

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



TUESDAY, SEPTEMBER 3, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, September 3, 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 reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Ken Shuman, Well Spring Church

3.0 Pledges to U.S. and Texas Flags

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

5.0 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:
 - David Kauffman – Summer 2013 Pool Activity Report

6.0 Approve the Minutes of the August 19, 2013 Regular City Council Meeting

7.0 Old Business:

- 7.1 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 (Raleigh Creek Subdivision)
- 7.2 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.
- 7.3 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.

8.0 New Business:

- 8.1 Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2013-2014 Budget.
- 8.2 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
- 8.3 Set and Announce New Dates for Public Hearings on the Proposed Tax Rate, if Required

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 29th day of August 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 3, 2013

Topic:

- Led by Pastor Ken Shuman, Well Spring Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

- 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:
 - David Kauffman – Summer 2013 Pool Activity Report

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:

Second Saturday at the Depot

SH 249 Groundbreaking

“Sherine’s Stride for Breast Cancer Awareness” Flyer

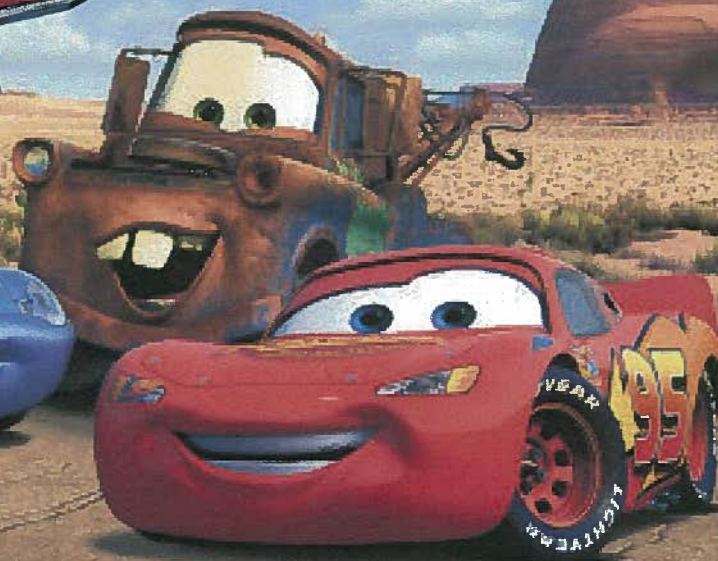
“Sherine’s Stride for Breast Cancer Awareness” Registration

REV UP YOUR ENGINES! 2ND SATURDAY AT THE DEPOT

Disney · PIXAR



TOMBALL
SPRINGS



"Float like a Cadillac, sting like a Beemer."

9/14/13
6:00 PM

- DISNEY PIXAR'S FAMILY FILM "CARS" UNDER THE STARS
- COME SEE OFFICIAL CARS & TRUCKS FROM TOMBALL POLICE, FIRE, PUBLIC WORKS & NWEMS
- CAR GAMES, GIVEAWAYS AND ACTIVITIES
- CLASSIC ROCK N' ROLL FROM "GREY VINYL"
- CONCESSION FOODS
- FREE ADMISSION

*MEET "CARTER THE MECHANIC" FROM CARTER'S AUTOMOTIVE!

GROUNDBREAKING TOMBALL STYLE



249
TEXAS

Join us at 10:30 a.m. on September 25, 2013 for the official
SH 249 groundbreaking ceremony on the bypass at
Hirschfield Road.
Western wear is appropriate . . . Make plans now to be a
part of Tomball history!

**Stay in Tomball for \$2.49
lunch specials after the party!**



REGISTER NOW!



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

CERTIFIED 5K RUN AND 1-MILE FAMILY WALK

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



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

Location

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

About This Event

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

The Course

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

Awards

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

Packet Pick-up

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

Registration

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

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

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

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

Registration Form

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

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

First Name: _____ Last Name: _____

Street Address: _____

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

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

Email Address: _____

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

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

In Honor of: _____ (please print)

In Memory of: _____ (please print)

Are you a Breast Cancer Survivor: ☐ Y ☐ N

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

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

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

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

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

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

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

Regular City Council Agenda Item Data Sheet

Meeting Date: September 3, 2013

Topic:

Approve the Minutes of the August 19, 2013 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

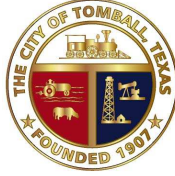
City Secretary

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

ATTACHMENTS:

Draft Minutes - August 19, 2013 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 19, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
IT Director – Doug Tippet
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Dr. Mary Beth Gaertner, Principal Salem Lutheran School

3.0 Pledges to U. S. and Texas Flags

- Led by Raul Reyes, Chief-NWEMS

4.0 The following public comments were received:

- | | |
|---|--|
| Dawson Duerer
12719 Mossy Ledge Dr., 77377 | - Presented draft of final report on his Eagle Scout project to City Council. |
| Rachel Slack
521 W. Hufsmith, 77375 | - Expressed her opposition to proposed BMX park if located near Hufsmith and Ulrich. |
| Debra Slack
501 W. Hufsmith, 77375 | - Expressed her opposition to proposed BMX park if located near Hufsmith and Ulrich. |

5.0 Reports and Announcements:

- **August 27-30, 2013** – City Pool is Closed for the Season
- **August 31-September 2, 2013** – City Pool is Open for Labor Day Weekend
- September 3, 2013 at 6:00 p.m. – **Public Hearing on Proposed Tax Rate**
- September 9, 2013 at 5:00 p.m. – **Public Hearing on Proposed Tax Rate**
- September 14, 2013 – Second Saturday at the Depot – 6:00 p.m.
- September 28, 2013 – **Bugs, Brew & Barbecue, VW Show and MusicFest** – 9:00 a.m.-6:00 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:
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending June 30, 2013 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On June 30, 2013, the City had total cash equivalents and investments totaling \$51,221,643. A copy of the report was attached for review.
 - Glenn Windsor introduced the new Finance employees:
 - Phoebe Briseño, Accountant
 - Kristin Kelley, Accounts Payable Clerk

- Craig Meyers introduced the new Community Development Employee:
 - Robert Pemberton, Building Inspector
- George Shackelford announced that Christal Weber, Assistant City Manager, had accepted the Assistant City Manager position in Lee's Summit, Missouri, effective August 23, 2013.

6.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the Minutes of the August 5, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-10, an Ordinance of the City of Tomball, Texas, Adopted in Accordance with Section 2.05 of the City Charter, Establishing a Charter Review Commission to Study the Charter and to Review and Consider Proposed Amendments to the City Charter; Providing for the Selection Of Thirteen (13) Members to Comprise the Charter Review Commission and for the Manner of Selection and Period of Service of Such Members; Providing for a Schedule for Submission of Proposed Charter Amendments to the Voters; Providing for Procedures for the Conduct of the Business of the Charter Review Commission; Containing Recitations; Finding that the Meetings at which This Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

7.2 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading Ordinance No. 2013-11, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2013-2014; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2012-2013 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
--------------------	------------

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

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-12, an Ordinance of the City of Tomball, Texas, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2012-24 and All Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing Other Matters Relating to the Subject; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

- 7.4 Mayor Fagan announced that the applicant was unable to attend the meeting and that Consideration 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 (Raleigh Creek Subdivision) would be postponed to the September 3, 2013 Council meeting.

8.0 New Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Hudgens, to Ratify the FY 2013-2014 Budget and Find that the Proposed Tax Rate of \$0.341455/\$100 Generates LESS Property Tax Revenue than the FY 2012-2013 Budget.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Hudgens, second by Councilman Townsend, to Set and Announce that the Dates for the Public Hearings on the Proposed Tax Rate for 2013 will be September 3, 2013 at 6 p.m. and September 9, 2013 at 5 p.m.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to Appoint the Following Individuals as Members of the Charter Review Commission and to Designate Steven Vaughan as Commission Chairman:

Richard Anderson
Lori Ball
Will Benson
Patricia Brautigam
Chad Degges
John Lynch
Gloria Monzingo
Kit Pfeiffer
Tina Salem
Latrell Shannon
William Sumner, III
Steven Vaughan
Mark Walicki.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Brown, second by Councilman Dodson, to Reappoint Latrell Simmons Shannon to Position 2 and to Appoint William "Rick" Pritchett to Position 4 on the Tomball Regional Health Foundation, with terms expiring September 1, 2015.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Resolution No. 2013-23, a Resolution of the City Council of the City of Tomball, Texas, nominating Ed Heathcott as a Candidate for a Position on the Board of Directors of the Harris County Appraisal District. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2013-24, a Resolution of the City Council of the City of Tomball, Texas, Adopting Procedures and Requirements to Appoint Council Representatives to Boards for which City of Tomball has no Oversight

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2013-25, a Resolution of the City of Tomball, Texas, adopting the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

Motion carried unanimously.

- 8.8 Motion was made by Councilman Hudgens, second by Councilman Dodson, to move that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.345 acres of land owned by Mary Radcliffe for the Raleigh Creek Utility Line Project and to approve Resolution No. 2013-26, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Completion of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Mary Radcliffe, 0.345 Acres).

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

Motion carried, 4 votes Aye, 1 votes Nay.

- 8.9 Mayor Fagan opened the Public Hearing at 6:36 p.m. to consider approval of **ZONING CASE P13-106**: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section 43.8 ("Temporary Structures & Uses") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:36 p.m.

Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2013-14 by caption only on First Reading.

Motion carried unanimously.

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

Motion carried unanimously.

- 8.12 Mayor Fagan opened the Public Hearing at 6:51 p.m. to consider approval of **ZONING CASE P13-114**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend 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.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:51 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-15 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 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>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

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 (Raleigh Creek Subdivision)

Background:

Public infrastructure improvements are underway for the Raleigh Creek Subdivision within Public Improvement District Number Two. Per Chapter 372 of the Local Government Code, a Service and Assessment Plan must be approved by City Council prior to levying the assessments.

The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property. The Plan also specifies how the assessments are to be collected. The attached Plan and Ordinance are drafts-in-progress and final versions will be presented to Council Monday night.

The assessments are formulated to reimburse the developer for 50% of the public infrastructure costs of the development plus interest while staying at or below the equivalent of a \$0.90 tax rate on a project wide basis. Section 10. Levy of Assessments has been amended to establish the assessment levy as \$3,150.00 per lot, per Council decision.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Origination:

Parke Patterson, Raleigh Creek representative

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:

Ordinance No. 2013-13 - Exhibit A

Exhibit A - PID 2 Assessment Plan_Revised

Ordinance No. 2013-13 - Raleigh Creek PID 2 Service and Assessment Plan

PID Primer

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Two
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (“the Act”), and pursuant to Resolution 2007-22 creating the Public Improvement District Number Two (“PID”), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PUD. Under the Development Agreement (“Agreement”) executed between the developer and the City, the developer will be entitled to received 50% of the public improvement costs subject to limitations contained in the Agreement.

Raleigh Creek contains 142 acres and will contain approximately 340 lots within the PID. The public improvements authorized under this Plan for Raleigh Creek and the estimated costs thereof, are described below:

PUBLIC IMPROVMENT	ESTIMATED COSTS	PID COSTS (50%)
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation, financing	\$10,000,000	\$5,000,000
PID Administration		\$100,000
		\$5,100,000

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2013. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The assessment year shall be concurrent with the city's tax year and will be paid annually for not more than fifteen (15) years plus the period between the effective date of the assessment ordinance and the date of the first payment.

~~The assessments are \$.90 per \$100 of assessed value.~~ The assessment levy shall be an annual assessment of \$3,150.00 per lot. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

11. Levy and Collection

Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include

prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Two
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (“the Act”), and pursuant to Resolution 2007-22 creating the Public Improvement District Number Two (“PID”), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PUD. Under the Development Agreement (“Agreement”) executed between the developer and the City, the developer will be entitled to received 50% of the public improvement costs subject to limitations contained in the Agreement.

Raleigh Creek contains 142 acres and will contain approximately 340 lots within the PID. The public improvements authorized under this Plan for Raleigh Creek and the estimated costs thereof, are described below:

PUBLIC IMPROVMENT	ESTIMATED COSTS	PID COSTS (50%)
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation, financing	\$10,000,000	\$5,000,000
PID Administration		\$100,000
		\$5,100,000

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2013. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The assessment year shall be concurrent with the city's tax year and will be paid annually for not more than fifteen (15) years plus the period between the effective date of the assessment ordinance and the date of the first payment.

~~The assessments are \$.90 per \$100 of assessed value.~~ The assessment levy shall be an annual assessment of \$3,150.00 per lot. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

11. Levy and Collection

Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include

prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

ORDINANCE NO. 2013-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOMBALL,
TEXAS, APPROVING THE SERVICE AND ASSESSMENT PLAN FOR
THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT (PID)
NO. 2, FOR THE RALEIGH CREEK SUBDIVISION**

* * * * *

WHEREAS, the City of Tomball ("City) is authorized pursuant to Tex. Local Government Code, Ch. 372, as amended to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition requesting the creation of the PID Number Two, held a public hearing and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, in April 2007, the City of Tomball City Council approved Resolution No. 2007-22 establishing the City of Tomball PID Number Two; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. The Services and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 5TH DAY OF AUGUST 2013.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF AUGUST 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Approved as to Form:

City Attorney

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit--no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit--Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit--If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements--Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration--The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

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.

Background:

On May 28, 2013, the City of Tomball met with Joel Bode of Concordia Lutheran High School to discuss the possible expansion of the school. Mr. Bode indicated to City staff his desire to have temporary classroom buildings. City staff then informed Mr. Bode that Section 43.8 of the Zoning Ordinance does not permit denominational schools to have temporary buildings. He was also informed that in order for denominational schools to be permitted temporary buildings the Zoning Ordinance would be required to be amended.

On April 10, 2013, the City of Tomball received a Zoning Ordinance text amendment application (Exhibit "A") from Mr. Bode, on behalf of Concordia Lutheran High School, requesting Section 43.8 ("Temporary Structures & Uses") be revised to allow denominational schools to utilize temporary buildings under certain conditions.

On August 12, 2013, the Planning & Zoning Commission voted to recommend denial of Zoning Case P13-106. On August 19, 2013, City Council voted to adopt Ordinance No. 2013-14 on First Reading.

Origination:

Joel Bode, on behalf of Concordia Lutheran High School of North Harris County

Recommendation:

Adopt Ordinance No. 2013-14 on Second Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-14

P13-106 Staff Report

Notice of Public Hearing

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.

* * * * *

WHEREAS, Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, has requested that the Comprehensive Zoning Ordinance be amended to allow denominational schools to utilize temporary buildings under certain conditions; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend Section 43.8 of the City’s Comprehensive Zoning Ordinance; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that the City Council deny the amendments to Section 43.8 of the Comprehensive Zoning Ordinance; and

WHEREAS, having considered the recommendation of the Planning & Zoning Commission, the City Council has determined to amend the City’s Comprehensive Zoning Ordinance as provided herein.

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

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

Section 2. Section 43.8 of the Comprehensive Zoning Ordinance of the City of Tomball, Texas is hereby amended by adding to the existing text the language underscored below:

43.8 TEMPORARY STRUCTURES & USES:

Any Temporary Use, Structure or Building permitted under this ordinance shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located, unless otherwise specified herein.

1. Temporary Construction Office - Temporary construction offices, including trailers and modular offices, are permitted on or adjacent to any site during which construction is undertaken pursuant to a valid building permit. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.

2. Temporary Real Estate Field Office - Temporary real estate sales offices, including trailers and modular offices, shall be permitted in accordance with Section 38 "Use Regulations" when incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;
- b. Parking shall be permitted on the lot in which the office is located or on an adjacent lot;
- c. Permitted temporary real estate sales offices shall not be used as any type of dwelling;
- d. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and
- e. All temporary real estate sales offices shall be removed within thirty (30) days after the sale of the last dwelling unit in the development, or within thirty (30) days after twelve (12) continuous months of no construction or sales activity.

3. Model Home (including Sales Office)- Model homes with or without a sales office shall be permitted in accordance with Section 38 "Use Regulations" when incidental to a residential development. Model Homes shall be located and developed in compliance with the following standards:

- a. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated;
- b. Parking shall be permitted on the lot in which the model home is located or on an adjacent lot;

- c. The model home shall be designed as a permanent structure and shall comply with the provisions of this Ordinance, all applicable Building Codes of the City of Tomball, and State law;
 - d. All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited; and.
 - e. The model home shall cease operation within thirty (30) days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.
4. There shall be no permanent use of temporary buildings or temporary structures.
 5. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.”
 6. Temporary buildings shall be permitted for denominational schools and public school districts with the following conditions:
 - a. Denominational schools and public school districts may have temporary buildings for a time period not to exceed two (2) years for each temporary building.
 - b. Denominational schools and the public school district shall not place a temporary building on any property before receiving approval by City Council. Prior to City Council review, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.
 - c. City Council may approve by resolution two (2) year extensions for each temporary building. Prior to issuance of any extension, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.
 - d. The use of the temporary building(s) must be to further the core mission of the denominational school or public school district.
 - e. A temporary building may only be placed on an active school campus where students are in attendance.

- f. Each temporary building must be located on property owned by the denominational school or public school district.
- g. A temporary building shall be screened by landscaping, as approved by the City Manager or his/her designee.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF
AUGUST 2013.

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

SECOND READING:

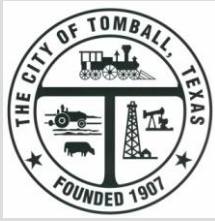
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF
SEPTEMBER 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: August 12, 2013

ZONING CASE P13-106: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section 43.8 (“Temporary Structures & Uses”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

BACKGROUND

On May 28, 2013, the City of Tomball met with Joel Bode of Concordia Lutheran High School to discuss the possible expansion of the school. Mr. Bode indicated to City staff his desire to have temporary buildings. City staff then informed Mr. Bode that Section 43.8 of the Zoning Ordinance does not permit denominational schools to have temporary buildings. He was also informed that in order for denominational schools to be permitted temporary buildings the Zoning Ordinance would be required to be amended.

On April 10, 2013, the City of Tomball received a Zoning Ordinance text amendment application (Exhibit “A”) from Mr. Bode, on behalf of Concordia Lutheran High School, requesting Section 43.8 (“Temporary Structures & Uses”) be revised to allow denominational schools to utilize temporary buildings under certain conditions.

PROPOSED AMENDMENTS

Section 43.8.6:

“Temporary buildings shall be permitted for **denominational schools and** public school districts with the following conditions:

- a. **Denominational schools and** public school districts may have temporary buildings for a time period not to exceed two (2) years for each temporary building.
- b. **Denominational schools and** public school district shall not place a temporary building on any property before receiving approval by City Council. Prior to City Council review, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.
- c. City Council may approve by resolution two (2) year extensions for each temporary building. Prior to issuance of any extension, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.

- d. The use of the temporary building(s) must be to further the core mission of the **denominational school or** public school district.
- e. A temporary building may only be placed on an active school campus where students are in attendance.
- f. Each temporary building must be located on property owned by the **denominational school or** public school district.
- g. A temporary building shall be screened by landscaping, as approved by the City Manager or his/**her** designee.

ANALYSIS

- The City-initiated Zoning Ordinance text amendment to allow temporary buildings for public schools was approved by City Council on September 4, 2012, (first reading) and September 17, 2012 (second reading). The initial request was to allow both governmental entities and public schools to be permitted temporary buildings. After much discussion, City Council decided that only public schools should be permitted temporary buildings. City Council did not make any indications at either of these meetings of their desire to allow temporary buildings for any other entity. They did, however, state that they wanted to limit the overall use of temporary buildings within the City.
- The need for a temporary building at a public school is a function of its legislative requirement to educate the school-age population in its district. Chapter 4 of the Texas Education Code states, “The mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation...” If there is not sufficient room at the existing public schools to facilitate this population, temporary buildings allow this legal requirement to be fulfilled while more permanent facilities are created. A denominational organization’s decision to educate is entirely voluntary and is not bound by the same legal obligations as a public school district to educate. Because they are not legally required to provide for constant growth, there does not appear to be a necessity for temporary buildings.
- Allowing temporary buildings for denominational schools may set a precedent for letting any private entity have temporary buildings. If this ordinance is amended to grant denominational schools to have temporary buildings, the denomination could later request that the ordinance be changed to allow for temporary buildings for their place of worship. And if places of worship are allowed temporary buildings, non-denominational private entities could then claim that their overall uses are no different, and so they too could request a change to the ordinance to permit temporary buildings.
- As the ordinance is currently written, there is no limit on the number of temporary buildings a public school district may have. However, the number of public schools, and therefore the number of temporary buildings at them, is limited by the public’s ability to pay for them. Denominational school growth, on the other hand, is neither controlled by, nor accountable to, the public sector and conceivably may have unlimited potential growth capability. Allowing a sector with such large growth potential and no public oversight to have an

unlimited number of temporary buildings does not appear to be consistent with the development standards of the City of Tomball.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 29, 2013; no public comments have been received.

RECOMMENDATION

Staff recommends **DENIAL** of Zoning Case P13-106.

EXHIBITS

A. Zoning Ordinance Text Amendment Application

Exhibit "A"
Zoning Ordinance Text Amendment Application

Revised 1/20/09



Zoning Text Amendment
Engineering & Planning Department

APPLICATION REQUIREMENTS: 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 request may be delayed until corrections or additions are received. **There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.**

Applicant

Name: JOEL BODE Title: HEAD OF SCHOOL
Mailing Address: 700 E. MAIN ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2547 Fax: (281) 255-8806 Email: bodej@clhs-tx.org

Property Owner

Name: CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY Title: _____
Mailing Address: 700 E. MAIN ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2547 Fax: (281) 255-8806 Email: bodej@clhs-tx.org

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

THE SECTION FOR WHICH THE PROPOSAL IS MADE IS 43.81 TEMPORARY
STRUCTURES & USES.
THE PROPOSED REVISED LANGUAGE IS ATTACHED.
REASON FOR REQUEST: AS TOMBALL AND THE SURROUNDING AREA
GROW, SO DO THE SCHOOLS WHICH SERVE THE COMMUNITY. DENOMINATIONAL
SCHOOLS MUST RAISE MONEY FOR CAPITAL PROJECTS, AND GROWTH CONTINUES
TO TAKE PLACE AT THE SAME TIME. TEMPORARY STRUCTURES ALLOW
FOR THE RAISING OF MONEY AND GROWING OF ENROLLMENT TO OCCUR
SIMULTANEOUSLY.

General Description of Property Affected by Amendment (attach additional sheets as necessary):

THE PROPERTY AFFECTED IS PROPERTY THAT IS ALREADY
OWNED BY CONCORDIA LUTHERAN HIGH SCHOOL AT OUR MAIN
CAMPUS, 700 E. MAIN ST. AS WE ANTICIPATE AND PLAN FOR
GROWTH TO 600 STUDENTS, WE BELIEVE THAT TEMPORARY
STRUCTURES FOR CLASSROOMS WILL BEST MEET THE NEEDS
OF THE STUDENTS ATTENDING CONCORDIA.

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

- TOMBALL AND THE SURROUNDING AREA ARE GROWING
- AS THIS HAPPENS, INTEREST IN AND GROWTH AT CONCORDIA LUTHERAN HIGH SCHOOL ARE ALSO OCCURRING
- THE CONCORDIA STRATEGIC PLAN INCLUDES GROWING ENROLLMENT TO 600 STUDENTS. THIS IS A SIZE WHICH ALLOWS CONCORDIA TO OFFER A STRONG VARIETY OF SERVICES AND OPPORTUNITIES TO OUR STUDENTS WHILE MAINTAINING QUALITY, PERSONAL RELATIONSHIPS WITH OUR CONSTITUENTS.
- CONCORDIA ASKS FOR NO CHANGES TO THE REQUIREMENTS REGARDING TEMPORARY STRUCTURES, BUT ONLY THAT WE ARE ALLOWED TO USE THEM AS WE BUILD.
- CONCORDIA CANNOT RELY ON A BOND REFERENDUM TO BUILD AS WE GROW. WE MUST RAISE THE MONEY THROUGH A CAPITAL CAMPAIGN.
- CONCORDIA IS AN ACCREDITED, NATIONAL EXEMPLARY SCHOOL AND A MEMBER OF THE TOMBALL COMMUNITY FOR 30 YEARS.
- CONCORDIA IS NOW A TAPPS 5A SCHOOL WITH POSITIVE RECOGNITION STATE WIDE WITHIN TAPPS.

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 *John R. Bode* 6-27-13
Signature of Applicant Date

X *John R. Bode* 6-27-13
Signature of Owner Date

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
AUGUST 12, 2013
&
CITY COUNCIL
AUGUST 19, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 12, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 19, 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 P13-106: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section 43.8 (“Temporary Structures & Uses”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

ZONING CASE P13-114: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend 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.

Persons interested in these cases 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 one or more of the above cases, 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, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410,

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 **8th** day of **August** 2013 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

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.

Background:

At the July 15, 2013, City Council meeting, off-street parking was discussed for detached single-family residences in the Old Town Area bound 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. During this meeting, City Council deliberated moving forward with allowing detached single-family residences in this area on 25-foot wide platted lots if each residence provided a minimum of two on-site, off-street parking stalls. The Tomball Zoning Ordinance currently does not require a minimum number of on-site, off-street parking stalls in this area. Per City Council's direction, Staff is bringing forth this proposed amendment to help accomplish the City Council's overall vision for the Old Town Area.

On August 12, 2013, the Planning & Zoning Commission voted to recommend approval of Zoning Case P13-114. On August 19, 2013, Council voted to adopt Ordinance No. 2013-15 on First Reading.

Origination:

City of Tomball

Recommendation:

Adoption of Ordinance No. 2013-15 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Ordinance No. 2013-15

P13-114 Staff Report

Notice of Public Hearing

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.

* * * * *

WHEREAS, the City of Tomball has requested that the Comprehensive Zoning Ordinance be amended 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; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend Section 34.6.E.1 of the City’s Comprehensive Zoning Ordinance; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the Planning and Zoning Commission recommended in its final report that the City Council approve the amendment to Section 34.6.E.1 of the Comprehensive Zoning Ordinance; and

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

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

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

Section 2. The Comprehensive Zoning Ordinance of the City of Tomball, Texas, is hereby amended by amending Section 34.6.E.1 thereof to read as follows:

“Off-street parking. 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, there shall not be a minimum off-street parking requirement for mixed use and non-residential developments. Residential developments shall provide off-street parking stalls in accordance with Section 38.”

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF AUGUST 2013.

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

SECOND READING:

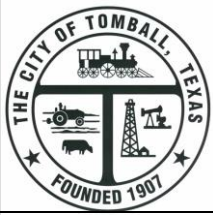
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF SEPTEMBER 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: August 12, 2013

ZONING CASE P13-114: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend 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.

BACKGROUND

At the July 15, 2013, City Council meeting, off-street parking was discussed for detached single-family residences in the Old Town Area bound 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. During this meeting, City Council deliberated moving forward with allowing detached single-family residences in this area on 25-foot wide platted lots if each residence provided a minimum of two on-site, off-street parking stalls. The Tomball Zoning Ordinance currently does not require a minimum number of on-site, off-street parking stalls in this area. Per City Council’s direction, Staff is bringing forth this proposed amendment to help accomplish the City Council’s overall vision for the Old Town Area.

PROPOSED AMENDMENTS

Section 34.6.E.1 (“Off-Street Parking”)

“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, there shall not be a minimum off-street parking requirement **for mixed use and non-residential developments. Residential developments shall provide on-site, off-street parking stalls in accordance with Section 38.**”

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 29, 2013; no public comments have been received.

RECOMMENDATION

Staff recommends **APPROVAL** of Zoning Case P13-114.

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
AUGUST 12, 2013
&
CITY COUNCIL
AUGUST 19, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 12, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 19, 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 P13-106: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section 43.8 (“Temporary Structures & Uses”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

ZONING CASE P13-114: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend 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.

Persons interested in these cases 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 one or more of the above cases, 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, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410,

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 8th day of August 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: September 3, 2013

Topic:

Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2013-2014 Budget.

Background:

TEDC Bylaws state that the TEDC is to prepare and submit to the Tomball City Council for its approval an annual budget of expected revenue and proposed expenditures for the next fiscal year.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the FY 2013-2014 TEDC Budget, as approved by the TEDC Board of Director at its Regular Meeting on August 20, 2013.

Funding: Yes

Account Number:

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

FY 2013-2014 Proposed TEDC Budget
TEDC Account Descriptions

Tomball Economic Development Corporation
2013-2014 Proposed Budget
October 1, 2013 to September 30, 2014

	9/30/2012	2012-2013	2012-2013	2013-2014
	Actual	Approved	Year End	Proposed
	Rev./Exp.	Budget	Projected	Budget
Beginning Fund Balance	\$	\$9,861,536	\$9,781,849	\$9,781,849
REVENUE				
Sales Tax	\$	\$2,730,815	\$2,550,000	\$2,909,450
Interest		\$47,433	\$50,000	\$30,000
Grants			\$5,500	\$5,500
Total Revenue	\$	\$2,778,248	\$2,600,000	\$2,939,450
Total Available Resources	\$	\$12,639,785	\$12,381,849	\$12,721,299
EXPENDITURES				
Administrative				
Salary and Benefits				
Salary-Executive Director	\$	\$80,073	\$85,000	\$85,000
Salary-Eco. Dev. Coordinator		\$50,604	\$54,147	\$54,147
Benefits-Executive Director		\$32,178	\$34,652	\$34,652
Benefits-Eco. Dev. Coordinator		\$26,925	\$29,689	\$29,689
Total Salaries and Benefits	\$	\$189,779	\$203,488	\$203,488
Other Personnel Expenditures				
Auto Allow-Executive Director	\$	\$7,200	\$7,200	\$7,200
Phone Allow-Executive Director		\$576	\$768	\$768
Local Travel Expense		\$234	\$600	\$300
Dues and Subscriptions		\$5,958	\$7,800	\$6,500
Seminars/Conference Registrations		\$5,283	\$7,000	\$5,600
Travel and Training		\$8,258	\$13,000	\$4,000
Total Other Personnel Expense	\$	\$27,509	\$36,368	\$24,368
Service and Supply Expenditures				
Contracted Administrative Services		\$10,000	\$10,000	\$10,000
Bank Charges		\$135	\$500	\$200
Insurance		\$1,137	\$2,200	\$1,343
Computer Equipment & Maintenance		\$9,659	\$5,000	\$2,500
Communications Services		\$3,440	\$4,500	\$3,800
Legal Fees		\$9,522	\$25,000	\$17,000
Lease Expense-GTACC		\$19,666	\$22,000	\$21,265
Office Supplies		\$1,732	\$5,000	\$2,500
Total Service and Supply Expense	\$	\$55,290	\$74,200	\$58,608
Total Administrative Expenditures	\$	\$272,578	\$314,056	\$286,464

Indirect Economic Development Exp.

Chamber Guide	\$	\$0	\$8,400	\$8,354	\$8,400
Area Street Maps		\$0	\$3,500	\$3,875	\$0
GIS License		\$1,625	\$550	\$500	\$550
Marketing		\$59,543	\$70,000	\$60,100	\$75,000
Economic Impact Model License					\$3,600
Event Sponsorships		\$2,688	\$5,500	\$4,500	\$7,500
Promotional Items					\$6,500
Printing		\$1,391	\$5,000	\$2,000	\$6,500
Website Updates		\$2,999	\$5,000	\$3,500	\$5,000
Professional Services		\$122,938	\$200,000	\$1,100,220	\$865,000
Miscellaneous		\$2,174	\$10,000	\$2,500	\$5,000
Total Indirect Expenditures	\$	\$193,358	\$307,950	\$1,185,549	\$983,050

City Debt Service

Southside Sewer Plant (1999 CO-2/15/2019)	\$	\$300,000	\$300,000	\$300,000	\$300,000
Utilities Expansion (2002 CO-2/15/2022)		\$420,000	\$370,000	\$370,000	\$370,000
Business Park Infrastructure (Series 2013)		\$0	\$400,000	\$0	\$534,816
Total Debt Service	\$	\$720,000	\$1,070,000	\$670,000	\$1,204,816

Grants, Loans & Other Expenditures

Project Grants		\$1,453,576	\$1,500,000	\$815,000	\$1,500,000
Property Acquisition		\$0	\$0	\$0	\$0
Business Improvement Grants- Current Year		\$208,652	\$300,000	\$225,000	\$300,000
Business Improvement Grants- Prior Years				\$120,000	\$135,000
Total Grants/Loans	\$	\$1,662,228	\$1,800,000	\$1,160,000	\$1,935,000

Total All Expenditures	\$	\$2,848,164	\$3,492,006	\$3,302,013	\$4,450,439
------------------------	----	-------------	-------------	-------------	-------------

Revenues Over (Under) Expenditures	\$	(\$69,916)	(\$892,006)	(\$362,563)	(\$1,689,939)
------------------------------------	----	------------	-------------	-------------	---------------

Other- Unrealized Gains/Losses

		\$9,771		\$20,000	\$15,000
--	--	---------	--	----------	----------

Ending Fund Balance	\$	\$9,781,849	\$8,889,843	\$9,399,286	\$7,694,347
---------------------	----	-------------	-------------	-------------	-------------

Tomball Economic Development Corporation

FY 2013-2014 Budget

Account Descriptions

REVENUE

- Sales Tax: Those revenues received from the State of Texas and through the City of Tomball for the \$0.005 portion of the \$0.020 sales tax revenues collected within the City limits of Tomball.
- Interest: Those revenues received from financial institutions for balances on hand and from funds that have been invested.
- Grants: Those revenues received from additional sources such as CenterPoint Energy for support of the Corporation's activities, including the Annual Economic Development Breakfast, marketing collateral, and continuing education.

EXPENDITURES

Administrative:

Salary and Benefits

- Salary- Executive Director: The amount reimbursed to the City of Tomball for the salary paid to the Executive Director of the Tomball Economic Development Corporation. This amount includes holiday, vacation, and sick pay.
- Salary- Economic Development Coordinator: The amount reimbursed to the City of Tomball for the wages paid to the Economic Development Coordinator of the Tomball Economic Development Corporation. This amount includes holiday, vacation, and sick pay.
- Benefits- Executive Director: The amount reimbursed to the City of Tomball for the benefits paid to, or on behalf of, the Executive Director of the Tomball Economic Development Corporation. This amount includes social security taxes, medicare taxes, employer matched funds to the Texas Municipal Retirement System, health insurance premiums, life insurance, flex plan, worker compensation insurance, State of Texas unemployment tax, sick time buy back, vacation buy back, and longevity pay.

- Benefits- Economic Development Coordinator: The amount reimbursed to the City of Tomball for the benefits paid to, or on behalf of, the Economic Development Coordinator of the Tomball Economic Development Corporation. This amount includes social security taxes, medicare taxes, employer matched funds to the Texas Municipal Retirement System, health insurance premiums, life insurance, flex plan, worker compensation insurance, State of Texas unemployment tax, vacation buy back, and longevity pay.

Other Personnel Expenditures

- Auto Allowance-Executive Director: Monthly stipend allocated to cover vehicle expenses for mileage and other travel related expenses within a 50 mile radius of Tomball.
- Phone Allowance-Executive Director: Monthly stipend allocated to cover business-related cell phone expenses.
- Local Travel Expenses: The amount allocated to cover vehicle expenses for the Economic Development Coordinator of the Tomball Economic Development Corporation for mileage within a 50 mile radius of Tomball
- Dues and Subscriptions: Fees charged for memberships and related expenses to organizations that the Tomball Economic Development Corporation approves for its employees and for subscriptions to newspapers, periodicals, and books related to economic development.
- Seminars/Conference Registrations: Fees for the Tomball Economic Development Corporation staff and board members to attend conferences and professional training seminars.
- Travel and Training: The costs associated with attending classes, seminars, events, trade shows and for related travel expenses. This includes hotel rooms where overnight stay is reasonable, the cost of related meals, airfare, and car rental where reasonable, parking and toll fees, and for mileage. Because the Executive Director receives a monthly mileage allotment, reimbursable mileage for that position is limited to a destination that exceeds a 50 mile radius of the City of Tomball.

Service and Supply Expenditures

- Contracted Administrative Services: The cost of administrative services provided to the Tomball Economic Development Corporation by City of Tomball personnel as indicated in the Administrative Services Agreement

entered into between the Tomball Economic Development Corporation and the City of Tomball.

- Bank Charges: The various service charges for maintaining a bank account, including wire transfer fees, safekeeping fees for investments, and actual operating account fees based on the account analysis.
- Insurance: The cost of surety bonding fees and insurance premiums for the following types of insurance: General Liability, Errors and Omissions, and Property Content at 29201 Quinn Road, Suite B, Tomball, Texas.
- Computer Equipment and Maintenance: The cost of computer equipment and related expenses.
- Communication Services: The cost of telephone service, including land line phone base rate charges, DSL service, and long distance charges.
- Legal Fees: Expenses incurred for legal services related to document and agreement preparation, and obtaining advice and opinions from legal counsel related to Tomball Economic Development Corporation business activities.
- Lease Expense-GTACC: Payment to the Greater Tomball Area Chamber of Commerce for leased office space at 29201 Quinn Road, Suite B, Tomball, Texas.
- Office Supplies: The cost of various office supplies including, but not limited to copies, paper, envelopes, pens, pencils, binders, notebooks, postage, etc.

Indirect Economic Development Expenditures:

- Chamber Guide: Expenses related to the TEDC advertisement and publication of a map of the Tomball area in the annual Greater Tomball Area Chamber of Commerce magazine.
- Area Street Maps: The expenses incurred for the production and publication of maps of Tomball and the surrounding area that are issued free of charge to individuals and businesses to promote travel, tourism, and the commercial industry in Tomball.
- GIS License: The cost to maintain a license for TEDC use of the City's Geographical Information System (GIS) in order to generate customized maps, exhibits, and infrastructure data to assist with business retention and recruitment efforts.

- Marketing: Expenses related to marketing Tomball to attract business, industry, and visitors, including advertisements in printed and online publications, information packages, brochures, and related marketing collateral material.
- Economic Impact Model License: The annual licensing fee for the economic impact analysis model utilized by the TEDC to calculate the economic impact of a prospect firm/project and related costs and benefits to the City of Tomball.
- Website Updates: Costs to maintain and update the Tomball Economic Development Corporation's website.
- Event Sponsorship: Costs to sponsor/co-sponsor events that foster relationships with site location consultants, brokers, real estate professionals, and those influencing business location and capital investment decisions including, but not limited to, the TEDC Annual Economic Development/Realtor Breakfast, GTACC Small Business Conference, Texas EDC Conference, trade show participation, etc.
- Promotional Items: The costs associated with TEDC promotional products, giveaways, and event favors.
- Professional Services: Consulting fees, engineering fees, photography, graphics and design services for brochures and promotional materials, and other professional services incurred in expanding the economic base of Tomball.
- Printing: The cost of printing various items including, but not limited to, Notice of Project/Public Hearing, brochures, presentation boards, community profile, business resource guide, stationary, etc.
- Miscellaneous: Other business related expenses including, but not limited to, meals with potential business developers, name plates for Board meetings, post office box fees, etc.

City Debt Service

- Southside Sewer Plant (1999 CO-2/15/2019): Contributions to debt repayment for the wastewater treatment plant built on the south side of Tomball to accommodate expanded industry in the City. Annual debt service payments of \$300,000 until 2019.

- Utilities Expansion (2002 CO-2/15/2022): Contributions to debt repayment for the extension of utilities from FM 2920 south on Hufsmith-Kohrville Road to Holderrieth Road, west to SH 249 and north to Theiss Road. Annual debt service payments of \$370,000 until 2022.
- Business Park (Series 2013): Contributions to debt repayment for the construction of utilities, roads, drainage facilities, etc. for the Tomball Business and Technology Park Project located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads. The bond sale occurred on May 6, 2013 for \$8,500,000 and the funds were delivered to the City of Tomball on May 23, 2013. A debt service schedule has been prepared and included in the backup material for reference.

Grants, Loans & Other Expenditures

- Project Grants: Grant funds designated by the Tomball Economic Development Corporation's Board of Directors and approved by the Tomball City Council waiting for contract fulfillment in order to be disbursed.
- Property Acquisition: Costs associated with the acquisition of land related to the development of the Tomball Business and Technology Park.
- Business Improvement Grants- Current Year: Funds allocated to enhance the economic development of the City of Tomball through matching grants for façade or exterior improvements to buildings, sign improvements, landscaping, or other exterior property improvements.
- Business Improvement Grants- Prior Years: Grant funds approved in prior fiscal years by the Tomball Economic Development Corporation's Business Retention & Expansion Committee waiting for contract fulfillment in order to be disbursed.

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

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

Background:

Truth-in-Taxation laws require that, prior to Council adopting a tax rate, the Council must first ratify the already adopted budget for the ensuing fiscal year and "find" that the proposed tax rate will generate more or less property tax revenue than the concluding year's adopted budget.

Based on the latest information from Harris County Appraisal District, City Staff believes that the proposed tax rate of \$0.341455 will be more than the rollback rate and/or the effective tax rate, due to the calculations required and based on the higher-than-anticipated sales tax revenues, a portion of which is used to reduce property tax.

Our calculations now indicate that the proposed rate of \$.341455 per \$100 of assessed value will generate MORE property tax revenue than was generated in the FY 2012-2013 Budget. These calculations may change once the final calculations from Harris County.

The Harris County Tax Assessor-Collector has advised us that the calculation for effective and rollback tax rate should be provided no later than August 30, 2013. The notice of effective tax rate for Tomball should be published in the official newspaper on September 9, 2013, as required by state law.

When a proposed property tax rate exceeds either the rollback tax rate or the effective tax rate, whichever is lower, the Council must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item; the vote must be recorded and the proposal must specify the desired property tax rate. If the motion passes, the Council must schedule two public hearings on the proposed property tax rate.

After ratifying the 2013-2014 budget and finding that the proposed tax rate will generate more property tax revenue than the previous year's budget, Council will be asked to set new dates for the public hearings on a possible tax revenue increase, should the certified tax rolls indicate that the proposed property tax rate exceeds either the rollback tax rate or the effective tax rate. If the certified rolls indicate that the proposed tax rate will generate more property tax revenue than the previous year's budget, Council would be asked to amend the ratification and findings prior to the first public hearing on September 16.

Should the certified rolls indicate that the proposed tax rate will, indeed, generate less property tax revenue than the previous year's budget, the public hearings will not be required.

Origination:

Finance Director and City Secretary

Recommendation:

Ratification of the FY 2013-2014 Budget and finding that the proposed tax rate of \$0.341455 generates LESS property tax revenue than the FY 2012-2013 Budget.

Funding:

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

City Secretary

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

Regular City Council

Agenda Item

Meeting Date: September 3, 2013

Data Sheet

Topic:

Set and Announce New Dates for Public Hearings on the Proposed Tax Rate, if Required

Background:

Harris County has advised the Finance Director that the City of Tomball should receive its effective and rollback tax rate calculations by Friday, August 30, 2013.

State law requires that, if the proposed tax rate exceeds the effective tax rate or rollback rate, whichever is greater, the City must publish a public hearing notice, post a website notice, and hold two public hearings; 7 days' notice is required between the date the notice of public hearings is published and the date of the public hearing. Staff plans to run the notice of effective tax rate and the notice of public hearings in the September 9, 2013 issue of the official newspaper.

Although we will not have this information until we receive the calculations from Harris County, we believe the current rate of \$0.341455 will exceed at least one of the rates, due to the higher than anticipated sales tax revenue, a portion of which is used to reduce the property tax. We should have the calculations prior to Tuesday's meeting; should two public hearings be required as a result of those calculations, City Staff recommends that the public hearings on the possible tax revenue increase be set for Monday, September 16 (a regular meeting) and on Monday, September 23 (a special-called meeting at 5:00 p.m.).

Given these new dates, the first reading of the ordinance adopting the tax rate would be held on September 30, at a special called Council meeting and the second and final reading of the ordinance would take place at the regular Council meeting on October 7, 2013, meeting the state requirement that the ordinance adopting the tax rate be completed not less than 3 days and no more than 14 days after the second public hearing.

If the certified tax rolls indicate that the City's proposed tax rate of \$0.341455 does not exceed either the effective tax rate or the rollback rate, the two public hearings will not be required.

Origination:

City Secretary

Recommendation:

Set September 16 and September 23, 2013 as the dates for the Public Hearings on the proposed tax rate for 2013, if required.

Funding:

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

City Secretary

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