism (Home Rule Charter)	11
Oath of Office	11
Open Meetings Act Training	11

Chapter III. Meetings

Role of the Chair	12
The Role of Other Offices	12
The Agenda	12
Parliamentary Procedures	12
Public Hearings	12
Signing the Minutes for the Meeting	13
Meeting Attendance	13
Working with City Staff	13
Reporting to the City Council	13

Chapter IV. Responsibilities of the Members of Boards, Commissions, and Committees

General	14
Open Meetings Act	14
Open Records Act	15

Chapter V. Legal Liability

Personal Liability	16
Board Liability	16

Chapter VI. Code of Ethics of the City of Tomball, Texas (Ord. 93-06)

Declaration of Policy	17
Definitions	18
City Employee	18
City Officer	18
City Official	18
Ethical Principles	18
Standards of Conduct	19
Grant of Special Consideration	19
Appearances on Behalf of Private Interests	19
Appearances by Past Officials	19
Securing Special Privileges	19
Gifts	19
Disclosure or Use of Confidential Information	19
Incompatible Outside Activities	20
Incompatible Employment	20
Use of City Property for Personal Use	20
State Laws Governing Conduct	20
Conflicts of Interest	20
Bribery	21
Gifts to Public Servants	21
Tampering with Governmental Records	22
Impersonating Public Servant	22
Misuse of Official Information	22
Disrupting Meeting or Procession	22
Official Oppression	23
Official Misconduct	23
Nepotism	23
Disclosure of Interest in Property	23
Violations	24

Appendixes

Appendix A	Definitions	26
Appendix B	Chart of Kinship	29
Appendix C	Roberts Rules of Order Relating to Motions	30

CHAPTER I

DEFINITIONS

Boards, Commissions, and Committees Defined. The City of Tomball City Council depends on the input from residents serving on Boards, Commissions and Committees. Tomball may have several kinds of Boards, Commissions and Committees, including:

Advisory Boards, Commissions, and Committees
Decision-making Boards
Separate Legal Entities
Standing Committees Sunset Committees
[Non-profit Corporation Boards.](#)

Advisory Boards, Commissions and Committees Defined. These Boards, Commissions and Committees advise the City Council, City Manager and City staff. They play a key role in keeping the City government close to the people it serves and provide ideas, feedback, and suggestions and may serve as a sounding board for proposed policy. These Boards, Commissions and Committees currently (or may) include:

Capital Improvement Plan Advisory Committee
Tourism Advisory Committee.



Capital Improvement Plan Advisory Committee

Purpose: To regularly review and update the Capital Improvements Program (CIP) in accordance with the requirements of Vernon's Texas Local Government Code, Chapter 395.

Duties: At least annually review, analyze and interpret the CIP with the City Manager, Director of Engineering and Planning, and Planning and Zoning Commission. Recommend changes indicated by sound planning principals and financial constraints.

Time Commitments: Typically, one to two times annually, approximately 1½ to 2 hours per meeting.

Members: Membership is composed of the members of the Planning and Zoning Commission plus a resident of the City of Tomball's extraterritorial jurisdiction (ETJ) for a total of 6 members appointed by City Council.

Term: This is an ad hoc committee, called as needed to review the CIP; terms expire when the board is no longer active.

Meetings: Usually held at 6:00 p.m. on the second Monday in the month. The Chair of the Planning and Zoning Commission chairs the meetings. Separate minutes of the meeting are taken and kept.



Tourism Advisory Committee

Purpose: To regularly review applications and advise City Council regarding requests for funding grants from the Hotel-Motel Occupancy Tax revenues.

Duties: Recommend funding grants.

Time Commitments: Typically, four times annually, approximately 1½ to 2 hours per meeting.

Members: Nine members; membership is composed of three Tomball residents, three Tomball business owners, officers or directors other than a hotel or motel, and three employees or officers of a Tomball hotel or motel.

Term: Terms are three-year, staggered terms, expiring in December of each year.

Meetings: Usually held at 6:00 p.m. on the fourth Monday in the first month of each quarter. Separate minutes of the meeting are taken and kept.

Decision-making Boards and Commissions Defined. These are legislative and/or ‘quasijudicial’ bodies which are empowered by State law to make decisions affecting City policy relating to the public health, safety or welfare. These Boards and Commissions are “governing bodies” under the Texas Open Meetings Act and are thus required to comply in all respects with the Act. These Boards and Commissions include:

Board of Adjustments
Impact Fee Advisory Committee
Planning and Zoning Commission
Building Standards Commission.

Board of Adjustments

Purpose: To consider variances and special exceptions to the terms of the Zoning Ordinance and to hear and decide appeals of decisions and interpretations made by an administrative official in the enforcement of the Zoning Ordinance.

Duties: The duties of the Board of Adjustments shall be to:

1. Determine the true intent and meaning of the Code of Ordinances of the City of Tomball or any of the regulations that have been misconstrued or incorrectly interpreted.
2. To hear and decide cases under the City’s Zoning Ordinance, including appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance;
3. To hear and decide special exceptions when the Zoning ordinance requires the Board to do so; and
4. To authorize, in specific cases, a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship, and so that the spirit of the Zoning Ordinance is observed and substantial justice is done. In order to grant a variance, the Board of Adjustments must make findings that an undue hardship exists, using the following criteria:
 - a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
 - b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
 - c. That the relief sought will not injure the permitted use of adjacent conforming property.
 - d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
 - e. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.

In granting a variance, the Board may impose such conditions, limitations and safeguards as it deems appropriate to protect adjacent property owners and to ensure the public health, safety, convenience and general welfare.

5. To make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the “Zoning District Boundaries” rules do not apply or are ambiguous.

Limitations on Authority:

1. The Board of Adjustments may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as specifically provided for in the Zoning Ordinance.
2. The Board of Adjustments shall have no power to grant or modify Conditional Use Provisions.
3. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.
4. The Board of Adjustments shall not grant a variance for any parcel of property or portion thereof upon which a required site plan or any plat is pending on the agenda of the Planning and Zoning Commission and/or the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustments.

Time Commitments: As needed. Typically every 30-60 days, usually requiring 1 to 2 hours.

Members: The City Council appoints five (5) regular members and up to four (4) alternate members to serve in the absence of one or more of the regular Board members on an alternating basis. Such Board members shall be residents of the City of Tomball. Knowledge of and experience in technical review, design or the development industry is helpful. The members of the Board (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board. A Board member shall not act in a case in which he has a personal or financial interest.

Term: Two (2) year terms. The terms of office of the Board members shall be staggered so no more than one-half (½) of the Board is appointed or replaced in any 12-month period. The four (4) alternates, if appointed, shall serve two-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the City Council, render any such member subject to immediate removal from office.

Meetings: As needed, typically every 30-60 days. The Board shall conduct regular biannual meetings in May and November. All regular meetings shall begin at 6:00 p.m. and shall be held at Tomball City Hall unless otherwise posted in accordance with state law.

Planning and Zoning Commission

Purpose: To review, advise and make recommendations to the City Council on matters relating to City and extraterritorial jurisdiction (ETJ) planning and development.



Duties: The Planning and Zoning Commission shall:

1. Serve as an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Master or Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and other planning related matters for the physical development of the City.
2. Recommend to the Council the approval or disapproval of plats of proposed subdivisions submitted in accordance with City ordinances as adopted or hereafter amended.
3. Recommend to the Council plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the City.
4. Conduct an annual review of the City's Comprehensive Plan and make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City.
5. Serve in an advisory capacity on any planning related item(s) in the City and perform other duties as provided for by the City Charter.
6. Serve as the Building Standards Commission.
7. Recommend to the Council the amendment, extension and revision of the Building Code, which code shall include the minimum standards of construction for building, the minimum standards for plumbing and the minimum standards for electrical and mechanical equipment.
8. Submit annually to the City Manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
9. The Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as amended from time to time.
10. Operate under the guidelines of the powers granted by the Civil Statutes of the State of Texas.

Time Commitments: Once per month, in the evening, if needed, usually requiring 1 to 2 hours. Additional meetings may be required infrequently to accommodate particular circumstances.

Members: The City Council appoints 5 members. Members must be residents of the City of Tomball, real property owners, and not employees of the City. Members also perform duties as the City's Building Standards Commission and the Capital Improvement Plan Advisory Committee.

Term: All appointees to the Commission shall serve as a member of the Commission for a term of office of three (3) years, expiring June 1 of each year. Terms overlap, creating at least one vacancy each year. Members may be reappointed with no limitation on the number of terms one member may serve.

Meetings: Usually every second Monday of the month at 6:00 p.m. at Tomball City Hall.

Building Standards Commission

Purpose: To administer due process in matters concerning alleged violations of ordinances related to substandard buildings or structures in the City of Tomball.



Duties: The duties of the Building Standards Board shall be:

1. To order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
2. To declare a building substandard in accordance with the powers granted by Chapter 54 of the Local Government Code.
3. To order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal of persons or property if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building or structure found to exist.
4. To issue orders or directives to any peace officer of the State, including a sheriff or constable or the Police Chief, to enforce and carry out the lawful orders or directives of the Commission.
5. To determine the amount and duration of a civil penalty the City may recover in an amount permitted by State law.

Time Commitments: As needed. Typically one to two times annually, in the evening, usually requiring 1 to 2 hours. Additional meetings may be required infrequently to accommodate particular circumstances.

Members: The City Council appoints 5 members. Members must be residents of the City of Tomball, real property owners, and not employees of the City. The Planning and Zoning Commission members serve as the members of the Building Standards Commission, along with the City's Building Official and the City's Fire Marshall as ex officio members.

Term: All appointments to the Commission shall serve as a member of the Commission for a term of office of three (3) years, expiring June 1 of each year. Terms overlap, creating at least one vacancy each year. Members may be reappointed with no limitation on the number of terms one member may serve.

Meetings: Called on a case-by-case basis; typically one to two times annually, generally in conjunction with a Planning and Zoning Commission meeting.

Separate Legal Entities Defined. These are boards that are recognized by the State as separate legal entities with their own Articles of Incorporation and By-Laws and are registered with the office of the Secretary of State and, in the case of the Hospital Board, are created by an act of the State Legislature and recognized as a separate governmental entity. These Boards include:

The Tomball Economic Development Corporation
The Tomball Regional Health Foundation.

Tomball Economic Development Corporation



Purpose: To promote economic development in the City of Tomball and to promote or develop municipal infrastructure related to the development or expansion of business enterprise.

Duties: Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as Directors of the Corporation, Directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation or which would be lawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. A Director shall not be liable if, in the exercise of ordinary care, the Director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

Time Commitment: The time commitment varies somewhat, based on projects being undertaken. Normally, 4 to 6 meetings annually, typically the fourth Tuesday of the second month of each quarter, 5:30 p.m., in meetings of 1 to 2 hours duration; the annual meeting is in May. Some outside reading and study will be required.

Members: Seven (7) members are appointed by the City Council. Each Director must reside within the City of Tomball. The Mayor and members of the Tomball City Council who are not members of the Corporation shall be ex-officio directors of the Corporation. The Mayor and the City Council of Tomball may appoint up to three individuals who meet the special qualifications as outlined in Section 3.09, to serve as ex-officio directors of the Corporation. Ex-officio directors shall be given notice of all meetings of the Board, may participate in discussions at Board meetings, but shall not be entitled to vote on matters considered by the Board.

Term: Two (2) year terms, which may be staggered, if so provided for by the Governing Body (the City of Tomball). Currently, terms are staggered.

Meetings: An average of 4 to 6 meetings annually, usually on the fourth Tuesday of the second month of each quarter, 5:30 p.m., in meetings of 1 to 2 hours duration; the annual meeting is in May. Other meetings are called at the discretion of the Board.

Tomball Regional Health Foundation

(Formerly the Tomball Regional Hospital Authority)

Tomball Regional Health Foundation is the new name of the Tomball Regional Hospital Authority ("TRHA"), following the sale of Tomball Regional Medical Center to a subsidiary of Community Health Systems, Inc. on October 1, 2011. The Tomball Regional Health Foundation will administer the proceeds from the sale of Tomball Regional Medical Center for charitable purposes in the surrounding communities.



Purpose: The Foundation will continue to be a vital part of the community, supporting health and wellness initiatives on behalf of its residents and seeking to meet the broader aspects of health needs in the community.

Duty: The mission of the TRHF is to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education. The vision of the TRHF is to be a catalyst for measurably improving access to healthcare and health status of the Tomball, Magnolia, Waller and surrounding communities.

Members: Currently, the total number constituting the members of the Board is eleven; five (5) of the eleven (11) Board Members shall be appointed by City Council and six (6) of the eleven (11) Board Members shall be elected by the Board. No officer or employee of the City of Tomball shall be eligible for appointment or election as a Board Member. Any vacancy occurring in the Board shall be filled by the body appointing the Board Member whose seat is being vacated. The term of the new Board Member shall commence immediately and shall continue until the expiration of the term for which the Board Member was appointed to fill.

Criteria for Selection of Board Members: Board Members selected by the Tomball City Council shall be residents of the City of Tomball. Board Members elected by the Board shall be residents of the Authority's service area as defined by the Board from time to time and those Prospective Directors shall be interviewed to confirm their willingness, interest and qualifications (as determined by the Board) in serving on the Board.

Term: Two (2) year terms. Positions 1, 3 and 5 expire in the same year; Positions 2 and 4 expire in the same year. **(Ord. 2000-03).**

Time Commitment and Meetings: Regular monthly meetings shall be held the fourth Wednesday of every month or as designated by the Chairman of the Board at our office location of 29201 Quinn Road, Suite A, Tomball, Texas 77375.

Special meetings of the Board may be called by or at the direction of, the Chairman of the Board or a majority of the Board Members then in office, to be held at such date, hour and place as shall be designated in the notice of the meeting.

Notice of the date, hour, place and subject of any meeting of the Board shall be given in accordance with applicable statutory requirements including, without limitation, the requirements of the Texas Open Meetings Act (GOV'T CODE ANN. §§ 551.001 *et seq.*)

Standing Committees Defined. Currently, the City of Tomball does not have any Standing Committees. These are permanent advisory committees, in most cases reporting to the City Council and sometimes to the City Manager. Examples of Standing Committees in other cities are insurance advisory committees and oil and gas advisory committees.

Sunset Committees Defined. Sunset Committees are temporarily appointed, advisory boards, committees, or commissions that terminate upon completion of their specific task. Examples of Sunset Committees include:

Comprehensive Plan Advisory Committee (CPAC)
Charter Review Commission (CRC).

There have been other Sunset Committees and Commissions, such as the Zoning Commission, and the Oil and Gas Advisory Committee.

Non-profit Corporation Boards Defined. Non-profit corporations are 501(c)(3) organizations, established by the City of Tomball for the purpose of receiving private and/or corporate grant funds, to supplement the City of Tomball's ability to fund various programs, projects, events and other expenditures benefitting the Tomball community. An example of a Non-Profit Corporation Board is the Tomball Legacy Fund, Inc.

Tomball Legacy Fund, Inc.

Duty: To receive private and/or corporate grant funds, to supplement the City of Tomball's ability to fund various programs, projects, events and other expenditures benefitting the Tomball community.

Members: The Tomball Legacy Fund Board, Inc. shall be composed of seven (7) individuals. Positions 1 through 6 shall be filled by six (6) members who shall be the members of the City Council of the City of Tomball; Position 7 shall be filled by one (1) member who shall be appointed by City Council.

Criteria for Selection. The Mayor and City Council members shall serve in such capacity for a period coinciding with their respective terms of office with the City. Directors in Positions 1 through 6 must reside within the City and if such residence ceases, it shall be deemed as a resignation. The Director for Position 7 is not required to reside within the City and his/her term of office shall coincide with the term of the Mayor. Directors are removable by the governing body of the City at any time without cause. The Directors shall serve without compensation, unless compensation is proposed and approved by the City's governing body, said compensation in no event to exceed the compensation of the elected officers of the City's governing body, except that such Directors shall be reimbursed for their actual expenses incurred in the performance of their duties. Any vacancy occurring on the Board of Directors through death, resignation, or otherwise shall be filled by appointment by the governing body of the City, said appointee to hold office until the expiration of the relinquished term.

Term. The periods of service of the members shall commence on August 5, 2013 and expire as noted above.

CHAPTER II

BOARD, COMMISSION, AND COMMITTEE APPOINTMENT PROCESS

Application Process. Citizens interested in serving on a board, commission, committee or separate legal entity can obtain an application from the City Secretary's office at City Hall or from the City's website, www.ci.tomball.tx.us. The completed application can be submitted directly to the Mayor or returned to the City Secretary's office. Applications are valid for two years, after which a new application must be submitted.

Appointment Process. The City of Tomball City Council makes appointments to City of Tomball Boards, Commissions, Committees, and separate legal entities. The City Council considers applications to these boards during regular City Council meetings.

Notice of Appointment. After the City Council appoints a person to serve as a member of a Board, Commission, Committee or separate legal entity, the City Secretary will notify the appointee in writing of the appointment. Generally, the City Council will appoint members to no more than three (3) consecutive terms of service on a single board.

Eligibility and Qualifications. The Tomball City Council seeks qualified persons to serve on Boards, Commissions and Committees. The qualifications required to serve on a particular Board, Commission or Committee are determined by City of Tomball Home Rule Charter, Ordinance, or by the State law which established the Board, Commission, or Committee.

Appointments to Boards, Commissions, Committees or separate legal entities that do have eligibility requirements must be made in accordance with the governing City Home Rule Charter, City Ordinance or State statutes. Board, Commission or Committee members must continue to meet the eligibility requirements during the entire time they serve. If a member cannot continue to maintain the necessary requirements he/she shall resign his/her position.

Nepotism. Section 6.05 of the Home Rule Charter provides that no officer of the City or officer of any City Board shall appoint, or vote for or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second-degree of affinity (by marriage) or within the third-degree by consanguinity (by blood) to the person so appoint or so voting, or related to any other member of the governing body or board of the City.

Oath of Office. Upon appointment, an oath of office is administered to all members of Boards, Commissions, and Committees. The oath of office can be administered by the City Secretary or designee or a City-employed Notary Public for the State of Texas.

Open Meetings Act Training. Upon appointment, each new board member is required to complete the Open Meetings Act Training as required by the State of Texas Attorney General within ninety (90) days of his/her appointment and provide a certificate of completion to the City Secretary for the City's records.

CHAPTER III

MEETINGS

Role of the Chair. The function of the Chair is to provide leadership for the group. The Chair is selected by other board members in a method agreeable to all board members. There are certain duties and responsibilities which must be performed.

The Chair can ensure the smooth operation of the board, commission or committee. The Chair must be strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The Chair's ability to handle meetings will have a significant impact on operation and effectiveness.

The Chair must make certain that discussions do not get sidetracked on minor issues and must have the ability to remain focused on the agenda.

The Role of Other Officers. The Vice-Chair will serve as Chair in the absence of the Chair. Other officers and duties shall be determined by the respective board, commission, or committee.

The Agenda. The agenda should always be prepared prior to the meeting and copies given to all Board, Commission, or Committee members. Extra copies of the agenda should be available for the public.

The agenda is prepared by the department head or staff person assigned to the Board, Commission or Committee. Certain Boards, Commissions and Committees are required by the state, in the Open Meetings Act, to post the agenda publicly, at least 72 hours prior to the meeting and it is a City of Tomball practice that all boards, commissions and committees follow these procedures.

Parliamentary Procedures. Meetings of Boards, Commissions and Committees are generally conducted under standard parliamentary rules adopted by that body.

Public Hearings. These hearings are open forums that allow the public an opportunity to express their opinions on a specific issue. Public Hearings are generally conducted in the following manner:

1. The Chairman of the Board, Commission or Committee formally opens the public hearing.
2. The applicant's presentation of his request.
3. Proponents (those in favor) of a measure speak first.
4. Opponents (those against) speak second.

After hearing all who wish to comment on the issue, the proponents are allowed to give a rebuttal and summarize their position, and then the Chair formally closes the Public Hearing.

Members of the Board, Commission or Committee may ask questions at any time of the witness, if recognized by the Chair. Members are encouraged to ask questions even after the hearing is closed. After the Public Hearing is closed, members of the public may speak ONLY when recognized by the Chair.

A time limit for individual speakers may be set by the Board, Commission or Committee for purposes of order and equity before the Public Hearing begins.

Signing the Minutes for the Meeting. The minutes of Boards, Commissions and Committees MUST be signed by the Chair and the Secretary once the minutes are approved by a majority vote of the members of the Board, Commission or Committee.

Meeting Attendance. Every Board, Commission or Committee member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important to the Board, Commission or Committee. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for regular board, commission or committee members. The Chair of the Board, Commission or Committee can excuse a member's absence.

The term "meetings" includes all meetings of the board and all meetings of the board's subcommittees on which the member serves. The Secretary of the Board, Commission or Committee is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board, commission or committee, the member can be removed from service by a vote of the City Council.

Working with City Staff. Each Board, Commission, or Committee member is encouraged to work closely with City staff and with the appropriate department staff assigned to that Board, Commission or Committee. City staff is assigned to provide general assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies and other services.

Reporting to the City Council. The Council is dependent on each Board, Commission or Committee to make recommendations to City projects. It is through the Boards, Commissions and Committees that the City Council can receive community input. All Boards, Commissions and Committees are encouraged to communicate the position of the body to the City Council and, from time-to-time, may want to visit informally with a Council member.

There will be occasions when City staff will be required to prepare an agenda item for City Council review. In preparation of such a report the staff member should present both the staff position and Board, Commission or Committee's position. The position of a member not voting in the majority on an item should also be presented in the staff report if indicated by the member.

It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and alternative recommendations to assist in their decision-making process.

CHAPTER IV

RESPONSIBILITIES OF THE MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

General. It is an honor to be selected as a City Board, Committee, or Committee member and it provides an unusual opportunity for genuine public service. Although specific duties of each body vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Members should understand the role and scope of their responsibilities and should be informed of the individual board, commission or committee's purpose and of its operating procedures.
2. Members should be careful to represent the majority views of their individual board, commission or committee. Individual "opinions" to the public and press should be identified as such.
3. Members should represent the public interest and not special-interest groups.
4. Good communication is essential - members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting recommendations and providing a channel for citizen expression.
5. Members are encouraged to review their agenda packets, contact City staff with questions, and be thorough in their recommendations; if possible, members should personally view situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on preparedness will strengthen the value of the group's recommendations.
6. Members are encouraged to establish a good working relationship within the group; respect individual viewpoints; allow other members time to present their views fully before making comments; be open and honest; welcome new members.
7. Council appointments to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.

Open Meetings Act. Texas Law requires that every meeting of the City Council be open to the public. The law also requires all Boards and Commissions, other than Advisory Boards, Commissions, and Committees, to follow this as well. In Tomball, all Boards, Commissions and Committees follow the procedures for open meetings.

- a. A Posted Notice is required of a meeting. Written notice of the date, hour, place and subject of each meeting must be posted on a public bulletin board, located at a place convenient to the public for at least 72 hours preceding the scheduled time of the meeting. Only those matters posted can be discussed and acted on by the governmental body.

- b. Minutes are required to be prepared or a tape recording made of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.
- c. Closed Meetings. The Texas Open Meetings Act, does allow for closed or executive meetings on a few limited subjects. Generally, Boards, Commissions or Committees will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer publicly announce that a closed meeting will be held and identify the sections of the Open Meeting Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in open meetings. Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place, and must certify that the agenda is a true and correct record of the proceedings. Blank certified agenda forms for use by presiding officers are available in the City Secretary's office. In lieu of maintaining a certified agenda, a tape recording of the closed meeting may be made.
- d. Penalties. A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months, or both fine and imprisonment, can be imposed for violating the provisions of the Open Meetings Act or conspiring to circumvent the provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

Open Records Act. Texas law also requires that virtually all information held by a governmental body must fall under the rules of the Texas Open Records Act. If a request for information is received by a Board, Commission or Committee, the City Secretary should be notified for the proper procedure.

CHAPTER V

LEGAL LIABILITY

Personal Liability. Board, commission or committee members cannot be held personally liable for erroneous acts while honestly exercising the functions of their offices in good faith. The only time a member can be held personally liable is when they act outside the scope of their office and in bad faith. When members of City Boards, Commissions or Committees are acting in good faith and within the bounds allowed by the City, state and federal law, the City will provide a defense for such members to the greatest extent permissible. However, if a Board, Commission or Committee member acts fraudulently, maliciously, or in violation of a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

Board Liability. A city, its officers, and members of boards, commissions or committees as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or board, commission or committee member illegally discriminates against an individual or group, that individual or group can seek damages from the City and from the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or Board, Commission or Committee member may be subjected.

Board, Commission or Committee members are strongly encouraged to consult with the City Attorney anytime they feel their actions while serving on such Board, Commission or Committee may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.



CHAPTER VI
CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS

ORDINANCE NO. 93-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE III, DIVISION 4, TO CHAPTER 2 OF THE CODE TO ESTABLISH A CODE OF ETHICS FOR CITY OFFICERS AND EMPLOYEES; CONTAINING DEFINITIONS; PROVIDING A PENALTY IN AN AMOUNT OF \$500 PER OFFENSE, OR AS PROVIDED BY STATE LAW; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

* * * * *

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

Section 1.0. That Chapter 2 of the Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article III, Division 4, which provides as follows, an which shall be renumbered to conform to the numbering system of such Code:

“CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS”

1.0. Declaration of Policy.

It is hereby determined by the City Council of the City of Tomball, Texas, that the proper operation of government requires that public officers and employees be independent and impartial; that the government’s decisions and policies be made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of City officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to assure the faithful and impartial administration of the City’s government.

2.0. Definitions.

For the purposes of this Code of Ethics the following words, terms, and phrases shall have the meanings ascribed thereto:

2.01. **City Employee.** Any person employed by the City, including those individuals employed on a part-time basis.

2.02. **City Officer.** The Mayor, members of the City Council, the City Manager, City Secretary, Municipal Court Judge and Clerk, Alternate Judges, and Substitute Judges, and each member and alternate member of all of the City Boards, Commissions, and Committees.

2.03. **City Official.** A City officer or City employee.

3.0. Ethical Principles.

The following Code of Ethics for all City officers and employees is adopted. To further the objectives of this Code of Ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of Tomball;
2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council or the City. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City and City Council; and
6. Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of Tomball. It is recognized that certain exceptions are made by the State for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

4.0. Standards of Conduct.

In order to more fully effectuate the policy declared in this Code of Ethics, to assure that all City officials act and conduct themselves both inside and outside the City's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any City official, the following standards of conduct are adopted.

4.01. Grant of Special Consideration.

No City official shall grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent special considerations authorized and granted by the City Council for the purpose of creating incentives necessary to secure or retain employees.

4.02. Appearances on Behalf of Private Interests.

No City official shall represent or appear on behalf of private interests of others before any agency of the City, or any City board, commission, committee, or City Council concerning any case, project, or matter over which the official exercises discretionary authority, nor shall a City official represent any private interest of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is a party.

4.03. Appearances by Past Officials.

No City official, holding a position which involves decision-making, advisory, or supervisory responsibility, shall, within twelve (12) months following the end of service with the City, represent or appear on behalf of private interests of others before the City or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.

4.04. Securing Special Privileges.

No City official shall use his official position to secure special privilege or exemption for himself or others.

4.05. Gifts.

No City official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.

4.06. Disclosure or Use of Confidential Information.

No City official shall disclose any confidential information gained by reason of his office or employment with the City, concerning any property, operation, policy, or affair of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

4.07. Incompatible Outside Activities.

No City official shall engage in any outside activity which will conflict with, or be incompatible with, the City office or employment.

4.08. Incompatible Employment.

No City official shall accept outside employment which is incompatible with the full and proper discharge of his or her duties and responsibilities with the City, or which might impair his or her independent judgment in the performance of his or her public duty.

4.09. Use of City Property for Personal Use.

No City official shall use City supplies, equipment, vehicles, or facilities for any purpose other than the conduct of official City business, unless otherwise specifically provided for by law, ordinance, or City policy.

5.0. State Laws Governing Conduct.

5.01. Conflicts of Interest.

- 5.01.01. Pursuant to §171.001 et seq., Texas Local Government Code, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the City Secretary, and is required to abstain from any further participation in the matter if (1) the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or (2) it is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.
- 5.01.02. A substantial interest in a business entity exists when the official (1) owns ten percent (10%) or more of the voting stock or shares of the business entity, or (2) owns ten percent (10%) or more or \$5,000 or more of the fair market value of the business entity, or (3) has received from the business entity funds which exceed ten percent (10%) of the official's gross income for the prior year.
- 5.01.03. A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of \$2,500 or more.
- 5.01.04. A local public official means a member of the City Council or other official of the City, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.
- 5.01.05. It is an offense for a local public official to act as a surety for a business entity that is contracting with the City, or to act as a surety on any official bond required of an officer of the City. §171.003.

5.01.06. A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest. §171.002(c).

5.01.07. The provisions of §171.001 et seq., are IN ADDITION to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

5.02. Bribery.

It is unlawful for a City official to accept or agree to accept (1) any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or (2) any benefit as consideration for a decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding, or (3) any benefit as consideration for a violation of a duty imposed by law on a public servant. §36.02, Penal Code.

5.03. Gifts to Public Servants.

5.03.01. It is unlawful for a City official to solicit, accept, or agree to accept any benefit from a person the official knows is subject to regulation, inspection, or investigation by the official or the City. §36.08(a), Penal Code.

5.03.02. In the event of litigation involving the City, it is unlawful for any City official to solicit, accept, or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the City. §36.08(c), Penal Code.

5.03.03. It is unlawful for a City official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion. §36.08(d), Penal Code.

5.03.04.1 It is unlawful for a City official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal. §36.08(e), Penal Code.

5.03.05. Exceptions to Gifts to Public Servants.

The provisions of §36.08, Penal Code, described above, do not apply to (1) fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the

official has given legitimate consideration; (2) gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the City; (3) certain honorariums in consideration of legitimate services; (4) benefits consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or (5) benefits for which statements must be filed pursuant to §251.001 and §251.012, Texas Election Code, if the benefit and source of any benefit exceeding fifty dollars (\$50.00) is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with office which are nonreimbursable by the City. §36.10, Penal Code.

5.04. Tampering with Governmental Records.

It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. §36.10, Penal Code.

5.05. Impersonating Public Servant.

It is unlawful for any person to impersonate a City official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts. §37.11, Penal Code.

5.06. Misuse of Official Information.

It is unlawful for a City official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction, or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information. §39.03, Penal Code.

5.07. Disrupting Meeting or Procession.

It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance. §42.05, Penal Code.

5.08. Official Oppression.

It is unlawful for a City official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment. §39.02, Penal Code.

5.09. Official Misconduct.

It is unlawful for a City official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office of employment. §39.01, Penal Code.

5.10. Nepotism.

It is unlawful for any City official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees, or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree: (1) at least thirty (30) days, if the officer or member is appointed, or (2) at least six (6) months, if the officer or member is elected.

When a person is allowed to continue in an office, position, or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees. Art. 5996a, Tex. Rev. Civ. Stat. Ann.

5.11. Disclosure of Interest in Property.

It is unlawful for a City official, or a person elected, appointed, or employed as a City official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is located and wherein the official resides at least ten (10) days prior to the acquisition. Article 6252-9e, Tex. Rev. Cit. Stat. Ann.

6.0. Violations.

6.01. Any person violating any standard contained in Article 4.0 above shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

6.02. Penalties for violations of conduct described in Article 5.0 above are as set forth in the applicable statutory provision.”

Section 7.0. Publication; Effective Date; Open Meetings.

The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(A) of the City Charter, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied.

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Article 6252-17, V.A.T.C.S., and that advance public notice of the time, place, and purpose of the meetings was given.

Section 8.0. Severability. 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 and held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9.0. Rights and Remedies; Repeal; Code of Ordinances.

All rights and remedies which have accrued in favor of the City under this chapter and its amendments shall be and are preserved for the benefit of the City.

All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent herewith or in conflict with this Ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this Ordinance.

The provisions of this Ordinance shall be included and incorporated as an amendment to the Code of Ordinances of the City of Tomball, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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 3rd DAY OF May, 1993.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN MATHESON	<u>AYE</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED, AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17th DAY OF May, 1993.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN MATHESON	<u>ABSENT</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

[signed] H. G. Harrington
H. G. (Hap) Harrington

ATTEST:

[signed] Mary Reagan
Mary Reagan, City Secretary

APPROVED AS TO FORM:

[signed] Mario L. Dell'Osso
Mario L. Dell'Osso
Olson & Olson
Attorneys for the City of Tomball

APPENDIX A

DEFINITIONS

“Affinity”	means a relation by marriage.
“Business entity”	means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law.
“Board” or “Body”	means any board, commission, agency or committee of the City created by the passage of a City Ordinance or Resolution with decision or advisory making authority designated as a board, commission, agency or committee by the City Council.
“City”	means the City of Tomball.
“City Council”	means the City Council of the City of Tomball.
“Closed meeting”	means a meeting closed to the public which complies with specific state statutes.
“Consanguinity”	means a relation or connection by blood.
“Degree”	relating to consanguinity and affinity. First degree of consanguinity means parents, children and siblings First degree of affinity means spouse, in laws/parents, children and siblings Second degree means grandparents, grandchildren, aunts, uncles, nephews, nieces and first cousins
“Deliberation”	means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.
“Employee”	means a person who is employed by the City.
“Ex officio”	means by virtue or because of an office.
“Governmental”	means a board or commission that has rule-making, quasi-judicial, or advisory power and that is classified as a department, agency or political subdivision of a county or municipality.

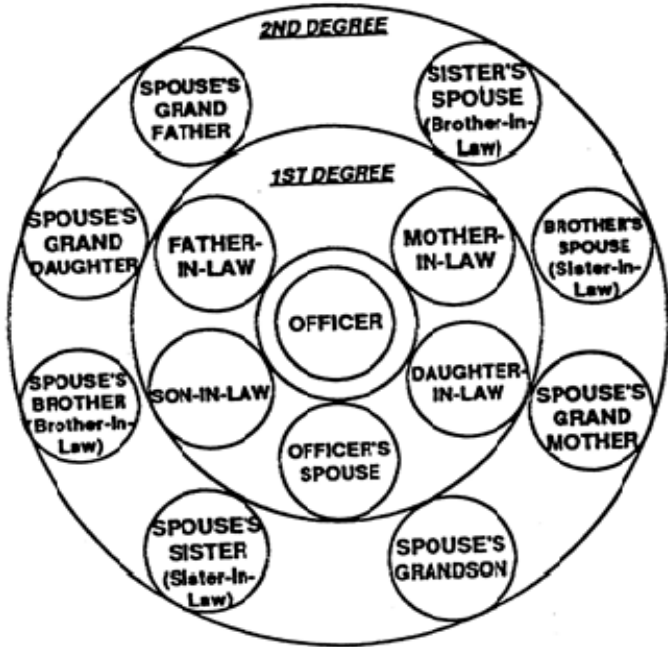
“Governing body”	“He,” “his” or “him” means the Tomball City Council and every Board, Commission, or Committee that exercises decision-making authority on behalf of the City. shall include the female gender as well as the masculine.
“Incidental Interest”	means an interest in a person, entity or property which is not a substantial interest and which has insignificant value or which would be affected only in a de minimis fashion by a decision.
“Judicial”	the power to judge, to administer justice and interpret laws and ordinances.
“Meeting”	means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business.
“Member”	means a member of a board.
“Person”	means any individual, firm, trust, corporation, partnership or any other legal entity.
“Quorum”	means the prescribed number of members of any body that must be present to legally transact business.
“Remote Interest”	means an interest of a person or entity, including an Officer or Member who would be affected in the same way as the general public. The interest of a council member in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the council member would be affected in common with the general public.
“Substantial Interest in a business entity or real property”	means an individual, firm, trust, corporation, partnership or any other legal entity: 1) with respect to a business entity, the interest is ownership of ten percent (10%) or more of the voting stock or shares of the business entity or ownership of either ten percent (10%) or more or Fifteen Thousand Dollars (\$15,000) or more of the fair market value of the business entity.

- 2) with respect to a business entity, funds received by the person from the business entity exceed ten percent (10%) of the officer or member's gross income for the previous year.
- 3) with respect to real property, equitable or legal ownership with a fair market value of Two Thousand Five Hundred Dollars (\$2,00) or more

or, as established from time to time in Section 171.002, Texas Local Government Code.

APPENDIX B

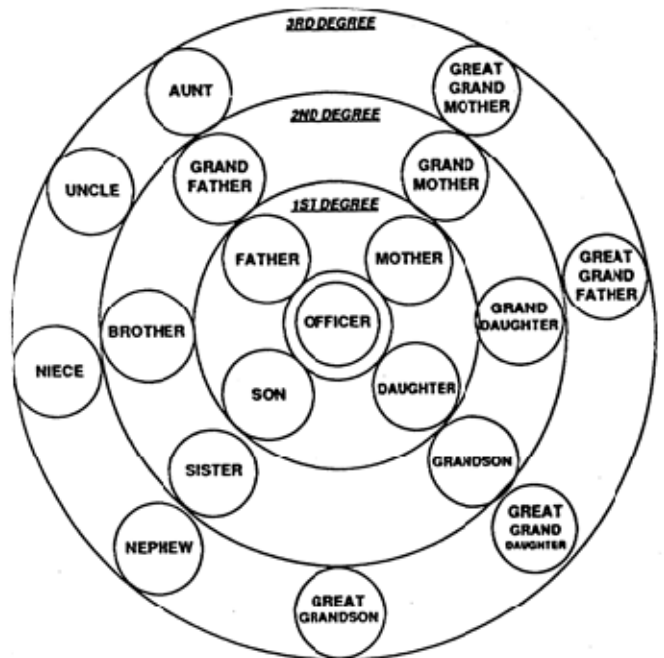
CHART OF KINSHIP



Affinity Kinship Chart
(Marriage)

The chart to the left shows: *Affinity Kinship (relationship by marriage)

The chart to the right shows: *Consanguinity Kinship (relationship by blood) for purposes on interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021-.025.



Consanguinity Kinship Chart
(Blood)

APPENDIX C

ROBERT'S RULES OF ORDER RELATING TO MOTIONS

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Adjourn	No	Yes	No	No	Yes	Yes	Yes
Adopt/Accept a Report	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Adopt Constitutions, By-laws, and Rules of Order	Yes	Yes	Yes	1	Yes	Yes	Yes
Adopt Standing Rules	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Amend	2	Yes	Yes	Yes	Yes	Yes	Yes
Amend an Amendment	2	Yes	No	Yes	Yes	Yes	Yes
Amend Constitution, By-laws, and Rules or Order	Yes	Yes	Yes	1	3	Yes	Yes
Amend Standing Rules	Yes	Yes	Yes	Yes	4	Yes	Yes
Appeal (excluding Indecorum)	Yes	Yes	No	Yes	Yes	Yes	No
Debate, to Close, Limit or Extend	No	Yes	Yes	Yes	No	Yes	Yes
Division of Assembly	No	Yes	No	No	Yes	No	No
Division of Question	No	Yes	Yes	No	Yes	5	5
Fix the Time to Adjourn	6	Yes	Yes	Yes	Yes	Yes	Yes
Informal Consideration of Question	Yes	Yes	No	1	Yes	Yes	Yes
Lay on the Table	No	Yes	Yes	No	Yes	Yes	Yes
Main Motion or Question	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nomination, to Make	Yes	Yes	No	No	Yes	No	Yes
Nominations, to Close	No	Yes	Yes	No	No	Yes	Yes
Nomination, to Re-open	No	Yes	Yes	1	Yes	Yes	Yes
Objection to Consideration of a Question	No	Yes	No	1	7	No	No

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Order, Question of	No	Yes	No	No	Yes	No	No
Order, to Make a Special	Yes	Yes	Yes	Yes	No	Yes	Yes
Orders of the Day, to Call for	No	Yes	No	No	Yes	No	No
Parliamentary Inquire	No	Yes	No	No	Yes	No	No
Postpone Definitely (to Certain Time)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Postpone Indefinitely	Yes	No	No	8	Yes	Yes	Yes
Previous Question	No	Yes	No	9	No	Yes	Yes
Privilege, to Raise Question of	No	Yes	No	No	Yes	No	No
Recess, to Take a	6	Yes	Yes	No	Yes	Yes	Yes
Reconsider	2	10	No	No	Yes	Yes	Yes
Substitute (same as Amend)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Suspend the Rules	No	Yes	No	No	No	Yes	Yes
Take from the Table	No	Yes	No	No	Yes	Yes	Yes
Withdraw	No	Yes	No	1	Yes	No	Yes

FOOTNOTES TO TABLE OF ROBERT'S RULES OF ORDER

1. An affirmative vote on this motion cannot be reconsidered.
2. Undebatable when the motion to be amended, reconsidered, or rescinded is undebatable.
3. Constitutions, By-Laws, and Rules of Order before adoption are in every respect main motions and may be amended by majority vote. After adoption they require prior notice and 2/3 vote for amendment.
4. Standing Rules may be amended at any time by a majority vote if previous notice has been given, or by a 2/3 vote without notice.
5. If resolutions or propositions relate to different subjects which are independent of each other, they must be divided on the request of a single member, which may be made when another has the floor. If they relate to the same subject and yet each part can stand alone, they may be divided only on a regular motion and vote.
6. Undebatable if made when another question is before the assembly.
7. The objection can be made only when the question is first introduced, before debate. A 2/3 vote must be opposed to the consideration in order to sustain the objection.
8. Negative vote on this motion cannot be reconsidered.
9. Cannot be reconsidered after a vote has been taken under it.
10. Opens to debate main question when latter is debatable.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 7, 2013

Topic:

Approve Amendments to Administrative Policy No. 32, entitled "*Pay and Training Policy for Volunteer Fire Fighters*", Revising the Pay and Training Policy for Tomball Volunteer Firefighters.

Background:

The Tomball Fire Department utilizes the services of volunteer firefighters to meet its minimum staffing requirements during the night-time hours. The department is proposing a change in the method it compensates these volunteers in order to remain competitive with neighboring agencies in attracting and retaining these critical resources. These funds have been approved in the 2013/2014 budget cycle.

For the department to remain competitive with the compensation being offered by neighboring agencies for similar services, City staff is requesting that the pay policy be amended from the present \$10 per call basis to \$40 per shift.

Origination:

Fire Department

Recommendation:

Staff recommends approval of the proposed change.

Funding: Yes

Account Number: 142-6010

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

Randy Parr, Fire Chief

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

ATTACHMENTS:

Administrative Policy 32 - Proposed Revisions

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT PAY AND TRAINING POLICY FOR VOLUNTEER FIRE FIGHTERS	NUMBER: 32	EFFECTIVE DATE: November 18, 1997	PAGE 1 OF 1
	REVISED: September 3, 2013	APPROVED BY CITY MANAGER: September 3, 2013	
	SUPERSEDES: October 4, 2004	APPROVED BY CITY COUNCIL: October 7, 2013	

The Tomball Fire Department, previously a volunteer based service delivery system, has transitioned to a system which is based on career firefighters working traditional 24 hours on duty followed by 48 hours off duty. The present system staffs a minimum level of personnel to insure a response is made to emergency and other incidents. To attain a staffing model that achieves that of national standards, the Department utilizes part-time paid personnel during the day-time hours and volunteer personnel during the night-time hours. Presently, the staffing model requires three volunteer members each night to achieve its performance goals.

To encourage active participation by volunteer members of the Tomball Fire Department and to ensure adequate staffing to emergency responses, the City Council has established the following pay policy, effective October 1, 2013:

1. Volunteer firefighters will be paid for working night-time shifts, seven (7) days a week.
2. Those volunteer firefighters working the night-time shifts will be paid \$40.00 per night- time shift.
3. A night-time shift will be defined as a time period commencing on or after 6:00 pm each day and extending a minimum of 10 hours throughout the night and into the following morning.
4. Volunteer firefighters will respond on the apparatus to which they are assigned for that shift and may respond to calls made within the City's fire district as well as mutual aid calls, when mutual aid is requested by the adjoining district. The City's fire district is defined in Harris County Fire Map, Zone 31 and includes the area inside the city limits as well as inside the boundaries of Harris County Emergency Services District #15.
5. The Assistant Chief of Operations will create the shift assignment schedule for each volunteer participating in the program and will be required to certify at the end of each pay period those members eligible for pay. The report will include the number of shifts completed by each member. Individual checks will be given to each member for the total number of shifts and will be paid on a monthly basis.
6. Shift checks will be issued per City Policy.
7. Volunteer fire fighters with the Tomball Fire Department will be compensated at the rate of \$40 per day (shift) to attend up to one week of outside training per year. All volunteer members training that will involve travel and overnight stays must be pre-approved by the department head. The Fire Department will budget for these classes, travel and other training-related costs.

Regular City Council Agenda Item Data Sheet

Meeting Date: October 7, 2013

Topic:

City Council will Enter into a Workshop Session for the Following Purpose:

- Long-term Planning for the Tomball Fire Department

Background:**Origination:**

Randy Parr, Fire Chief

Recommendation:

N/A

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Fire Department Presentation

Tomball Fire Department



Tomball Fire Department



**PAST, PRESENT & FUTURE
CITY COUNCIL WORKSHOP
OCTOBER 7, 2013**

Tomball Fire Department

Past



Organization

- Founded in 1934
- Volunteer based until 2001 when first part-time paid firefighters hired for day-time staffing
- Relied on volunteers for night-time and weekend responses
- Transition to a career based system began in 2008 that embraces full-time, part-time and volunteers
- Will continue to rely on night-time volunteers to meet NFPA staffing standards of 4 persons on each truck

Tomball Fire Department

Present

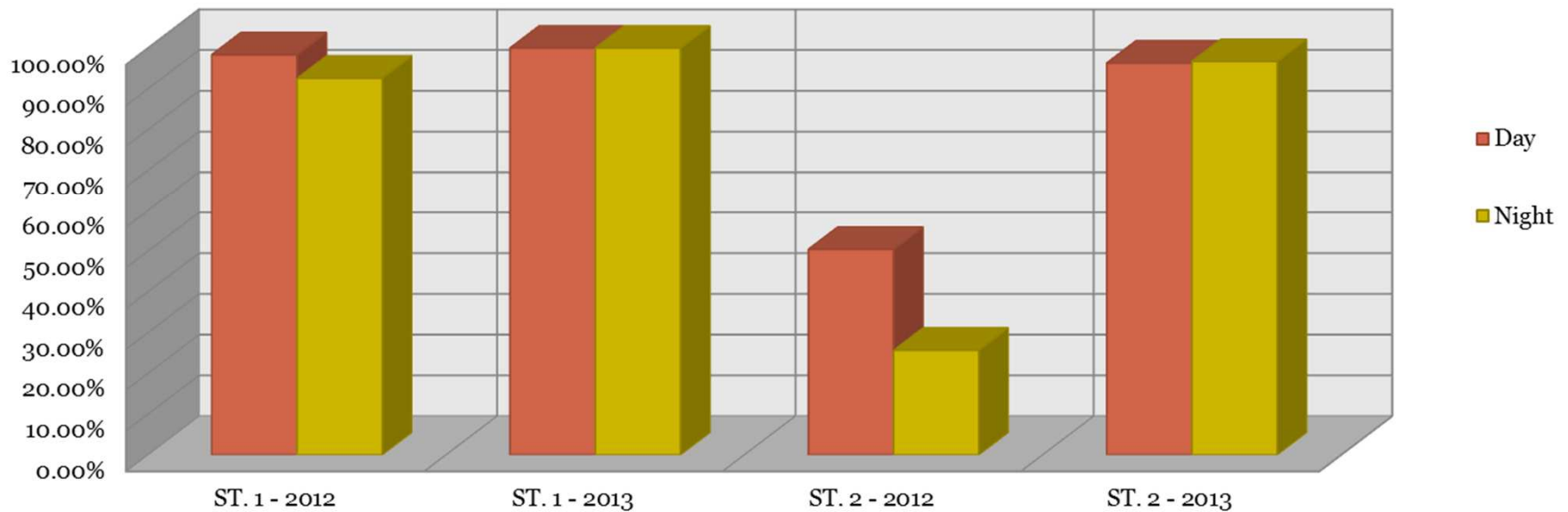


- Two stations
- 15 full-time firefighting positions (includes 9 thru the SAFER Grant - 2012), working five per shift
- Authorized 34 part-time paid positions, three per day
- Volunteers, three positions per night
- 3 pumpers
- 2 ladders
- 1 tanker
- 3 brush trucks, including a 2012 model received from the TX Forest Service

Tomball Fire Department Staffing Comparison – 2012 - 2013

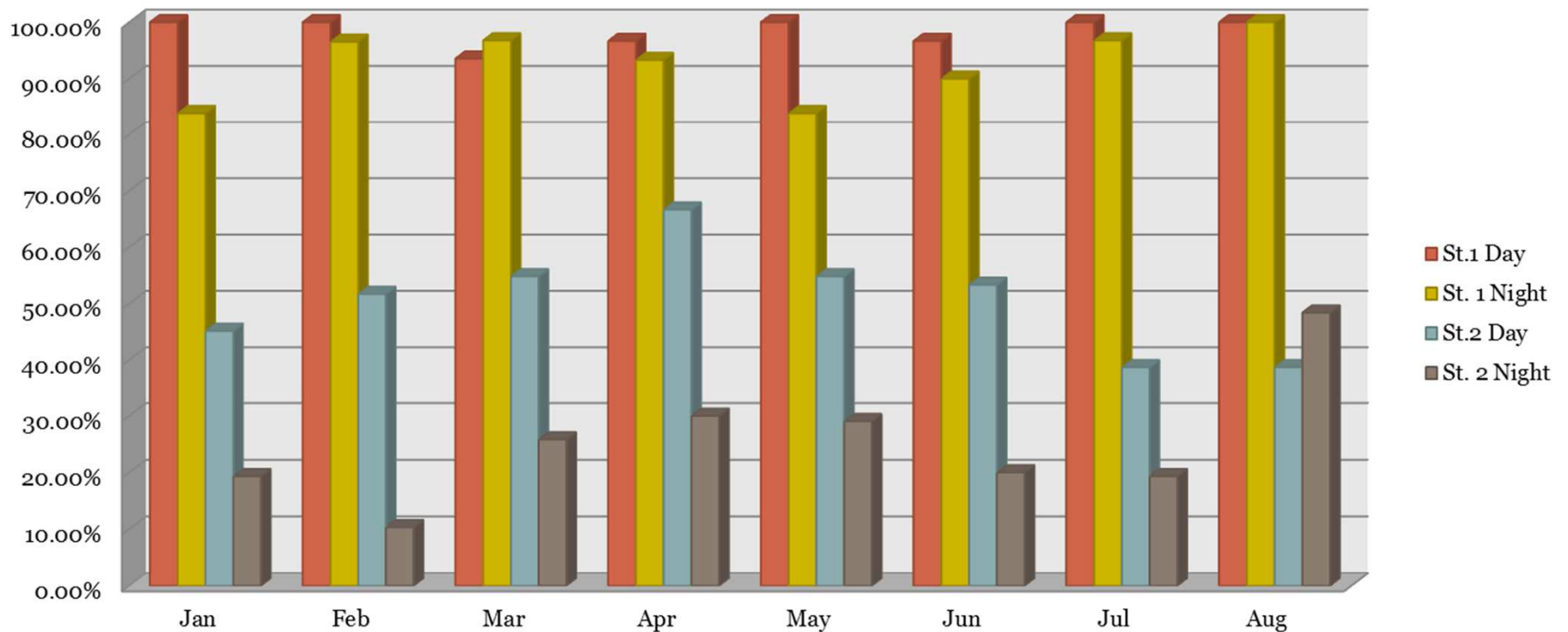


Summary Staffing Analysis



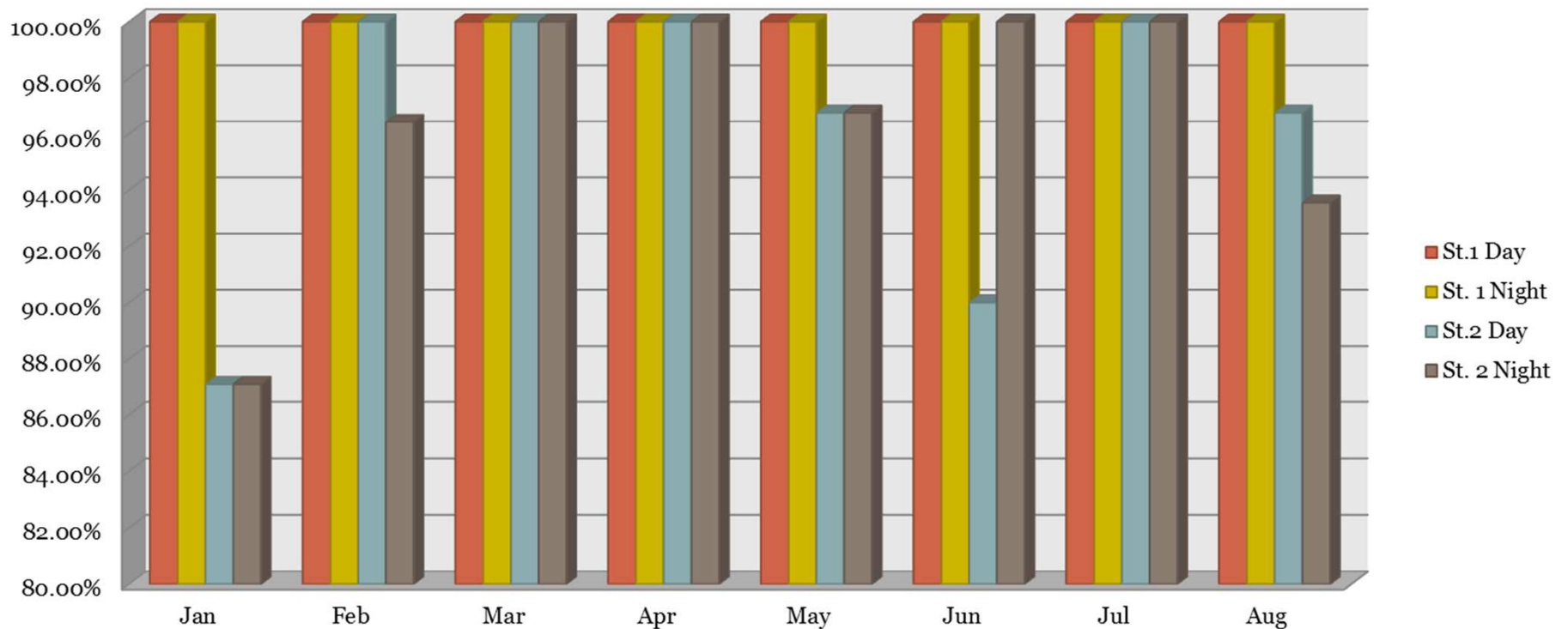
Tomball Fire Department Prior to SAFER Grant

**2012 Staffing Analysis
Station at or Above Minimum Staffing of 3 Persons**



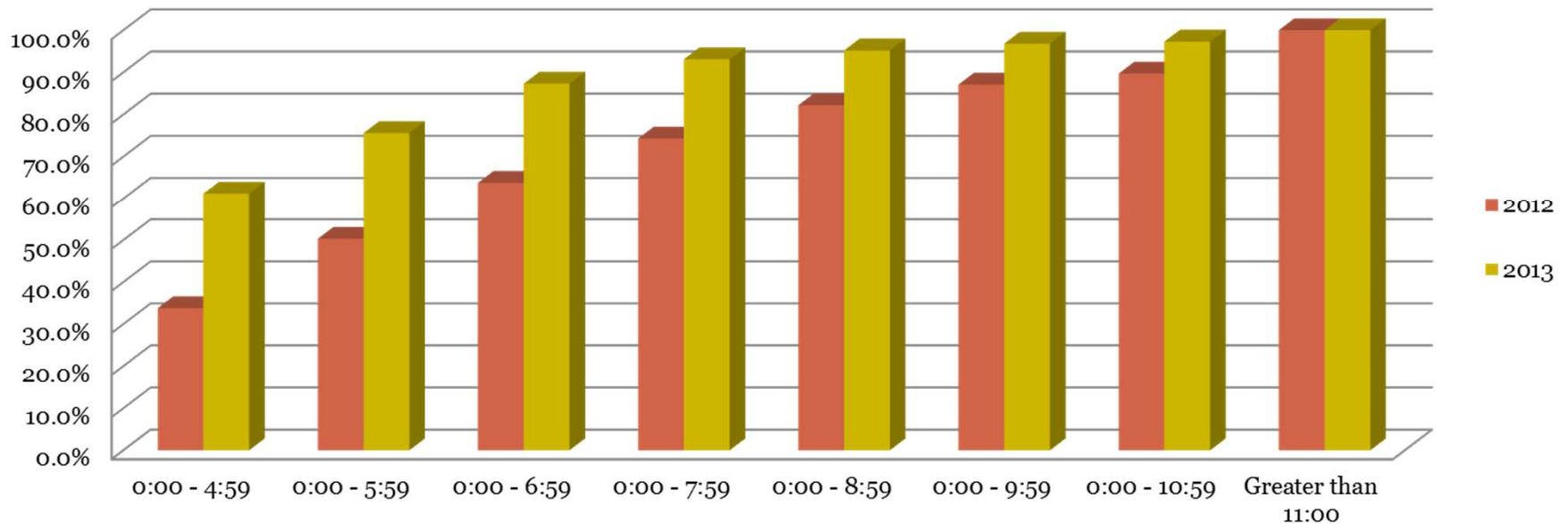
Tomball Fire Department With SAFER Positions

2013 Staffing Analysis
Station at or Above Minimum Staffing of 3 Persons



Tomball Fire Department Response Time – January - July

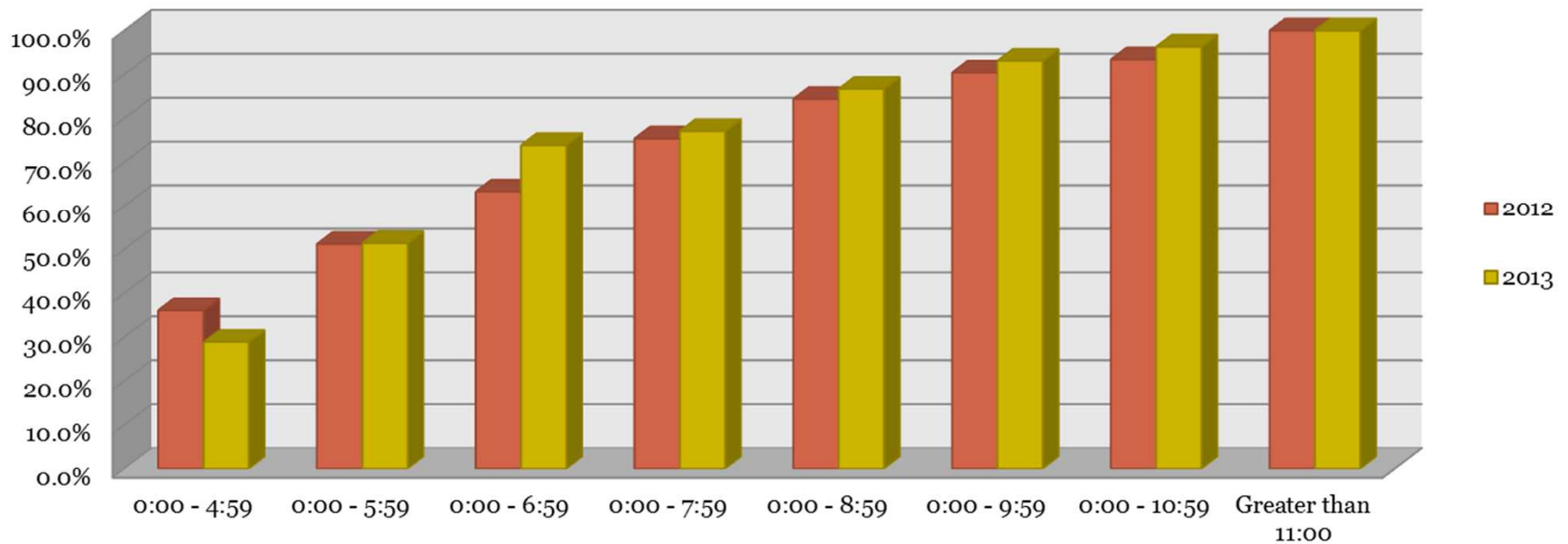
**Response Time Analysis
Station 1 - City Responses**



Tomball Fire Department Response Time – January - July



**Response Time Analysis
Station 2 – City Responses**



Tomball Fire Department Future



ANTICIPATE AN INCREASE IN DEVELOPMENT & POPULATION

- TEDC Business Park – Holderreith @ Hufsmith Kohrville
- Grand Parkway corridor
- 249 Tollway
- FM 2978/FM 2920 – Baker Hughes
- Northeast quadrant of the City
 - Reserve at Spring Creek - 90 homesites
 - Raleigh Creek – 300 homesites
- Klein ISD major school complex 2920-Mahaffey

Tomball Fire Department Future



- **Residential East and West of the City**
 - Willow Creek Ranch – Telge Road – 155 homesites
 - Boudreaux Road – new residential development
 - Shaw Road – new residential development
 - Walden – FM 2920, expansion of residential
 - FM 2920 @ Mahaffey, commercial and residential
 - Albury Estates – is being extended to meet with the extension of the Walden Subdivision

Tomball Fire Department Future



Programs and services

- Seek accreditation from the Center for Public Safety Excellence
- Encourage officers and firefighters to continue to pursue formal education opportunities
- Improve basic life support first responder certification levels to advanced life support levels

Tomball Fire Department Justifications



Prior documented planning efforts

- Ensure that sufficient fire stations, personnel and equipment are provided to meet the needs of the community as it grows in size and population
 - Comprehensive Plan Action Land Use Development (LUD) 12.3.1
- Ensure that Tomball Police and Fire service facilities meet the needs of all areas of the City
 - Comprehensive Plan Action LUD 12.7.1

Tomball Fire Department Justifications



- Ensure that public safety infrastructure and staff resources keep pace with new development planned in Tomball and its ETJ
 - Comprehensive Plan Action LUD 12.7.2
- Increases firefighter and customer safety by placing more emergency responders on the scene more quickly

Tomball Fire Department ISO Considerations



- **MULTIPLE ISSUES TO ADDRESS**
 - Water system – complete loop along FM 2978 north of FM 2920 – being discussed
 - Communications system upgrades this year (2013)
 - Distribution of resources (stations/trucks/personnel)
 - Staffing levels
 - Local training facilities
 - Comprehensive Plan Action LUD 12.3.6, Pursue strategies that maintain and improve the City's ISO

Tomball Fire Department Future Staffing Needs

- **FIRE DEPARTMENT**

- Third full-time position per shift at Station 2 (3)
- Three full-time positions at a third station (9)
- TFD model utilizes the following per station
 - 3 full-time – 24 hours per day
 - 1 part-time during the day/1 volunteer at night
 - Best value for the community but continues to rely on part-time paid & volunteer components
- NFPA staffing recommendations and goals of the SAFER grant program – 4 per truck

Tomball Fire Department Fire Marshal's Office



- **FIRE MARSHAL OFFICE**
 - Currently staffed by Fire Marshal, Assistant Fire Marshal and two part-time Deputy Fire Marshals
 - Responsible for the inspection of over 1,100 commercial occupancies, including offices, retail, medical, educational, manufacturing and nursing homes inside the city limits
 - Plan review for new commercial construction activity
 - Performs public education and awareness training
 - Participates in emergency management activities

Tomball Fire Department

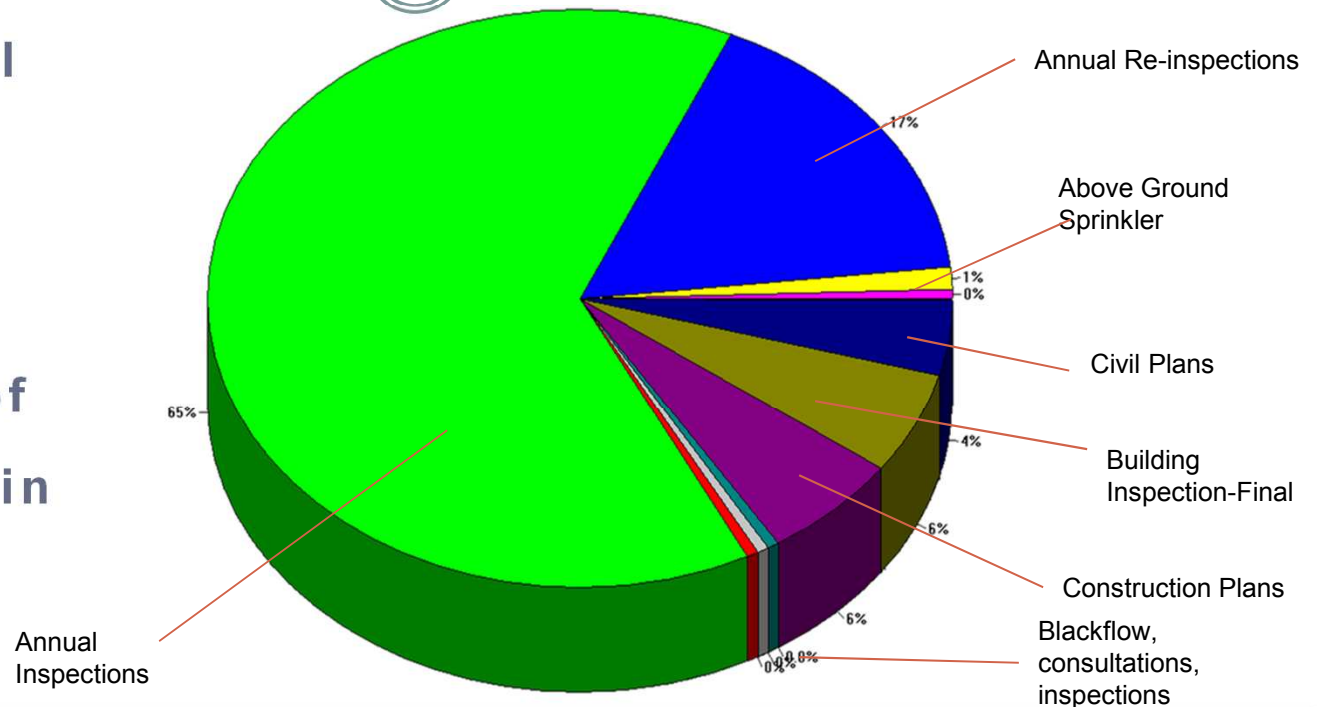
Fire Marshal Inspections

**1189 commercial
occupancies**

**588 new
inspections
completed
annually**

(3 yr. Avg.)

**128,000 sq. ft. of
commercial
property added in
2012**



ABOVEGROUND SPRINKLER FINAL	ANNUAL - RE-INSPECTION	BACKFLOW PREVENTOR - WITNESS	BUILDING - INSPECTION	BUILDING INSPECTION FINAL
ABOVEGROUND SPRINKLER HYDRO	ANNUAL INSPECTION	BUILDING - CONSULTATION	BUILDING CONSTRUCTION PLANS	CIVIL PLANS

Tomball Fire Department

Fire Marshal Public Education



- Outreach programs to educate students interested in pursuing careers in fire prevention / fire investigation.
- Community risk reduction programs in residential neighborhoods / civic groups, escape planning, smoke alarms, fire extinguishers, etc.
- Anticipate delivery of 20 programs each in 2013, 2014 and 2015

Tomball Fire Department Fire Marshal Projects



- Obtain 98% compliance with business inspection program.
- Complete an accreditation program from the Center for Public Safety Excellence or similarly recognized program for the fire marshal office.
- Revise codes / ordinances to current versions, anticipated 1st qtr. of 2014.
- Seek FEMA assistance to firefighters grant / cost sharing opportunities for a fire safety trailer and a fire extinguisher training aid.

Tomball Fire Department Future Staffing



- **FIRE MARSHAL OFFICE**
 - Two additional full-time Deputy Fire Marshals and related equipment over the next two budget cycles to accommodate the growth

Tomball Fire Department Future Facility Needs



- 1 city station – northeast quadrant
- Combination fire / police training facility
- 2 ESD #15 (county) stations:
 - Telge Road tract acquired –west side of city
 - Seeking FM 2920 / Mahaffey Rd – east side
- Additional stations are necessary to:
 - achieve response time goals
 - assemble an effective firefighting force
- Expand the Fire Marshal's office facility to accommodate its staff

Tomball Fire Department

Major Capital Expenditures

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
	<u>Cost</u>	<u>Cost</u>	<u>Cost</u>	<u>Cost</u>	<u>Cost</u>
City Station 3					
Land		\$ 35,000	\$ -		
Construction costs				\$ 3,000,000	
Total Station 3		\$ -	\$ -	\$ -	
		\$ 35,000	\$ -	\$ 3,000,000	
Training facility				\$ 500,000	
Fire Marshal Office expansion			\$ 100,000		
Replace Engine 2 (1995)				\$ 625,000	
Replace Engine 3 (1995)	\$ -	\$ -	\$ 625,000	\$ -	\$ -
Total Capital Expenditures	\$ -	\$ 35,000	\$ 725,000	\$ 4,125,000	\$ -

Tomball Fire Department Future Budget



SEE ATTACHED HANDOUT

Tomball Fire Department



Questions or comments
Randy Parr
Fire Chief
rparr@tomballtx.gov
281-351-7101

Regular City Council Agenda Item Data Sheet

Meeting Date: October 7, 2013

Topic:

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

- Sec. 551.074 – Deliberations Regarding Personnel Matters - Evaluation of City Manager

Background:**Origination:**

Mayor

Recommendation:

N/A

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

Doris Speer, City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 7, 2013

Topic:

Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

Background:

Origination:

Council

Recommendation:

N/A

Funding:

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

City Secretary, HR Director

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