

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



MONDAY, SEPTEMBER 16, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, September 16, 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 Brother James Roberson, Hufsmith Church of 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 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.
- September 30, 2013 at 5 p.m. – **Public Hearing** on Proposed Tax Rate
- 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Kauffman - 2013 Summer Pool Activity Report (Matheson Park)

6.0 Approve the Minutes of the September 3, 2013 Regular City Council Meeting

7.0 New Business:

- 7.1 Award Contract for Project No. 2013-07 - Janitorial Services to Kleen Tech, in the Amount of \$49,020.24
- 7.2 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn Property as Follows:
- 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; and Authorizing the Institution of Eminent Domain Proceedings.
- 7.3 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

- 7.4 Approve Resolution No. 2013-28, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2013-2014.
- 7.5 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.
- 7.6 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
- 7.7 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.
- 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.

8.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12th day of September 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: September 16, 2013

Topic:

- Led by Brother James Roberson, Hufsmith Church of Christ

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 16, 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: September 16, 2013

Topic:

- September 23, 2013 at 5 p.m. – **Public Hearing** on Proposed Tax Rate
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- 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 and members of council about items of community interest on which no action will be taken:
 - David Kauffman - 2013 Summer Pool Activity Report (Matheson Park)

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:

September 23 and September 30, 2013 - Public Hearing on Proposed Tax Rate

NOTICE OF PUBLIC HEARINGS ON TAX INCREASE CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 23, 2013
5:00 P.M.
and
MONDAY, SEPTEMBER 30, 2013
5:00 P.M.**

Public Hearing on Tax Revenue Increase for Proposed 2013 Tax Rate of \$0.341455/\$100 Assessed Value for the City of Tomball, Texas.

The City of Tomball will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 1.1722 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on Monday, September 23, 2013 at 5:00 p.m.,
at City Hall, 401 Market Street.

The second public hearing will be held on Monday, September 30, 2013 at 5:00 p.m.,
at City Hall, 401 Market Street.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR: Councilmembers Hudgens, Stoll, Brown, Townsend, and Dodson

AGAINST: None

PRESENT and not voting: None

ABSENT: None

The average taxable value of a residence homestead in Tomball, Texas last year was \$147,423. Based on last year's tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$503.38.

The average taxable value of a residence homestead in Tomball, Texas this year is \$151,075. If the governing body adopts the effective tax rate for this year of \$0.341591 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$516.06.

If the governing body adopts the proposed tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$515.85.

Members of the public are encouraged to attend the hearings and express their views regarding the above-proposed 2013 Tax Rate for the City of Tomball, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of September 2013 by 4:00 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: September 16, 2013

Topic:

Approve the Minutes of the September 3, 2013 Regular City Council Meeting

Background:

Origination:

Recommendation:

Funding:

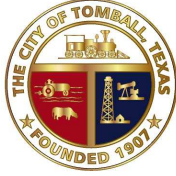
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes - September 3, 2013 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**TUESDAY, SEPTEMBER 3, 2013
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Pro Tem Dodson. Other members present were:

Councilman Hudgens
Councilman Stoll
Councilman Brown

Councilmembers absent:

Councilman Townsend - Excused

Others present:

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
TEDC-Executive Director – Kelly Violette

2.0 Invocation

- Led by Pastor Ken Shuman, Well Spring Church

3.0 Pledges to U. S. and Texas Flags

- Led by Randy Parr, Fire Chief

4.0 No public comments were received.

5.0 Reports and Announcements:

- September 14, 2013 – **Second Saturday at the Depot** – 6:00 p.m.
- September 16, 2013 at 6:00 p.m. and September 23, 2013 at 5:00 p.m. – Proposed Dates for Public Hearings 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.
- Vote on Proposed Tax Rate – To be Announced
- October 1, 2013 – **Annual National Night Out at the Depot** – 6:00-8:00 p.m.
- Vote on Proposed Tax Rate – To be Announced
- 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 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:
 - The Summer 2013 Pool Activity Report was postponed.

6.0 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the Minutes of the August 19, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-13, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Two for Raleigh Creek Subdivision. 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.

- 7.2 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-14, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 43.8 (“Temporary Structures & Uses”) Allowing Denominational Schools to Utilize Temporary Buildings Under Certain Conditions; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 7.3 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-15, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to Require that Residential Developments in the OT & MU - Old Town & Mixed Use District for that Portion of the Old Town Area Bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street, and Including the Lots that Front on Fannin Street and Houston Street Adjacent to such Portion shall Provide Off-Street Parking Stalls in Accordance with Section 38 of the Tomball Comprehensive Zoning Ordinance; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Hudgens	<u>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.

8.0 New Business:

- 8.1 Motion was made by Councilman Hudgens, second by Councilman Brown, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2013-2014 Budget.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Brown, second by Councilman Stoll, to Ratify the FY 2013-2014 Budget and Find that the Proposed Tax Rate of \$0.341455/\$100 Generates MORE Property Tax Revenue than the FY 2012-2013 Budget

Motion carried unanimously.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to Set and Announce New Dates for Public Hearings on the Proposed Tax Rate of September 23, 2013 at 5:00 p.m. and September 30, 2013 at 5:00 p.m.

Motion carried unanimously.

- 9.0 Motion was made by Councilman Brown, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of September 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 16, 2013

Topic:

Award Contract for Project No. 2013-07 - Janitorial Services to Kleen Tech, in the Amount of \$49,020.24

Background:

This item is for the award of the Janitorial Services contract for the fiscal year beginning October 1, 2013. The contract may be renewed for two additional one-year terms, at the sole discretion of the City.

The current contract for Janitorial Services is due to expire on September 30, 2013. This contract (dated October, 2010 and renewed for two subsequent years) was with Phillips Cleaning Services. We have been very satisfied with them and they are very familiar with our facilities, so a change to another company will not be easy. However, it will be necessary after reviewing the bids received on August 20, 2013.

We received bids from four vendors and a summary of those bids is attached for your review.

Kleen-Tech Corporation was the low bidder and also one of two that complied with all bid specifications. In addition to providing all of the required paperwork (bond and insurance), their references turned out to be excellent. Additionally, their tenure at several locations has been long-term.

A copy of the 2013-2014 Janitorial Services Contract is attached.

Origination:

Finance

Recommendation:

Staff recommends awarding the 2013-2014 Janitorial Services contract to Kleen-Tech Corporation with services to begin on October 1, 2013.

Funding: Yes

Account Number: 100-157-6311

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

Glenn Windsor, CPA, CGFO, CFE Finance Director

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

ATTACHMENTS:

Summary of Bids

2013-2014 Janitorial Services Contract

Name of Bidder	Monthly Amount	Bid Bond	Worker's Comp.	General Liability	Auto Liability	Comm.Ctr. Weekend	Harris County References	History with City of Tomball
Kleen-Tech Services Corporation								
16771 Rabon Chapel Road						Sat \$125.79		
Montgomery, TX 77316						Sun \$125.79		
866-385-0672	\$4,085.02	YES	YES	YES	YES	S&S \$251.58	Provided	NONE
Yearly Total without Weekends	\$49,020.24							
C&S Janitorial Services, Inc.								
6706 Bourgeois Road						Sat \$45		
Houston, Texas 77066						Sun \$45		Oct, 08 thru Sept, 09
281-440-3399	\$4,125.00	NO	YES	YES	NO	S&S \$75	Provided	No Renewal of Svc
Yearly Total without Weekends	\$49,500.00							
Phillips Cleaning Services, LLC								
29634 Quinn Road						Sat \$65		Oct, 10 thru Current
Tomball, TX 77375						Sun \$65		Original Contract & 2
832-465-7500	\$6,210.00	YES	YES	YES	YES	S&S \$130	Provided	renewals=3 Years
Yearly Total without Weekends	\$74,520.00							
MGS Supply & Services								
20770 Westheimer Parkway, Ste 501						Sat \$174		
Katy, TX 77450						Sun \$184		
281-829-5357	\$7,882.00	NO	YES	YES	YES	S&S \$358	Provided	NONE
Yearly Total without Weekends	\$94,584.00							

JANITORIAL SERVICE AGREEMENT

This AGREEMENT, made and entered into this 1st day of October, 2013 by and between the City of Tomball, hereinafter referred to as "CITY" and KLEEN-TECH SERVICES CORPORATION, hereinafter referred to as "CONTRACTOR".

Witnesseth:

In consideration of the payment hereinafter referred to, CONTRACTOR agrees to perform janitorial services on the following described facilities owned by CITY, according to the terms and conditions hereinafter set out, to-wit:

Tomball City Hall – 401 Market Street
Tomball Police Department – 400 Fannin Street
Tomball Public Works - Administration – 501 James Street
Tomball Public Works - Service Center – 501 James Street/**First Floor Only**
Tomball Community Center – 221 Market Street
Harris County Tax Office – 101 South Walnut Street
IT/Marketing/Command Center – 105 S. Cherry Street (Fridays Only)
Fire Station Central – 1200 Rudel

(1) Effective Time

This Agreement shall be effective at 7:00 a.m. on the 1st day of October, 2013, and CONTRACTOR shall take over the janitorial service of the above facilities, as described below, at that time.

(2) Operations Defined

After this Agreement becomes effective, CONTRACTOR shall have full responsibility for janitorial services of the above facilities and will perform all the cleaning duties in connection with said facilities. In this connection, CONTRACTOR shall have the duty of cleaning all offices, restrooms and all other areas associated with the air-conditioned portion of the facilities. CONTRACTOR shall be responsible for keeping all areas free of dust, dirt, trash, and restroom sanitation. CONTRACTOR will keep expendables (soap, towels, and toilet paper) replenished and perform all services normally associated with janitorial service. These services are further explained later in this contract under "Schedule of Required Services". CONTRACTOR shall promptly notify CITY of the need of any repairs and supplies. All expense and all responsibility for making said repairs, replacement, or doing such reconditioning work as may be necessary shall be borne by CITY. CITY shall furnish all expendables (soap, towels, and toilet paper). CONTRACTOR shall furnish all cleaning supplies and equipment.

CONTRACTOR represents that it has had an opportunity to examine, and has carefully examined, this Agreement and the facilities and has fully acquainted itself with all conditions pertaining thereto; that it has made all investigations essential to a full understanding of the difficulties which may be encountered in performing the work required hereunder; and that anything in this Agreement or in any representations made or furnished by CITY notwithstanding, CONTRACTOR will complete the work required hereunder for the compensation set forth herein. In addition, CONTRACTOR represents that it has the authority to

do business in the state of Texas and that it is fully qualified to do said work in accordance herewith. CONTRACTOR must comply with all local, state, and federal regulations.

(3) Contractor – Independent

CONTRACTOR shall perform the work to be done hereunder as an independent contractor and shall not be deemed as agent or employee of CITY. CITY shall have no direction or control of the method or manner in which the work is performed by CONTRACTOR under the provisions of this contract, but shall be interested solely in determining that the facilities are being properly cleaned and that performance is in compliance with the provisions hereof. To that end, CITY may inspect CONTRACTOR'S work at any time. If in the judgment of CITY, the work performed fails to comply with the provisions hereof, CONTRACTOR will be advised and will have five (5) working days to correct the deficiency.

(4) Term

The CONTRACTOR will commence the Services required by the contract documents on October 1, 2013. Subsequent to the date of the Notice to Proceed, this Contract shall extend for one year from the date services are commenced. This Contract may be renewed for two additional one-year terms, at the sole discretion of the City.

(5) Consideration

For the above services, CITY agrees to pay CONTRACTOR the sum of \$4,085.02 per month.

(6) Claims – Indemnity

CONTRACTOR shall defend, protect, indemnify, and hold the CITY harmless from and against all claims, demands, and causes of action of every kind and character arising in favor of any person including the parties hereto, and their employees, on account of personal injuries or death or damage to property in any wise incident to or arising out of the work performed hereunder and resulting from the sole negligent act or omission of CONTRACTOR, ITS AGENTS OR EMPLOYEES.

(7) Insurance

CONTRACTOR shall comply with all applicable laws relating to Worker's Compensation and shall carry insurance, at its own expense, with reasonable insurance companies acceptable to CITY of the types and in the minimum amounts set forth in Exhibit "A" attached hereto. Unless prohibited by law, all policies of insurance held or obtained by CONTRACTOR, whether required by the Contract or not, shall be sufficiently endorsed to waive any and all claims by the underwriters or insurers against CITY, their officers, directors, agents, employees, and invitees, for injuries, death, losses, and/or damages covered by such policies. CONTRACTOR shall have its insurance carriers deposit with CITY before starting any work under the Contract certificates of insurance showing all insurance coverage and providing for not less than (10) days prior written notice of cancellation, reductions, or other material change. Failure to maintain said insurance, approved as aforesaid, shall constitute sufficient grounds for immediate cancellation or suspension of this contract by the CITY.

(8) Force Majeure

Should either party hereto be prevented from complying with its obligations under this agreement by force majeure or other contingency which is beyond reasonable control of such party then the obligations of such party, so far as they are affected by such force majeure, shall be suspended during the term thereof.

(9) Notice – Termination

This Agreement shall be terminated at the option of either party by giving the other party ten (10) days' notice in writing to that effect. For the purpose of giving such notice, or any notice that may be necessary in the performance of this Agreement, the address of the CITY shall be City of Tomball, 401 Market Street, Tomball Texas 77375, and the address of CONTRACTOR shall be KLEEN-TECH SERVICES, 16771 Rabon Chapel Road, Montgomery, TX 77316 until notice by either party to the other of a change of address.

(10) Contract Non-Assignable

This Agreement shall not be assignable, in whole or in part, by CONTRACTOR without the written consent of CITY.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple originals as of the date and year first above written.

WITNESSES:

CITY OF TOMBALL

By:_____

WITNESSES:

KLEEN-TECH SERVICES CORPORATION

By:_____

EXHIBIT “A”

INSURANCE

At any and all times during the term of this Contract, CONTRACTOR agrees to carry insurance at its own expense with responsible insurance companies acceptable to CITY of the types and in the minimum amounts set forth below. Unless prohibited by law, all policies of insurance held or obtained by CONTRACTOR, whether required by this Contract or not, shall be sufficiently endorsed to waive any and all claims by the underwriters or insurers against CITY, their officers, directors, agents, employees, and invitees, for injuries, death, losses and/or damages covered by such policies. CONTRACTOR shall have its insurance carriers deposit with CITY before starting any work under this Contract certificates of insurance showing all insurance coverage and providing for not less than (10) days' prior written notice of cancellation, reduction, or other material change. CONTRACTOR will promptly, following the execution of this Contract, obtain from its insurers a Waiver of Subrogation against CITY, their officers, directors, agents, employees, and invitees.

- A. Worker's Compensation – In accordance with the current laws of the State of Texas.
 - 1. Employee's Liability, subject to a limit of not less than \$500,000.
- B. Comprehensive Automobile Liability – With limits not less than \$100,000 Combined Single Limit Per Occurrence for both Bodily Injury and Property Damage.
- C. Comprehensive General Liability – Including Contractual and completed operations – products Liability and Independent Contractors Coverage with limits not less than \$500,000 Combined Single Limit Per Occurrence for both Bodily Injury and Property Damage. Also, the City of Tomball should be named as an additional insured on all CONTRACTOR'S general liability policies.

SCHEDULE OF REQUIRED SERVICES

GENERAL CLEANING will be performed nightly, Monday through Friday, five (5) days per week, at City Hall, the Community Center, and both Public Works Buildings except City holidays at times established by the City. GENERAL CLEANING will be performed nightly, Monday through Sunday, seven (7) days per week at the Police Department with no holiday exceptions. GENERAL CLEANING will be performed nightly, Monday through Friday, five (5) days per week, at the Harris County Tax Office except Harris County holidays at times established by Harris County. SPECIFIC CLEANING will be performed according to the frequencies listed below. EXTRA CLEANING will be performed at the Community Center according to need and will be billed as additional.

The City shall provide toilet tissue, hand soap, and hand towels. Contractor shall provide all cleaning supplies, including trash can liners and equipment.

Janitorial Service Contractor will be required to furnish and maintain a logbook (electronic format preferable) that will be used to keep an accurate and ongoing record of the cleaning program for all City buildings.

Cleaning and janitorial services to be furnished for the City shall include, but are not limited to the following:

A. DAILY GENERAL CLEANING

1. All carpeting will be vacuumed and spot cleaned.
2. All trash receptacles will be emptied and trash removed to designated areas.
3. Clean all furniture to include desks, tables, chairs, file cabinets, bookshelves, and telephones.
4. Drinking fountains will be cleaned and disinfected and all exposed metal shall be polished and kept free of foreign matter.
5. All surfaces, including doors, walls, partition panels, ceramic tiles, etc., will be kept clean and free of spots, smudges, and foreign matter.
6. All glass doors and glass panels including bright metal finishes and handrails will be cleaned, rubbed, and polished. Partition glass will be cleaned to remove smudges and fingerprints.
7. Delivery areas will be policed to maintain a clean appearance.
8. Mats and runners will be thoroughly vacuumed and kept clean.
9. All non-carpeted common area floors will be maintained by any means necessary to achieve optimum cleanliness and appearance normally associated with a first-class facility.
10. All hard floor surfaces will be swept, damp mopped, and spray buffed as needed.

B. DAILY RESTROOM CLEANING

1. All restroom fixtures, including sinks, toilet bowls and urinals, will be scoured and disinfected and kept free of scale at all times. All toilet seats will be disinfected top and bottom. All bright metal accessories, including hardware on plumbing fixtures, partitions and dispensing accessories shall be cleaned and polished.
2. Trash receptacles will be emptied, cleaned, disinfected, and lined.
3. Soap, towel, and tissue dispensers will be filled nightly.
4. Clean all mirrors.
5. Restroom walls and partitions will be kept clean and free of spots, smudges, graffiti, and foreign matter.
6. Restroom floors will be cleaned by damp mopping and rinsing with a disinfecting solution. A specific mop is to be used for this area only and item is to be identified as such.

C. DAILY KITCHEN CLEANING

1. The sinks on all kitchen areas are to be cleaned and polished.
2. Trash receptacles and lids will be emptied, cleaned, disinfected, and lined.
3. Kitchen counters and appliance handles are to be wiped down and sanitized.

D. MONTHLY GENERAL CLEANING

1. Windowsills and Venetian blinds will be dusted.
2. All air supply and return grills will be thoroughly cleaned and cobwebs removed from ceiling/corner areas.
3. All carpet to be detail vacuumed along baseboards, edges, furniture, under desks, etc.
4. Scrub and refinish all tile floors.
5. Wash down bathroom walls, partitions, including doors.

E. BI-MONTHLY CLEANING

1. Shampoo carpet using extraction method at the Police Department.

F. QUARTERLY CLEANING

1. Strip and wax entire hard surfaces at City Hall, both Public Works Buildings, Community Center, Police Department, & Harris County Tax Office.
2. Shampoo carpet using extraction method at City Hall, Public Works Building – Administration, & Harris County Tax Office.

G. SEMI-ANNUAL CLEANING (October & April)

1. Clean all windows – inside & outside – during regular business hours, Monday thru Friday.

SCHEDULE OF EXTRA SERVICE AND REQUIREMENTS FOR
WEEKEND COVERAGE AT
THE TOMBALL COMMUNITY CENTER

When the City's Community Center has a schedule event during the weekend, it may become necessary to schedule additional services. This service will not be included in the regular monthly contract.

A notice of 2 weeks (14 days) will be provided to the janitorial service. A form indicating the date, day, and rooms to be used will be provided, enabling the janitorial company to plan for additional service following the event. The janitorial service will be advised via email (if provided) or by phone.

Weekend Community Center Cleaning to include all items under "A. DAILY GENERAL CLEANING" AND "B. RESTROOM CLEANING"

The following amounts will be billed over and above the regular contract.

Saturday Only \$ 125.79

Sunday Only \$ 125.79

Saturday & Sunday \$ 251.58

Regular City Council Agenda Item Data Sheet

Meeting Date: September 16, 2013

Topic:

Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn Property as Follows:

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; and Authorizing the Institution of Eminent Domain Proceedings.

Background:

Resolution No. 2013-26 was approved by City Council on August 19, 2013, but included an inaccurate acreage for the condemnation.

The Raleigh Creek Utility Line Project requires the acquisition of 0.1035 acres of land in order to complete the extension of utility mains to service to the Raleigh Creek Subdivision.

When making the motion, please state "I move that the City of Tomball authorize the use of the power of eminent domain to acquire 0.1035 acres of land owned by Mary Radcliffe for the Raleigh Creek Utility Line Project."

Origination:

City Attorney

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-26R

RESOLUTION NO. 2013-26R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT A 0.0345 ACRE TRACT OF LAND IS NEEDED FOR THE ZION ROAD WIDENING PROJECT AND A 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; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.

* * * * *

WHEREAS, the City Council of the City of Tomball now finds and determines that public convenience and necessity requires the City of Tomball to acquire an easement over and across a tract of land containing 0.0690 acres for the construction, operation, maintenance, inspection, replacement, and removal of one or more utility lines, a more specific description of said 0.0690 acre tract of land is attached hereto as Exhibit “A” and made a part thereof, (herein after the “Land”); and

WHEREAS, the City Council of the City of Tomball now finds and determines that public convenience and necessity requires the City of Tomball to acquire a right-of-way over and across a tract of land containing 0.0345 acres for the widening of Zion Road, a more specific description of said 0.0345 acre tract of land is attached hereto as Exhibit “B” and made a part thereof, (herein after the “Land”); and

WHEREAS, the City of Tomball, through its duly authorized representatives, has negotiated with the owners of the Land for the purchase of same for the purpose stated herein and has been unable to agree with such owners as to the fair cash market value thereof and damages, if any; and

WHEREAS, the City Council of the City of Tomball has authorized the City Manager to make an offer to the owners of the Land for the purchase of same based upon its appraised value, and such offer has been made and the owner has refused to accept such final offer; now therefore,

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

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

Section 2. The City Council of the City of Tomball finds that a bona fide offer has been made by duly authorized representatives of the City for the acquisition of a right-of-way and easement over and across the herein described tracts of the Land, and that said offer was not accepted, and that the only way for the City of Tomball to acquire such interest in said tract of land is through the filing of eminent domain proceedings.

Section 3. The City Council hereby finds and determines that a public use and necessity exists to construct, operate, maintain, inspect, replace, and remove of one or more utility lines as part of the Raleigh Creek Utility Line Project, and to acquire the necessary property rights in the 0.0690 acre tract of land deemed necessary for expansion of the Raleigh Creek Utility Line Project, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

Section 4. The City Council hereby finds and determines that a public use and necessity exists to widen Zion Road as part of the Zion Road Widening Project, and to acquire the necessary property rights in the 0.0345 acre tract of land deemed necessary for widening of

Zion Road, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

Section 5. The final offer heretofore made by the City Manager authorized by formal action of the City Council, for the purchase of the Land is in all things hereby ratified and confirmed.

Section 6. The City Attorney is hereby authorized to bring eminent domain proceedings on behalf of the City of Tomball under applicable provisions of law, whether provided by §251.001 of the Texas Local Government Code, as amended, Chapter 21 of the Texas Property Code, or by any other provision of law, against the owner or owners of the Land, to-wit: Mary Radcliffe or against the real and true owner, owners, claimant, or claimants if Mary Radcliffe is said not to be the owner of the Land.

PASSED, APPROVED, AND RESOLVED this 16th day of September, 2013.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

EXHIBIT "A"

A 0.0690 ACRE (3,004 SQ. FT.) TRACT OF LAND, BEING OUT OF A CALLED 0.5264 ACRE TRACT OF LAND AS DESCRIBED TO MARY ANNE RADCLIFFE, AS RECORDED UNDER HARRIS COUNTY CLERK FILE (H.C.C.F.) NO. V471789, IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50, HARRIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point marking the common southerly corner of said 0.5264 acre tract and a called 142.770 acres tract as described to LS Development, LLC, as recorded under H.C.C.F. No. 20060238824, from which a found 1/2 inch iron rod bears North 82°14' East a distance of 15.3 feet;

THENCE, North 00°04'13" West, along the common line of said 0.5264 tract and said 142.770 acre tract, a distance of 10.00 feet to the **POINT OF BEGINNING** of herein described tract;

- (1) **THENCE**, South 89°57'13" West, a distance of 150.20 feet to a point in the easterly line of a called 4.550 acres tract as described to William E. Schiel & Alice Faye Schiel as recorded under H.C.C.F. No. G743427;
- (2) **THENCE**, North 00°02'47" West, along the easterly line of said 4.550 acres tract, a distance of 20.00 feet to a point;
- (3) **THENCE**, North 89°57'13" East, a distance of 150.19 feet to a point in the westerly line of said 142.770 acres tract;
- (4) **THENCE**, South 00°04'13" East, along the westerly line of said 142.770 acres tract, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.0690 acre of land.

Georg R. Lardizabal 08/29/2012
Georg R. Lardizabal, RPLS 6051
GGC Survey, PLLC
4419 Zimmerly Court
Sugar Land, TX 77479



EXHIBIT "B"

A 0.0345 ACRE (1,502 SQ. FT.) TRACT OF LAND, BEING OUT OF A CALLED 0.5264 ACRE TRACT OF LAND AS DESCRIBED TO MARY ANNE RADCLIFFE, AS RECORDED UNDER HARRIS COUNTY CLERK FILE (H.C.C.F.) NO. V471789, IN THE JOSEPH MILLER SURVEY, ABSTRACT NO. 50, HARRIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point marking the common southerly corner of said 0.5264 acre tract and a called 142.770 acres tract as described to LS Development, LLC, as recorded under H.C.C.F. No. 20060238824, from which a found 1/2 inch iron rod bears North 82°14' East a distance of 15.3 feet;

- (1) **THENCE**, South 89°57'13" West, along the northerly right-of-way line of Zion Road (60' right-of-way), a distance of 150.20 feet to a point being the common southerly corner of said 0.5264 acre tract and a called 4.550 acres tract as described to William E. Schiel & Alice Faye Scheil as recorded under H.C.C.F. No. G743427;
- (2) **THENCE**, North 00°02'47" West, along the common line of said 0.5264 acre tract and said 4.550 acres tract, a distance of 10 feet to a point;
- (3) **THENCE**, North 89°57'13" East, a distance of 150.20 feet to a point in the westerly line of said 142.770 acres tract;
- (4) **THENCE**, South 00°04'13" East, along the westerly line of said 142.770 acres tract, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 0.0345 acre of land.


Georg R. Lardizabal, RPLS 6051
GGC Survey, PLLC
4419 Zimmerly Court
Sugar Land, TX 77479



Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 16, 2013

Topic:

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

Background:

This is an annual appointment; each member home rule city under 25,000 population as of the most recent Census is entitled to designate one representative and one alternate to the H-GAC General Assembly.

Traditionally, Council has designated the Mayor as the representative and the Mayor Pro-Tem as the alternate; beginning in 2010, Council has designated Councilman Townsend as the Representative and Councilman Stoll as the Alternate Representative to the H-GAC General Assembly.

H-GAC has requested designation of the City's representatives no later than October 1, 2013.

Origination:

Jack Steele, Executive Director, Houston-Galveston Area Council

Recommendation:

Approve Resolution No. 2013-27, Designating Representative and Alternate Representative for H-GAC 2014 General Assembly

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:

H-GAC Request Letter
Resolution No. 2013-27



September 5, 2013

The Honorable Gretchen Fagan
Mayor, City of Tomball
401 Market St
Tomball, TX 77375

Dear Mayor Fagan:

I am writing regarding the appointment of your city's representative to H-GAC's 2014 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2014.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of Home Rule city representatives will be scheduled for November. At that meeting, your 2013 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2014.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 7. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/kay

Enclosure

cc: City Secretary

RESOLUTION NO. 2013-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, FOR THE DESIGNATION OF ITS
REPRESENTATIVE AND ALTERNATE FOR THE
HOUSTON-GALVESTON AREA COUNCIL 2014
GENERAL ASSEMBLY**

* * * * *

BE IT RESOLVED, by the Mayor and City Council of Tomball, Texas, that _____
_____, Councilman, Position ___, of the City of Tomball, be, and is hereby
designated as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area
Council for the year 2014.

FURTHER, that the Official Alternative authorized to serve as the voting representative should
the hereinabove named representative is unable to attend, become ineligible, or should he/she
resign, is _____, Councilman, Position ___, of the City of Tomball.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

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

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

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council

Agenda Item

Meeting Date: September 16, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-28, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2013-2014.

Background:

Resolution No. 2013-28 is presented for Council consideration and approval to adopt a Master Fee Schedule for Fiscal Year 2013-2014.

In order to provide greater transparency and improved communications with our citizens and customers, City staff has assembled the various fees that have been adopted by Council into a single schedule. This document will make it easier for City employees in any department to answer citizens' and customers' questions regarding City fees; we will also post the Master Fee Schedule on the City's website.

Per the City Attorney, the fees reflected in Exhibit "A", attached to Resolution No. 2013-28, are authorized either by separate ordinance or City policy adopted by Council.

None of the fees have been increased; however, the changes have been made to the Building Permits fees schedule, page 5 of 8, to correct information under "Domestic and Commercial Gas Tap Fees" regarding BTUs and meter sizes. Additionally, on January 1, 2014, a significant number of fines will increase between \$2 and \$7, as the Municipal Court must begin collecting for the new state Truancy Prevention and Juvenile Case Management programs; these changes are included in the Master Fee Schedule at this time.

City Staff will continue to review the Master Fee Schedule annually and submit requests for changes in the fee schedule to Council each year following the budget process.

Strategic Initiative: Improve and expand public finance communication and education; improve service and communication throughout the organization.

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2013-28, adopting a Master Fee Schedule for FY 2013-2014.

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Resolution No. 2013-28

Exhibit A - Master Fee Schedule for FY 2013-2014

RESOLUTION NO. 2013-28

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS,
ADOPTING A MASTER FEE SCHEDULE FOR FISCAL YEAR
2013-2014.**

* * * * *

WHEREAS, the Tomball City Council desires to enhance government transparency through the adoption of a Master Fee Schedule for the convenience of the public; and

WHEREAS, the Tomball City Council finds it advantageous to adopt a Master Fee Schedule for Fiscal Year 2013-2014, to provide easier access for Tomball residents and commercial interests; **NOW, THEREFORE**

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

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. A Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2013-2014 is hereby adopted, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution 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 Resolution 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.

PASSED, APPROVED, AND RESOLVED this 16th day of September, 2013.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

EXHIBIT “A”

CITY OF TOMBALL MASTER FEE SCHEDULE FY 2013-2014

AMBULANCE PERMIT FEES

<u>ANNUAL COMPANY PERMIT FEE:</u>	\$500.00 per year
<u>VEHICLE INSPECTION FEE:</u>	\$100.00 per vehicle
<u>VEHICLE RE-INSPECTION FEE:</u>	\$100.00 per vehicle

10/2012

BANNER DISPLAY FEES

Banners will be displayed in the 700 block of W. Main Street. Only one (1) banner will be displayed at a time. A banner may hang for a maximum of two (2) weeks.

APPLICATION FEE

The application fee is **\$75.00 per week**; payment is required when the application is presented.

Application must be made at least one (1) month in advance but not more than twelve (12) months advance. Applications are on a “first come-first served” basis. A TxDOT application for “Use of State of Texas Right-of-Way for Temporary Signs for Special Events” must be filled out and submitted along with City of Tomball reservation application and fees.

STORAGE FEE

Banner shall be picked up within one (1) week after expiration date. Owner will be assessed **\$2.00/day storage fee** if not picked up within the one (1) week period.

Rev. 11-26-2012

BUILDING PERMIT FEES

TOTAL VALUATION

\$1,000.00 and less

FEE

No fee, unless inspection is required, in which case, a \$15.00 fee for each inspection shall be charged.

\$1,001.00 to \$50,000.00

\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00

\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00

\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,001.00 and up

\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

MOVING FEE

For the moving of any building or structure, the fee shall be \$110.00.

DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 - 100,000 cu. ft.	\$60.00
100,000 cu. ft. and over	\$0.50/1,000 cu. ft.

PENALTIES

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

A Certificate of Occupancy must be issued before moving in or a \$250.00 penalty, payable by the permit holder, and disconnection of all City utilities will apply.

PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted, a plan-checking fee shall be paid equal to one-half of the building permit fee. Such plan-checking fee is in addition to the building permit fee.

FEE FOR RE-INSPECTION

The reinspection fee shall be \$25.00.

MECHANICAL PERMIT FEES

INITIAL FEE

For issuing each permit \$15.00

ADDITIONAL FEES

Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration systems shall be \$20.00 for the first \$1,000.00, or fraction thereof, of valuation of the installation plus \$6.00 for each additional \$1,000.00 or fraction thereof.

Fee for inspecting repairs, alterations and additions to an existing system shall be \$6.00 plus \$3.00 for each \$1,000.00 or fraction thereof.

Fee for inspecting boilers (based upon Btu input):

33,000 Btu (1 Bhp) to 165,000 (5 Bhp)	\$ 7.00
165,001 Btu (5 Bhp) to 330,000 (10 Bhp)	\$12.00
330,001 Btu (10 Bhp) to 1,165,000 (52 Bhp)	\$17.00
1,165,001 Btu (52 Bhp) to 3,300,000 (98 Bhp)	\$27.00
Over 3,300,000 Btu.....	\$37.00

FEE FOR REINSPECTION

In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of \$25.00.

TEMPORARY OPERATION INSPECTION FEE

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration or air conditioning system, or portion thereof, a fee of \$45.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.

SELF-CONTAINED UNITS LESS THAN TWO TONS

In all buildings, except one and two family dwellings, where self-contained air conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined (see Additional Fees, above, for rate).

PLUMBING PERMIT FEES

PERMIT FEES:

For issuing each permit \$15.00

PLUS THE FOLLOWING WHEN PROVIDED:

For each Plumbing Fixture, Floor Drain or Trap
(Including Water and Drainage Piping) \$ 3.00
For each House Sewer \$ 6.00
For each House Sewer having to be replaced or repaired \$ 6.00
For each Water Heater and/or Vent \$ 3.00
For installation, alteration or repair of water piping
and/or water treating equipment \$ 6.00
For repair or alteration of Drainage or Vent Piping \$ 6.00
For Vacuum Breakers or backflow protective devices
installed subsequent to the installation of the piping
or equipment served —
One to Five \$ 3.00
Over Five, each \$ 2.00

PERMITS/MISCELLANEOUS

Building - For Typical \$70,000 House \$390.00
PLUS Plan Checking Fee of \$195.00 \$195.00
Plumbing - For Typical \$70,000 House \$ 80.00
A/C, Mechanical - For Typical \$70,000 House \$ 62.50
Electrical - For Typical \$70,000 House \$115.00
Driveway - Residential \$ 25.00
Driveway - Commercial \$ 25.00
Construction 2% of Construction Cost
Roofing Permits \$ 50.00
(Asphalt or metal, under 5 squares is exempt from permit requirement)

FEE FOR PLUMBING RE-INSPECTION

The re-inspection fee shall be \$25.00.

IRRIGATION PERMIT FEES

Residential - \$ 50.00 fixed fee
Commercial - \$100.00 base fee plus \$10.00 per zone

DOMESTIC AND COMMERCIAL WATER TAP FEES

Residential and Commercial Water Meter Connection Fees. The following connection fee shall be due and paid to the City before any water meter is provided, installed, inspected, and activated for use by the City. The fee for providing water service shall be based upon the meter required, and shall be as follows:

<u>Meter Size, Ins.</u>	<u>TOTAL COST**</u>
0.75	\$ 505.00
1.0	\$ 565.00
1.5	\$ 925.00
2.0	\$ 1,735.00
3.0	\$ 3,100.00
4.0	\$ 3,660.00
6.0	\$ 8,985.00 (Includes \$3,500 for vault)*

* Any other vaults requested will be at customer's expense.

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- For meter sizes 0.625" through 2", add \$190.00 to connection fee schedule.
- For meter sizes 3" through 6", add \$315.00 to connection fee schedule.
- If a bore is required, a \$35.00 per foot of right-of-way width boring fee will be required up to a 2" service lead. Service leads larger than 2" will be \$70.00 per foot of right-of-way width.

BULK WATER SALES

\$75.19 Base Fee; then \$4.17 per 1,000 additional gallons. This charge includes the current fee for each 1,000 gallons used surcharge that the City collects on **behalf of NHCRWA and will be adjusted as the surcharge increases** Additionally, if a meter is desired, the deposit will be \$1,000.00

DOMESTIC AND COMMERCIAL SEWER TAP FEES

Residential and Commercial Sanitary Sewerage Connection Fees. The following connection fee shall be due and paid to the City before any sewer connection is provided, installed, inspected, and activated into the City's wastewater collection system. The connection fee for a such services shall be based upon the size of the sewer connection required, and shall be as follows:

<u>Connection Size</u>	<u>TOTAL COST**</u>
4"	\$555.00
6"	\$610.00
8" and above	\$625.00+

* If manhole is required, add \$2,000.00.

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- For connections on state right-of-way, add \$250.00 to connection fee schedule.
- If a bore is required, a \$70.00 per foot of right-of-way width boring fee will be required up to a 6" service lead.
- For 8" service lead, a \$75.00 per foot of right-of-way width boring fee will be charged.

DOMESTIC AND COMMERCIAL GAS TAP FEES

Residential and Commercial Gas Meter Connection Fees. The following connection fee shall be due and paid to the City before any gas meter is provided, installed, inspected, and activated for use by the City. The fee for providing gas service shall be based upon the meter and regulator required (meter and regulator, four ounce [4 oz.*] only), and shall be as follows:

<u>BTUs</u>	<u>TOTAL COST **</u>	<u>METER SIZE</u>
0 to 275,000	\$ 665.00	275
275,001 to 415,000	\$ 800.00	415
415,001 to 880,000*	\$1,460.00	880
880,001 to 2,000,000*	\$3,740.00	2,000
2,000,001 to 5,000,000*	\$4,945.00	5,000

- If pounds (lbs.) Are needed, must add an emcorector to total cost (total cost +\$1,175.00 = total price for pounds).

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- For connections on state right-of-way, add \$250.00 to connection fee schedule for BTUs 0-450,000 BTUs. Requirements above 450,001 BTUs, add \$350.00 to connection fee schedule.
- For a service lead under a state right-of-way, add \$35.00/foot of right-of-way width.

CAPITAL RECOVERY FEES
(PER CITY OF TOMBALL ORDINANCE 2009-12)

Effective June 1, 2012 - May 31, 2013*

<u>LUE'S</u>	<u>WATER METER SIZE</u>	<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
1.0	3/4"	\$ 1,329.12	\$ 1,653.23	\$ 2,982.35
2.5	1"	\$ 3,322.80	\$ 4,133.08	\$ 7,455.88
5.0	1 1/2"	\$ 6,645.60	\$ 8,266.15	\$ 14,911.75
8.0	2"	\$ 10,632.96	\$ 13,225.84	\$ 23,858.80
10.0	2" TURBINE	\$ 13,291.20	\$ 16,532.30	\$ 29,823.50
16.0	3"	\$ 21,265.92	\$ 26,451.68	\$ 47,717.60
24.0	3" TURBINE	\$ 31,898.88	\$ 39,677.52	\$ 71,576.40
25.0	4"	\$ 33,228.00	\$ 41,330.75	\$ 74,558.75
42.0	4" TURBINE	\$ 55,823.04	\$ 69,435.66	\$125,258.70
50.0	6"	\$ 66,456.00	\$ 82,661.50	\$149,117.50
92.0	6" TURBINE	\$122,279.04	\$152,097.16	\$274,376.20
80.0	8"	\$106,329.60	\$132,258.40	\$238,588.00
160.0	8" TURBINE	\$212,659.20	\$264,516.80	\$477,176.00
115.0	10"	\$152,848.80	\$190,121.45	\$342,970.25
250.0	10" TURBINE	\$332,280.00	\$413,307.50	\$745,587.50
330.0	12" TURBINE	\$438,609.60	\$545,565.90	\$948,175.50

NOTE: ALL NEW DEVELOPMENT OR CHANGE IN USE WILL BE REQUIRED TO CALCULATE THE LIVING UNIT EQUIVALENT (LUE) AND PAY THE GREATER VALUE BETWEEN THE MINIMUM METER SIZE IMPACT FEE OR THE CALCULATED LUES.

* REFER TO SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES FOR INCREASE IN FEES BASED ON EFFECTIVE DATE.

SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES*

		Effective 6/3/2009	Effective 6/1/2010	Effective 6/1/2011	Effective 6/1/2012
Water:	Per LUE	\$1,162.98	\$1,218.36	\$1,273.74	\$1,329.12
Wastewater:	Per LUE	\$1,446.57	\$1,515.46	\$1,584.34	\$1,653.23

Drainage effective June 1, 2009:

M118 per acre	\$6,023.90
M121E per acre	\$6,828.71
M121W per acre	\$4,985.14
M125 per acre	\$ 574.40

OIL AND GAS FEES

Drilling Permit	\$1,000.00
Supplemental Filing Fee	\$ 500.00
Pipeline Permit	\$ 500.00

MANUFACTURED HOME FEES

Application fee for mobile home park construction or enlargement
shall be \$100.00 plus \$10.00 per unit in excess of 25 units.

**BUILDING INSPECTIONS WHICH
MUST BE CALLED IN**
(281) 290-1480

BUILDING INSPECTIONS

1. STORM SEWER
2. PARKING LOT
3. FOUNDATION
4. FRAME
5. CEILING COVER
6. FINAL

MOVING INSPECTIONS

1. FINAL
2. UTILITIES CUT OFF
3. SITE

PLUMBING INSPECTIONS

1. GROUND
3. WATER LINE
4. SEWER
5. GAS TEST
6. FINAL
7. ROOF DRAIN
8. GAS LINE

**CONSTRUCTION INSPECTION
(PUBLIC R.O.W.)**

1. PUBLIC WORKS2. TOP OUT

IRRIGATION INSPECTIONS

1. SITE
2. FINAL

DRIVEWAY INSPECTIONS

1. CULVERT
2. LOCATION FORM
3. APPROACH
4. FINAL

POOL INSPECTIONS

1. STEEL
2. DECK
3. FINAL

ELECTRICAL INSPECTIONS

1. T-POLE
2. TCI
3. CEILING COVER
4. DITCH COVER
5. WALL COVER
6. SLAB
7. ROUGH IN
8. FINAL
9. SERVICE

SIGN INSPECTIONS

1. SIGN INSTALLATION
2. FINAL

ROOF INSPECTIONS

1. COVER UP
2. FINAL

MECHANICAL INSPECTIONS

1. ROUGH IN
2. WALL COVER
3. CEILING COVER
4. FINAL

CHAUFFEUR'S DRIVER FEES

ANNUAL FEE:

City of Tomball Chauffeur's License Fee: None

10/2012

COMMUNITY CENTER FEES

Reservation Fee Guidelines

A. Meeting Room Fee Schedule (Based on availability)

	Non-profit Clubs/ Organizations*	Tomball Residents: Individuals, For-profit Businesses/ Non-profit Organizations which charge for service	Non Tomball Residents: Individuals, For-profit Businesses, Non-profit Organizations which charge for service
Monday thru 3:00 pm Friday (2 Hour Minimum)			
Room A	\$50.00/hr.	\$75.00/hr.	\$100.00/hr.
Room B	\$30.00/hr.	\$50.00/hr.	\$75.00/hr.
Room C	\$15.00/hr.	\$20.00/hr.	\$30.00/hr.
After 3:00 pm Friday (2 Hour Minimum)			
Room A	\$75.00/hr.	\$100.00/hr.	\$125.00/hr.
Room B	\$50.00/hr.	\$75.00/hr.	\$100.00/hr.
Room C	\$15.00/hr.	\$50.00/hr.	\$75.00/hr.

B. Kitchen Fee Schedule

1. The rental fee for Banquet Room A includes the use of the kitchen.
2. No other room is allowed the use of the kitchen with a rental.

Special Notes

A refundable deposit will be paid by each applicant prior to the confirmation of a reservation. Refund of this deposit is contingent upon satisfying any payment for damages to the facility by the Contracting Party.

Waiver of Fees

1. The following groups shall have their fees waived:
 - a. Tomball-based Non-profit youth organizations who provide proof of qualification
2. Tomball-based groups and organizations may request a waiver of fees from City staff. The guidelines for staff to follow when considering requests for waivers are as follows:
 - a. Applicant generates sales tax dollars for Tomball
 - b. Applicant supports City functions, events or programs
 - c. Applicant is a non-profit group or organization benefitting the City of Tomball in some manner.

EMERGENCY WRECKER DRIVER FEES

ANNUAL FEE:

City of Tomball Drivers License Fee:	\$15.00/year
Replacement Drivers License Fee:	\$ 5.00

Rev. 11-7-2012

EMERGENCY WRECKER COMPANY FEES

ANNUAL FEE SCHEDULE:

All Emergency Wrecker company vehicles are charged a yearly fee of \$100.00 per vehicle to operate within the City of Tomball. All City Emergency Wrecker Company licenses expire on September 30th of each year. All Supplemental Emergency Company vehicles that are added during the year are charged \$75.00 until the annual renewal date of September 30th.

FEES FOR TOWING:

Towing a vehicle from one location within The City of Tomball
to another location within the City Cannot Exceed \$80.00.

Towing a vehicle which requires a heavy-duty wrecker from
one location within the City of Tomball to another, or from a
location within the City of Tomball to a location within the
extra-territorial jurisdiction of the City..... Cannot Exceed \$150.00 per hour,
with a two-hour minimum*

- * The hourly rate shall be inclusive of all services performed by the heavy-duty Wrecker. The charge is calculated from the time the heavy-duty wrecker leaves a licensee's place of business to the time the wrecked or disabled vehicle is delivered to a location designated by the Owner. Fees for fractions of an hour above the two-hour minimum charge are based upon quarter-hour increments.

VEHICLE STORAGE FEES:

The storage fee for a vehicle at a depository shall not exceed \$15.00 per day.

False Alarm Program Fees

Registration of Alarm System

Residential Properties	No Fee
Commercial Properties	\$50.00
Individual Apartment Units	\$50.00

False Alarm Fee Schedule - Residential

False Alarm 1st - 3rd	No Fee
False Alarm 4th & 5th	\$25.00 each
False Alarm 6th - 8th	\$50.00 each
False Alarm 9 or More	\$100.00 each

False Alarm Fee Schedule - Commercial

False Alarm 1st - 3rd	No Fee
False Alarm 4th & 5th	\$25.00 each
False Alarms 6th - 8th	\$75.00 each
False Alarm 9 or More	\$100.00 each

Panic Alarm Transmission

False Alarm 1st & 2nd	No Fee
False Alarm 3 or More	\$100.00 each

All Registration and Penalties are based on a 12-month period from the registration date.

Fire Marshal's Office Fees

Life Safety Plan Review

1 - 2,500 sq.ft.	\$25.00
2,501 - 5,000 sq.ft.	\$50.00
5,001 - 10,000 sq.ft.	\$75.00
10,000 - more sq.ft.	\$100.00

Fire Sprinkler Systems

Review Fee	\$200.00
Riser	\$10.00 ea.
Fire Department Connection	\$10.00 ea.
Per Each Sprinkler Head	\$1.00 ea.

Fire Alarm Systems

Review Fee	\$200.00
Signal / Notification Device	\$2.00 ea.

Paint Booth / Mixing Room

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Cooking Suppression System

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Fuel Storage Tank Removal / Installation

For 1 Tank per site	\$150.00
For 2 Tanks per site	\$200.00
For 3 or more Tanks per site	\$250.00

Installation Penalty - No Permit Fee

2 x the cost of total plan review fee	
---------------------------------------	--

Special Services - *to be paid before 3:45pm*

Special Handling / Same Day Service - Plans	\$100.00
After Hours Inspection - up to 4 hours	\$275.00
Each additional hour - rounded up to the next hour	\$75.00

Acceptance Testing / Fire Final Inspections

Inspection	No Fee
1st Re-Inspection	\$25.00
2nd Re-Inspection	\$50.00
3rd Re-Inspection	\$75.00
4th Re-Inspection and Each After	\$100.00

State Licensed Facility Inspection - Group I Occupancy

Inspection	\$50.00
1st Re-Inspection	\$25.00
2nd Re-Inspection	\$50.00
3rd Re-Inspection	\$75.00
4th Re-Inspection and Each After	\$100.00

Life Safety Inspection - Annual

Inspection	No Fee
1st Re-Inspection	No Fee
2nd Re-Inspection	\$25.00
3rd Re-Inspection	\$50.00
4th Re-Inspection and Each After	\$75.00

Permit Description	Permit Reference Number	Renewable or One-Time Permit	Cost
Aerosol Products	105.6.1	R	\$100.00
Amusement Buildings	105.6.2	R	\$100.00
Aviation Facilities	105.6.3	R	\$150.00
Carnivals & Fairs	105.6.4	R	\$150.00
Battery Systems	105.6.5	R	\$100.00
Cellulose Nitrate Film	105.6.6	R	\$100.00
Combustible Dust Producing Operations	105.6.7	R	\$100.00
Combustible Fibers	105.6.8	R	\$125.00
Compressed Gases	105.6.9	R	\$100.00
Covered Mall Buildings	105.6.10	R	\$50.00
Cryogenic Fuils	105.6.11	R	\$100.00
Cutting & Welding	105.6.12	R	\$75.00
Dry Cleaning Plants	105.6.13	R	\$100.00
Exhibits & Trade Shows	105.6.14	R	\$75.00
Explosives, including Fireworks	105.6.15	R	\$150.00
RESERVED	105.6.16		
Flammable and Combustible Liquids	105.6.17	R	\$75.00
Floor Finishing, including Bowling Lanes	105.6.18	R	\$100.00
RESERVED	105.6.19		
Fumigation and Insecticide Fogging	105.6.20	R	\$50.00
Hazardous Materials	105.6.21	R	\$150.00
RESERVED	105.6.22		
High Pile Storage	105.6.23	R	\$75.00
Hot work Operations	105.6.24	R	\$75.00
Industrial Ovens	105.6.25	R	\$100.00
RESERVED	105.6.26		
Liquid or Gas Fueled vehicles in Assembly Buildings	105.6.27	R	\$100.00
LP Gas	105.6.28	R	\$100.00
Magnesium Working	105.6.29	R	\$150.00
Miscellaneous Combustible Storage	105.6.30	R	\$100.00
Open burning (commercial-trench)	105.6.31	R	\$150.00
Open Flames and Candles	105.6.32	R	\$50.00
Organic Coating	105.6.33	R	\$100.00
Places of Assembly	105.6.34		
50-100		R	\$75.00
101-299		R	\$100.00
300 or More Occupants		R	\$125.00
RESERVED	105.6.35		
Pyrotechnic Special Effects Material	105.6.36	R	\$150.00
RESERVED	105.6.37-40		
Spraying & Dipping	105.6.41	R	\$150.00
Tire Storage	105.6.42	R	\$100.00
Temporary Structures, Tents & Canopies	105.6.43	R	\$75.00
RESERVED	105.6.44-46		
Fire Flow Test	105.6.50	O-T	\$150.00

GARBAGE BAG FEES

The City of Tomball furnishes two (2) rolls of fifty (50) bags to each residence annually.

For additional purchases of garbage bags, the fee is \$12.00 per 50-bag roll.

Rev. 11-7-2012

KENNEL LICENSE/PERMIT FEES

ANNUAL FEE:

\$ 10.00

Rev. 11-5-2012

LIQUOR LICENSE/PERMIT FEES

The Texas Alcoholic Beverage Code provides that cities may levy and collect a fee not to exceed one-half the State fee for each permit issued for premises located within a city or town. Only the Mixed Beverage Permit and a Mixed Beverage Late Hours Permit have a three-year waiting period before fees may be collected by the City of Tomball. The process of Liquor related fees begin with the signature of the City Secretary or her Assistant on all applications made to TABC.

The Permits listed below, along with their yearly rates, go into effect at the time the business begins operation, or shortly thereafter.

Two-Year Fee Chart

License Type	Description of License		T.A.B.C. 2-Year Fee	Tomball 2-Year Fee
BF	Beer Retailer's Off Premise		\$120.00	\$60.00
BG	Wine & Beer Retailer's	Years 1 and 2	\$2,000.00	\$1,000.00
		Year 3 and Subsequent	\$1,500.00	\$750.00
BQ	Wine & Beer Retailer's Off Premise		\$120.00	\$60.00
P	Package Store		\$1,000.00	\$500.00
Q	Wine-Only Package Store		\$150.00	\$75.00
MB	Mixed Beverage	Years 1 and 2	\$6,000.00	\$0.00
	1 st Renewal	Years 3 and 4	\$4,500.00	\$1,125.00
	2 nd Renewal	Years 5 and 6	\$3,000.00	\$1,150.00
	3 rd Renewal	Subsequent Years	\$1,500.00	\$750.00
LB	Late Hours Mixed Beverage		\$300.00	\$150.00

Revised 11-7-2012

**MANUFACTURED HOME PARK
OR RECREATIONAL VEHICLE PARK
CONSTRUCTION OR ENLARGEMENT FEES**

APPLICATION FEE: \$100.00 plus \$10.00 per unit in excess of 25 units (spaces)

(COPY OF RECEIPT MUST BE ATTACHED TO APPLICATION)

**MANUFACTURED HOME PARK OR
RECREATIONAL VEHICLE
PARK OPERATIONS LICENSE FEES**

NOTE: Operations License expire December 31, 2012

OPERATIONS LICENSE FEE: *(Copy of Receipt must be attached to Application)*

(Fees are based on the number of spaces in the park)

<u>BASE FEE</u>	+	<u>NUMBER OF SPACES</u>	=	<u>TOTAL FEE</u>
\$100.00/year	plus	\$3.00 for each space within the park		

Example:

If Park has 20 spaces, the fee would be:	Base Fee	=	\$ 100.00
	20 Spaces x \$3.00	=	<u>\$ 60.00</u>
	Total Fee Due	=	\$ 160.00

MUNICIPAL COURT FINES/FEES

(Judicial Order Concerning Standard Fines)

Effective January 1, 2013, the following fines shall apply for those persons who enter a plea of guilty or no contest, unless otherwise altered by the judge or the prosecutor in a particular case. Court costs, as applicable, shall be added to the fines stated below.

PENAL CODE OFFENSES

(Including, but not limited to, Assault, Disorderly Conduct, Public Intoxication and Theft) -
\$235.00

FAILURE TO APPEAR (FTA) and VIOLATE PROMISE TO APPEAR (VTPA)

\$125.00

TRAFFIC CODE OFFENSES

Moving Violation (other than Speeding)	\$120.00
Speeding (Base)	\$132.00
Equipment Violations	\$ 55.00
License Plate Violations	\$ 76.00
Expired Inspection Sticker	\$ 76.00
Driver's License Violations (other than DWLS/I)	\$ 88.00
DWLS/I (Driving while License Suspended/Invalid)	\$300.00
Seatbelt Violations	\$ 40.00
No Insurance – 1 st Offense	\$215.00
No Insurance – 2 nd Offense	\$500.00

Fines for offenses not reflected in the above schedule shall remain in force at their current amounts.

INSUFFICIENT CHECK (NSF) CHARGE FEES

When a check has been returned to the City account insufficient funds (NSF), the City/Utility Clerk will notify the issuer of the check that cash payment plus a \$30.00 insufficient check charge is due and payable immediately.

If customer does not redeem the NSF check and pay the insufficient check charge, the City/Utility Clerk may arrange for services to be canceled immediately.

PARK RESERVATION FEES

(Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park,
Jerry Matheson Park, Theis Attaway Nature Park)

Railroad Depot Plaza & Gazebo @ 201 S. Elm

- No restrooms provided; must have city permission at time of request to provide portable toilet at renter's expense.
- Renters must provide their own tables, chairs, etc.

☐*RESIDENT ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$100.00(8am-10pm) DEPOSIT \$100.00

☐NON-RESIDENT ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$125.00(8am-10pm) DEPOSIT \$100.00

Juergens Park@ 1331 Ulrich

- Keys to the interior of the park are available, but are to be used for temporary access to set up or clean up. No vehicles should remain on the park site interior.
-

☐*RESIDENT ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$100.00(8am-10pm) DEPOSIT \$100.00

☐NON-RESIDENT ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$125.00(8am-10pm) DEPOSIT \$100.00

Jerry Matheson Park @ 1240 Ulrich

☐*RESIDENT ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$100.00(8am-10pm) DEPOSIT \$100.00

☐NON-RESIDENT ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$125.00(8am-10pm) DEPOSIT \$100.00

Theis Attaway Nature Park @ 13509 Theis Lane

- Catch and release grass carps.
-

☐*RESIDENT ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY
\$100.00(8am-10pm) DEPOSIT \$100.00

☐NON-RESIDENT ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY \$125.00
(8am-10pm) DEPOSIT \$100.00

Rev 11-26-12

POLICE DEPARTMENT FEES

<u>DESCRIPTION</u>	<u>FEE</u>
Offense Report (Public Page)	\$ 2.00 each
Local Arrest Record Checks/Letters	\$ 2.00 each
Accident Report	\$ 6.00 each
Fingerprint Cards - All Other Purposes	\$ 5.00 per card

TENNIS COURT FEES
MATHESON PARK AT 1240 ULRICH

**The general public may reserve Jerry Matheson Park tennis courts.
Reserving tennis courts will guarantee availability and priority use of tennis courts.
Individuals may not utilize city facilities for profit making endeavors.**

RENTAL FEES:

Tomball Resident – Per Court:	\$ 5.00/2 Hours
Non-Resident – Per Court:	\$ 10.00/2 Hours
Tomball Resident League Fees:	\$150.00/league-per season (4 mos.)
Non-Resident League Fees:	\$170.00/league- per season (4 mos.)

Spring Season: February through May
Fall Season: September through December

Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.

UTILITY FEES

UTILITY DEPOSIT COMPUTATION

Average 12 months of previous billing and multiply by 2 (Round result).

If result is under \$100, minimum deposit will be \$100.00.

WATER RATES

The monthly rates and charges for potable water provided by the City shall be as follows:

- a. **Small Residential.** A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.
- b. **Medium Residential.** A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.
- c. **Large Residential.** A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.
- d. **Small Commercial.** A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.
- e. **Medium Commercial.** A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.
- f. **Large Commercial.** A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the **North Harris County Regional Water Authority**, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. **Residential - Winter Rates (November-February):** A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.
- b. **Residential - Summer Rates (March-October):** Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average

monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

- c. **Small Commercial.** A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.
- d. **Medium Commercial.** A base rate of \$20.76, plus a consumption charge of \$4.72 for each 1,000 gallons of potable water used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons in the billing month.
- e. **Large Commercial.** A base rate \$43.06, plus a charge of \$5.90 for each 1,000 gallons of potable water used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more of potable water during a billing month.

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

- a. **Residential.** A base rate of \$35.01, plus a charge of \$2.29 for each drain in excess of ten (10) drains within such residence.
- b. **Commercial.** A base rate of \$58.26, plus a charge of \$2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

- a. **Residential.** \$14.74
- b. **Commercial**
 - (1) **Hand Loaded.** For once a week pickup, \$24.00 for the first container, \$21.00 for each additional container. For twice a week pickup, \$29.00 for the first container, \$24.00 for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer's regular billing is determined) shall be assessed a \$5.00 excess collection fee and can only be collected on Monday and Thursday collection days.

(2) **Roll-Off Container:**

	Size Container, Cubic Yards		
	20	30	40
Delivery Fee	\$ 115.46	\$ 115.46	\$ 115.46
Monthly Rental	141.36	141.36	141.36
Daily Rental	4.71	4.71	4.71
Haul and Disposal Rate	266.00	307.77	348.87

(3) Compactor/Equipment:

Monthly Rental	(As quoted)
Haul Rate	\$250.00
Disposal Fee/Ton	25.00

(4) Monthly Rate for Dumpsters:

Size	Extra Pickup Rate	Services Per Week					
		1	2	3	4	5	6
3 Yd – 1 st Container	\$30.00	\$75.00	\$119.00	\$178.00	\$224.00	\$279.00	\$335.00
Each add'l container		71.00	105.00	159.00	198.00	247.00	298.00
4 Yd – 1 st Container	\$35.00	81.00	128.00	192.00	241.00	299.00	361.00
Each add'l container		72.00	115.00	173.00	216.00	270.00	323.00
6 Yd – 1 st Container	\$40.00	105.00	164.00	247.00	309.00	386.00	462.00
Each add'l container		93.00	148.00	222.00	278.00	336.00	416.00
8 Yd – 1 st Container	\$50.00	126.00	202.00	300.00	377.00	463.00	565.00
Each add'l container		114.00	178.00	271.00	339.00	394.00	510.00

- (5) Locking Dumpsters - Gravity Lock System \$55.00
Front Panel Padlock System \$40.00

- (6) Exchange Charge - \$45.00

NATURAL GAS RATES

The monthly rates and charges for natural gas provided by the City shall be as follows:

- a. All Customers. A base rate of \$11.75, plus \$11.75 for each thousand cubic feet (MCF) after the first thousand cubic feet (MCF).

CONNECTION AND DISCONNECTION FEES

The charges for connections and disconnections of utility services provided by the City, including those provided at customer request or convenience, or as a result of delinquent accounts, shall be as follows:

- a. During Normal Scheduled Service Periods (7:00 a.m.-4:45 p.m. weekdays), a Service Call-Out Fee of \$50.00, as a result of a delinquent account, or at a customer's request, excluding new service.

- b. During Unscheduled Service Periods (after hours and weekends), a Service Call-Out Fee of \$100.00, at a customer's request, including new service.

DAMAGES TO UTILITY FUNCTIONS/TAMPERING FEES

The charge for damage to utility facilities from (i) customer's tampering with valves, or (ii) customer's damaging meter in any manner, shall be \$200.00.

DELINQUENT ACCOUNT FEES

Delinquent Accounts.

- a. All utility bills, both residential and commercial, shall be due and payable on the close of the last business day of the month. If the month ends on a Saturday, Sunday, or holiday, the bill is due on the prior business day (the last workday of the City at closing time on that day).
- b. Residential customers who are age 65 and over or considered disabled by Social Security may be exempt from penalty fees for late payment upon application accompanied by verifying documentation to the Utilities Supervisor. This exemption may not exceed the final date of benefits designated by the Social Security Administration
- c. Within two (2) work days following the "Due Date" a "Cut-off Notice" shall be mailed to customer giving notice that following the expiration of seven (7) days following such notice service will be discontinued unless the customer requests a hearing before the Utilities Supervisor regarding such proposed disconnection prior to the expiration of such seven (7) day period.
- c. Upon the showing of good cause and arrangement for prompt payment by a customer, the Utilities Supervisor shall be authorized to withdraw a disconnection order. Any such action by the Utilities Supervisor shall be evidence in writing, outlining the basis for the decision and, if applicable, the required payment schedule for the customer. The Utilities Supervisor shall cause a copy of such order to be delivered to the appropriate billing personnel of the City.

DOMESTIC AND COMMERCIAL WATER TAP FEES

Residential and Commercial Water Meter Connection Fees. The following connection fee shall be due and paid to the City before any water meter is provided, installed, inspected, and activated for use by the City. The fee for providing water service shall be based upon the meter required, and shall be as follows:

<u>Meter Size, Ins.</u>	<u>TOTAL COST**</u>
0.75	\$ 505.00
1.0	\$ 565.00
1.5	\$ 925.00
2.0	\$ 1,735.00
3.0	\$ 3,100.00
4.0	\$ 3,660.00
6.0	\$ 8,985.00 (Includes \$3,500 for vault)*

- * Any other vaults requested will be at customer's expense.

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- For meter sizes 0.625" through 2", add \$190.00 to connection fee schedule.
- For meter sizes 3" through 6", add \$315.00 to connection fee schedule.
- If a bore is required, a \$35.00 per foot of right-of-way width boring fee will be required up to a 2" service lead. Service leads larger than 2" will be \$70.00 per foot of right-of-way width.

DOMESTIC AND COMMERCIAL SEWER TAP FEES

Residential and Commercial Sanitary Sewerage Connection Fees. The following connection fee shall be due and paid to the City before any sewer connection is provided, installed, inspected, and activated into the City's wastewater collection system. The connection fee for a such services shall be based upon the size of the sewer connection required, and shall be as follows:

Connection Size	TOTAL COST**
4"	\$555.00
6"	\$610.00
8" and above	\$625.00+

- * If manhole is required, add \$2,000.00.

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- **For connections on state right-of-way, add \$250.00 to connection fee schedule.**
- **If a bore is required, a \$70.00 per foot of right-of-way width boring fee will be required up to a 6" service lead.**
- **For 8" service lead, a \$75.00 per foot of right-of-way width boring fee will be charged.**

DOMESTIC AND COMMERCIAL GAS TAP FEES

Residential and Commercial Gas Meter Connection Fees. The following connection fee shall be due and paid to the City before any gas meter is provided, installed, inspected, and activated for use by the City. The fee for providing gas service shall be based upon the meter and regulator required (meter and regulator, four ounce [4 oz.*] only), and shall be as follows:

BTUs	TOTAL COST **	METER SIZE
0 to 275,000	\$ 665.00	275
275,002 to 450,000	\$ 800.00	415
450,001 to 880,000*	\$1,460.00	880
880,001 to 2,000,000*	\$3,740.00	2,000
2,000,001 to 5,000,000*	\$4,945.00	5,000

- **If pounds (lbs.) Are needed, must add an emcorector to total cost (total cost +\$1,175.00 = total price for pounds).**

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

- **For connections on state right-of-way, add \$250.00 to connection fee schedule for BTUs 0-450,000 BTUs. Requirements above 450,001 BTUs, add \$350.00 to connection fee schedule.**
- **For a service lead under a state right-of-way, add \$35.00/foot of right-of-way width.**

VENDOR/PEDDLER PERMIT FEES

FEE SCHEDULE:

Per Day	- \$ 10.00
Per Week	- \$ 25.00
Per Month	- \$ 50.00
Per 3 Months	- \$100.00
Per 6 Months	- \$150.00
Special Event	- \$ 25.00 Per Day
Interstate Permit	- No Fee, Registration Only

VITAL STATISTICS RECORDS (BIRTH AND DEATH) FEES

BIRTH CERTIFICATES

Charge is **\$23.00** for each original and each copy (3 copies would be \$69.00).

DEATH CERTIFICATES

Charge is **\$21.00** for the first original and **\$4.00** for each original thereafter (3 copies would be \$29.00).

FEE FOR CERTIFIED MAIL SERVICE

Certified Mail Service is required for delivery of birth and death certificates requested by mail. The actual cost of the certified mail service will be passed through to the requestor as part of providing the service.

Rev. 11-7-2012

PLANNING CASE TYPE FEES (RESOLUTION 2008-05)

ZONING FEES

Rezoning	\$400.00 + \$10.00/acre
Conditional Use Permit	\$600.00
Planned Development (w/Concept or Site Plan)	\$1,000.00
Site Plan Review	\$250.00 ≤2,000 SF of building area \$300.00 + \$10.00/acre >2,000 SF of building area
Single Family Site Plan/Building Elevation Review	\$50.00
Parking / Landscape Plan Review	\$100.00
Variance/Special Exception (Board of Adjustments)	\$100.00 Residential (Except Multi-Family) \$250.00 Non-Residential & Multi-Family
Zoning Ordinance/Text Amendment	\$500.00
Appeals	\$100.00
Zoning Verification Request	\$25.00
Copy of Zoning Ordinance (Spiral Bound Paper Copy)	\$15.85
Color Maps – 11 x 17	\$ 1.50
Comprehensive Plan Map Amendment	\$500.00
Comprehensive Plan Text Amendment	\$500.00
Rezoning and Comprehensive Map Amendment	\$650.00 + \$10.00/acre
Rezoning and Comprehensive Text Amendment	\$650.00 + \$10.00/acre

PLATTING FEES

Preliminary Plat:

\$200.00	Base Fee
\$ 1.00	Per Lot
\$ 5.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)

Final, Replat, & Minor Plats:

\$200.00	Base Fee
\$ 0.50	Per Lot
\$ 2.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)

Recording & Filing Fees:

\$150.00	For the first sheet
\$ 50.00	For each additional sheet.

Joinder Lot

\$100.00	For Each Joinder Lot. (Resolution 2011-20)
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Floodplain Review Fee \$25.00

Construction Permit Fee 2% of the Cost of Construction

Right-of-Way Abandonment \$300.00 (Administrative Policy 65 March 11, 2011)

Impact Fees (Ordinance 2009-12)

SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES

		Effective: June 1, 2009	Effective: June 1, 2010	Effective: June 1, 2011	Effective: June 1, 2012
Water:	Per LUE	\$1,162.98	\$1,218.36	\$1,273.74	\$1,329.12
Wastewater:	Per LUE	\$1,446.57	\$1,515.46	\$1,584.34	\$1,653.23

Drainage effective June 1, 2009:

M118 per acre	\$6,023.90
M121E per acre	\$6,828.71
M121W per acre	\$4,985.14
M125 per acre	\$ 574.40

Rev. 11-7-2012

Regular City Council

Agenda Item

Meeting Date: September 16, 2013

Data Sheet

Topic:

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.

Background:

The Planning and Zoning Commission unanimously approved the Acquest Tomball Replat No. 1 with contingencies on Monday, June 10, 2013. Corrections have been made and it is now being presented to City Council for approval consideration.

Origination:

Tomball VA, LLC and Acquest

Recommendation:

Approval

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Acquest Tomball Replat No. 1

STATE OF TEXAS
COUNTY OF HARRIS

We, Tomball VA, LLC, acting by and through, Michael Huntress, President, and Omar Abu-Sitta, Secretary, being officers of Tomball VA, LLC, owners hereinafter referred to as Owners (whether one or more) of the 7.0434 acres tract described in the above and foregoing map of ACQUEST TOMBALL REPLAT NO 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

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

IN TESTIMONY WHEREOF, the Tomball VA, LLC has caused these presents to be signed by Michael Huntress, President, thereunto authorized, attested by its Secretary (authorized trust officer), Omar Abu-Sitta, and its common seal hereunto affixed this 3rd day of September, 2013.

Tomball VA LLC

By: Michael Huntress, President

Attest: Omar Abu-Sitta, Secretary

STATE OF NEW YORK
COUNTY OF ERIE

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of September, 2013.

CINDY DAUMEN
Notary Public - State of New York
No. 01DA0169974
Qualified in Erie County
My Commission Expires July 2, 2015

By: Cindy Daumen
Cindy Daumen
Notary Public in and for the State of New York
County of Erie

My commission expires: 7-2-15

We, Trustmark National Bank, owner and holder of a lien against the property described in the plat known as ACQUEST TOMBALL REPLAT NO 1, said lien being evidenced by instrument of record in the Clerk's File No. 20120043745 of the Real Property Records of Harris County, Texas, do hereby in all things subordinate to said plat said lien, and we confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Joe Blades
Joe Blades, Assistant Vice President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Joe Blades, Assistant Vice President, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16th day of Sept., 2013.



By: Tracey Michelle Robinson
Tracey Michelle Robinson
Notary Public in and for the State of Texas
County of
My commission expires: 4/12/2015

I, Laurie Young, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner of subdivider) owns or has a legal interest in.

By: Laurie Young
Laurie Young

I, Walter P. Sass, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron pipes or rods having an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner.



Walter P. Sass
Registered Professional Land Surveyor
Texas Registration No. 4410

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on 2013 at o'clock M., and duly recorded on 2013, at o'clock M., and at Film Code No. of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

By: Stan Stanart
County Clerk
of Harris County, Texas

By: George Shackelford, City Manager

We, The City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

By: George Shackelford, City Manager
George Shackelford, City Manager

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of ACQUEST TOMBALL REPLAT NO 1 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this 2013 day of 2013.

By: Barbara Tague, Chair
Barbara Tague, Chair

By: Darrell Roquemore, Vice Chairman
Darrell Roquemore, Vice Chairman

This is to certify that the City accepts the Planning and Zoning Commission authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this 2013 day of 2013.

By: Gretchen Fagan, Mayor
Gretchen Fagan, Mayor

By: Doris Speer, City Secretary
Doris Speer, City Secretary

SHEPHERD'S PROPERTY
F.C. NO. 634211
H.C.M.R.

CITY OF TOMBALL
CENTRAL FIRE STATION NO. 1 SUBDIVISION
F.C. NO. 631289
H.C.M.R.

RUDEL DRIVE
(80' R.O.W.)
(H.C.F. NO. 630490)
F.C. NO. 658-15-0156, O.P.R.R.P.H.C.

LOT 72, BLOCK 1
1.0402 ACRES
(45,309.25 SQ. FT.)

MILTON E. HAVLICK, JR.
H.C.F. NO. C411570
O.P.R.R.P.H.C.
1.2607 ACRES

PLAT OF
TOMBALL ELEMENTARY SCHOOL SUBDIVISION
F.C. NO. 341017
H.C.M.R.

LOT 73, BLOCK 1
3.9296 ACRES
(171,172.24 SQ. FT.)

LOT 74, BLOCK 1
2.0732 ACRES
(90,308.89 SQ. FT.)

LOT 1 BLOCK 1
SHEPHERD CENTER
F.C. NO. 646263
H.C.M.R.

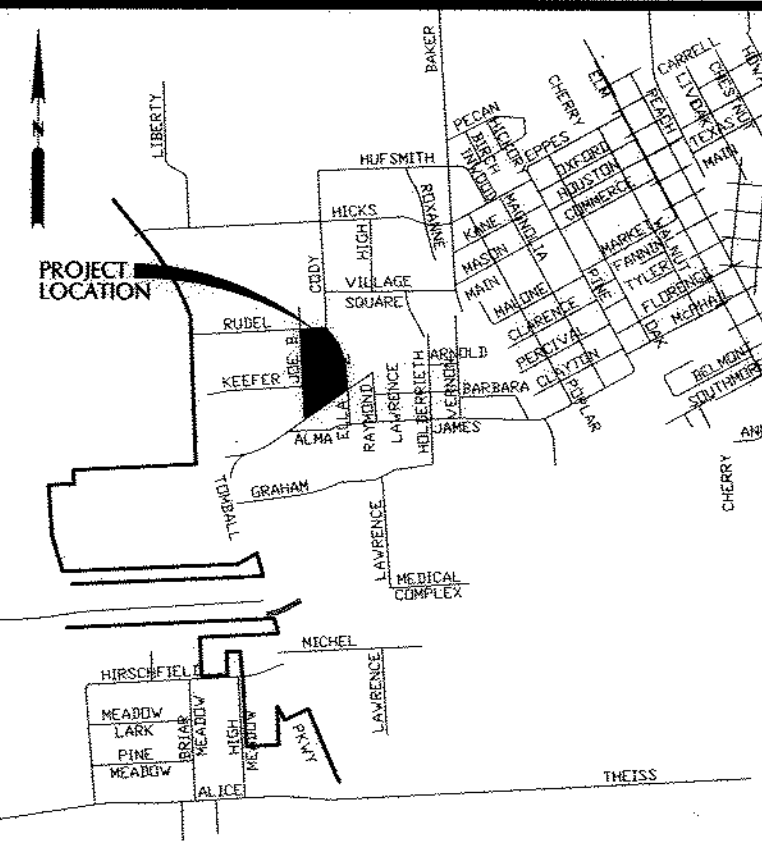
NEW LOT 1
KLEIN FUNERAL HOME SUBDIVISION
F.C. NO. 517118
H.C.M.R.

ACODA INC.
H.C.F. NO. 20070093145
F.C. NO. 6304-50-0297
O.P.R.R.P.H.C.
0.5409 ACRE

K-P OIL, INC.
H.C.F. NO. T117614
F.C. NO. 519-57-1455
O.P.R.R.P.H.C.
0.4400E

ILENE FOWLER THOMAS
H.C.F. NO. 2008022571
F.C. NO. 657-21-2054
O.P.R.R.P.H.C.
0.6509 ACRE

SCALE IN FEET
0 60' 120'
SCALE: 1" = 60'



VICINITY MAP
N.T.S.
KEY MAP NO. 288-F.G.K. & L

- NOTES:
1. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE No. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE: 1.000086237.
 2. BASIS OF BEARINGS BEING THE TEXAS STATE PLANE COORDINATE SYSTEM (SOUTH CENTRAL ZONE No. 4204).
 3. H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS.
 4. O.P.R.R.P.H.C. INDICATES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS.
 5. THE BUILDING LINES SHOWN IN THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
 6. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48202C0210L, WHICH BEARS AN EFFECTIVE DATE OF JUNE 18, 2007, AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 7. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 8. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 9. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACK AT A MINIMUM SHALL BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINE.
 10. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
 11. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

Line Table		
Line #	Length	Direction
L1	112.02'	S02° 32' 01"E
L2	86.79'	S28° 37' 28"E

OWNER:

Tomball VA LLC
80 Courtwright Drive, Suite 5
Williamsville, TX 14221
716-204-3570

SURVEYOR:

WEISSER
Engineering Co.
19501 Park Row, Suite 100
Houston, Texas 77064
(281) 579 - 7300

ACQUEST TOMBALL REPLAT NO 1

A SUBDIVISION OF 7.0434 ACRES (306,790.38 SQ. FT.) 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.

3 LOTS

1 BLOCK

REASON FOR REPLAT:

TO CREATE LOTS 72, 73 AND 74 OUT OF LOTS 70 AND 71 IN BLOCK

1

SCALE: 1" = 60'

Date: SEPTEMBER 2013 Job No.: IS041 (2210-001)

(SHEET 1 OF 1)

According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Regular City Council

Agenda Item

Meeting Date: September 16, 2013

Data Sheet

Topic:

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

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 a copy of 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 as presented.

Funding:

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

Director of Public Works

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

ATTACHMENTS:

Proposed Ordinance 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 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 STAGES; 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.

* * * * *

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. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Article VII, Water Conservation, of Chapter 82, Utilities, thereof in its entirety and substituting therefore new Article VII, Water Conservation, to provide as follows:

“ARTICLE VII. WATER CONSERVATION

Sec. 82-251. 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.

Sec. 82-252. 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.

Sec. 82-253. 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.

Sec. 82-254. Definitions.

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

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

Commercial and institutional water use shall mean 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 shall mean 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 shall mean any person, company, or organization using water supplied by the city.

Domestic water use shall mean 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 shall mean street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Landscape irrigation use shall mean 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 shall mean 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 firefighting.

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

Waste of water or water wasting shall mean 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 shall mean sum of the design pumping capacities of groundwater wells connected to the city water system.

Sec. 82-255. 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.

Sec. 82-256. 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.

Sec. 82-257. 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.

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 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.

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 any time 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 firefighting, 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 shall be limited to designated watering days between the hours of 7 pm 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.
- (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.

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.

Sec. 82-259. Penalties for Violation of this Article VII.

- (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.

Sec. 82-260. 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.

Sec. 82-261. 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.

Sec. 82-262. 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.

Sec. 82-263. 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.”

Section 3. Ordinance No. 2002-20, adopted on the 3rd day of September, 2002, together with all ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. 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 5. 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 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

DRAFT

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

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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.

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

(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.

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

(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.

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

(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.

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

(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.

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

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

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

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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:

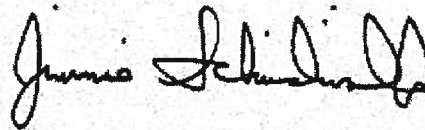
*** **6. Application.**

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;



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Regular City Council

Agenda Item

Meeting Date: September 16, 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.

- 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.

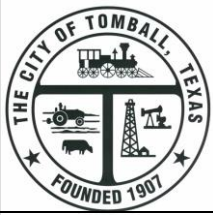
CERTIFICATION

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

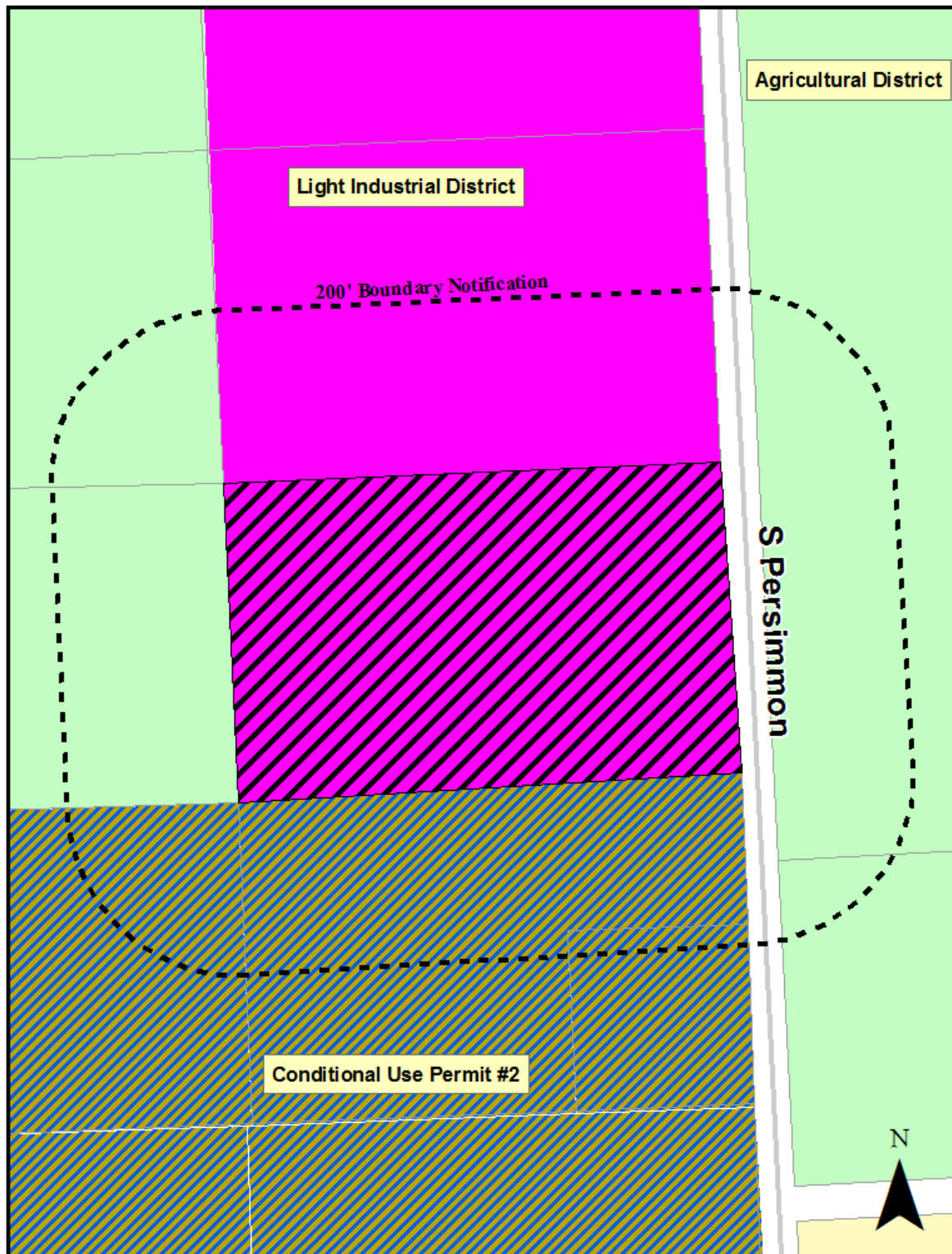


Exhibit "B"
Comprehensive Plan FLU Map

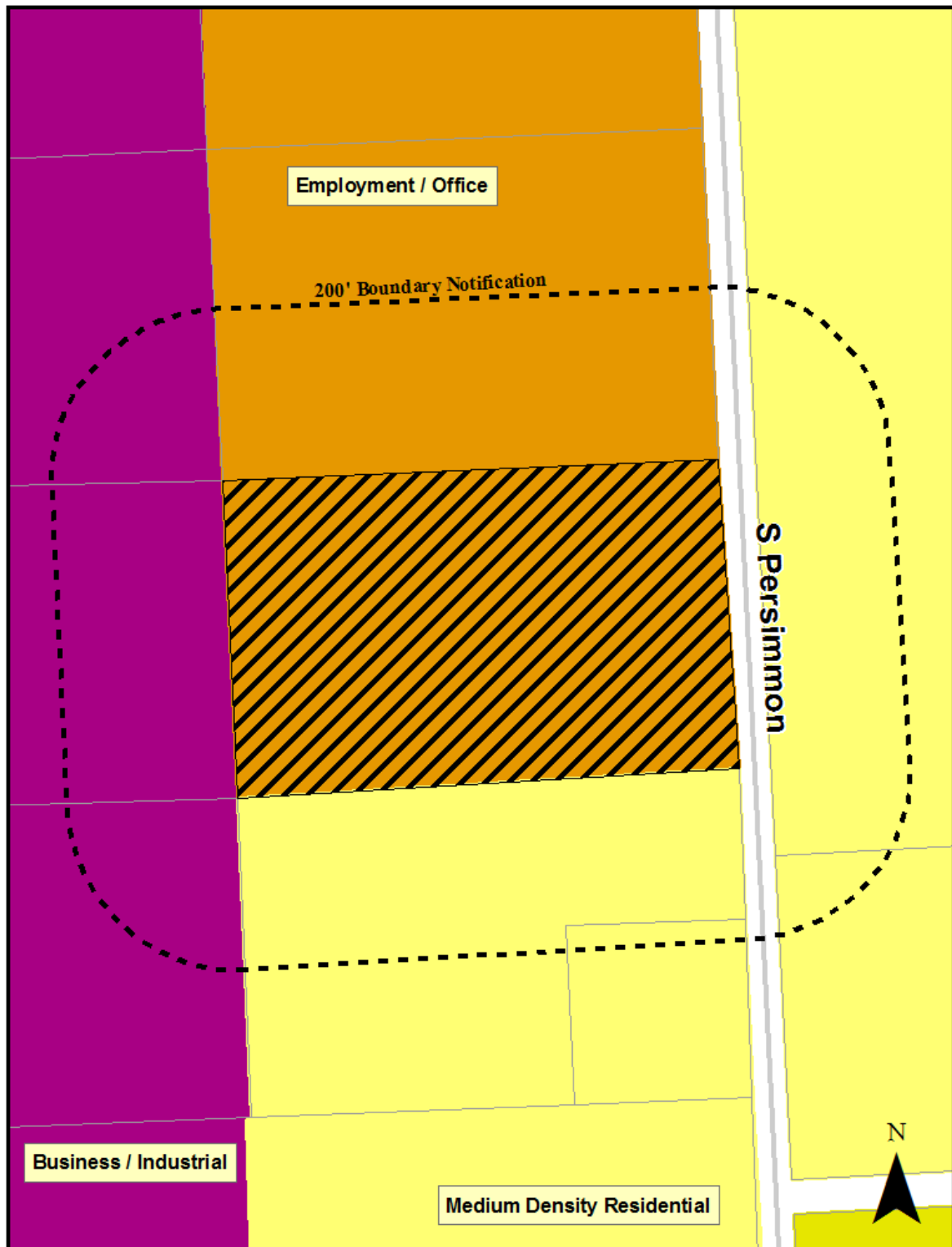


Exhibit "C"
Aerial Photo



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~~ 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.

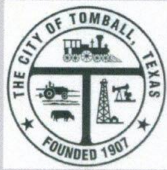


Figure 5: Single-family residence to the west.



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

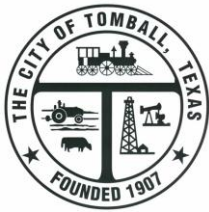
COMMENTS:

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.

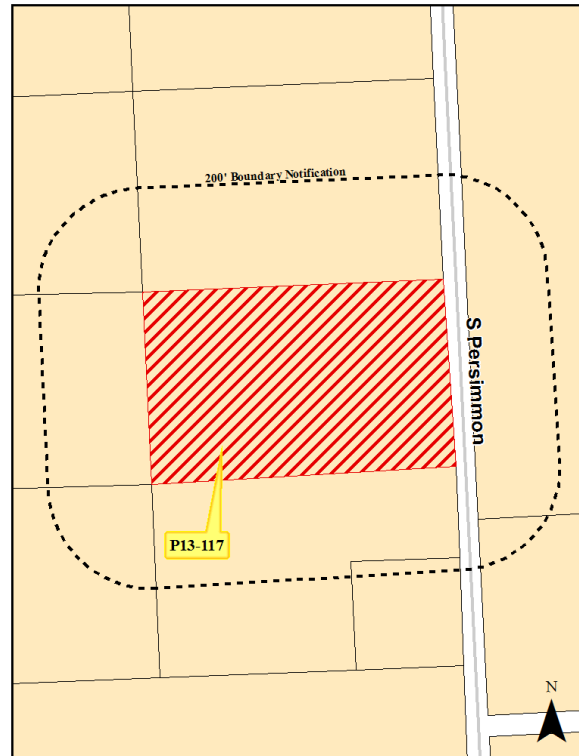
CONTACT: Rodney Schmidt

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.

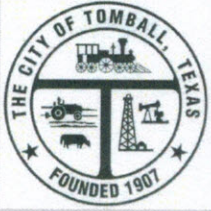


**Planning & Zoning Commission
Public Hearing:
Monday, September 9, 2013, 6:00 PM**

**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)**

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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

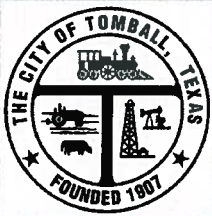
Sent from my iPhone

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.



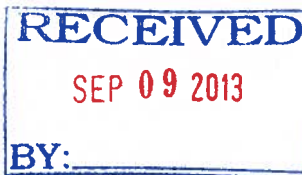
Public Comment Form

(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)

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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.