

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



MONDAY, AUGUST 19, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, August 19, 2013 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Invocation
- 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

- **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 14, 2013 – **Second Saturday at the Depot** – 6:30 p.m.
- September 9, 2013 at 5:00 p.m. – **Public Hearing on Proposed Tax Rate**
- 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 – 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 is attached for review.
 - Glenn Windsor - Introduction of New Finance Employees
 - Phoebe Briseño, Accountant
 - Kristen Kelly, Accounts Payable Clerk
 - Craig Meyers - Introduction of New Community Development Employee
 - Robert Pemberton, Building Inspector

6.0 Approve the Minutes of the August 5, 2013 Regular City Council Meeting

7.0 Old Business:

7.1 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.

7.2 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.

- 7.3 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
- 7.4 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)

8.0 New Business:

- 8.1 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
- 8.2 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.
- 8.3 Appoint Members of Charter Review Commission and Designate Commission Chairman
- 8.4 Appoint/Reappoint Members to the Tomball Regional Health Foundation for Terms Expiring September 1, 2013
- 8.5 Approve Resolution No. 2013-23, a Resolution of the City Council of the City of Tomball, Texas, Nominating a Candidate for a Position on the Board of Directors of the Harris County Appraisal District
- 8.6 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
- 8.7 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"
- 8.8 Consideration and Possible Action Regarding the Use of Eminent Domain

Authority to Condemn the Property as Follows:

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).

- 8.9 Consideration to approve **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.
- Conduct a Public Hearing on **ZONING CASE P13-106**
 - 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.
- 8.10 Consideration to approve **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.
- Conduct a Public Hearing on **ZONING CASE P13-114**
 - 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.

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of 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: August 19, 2013

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: August 19, 2013

Topic:

Background:

Origination:

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Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: August 19, 2013

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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: August 19, 2013

Data Sheet

Topic:

- **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**
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 - Glenn Windsor - Introduction of New Finance Employees
 - Phoebe Briseño, Accountant
 - Kristen Kelly, Accounts Payable Clerk
 - Craig Meyers - Introduction of New Community Development Employee
 - Robert Pemberton, Building Inspector

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:

Friday Night Creature Feature – THEM!

Quarterly Investment Report for Period Ending June 30, 2013

THE CITY OF TOMBALL PRESENTS
**FRIDAY NIGHT
CREATURE FEATURES
AT THE DEPOT**



**Creature From The
Black Lagoon
June 21, 2013**



**Invasion Of The
Body Snatchers
July 19, 2013**



**THEM!
August 16, 2013**

FREE ADMISSION * FREE PARKING * BRING YOUR LAWN CHAIR * STARTS AT DARK

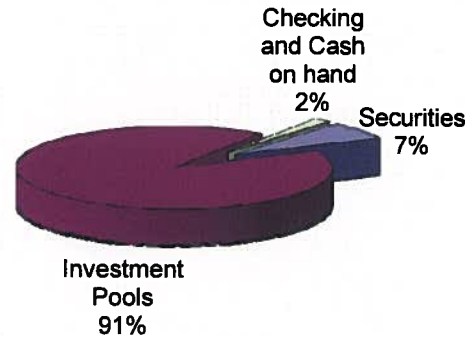
CITY OF TOMBALL PORTFOLIO DIVERSIFICATION June 30, 2013

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 3,658,734	7.14%
Investment Pools	46,637,298	91.05%
Checking and Cash on hand	925,611	1.81%
Total Portfolio	\$ 51,221,643	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAm. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City is in compliance with this provision.

Diversification By Type

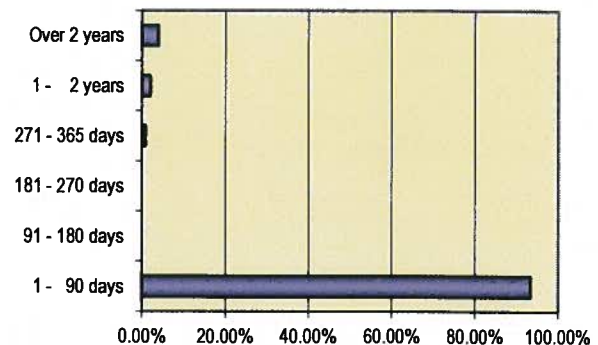


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 47,823,393	93.37%
91 - 180 days	-	0.00%
181 - 270 days	-	0.00%
271 - 365 days	406,160.00	0.79%
1 - 2 years	1,000,011	1.95%
Over 2 years	1,992,079	3.89%
Total Portfolio	\$ 51,221,643	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. This overnight investment (TexPool) has been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
June 30, 2013**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	3,676,438	3,669,017	0.9980	0.538%	0.14%
Purchases	-	-			
Maturities	-	-			
Change in value	-	10,283			
Sales					
End of period	3,676,438	3,658,734	0.9952	0.538%	0.15%

Total Accrued Interest at end of period: \$ 4,917

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 682 days.

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.



Treasurer

Asst. Treasurer

CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF JUNE 30, 2013

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 06/30/13	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Brenham TX- 2%	107115JW8	AA-	8/15/2013	1.000%	260,484	46	7.120%	3.27
2) Waukeg, IA- 2%	942830PK0	Aa3	6/1/2014	0.450%	406,160	336	11.101%	37.30
3) Freddie Mac- .350%	3134G3W71	AA+	11/26/2014	0.301%	1,000,011	514	27.332%	140.49
4) Federal Farm Credit Bank- .35%	3133ECHE7	AA+	9/11/2015	0.350%	996,166	803	27.227%	218.63
5) Fed Farm Credit Bank- .59%	3133EAB56	AA+	5/2/2016	0.590%	995,913	1037	27.220%	282.27
TOTALS				0.538%	3,658,734	547	100.000%	681.97

CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
June 30, 2013

FUNDS	CASH AND CASH EQUIVALENTS					INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
	MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS	
	General	\$ 2,268,591	\$ 6,905,916	\$ 233,780	\$ 2,174	\$ 9,410,461	\$ 1,662,557	\$ 1,662,557	\$ 11,073,018
	Debt Service	\$ 504,131	\$ 1,655,934	\$ 42,295	\$ -	\$ 2,202,360	\$ -	\$ -	\$ 2,202,360
	Enterprise	\$ 2,016,525	\$ 4,702,229	\$ 348,663	\$ 1,436	\$ 7,068,853	\$ 1,000,011	\$ 1,000,011	\$ 8,068,864
	OTHER FUNDS								
	Special Revenue	\$ 75,620	\$ 52,563	\$ 2,467	\$ -	\$ 130,650	\$ -	\$ -	\$ 130,650
	Municipal Court Building Security	\$ 100,826	\$ 96,517	\$ 5,979	\$ -	\$ 203,322	\$ -	\$ -	\$ 203,322
	Municipal Court Technology	\$ 60,496	\$ 171,702	\$ 8,182	\$ -	\$ 240,380	\$ -	\$ -	\$ 240,380
	Hotel Occupancy Tax	\$ 100,826	\$ 195,441	\$ 9,340	\$ -	\$ 305,607	\$ -	\$ -	\$ 305,607
	Red Light Camera Program	\$ 252,066	\$ 89,885	\$ 95,899	\$ -	\$ 437,850	\$ -	\$ -	\$ 437,850
	PD District Attorney Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Department of Justice Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SAFER Grant	\$ -	\$ -	\$ (142,751)	\$ -	\$ (142,751)	\$ -	\$ -	\$ (142,751)
	Tomball "Fun Runs"	\$ -	\$ -	\$ 5,498	\$ -	\$ 5,498	\$ -	\$ -	\$ 5,498
	General Capital Projects	\$ 50,413	\$ 14,885,147	\$ 11,519	\$ -	\$ 14,947,079	\$ 996,166	\$ 996,166	\$ 15,943,245
	Business Park	\$ -	\$ 8,527,796	\$ -	\$ -	\$ 8,527,796	\$ -	\$ -	\$ 8,527,796
	Fleet Replacement	\$ 453,718	\$ 743,260	\$ 86,058	\$ -	\$ 1,283,036	\$ -	\$ -	\$ 1,283,036
	Water Capital Recovery	\$ 100,826	\$ 870,120	\$ 53,350	\$ -	\$ 1,024,296	\$ -	\$ -	\$ 1,024,296
	Sewer Capital Recovery	\$ 151,240	\$ 990,001	\$ 87,116	\$ -	\$ 1,228,357	\$ -	\$ -	\$ 1,228,357
	Health Insurance Trust	\$ -	\$ 615,509	\$ 74,606	\$ -	\$ 690,115	\$ -	\$ -	\$ 690,115
	TOTALS	\$ 6,135,278	\$ 40,502,020	\$ 922,001	\$ 3,610	\$ 47,562,909	\$ 3,658,734	\$ 3,658,734	\$ 51,221,643

Regular City Council
Agenda Item
Data Sheet

Meeting Date: August 19, 2013

Topic:

Approve the Minutes of the August 5, 2013 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

Approval

Funding:

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

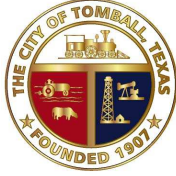
City Secretary

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

ATTACHMENTS:

Draft Minutes - 8/5/2013 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 5, 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 Jeff Presnal, President, Armor of God Military Ministry

3.0 Pledges to U. S. and Texas Flags

- Led by Courtlynn Noack and Allison Pace, Tomball High School Student Council Members

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented Certificates of Appreciation to the Sponsors of ***Tomball Kids Club – H-E-B, Buffalo Wild Wings, Cisco’s Salsa Company, Salem Lutheran Ministries, Tomball Bible Church, Redeemer Church, Carrie Whillock, Tomball High School Student Council, Football, and Cheerleaders, Tomball Public Works Department, Tomball Fire Department, Tomball Police Department, Waste Corporation of America, and Northwest EMS***
- Mayor Fagan presented the ***2013 Comptroller’s Transparency Award*** – Gold Level Award for Financial Transparency to Glenn Windsor, Finance Director
- Mike Baxter presented the ***Texas Festival Events Association Awards*** received by the City of Tomball to City Council
- Mayor Fagan presented Mike Baxter, Marketing Director with the ***2013 Texas Professional of the Year for the Texas Festival & Events Association Award***

6.0 Reports and Announcements:

- August 10, 2013 – **Second Saturday at the Depot**
- August 16, 2013 – **Friday Night Creature Feature – THEM!**
- August 19, 2013 – Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Terms Expiring September 1, 2013
- 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 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:
 - Boy Scout Dawson Duerer presented a report regarding his Eagle Scout Service Project for Downtown Tomball to Rehabilitate Existing Concrete Street Markers.

- 7.0 Motion was made by Councilman Brown, second by Councilman Dodson, to approve the Minutes of the July 15, 2013 Special City Council Meeting and the July 15, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2013-08, an Ordinance of the City of Tomball, Texas, Establishing the Tomball Legacy Fund, Inc. for the Purpose of Receiving Private and/or Corporate Grant Funds; said Funds to be used on Behalf of the City of Tomball, Texas for Projects serving the Tomball Community; Providing for the Selection of Seven (7) Members to Comprise the Tomball Legacy Fund, Inc. Board of Directors and for the Manner of Selection and Period of Service of Such Members; Providing for Duties and Procedures for the Tomball Legacy Fund, Inc. Board of Directors; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Consultant Services Proposal and Consideration of Proposed Project, presented by Don Edmonds, Edmonds & Associates, for the Charter Amendment Review Project No. 2013-14.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-10 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. 2013-10, 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.

Motion to Amend was made by Councilman Hudgens, second by Councilman Brown, to adopt Ordinance No. 2013-10 on first reading, with an amendment to remove the one-year residency requirement from the Ordinance. Vote was as follows:

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

Motion, as amended, carried unanimously.

- 9.3 Mayor Fagan opened the Public Hearing at 6:46 p.m. to consider the Proposed Budget for Fiscal Year 2013-2014.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:46 p.m.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-11 by caption only on First Reading.

Motion carried unanimously.

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

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-12 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. 2013-12, 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.

- 9.6 Motion was made by Councilman Brown, second by Councilman Dodson, to accept a Grant from the Tomball Regional Health Foundation to Acquire Equipment to Install in the TXDOT Traffic Control Boxes at All Protected Intersections to Allow Vehicles Responding to an Emergency to Navigate through Intersections in a Safer Manner.

Motion carried unanimously.

- 9.7 Lynn LeBeouf presented a Report from Tomball Regional Health Foundation to City Council.

No action taken.

- 9.8 Discussion was held regarding appointments by City Council to other Boards and the possible adoption of an ordinance prohibiting City Council from appointing members to boards that are private entities or have no "reporting" obligations to City Council.

Council requested information from Hap Harrington, representative to the Southeast Texas Housing Finance Corporation. Consensus of Council was to request report from each board as City appointments/reappointments arise.

No action taken.

Motion was made by Councilman Townsend, second by Councilman Brown, to approve items 9.9, 9.10, 9.11, and 9.12.

- 9.9 Approve Request from the Tomball Pregnancy Center for City Support of the First "New Life" 5K and Kid's Walk Fundraiser, to be held on Saturday, September 21, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.10 Approve Request from Salem Lutheran Ministries for City Support of the Salem Lutheran's Kids for Kenya Second "4 Their Lives" 5K Run and 1-Mile Kids Run Fundraiser, to be held on Saturday, October 5, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.11 Approve Request from Woodforest Bank for City Support of the 5th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 9, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.12 Approve Request from City of Tomball Human Resources Department for City Support of the First "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness to be held on Saturday, October 12, 2013, through In-Kind Services Provided by the City of Tomball.

Motion to approve items 9.9, 9.10, 9.11, and 9.12 carried unanimously.

- 9.13 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Request by the Reserve at Spring Lakes Homeowners Association to Allow the Construction of a Water Well for the Detention Facility.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2013-13 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First 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), with the assessment fee being amended to establish a set rate of \$3,150.00 per lot. Vote was as follows:

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

Motion carried unanimously.

- 9.15 Motion was made by Councilman Dodson, second by Councilman Townsend, to reappoint Laryssa Korduba Hrcir and Stephen Vigorito as Alternate Municipal Court Judges, to new two-year terms, expiring August 15, 2015.

Motion carried unanimously.

- 9.16 Motion was made by Councilman Dodson, second by Councilman Brown, to award Contract for COT Project Bid Number 2013-06, Graham Drive & Lawrence Street Sidewalk Project, E&P Project Number 2012-10018, to 4-C Construction Services in the amount of \$223,550.00.

Motion carried unanimously.

- 9.17 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Renewal of Health Insurance Agreement with Blue Cross Blue Shield.

Motion carried unanimously.

- 9.18 Motion was made by Councilman Brown, second by Councilman Townsend, to deny the Tax Abatement for Tax Year 2013 under the Existing Agreement between the City of Tomball and American National Carbide.

Motion to DENY carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of August 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: August 19, 2013

Data Sheet

Topic:

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.

Background:

The Charter Review Commission, with the assistance of a Council-approved consultant and City Staff, will be responsible to:

1. review the Charter for any needed substantive or recommended changes and
2. provide a report regarding and supporting any needed substantive or recommended changes to City Council.

City Council will be responsible to:

1. accept, reject, or modify the recommendations of the Charter Review Commission;
2. hold any public hearings deemed appropriate; and
3. call an election under the provisions of Section 3.02 of the Charter.

Ordinance No. 2013-10, when adopted, will establish the Charter Review Commission to study the Charter and recommend amendments to the Charter for Council's consideration and action.

Following adoption of Ordinance No. 2013-10 on August 19, Council will select the members of the Charter Review Commission.

Origination:

City Manager

Recommendation:

Adopt Ordinance No. 2013-10 on Second Reading.

Funding:

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

City Secretary

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

Ordinance No. 2013-10

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.

* * * * *

WHEREAS, on January 17, 1987, the Home Rule Charter of the City of Tomball was adopted by the voters pursuant to State law and the Texas Constitution; and

WHEREAS, the Home Rule Charter of the City of Tomball was amended, following a review of the Council-appointed Charter Review Commission and the City Council, as decided by the qualified voters of the City of Tomball in a Charter Amendment Election held on May 6, 1995; and

WHEREAS, the City wishes to itself of the assistance of a Council-appointed Charter Review Commission for a review and update of the Charter to reflect current laws and case law affecting home-rule municipalities; and

WHEREAS, Chapter 9, Section 9.004, of the Texas Local Government Code provides that the City Council may, on its own motion, submit proposed Charter amendments to the City's qualified voters for their approval at an election; and

WHEREAS, the City Council finds it is appropriate to review the Charter and to consider amendments to assist the City in its operations; and

WHEREAS, Section 2.05 of the City's Charter provides that the City Council may, by ordinance, establish such commissions as it deems necessary in the conduct of the City's affairs, and the City Council finds that creation of a Charter Review Commission to study and review the Charter and proposed Charter amendments is appropriate;

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

Section 1.0. Recitations. The recitations stated above are hereby found to be true and correct.

Section 2.0. Charter Review Commission Established: Schedule. The City Council hereby establishes the Charter Review Commission ("Commission") to study the Charter and to consider and review proposed amendments to the City Charter, subject to the provisions and terms of this Ordinance. The Charter Review Commission will perform its duties and functions in accordance with the following schedule, subject to such extension, if any, as the City Council determines is appropriate. Further, the City Council may conclude or disband the Charter Review Commission at any time the City Council determines it has completed its duties, or as the City Council otherwise determines appropriate.

2.1. Schedule.

2.1.1. By December 16, 2013: The Charter Review Commission shall report in writing all proposed amendments to the City Council in final report form.

2.1.2. By December 16, 2013: The City Council shall review the form of all proposed charter amendments. The City Council may request such assistance from the Commission as it determines appropriate.

2.1.3. By January 6, 2014: The City Council shall adopt an ordinance containing the proposed charter amendments and calling the special election to consider the proposed charter amendments at the May 10, 2014 election date, as provided by the Texas Election Code.

Section 3.0. Members and Service. The Mayor and City Council shall select thirteen (13) members to serve on the Commission and shall select members to fill any vacancies; each Council member shall select two (2) individuals to serve on the Commission and the Mayor shall select three (3) individuals to serve on the Commission. A member shall serve at the pleasure of the City Council, shall have no expectation of continued service on the Commission, and may be removed by the City Council at any time, with or without cause.

Section 4.0. Duties. It shall be the duty of the Commission to study, consider, and review the Charter and those proposed Charter amendments 1) proposed by the Texas Municipal League, 2) proposed by the City Council, after a vote referring such proposals to the Commission, and 3) those amendments the Commission determines are warranted and in the best interests of the City of Tomball.

Section 5.0. Monthly Reports to Council. The Charter Review Commission shall report at least monthly to the City Council concerning its activities, and such report shall be given during a regular meeting of the City Council.

Section 6.0. Notification of Absence: Removal for Absence. Members shall notify the Commission in advance, if practicable, if unable to attend any Commission meeting. A Commission member who is absent from three (3) consecutive meetings shall be subject to removal by the City Council.

Section 7.0. Procedures.

7.1. Vote. Each member in attendance at a duly called and noticed meeting may vote.

7.2. Officers. The City Council shall designate the Chairman of the Commission. The Commission shall elect a Vice Chairman from among its members. The City Secretary shall serve as the Secretary to the Commission, posting the required notices and recording the minutes of meetings.

7.3. Power to Employ Qualified Persons. The Commission shall have the power to employ such qualified persons and incur such expenses as may be necessary for the proper conduct and undertaking of its functions and meetings, subject to express, advance written approval of such service and expenses by the City Manager.

7.4. The Commission shall function as a whole, subject to the quorum requirements established in this Section, without subcommittees.

7.5. Rules. The following rules shall govern the Commission:

7.5.1. Open Meetings: Open Records. The Commission shall comply with all open meetings and open records laws, post open meeting notices (agendas), keep minutes of its proceedings, and shall keep records of its examinations and other official actions, all of which shall be promptly filed in the office of the City Secretary.

7.5.2. Quorum. All matters to be heard by the Commission shall always be considered by a minimum of seven (7) members, which shall be the quorum necessary for conducting a meeting. The concurring vote of a majority of the members in attendance shall be necessary for the passage of any motion.

Section 8. Publication: Effective Date: Open Meeting.

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

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by the Texas Open Meetings Act, Chapter 551 of the Government Code, and that advance public notice of the time, place, and purpose of the meetings was given.

Section 9. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

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

Regular City Council Agenda Item Data Sheet

Meeting Date: August 19, 2013

Topic:

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.

Background:

This item is the second reading of Ordinance No. 2013-11, adopting the 2013-2014 Budget.

Origination:

George Shackelford, City Manager

Recommendation:

Staff recommends adoption of the ordinance.

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. 2013-11

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.

* * * * *

WHEREAS, the Budget of the City of Tomball for the Fiscal Year 2013-2014 was presented to the City Council of the City of Tomball on the 1st day of July 2013 and was filed with the City Secretary's Office at that time for the purpose of Public Display; and the City Council has reviewed and amended the proposed budget and changes as approved by the City Council have been identified and their effect included in the budget; and

WHEREAS, NOTICE OF PUBLIC HEARING for the Budget of the City of Tomball, Texas, for Fiscal Year 2013-2014 was published in the City's official newspaper advising citizens of the Public Hearing to be conducted on August 5, 2013, and also advising that said Budget was available for their inspection prior to the Public Hearing; and

WHEREAS, at said Public Hearing all citizens of the City had the right to be present and to be heard, and those who requested to be heard were heard, and it being the opinion of the Mayor and City Council that said Budget should be adopted; and

WHEREAS, said Budget shall be in effect for the ensuing Fiscal Year, October 1, 2013, through September 30, 2014;

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

Section 1.0 Adoption of Budget. That from October 1, 2013, through September 30, 2014, the appropriations, as stated in the Budget as proposed expenditures, shall be and are hereby appropriated to the several objects and purposes named and designated in the Budget.

Section 2.0 Public Record. The City Secretary is hereby directed to place in the Budget an endorsement which shall read as follows: **"The Original Budget of the City of Tomball, Texas for the Fiscal Year 2013-2014."** Such Budget as endorsed shall be kept on file in the office of the City Secretary as a Public Record and a copy of said Budget is attached to this ordinance and made a part of this ordinance for all purposes.

Section 3.0 Intra-Departmental Transfers. In accordance with the responsibility of the City Manager established by Section 7.01 C. (2) of the City Charter to administer the annual budget, the City Manager is authorized, as circumstances reasonably require, to approve intra-departmental (within the same department only) transfers of budgeted funds. Further, the documentation for such transfers shall be maintained as a part of the City's financial records.

Section 4.0 Beginning Fund Balances. That the Beginning Fund Balance reflected in the budget for each operating and capital project fund for which a Budget is adopted hereby automatically shall be adjusted to be the amount of the Ending Fund Balance for Fiscal Year 2013 as fully adjusted to reflect the final Comprehensive Annual Financial Report for Fiscal Year 2013 when released, for each respective fund. The revised Beginning Fund Balance shall thereafter be used to calculate the Fiscal Year 2014 Ending Fund Balance.

Section 5.0 2012-2013 Budget Amended. That the City Council has reviewed the actual expenditures for the 2012-2013 Fiscal Year and compared them to the projections contained in the 2012-2013 Fiscal Year budget. The 2012-2013 Fiscal Year budget is hereby amended in accordance with the actual expenditures for the 2012-2013 Fiscal Year.

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

Regular City Council

Agenda Item

Meeting Date: August 19, 2013

Data Sheet

Topic:

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

Background:

Ordinance No. 2013-12 will set the rates for water, sewer, gas and garbage pick-up for the 2013-2014 fiscal year. There are no increases in any of the rates for next year.

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2013-12 on First Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-12 - Setting Utility Rates for 2013-2014

ORDINANCE NO. 2013-12

AN ORDINANCE 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.

* * * * *

WHEREAS, pursuant to Section 82-50 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for utility services provided by the City; and

WHEREAS, pursuant to Section 62-37 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for garbage and trash collection and disposal services provided by the City; and

WHEREAS, the City Council now deems it necessary and appropriate to adjust such rates and charges heretofore established; now therefore

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

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

Section 2. Definitions. For the purposes of this Ordinance, the following words shall have the meanings ascribed thereto:

- a. Residential shall mean a residential dwelling unit receiving service for which metering and billing is on an individual basis.
- b. Commercial shall mean all non-residential units, and residential units which are provided service, and are billed, collectively with one (1) or more other residential units.

Section 3. The monthly rates and charges for potable water provided by the City shall be as follows:

- a. Small Residential. A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.

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

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

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

Section 4. The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. Residential - Winter Rates (November-February): A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.

Residential - Summer Rates (March-October): Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

- b. Small Commercial. A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.

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

Section 5. The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

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

Section 6. The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

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

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

(3) Compactor/Equipment:

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

(4) Monthly Rate for Dumpsters:

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

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

(6) Exchange Charge - \$45.00

Section 7. The monthly rates and charges for natural gas provided by the City shall be as follows:

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

Section 8. The charges for connections and disconnections of utility services provided by the City, including those provided at customer request or convenience, or as a result of delinquent accounts, shall be as follows:

- a. During Normal Scheduled Service Periods (7:00 a.m.-4:45 p.m. weekdays), a Service Call-Out Fee of \$50.00, as a result of a delinquent account, or at a customer's request, excluding new service.
- b. During Unscheduled Service Periods (after hours and weekends), a Service Call-Out Fee of \$100.00, at a customer's request, including new service.

Section 9. The charge for damage to utility facilities from (i) customer's tampering with valves, or (ii) customer's damaging meter in any manner, shall be \$200.00.

Section 10. Delinquent Accounts.

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

Section 11. Repealer. City of Tomball Ordinance 2012-24 passed and approved the 20th day of August 2012 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 12. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held

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

Section 13. Effective Date This ordinance shall be effective October 1, 2013.

FIRST READING:

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: August 19, 2013

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:

Asst. City Manager

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

ATTACHMENTS:

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

Exhibit A - PID 2 Assessment Plan_Revised

PID Primer

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

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.

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: August 19, 2013

Data Sheet

Topic:

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

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. At this time, 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.

Until we receive the certified tax rolls from Harris County, our calculations indicate that the proposed rate of \$.341455 per \$100 of assessed value will generate LESS property tax revenue than was generated in the FY 2012-2013 Budget. These calculations may change once the final certified rolls are received.

The Harris County Tax Assessor-Collector has advised us that the certified tax rolls should be provided no later than August 23, 2013. The notice of effective tax rate for Tomball should be published in the official newspaper on September 2, 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 less property tax revenue than the previous year's budget, Council will be asked to set the 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 3.

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:

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 ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

Regular City Council

Agenda Item

Meeting Date: August 19, 2013

Data Sheet

Topic:

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.

Background:

After Council has ratified the budget and found that the proposed tax rate will generate LESS tax revenue than the previous year's budget, Council must set the dates for the public hearings on the proposed tax rate for 2013, if the proposed tax rate exceeds either the effective tax rate or the rollback rate. Although we will not have this information until we receive the certified tax rolls 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.

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 August 26, 2013 issue of the official newspaper.

Staff recommends that the public hearings on the possible tax revenue increase be set for Tuesday, September 3 (a regular meeting) and on Monday, September 9 (a special-called meeting at 5:00 p.m., before the Planning and Zoning meeting).

Provided the certified rolls are received by August 23 and prove that the City's proposed tax rate of \$0.341455 exceeds the effective tax rate or the rollback rate, the public hearings will be held on September 3 and September 9, as set by Council; the first reading of the ordinance adopting the tax rate would be held on September 16, at the regular Council meeting. A special meeting would be needed on September 24 for the second reading of the ordinance adopting the tax rate, due to 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; September 24 is the 14th day 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 9 and September 16, 2013 as the dates for the Public Hearings on the proposed tax rate for 2013.

Funding:

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

Doris Speer, City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: August 19, 2013

Topic:

Appoint Members of Charter Review Commission and Designate Commission Chairman

Background:

Ordinance No. 2013-10, establishing the Charter Review Commission, each Councilmember will select two (2) individuals to serve on the Commission and the Mayor will select three (3) individuals.

Selected individuals are:

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

Mayor Fagan recommends Steven Vaughan as Committee Chair

Origination:

Ordinance No. 2013-10

Recommendation:

N/A

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

City Secretary

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: August 19, 2013

Topic:

Appoint/Reappoint Members to the Tomball Regional Health Foundation for Terms Expiring September 1, 2013

Background:

Two Class A, City-appointed Board of Directors positions on the Tomball Regional Health Foundation will expire on September 1, 2013. These unpaid, two-year positions are currently held by:

Latrell Simmons Shannon - Position 2
Jerald Till (vacancy) - Position 4.

Mrs. Shannon has expressed her desire to continue on the Board of Directors of the Tomball Regional Health Foundation; Mr. Till has resigned, leaving a vacancy. The City has also received a letter from the Nominating Committee and the Board of Directors of the Tomball Regional Health Foundation recommending the reappointment of Mrs. Shannon due to the long orientation, training and educational commitment required of new and current board members to be effective in their positions.

The following individuals have a current application on file and have expressed their interest in serving on the Foundation:

Michelle Beauvais (currently serving on P&Z)
John Ford (currently serving on BOA)
William Harris
William "Rick" Pritchett
Tina Roquemore (currently serving on BOA)
Marcia Moore-Swinehart
Barbara Tague (currently serving on P&Z)
Evelyn Torres (currently serving on P&Z)
Robert Turner
Brett Tynes (currently serving on BOA)
Jarmon Wolfe (currently serving on BOA).

As Mayor, I wish to recommend the reappointment of Latrell Shannon to the Tomball Regional Health Foundation, Position 2, and the appointment of William "Rick" Pritchett to Position 4. The training curve to serve effectively on the Foundation is significant; reappointing Latrell Shannon would be in the best interests of the Foundation and the community and William Pritchett would be a fresh appointment to the Foundation.

Copies of applications from citizens currently interested in serving on this Foundation are attached for Council's consideration.

Origination:

Mayor Fagan

Recommendation:

N/A

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

Doris Speer, City Secretary

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

ATTACHMENTS:

TRHF Letter regarding Reappointments

Latrell Shannon Request for Reappointment to TRHF

Jerald Till - Resignation from TRHF

Application - Michele Beauvais

Application - John Ford -

Application - William Harris

Application - William Pritchett

Application - Tina Roquemore

Application - Marcia Moore-Swinehart

Application - Barbara Tague

Application - Evelyn Torres

Application - Robert Turner

Application - Brett Tynes

Application - Jarmon Wolfe



July 16, 2013

Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, Texas 77375

Dear Mayor Fagan:

The following City of Tomball appointed Authority Board member term(s) will expire in August 2013:

Latrell Shannon
Jerald Till

Position #2
Position #4

The Nominating Committee and the Board of Directors would like to recommend that Latrell Shannon be reappointed to the board to serve a two-year term beginning September 1, 2013. Jerald Till will be moving out of the area so we will need a new member appointed from within the Tomball City limits.

Consistency among board members is extremely viable and key to the continued success of Tomball Regional Health Foundation. Orientation, training and education of board members can take a minimum of two years for new members to become knowledgeable and confident in their role as an active member of the Tomball Regional Health Foundation.

As our mission states TRHF exists to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education.

Please consider reappointing Latrell Shannon as well as appointing another Tomball City resident to the Tomball Regional Health Foundation Board of Directors.

Sincerely,

Jack Smith
President

Tomball Regional Health Foundation
29201 Quinn Rd., Suite A.
Tomball, TX 77375

JUL 10 2013
CITY OF TOMBALL

July 9, 2013
823 Lizzie Ln
Tomball, TX 77375

To: The Honorable Mayor Gretchen Fagan
And the Tomball City Council

This letter serves as my notification to you to acknowledge my desire to serve an additional term on the Tomball Regional Health Foundation Board. The newly formed board, which was originally known as the Tomball Regional Hospital Authority Board, is making great strides and doing good things for the community and surrounding areas. We have plans for many other viable projects for the area. I would like to continue to be a part of these projects and serve as a contributing factor to this group. I look forward to the opportunity to represent the city in this future capacity.

Sincerely,

A handwritten signature in cursive script that reads "Latrell Shannon".

Latrell Shannon

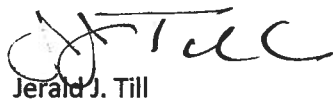
19 July 2013

Mayor Gretchen Fagan

It is with regret that I will be moving out of Tomball and will have to resign from the Tomball Regional Health Foundation Board.

I have thoroughly enjoyed the years that I have served on the various Boards and Commissions in Tomball.

Sincerely



Jerald J. Till



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type or Print Clearly:

Date: 3/20/2011

Name: Michele Beauvais

Phone: _____

Address: 29502 Imperial Creek Dr.

Phone: 281-831-3332 (Home)

City/State/Zip Tomball, TX. 77377

Cell: _____ (Work)

Email: _____

I have lived in Tomball 4.5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Co owner of American Communications Construction,
Interior Designer

Professional and/or Community Activities: Habitat for Humanity, A.A.R.S
T.A.I.D

Additional Pertinent Information/References: Dana & Trevor Pugh, ANN Marie &
Kwan McWilliams, Laurel & Mark Norris,

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

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

Decision-Making Boards and Commissions

(✓) Planning & Zoning Commission

(✓) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

(✓) Tomball Economic Development Corporation

(✓) Tomball Hospital Board

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

(✓) Downtown Tomball Advisory Committee

Meeting Information

As called

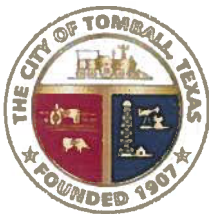
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 1-26-10

Name: John F. Ford

Phone:

Address: 930 Agg Rd.

Phone: 979 680-5439
(Home)
(Work)

City/State/Zip: Tomball Tx 77375

Email: _____

I have lived in Tomball 12 years.

I am ☒ am not _____ a U.S. Citizen

Occupation: Physical Therapist, Healthcare

Professional and/or Community Activities: Previous Church Board
Chair, Current Board Chair BOA, City of
Tomball

Additional Pertinent Information/References: Ⓟ

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

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

Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

(1) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

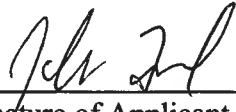
() Tomball Economic Development Corporation

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

(2) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

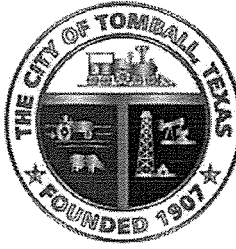
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Signature of Applicant

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CITY OF TOMBALL

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Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Private Security

Professional and/or Community Activities: AWANA Leader at Graceview Baptist Church
Architectural Control Committee member for Country Meadows HOA
Cubmaster (leader) Cubscout Pack - Boy Scouts of America

Additional Pertinent Information/References: _____

References available upon request.

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Decision-Making Boards and Commissions

- (1) Planning & Zoning Commission
- (3) Board of Adjustments

Meeting Information

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

Separate Legal Entities

- (2) Tomball Economic Development Corporation
- (4) Tomball Hospital Board

Meeting Information

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

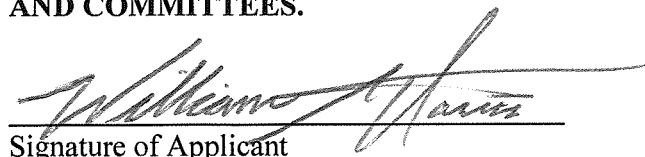
Ad Hoc/Advisory Committees

- (5) Downtown Tomball Advisory Committee
- DTAC does not require Tomball residency

Meeting Information

As called

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



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401 Market Street
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CITY OF TOMBALL

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Please Type of Print Clearly:

Date: 8-5-10

Name: William F. "Zick" Pritchett

Phone: _____

Address: 31406 Stella Lane

Phone: (281) 351-4004 (Home)
(Work)

City/State/Zip: Tomball, TX 77375

Email: _____

I have lived in Tomball 13 years.

I am ☒ am not _____ a U.S. Citizen

Occupation: Banker
Spirit of Texas Bank, Regional President - Houston
North Markets

Professional and/or Community Activities: Please refer to attached resume

Additional Pertinent Information/References: Please refer to attached resume
Reference - Bruce Hillegeist
Other references available upon request

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Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

() Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

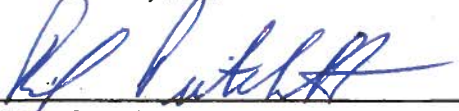
() Tomball Economic Development Corporation

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

☒ Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

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



Signature of Applicant

Please return this application to:

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

WILLIAM F. "RICK" PRITCHETT

31406 Stella Lane
Tomball, TX 77375
(281) 744-7730
rpritchett003@aol.com

Strengths

I am a highly self-motivated and dedicated executive with more than 35 years experience in all aspects of financial institutions. My strengths include the ability to work with individuals of functional diversity, whether they are business organizations or in the community, establish trust, and create cohesive teams capable of accomplishing established goals. I have the ability to evaluate and measure acceptable levels of risk in bank loan portfolios, and have a history of creating value for stakeholders in organizations with which I am associated. The ability to successfully exhibit emotional intelligence is the cornerstone of my performance philosophy.

Responsibilities/Accomplishments

Spirit of Texas Bank, Tomball, Texas (August 2010 – Current)

Regional President-Houston North Markets

Responsible for profitable operation and growth of the Tomball office of Spirit of Texas Bank, a College Station based State Savings Bank. Additionally, provide oversight for other offices of Spirit of Texas Bank to be opened in north Harris County and Montgomery County. Successfully provided for the transition of subscriber base from the Bank4Texas Holdings, Inc. stock offering over to the private placement offering of ST Financial, Inc. (parent of Spirit of Texas Bank).

Bank4Texas Holdings, Inc., Tomball, Texas (March 2007 – August 2010)

President, Founding Organizer, Director

Initiated activity to open new bank with headquarters in Tomball, Texas. Activities included creation of business plan, managed communication with regulatory authorities (Texas Department of Banking and Federal Deposit Insurance Corporation), development and coordinated interaction with 24 organizer/directors, spearheaded the capital raise (generated \$15 million in the worst market since the depression), coordinated the execution of contract to purchase bank charter, supervised pre-opening activities, and hired staff.

State Bank/Prosperity Bank, Tomball, Texas (May 1999 – March 2007)

Houston Regional President – State Bank (2003 – 2007)

Provided oversight of the 4 banks in the Houston region (Tomball, Magnolia, Waller and Hempstead) with assets of approximately \$170 million. Provided training and underwriting guidance for staff of 10 lenders.

President – State Bank (1999-2003)

Responsible for the start up of the Tomball location of State Bank. Tasks included lease negotiation, architectural design, staffing, policy implementation, profitability enhancement, and growth of the bank. The location achieved breakeven at the fourteenth month of operation, and achieved a profit before taxes in my last year of \$2.7 million.

Sterling Bank, Houston, Texas (February 1997 – May 1999)

Senior Vice President

Built a diversified portfolio from zero to \$14 million in slightly over 2 years. Duties included all aspects of business development, loan procurement and packaging.

Cornerstone Mortgage Company, Houston, Texas (February 1989 – February 1997)

Senior Loan Officer

Responsible for the origination of residential mortgage loans. Programs included Conventional FNMA, non-conventional, government, and ARM products. Developed a correspondent one-time close program that combined mortgage company programs with commercial bank customer needs.

Allied Bank of Texas/First Interstate Bank, Houston, Texas

(February 1982 – February 1989)

Executive Vice President – North Belt and Jetero Offices (1984-1989)

Responsible for servicing a commercial portfolio at two north side locations of the bank. Activities not only included business development and portfolio creation, significant efforts involved the successful dissemination of the banks ORE list, developing potential outlets for the liquidation of foreclosed properties, and facilitating the sale of properties.

Senior Vice President – West Loop Office (1982 – 1984)

Developed loan portfolio of credits related to commercial and residential construction, asset based receivable and inventory lines of credit, heavy equipment, and consumer.

Galleria Bank, Houston, Texas (July 1979 – February 1982)

Vice President

Responsible for all walk-in loan clients, and the development of a mixed loan portfolio. Provided stability in the portfolio upon the sudden departure of the senior lender.

Texas Department of Banking, Austin, Texas (August 1975 – July 1979)

Senior Examiner (1978 – 1979)

Supervised groups of examiners up to thirty in the function of providing safety and soundness exams for state chartered banks. Based out of the Houston region, examined over 160 banks ranging in size from \$8 million to \$800 million during tenure with the Department of Banking.

Assistant Bank Examiner (1975 – 1978)

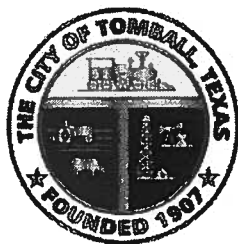
Examined out of the Abilene and Houston districts during this period. Responsible for providing support to the senior examiner in the evaluation of all assets and liabilities of banks examined.

Education

- Texas A&M University – Masters of Business Administration (2007)
- Texas Tech University – Bachelors of Business Administration (1975)
- Louisiana State University/ – Professional Masters of Banking (2002)
Sheshunoff Management Services
- University of Oklahoma/ - National Commercial Lending Graduate School (1982)
American Bankers Association

Additional

- Greater Tomball Area Chamber of Commerce – Past Chairman
- Tomball Independent School District – Past President
- Leadership North Houston
- First Baptist Church of Tomball
- Rotary Club of Tomball



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 5-9-2012

Name: Christine (Tina) Roquemore

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip Tomball, Tx 77375

Cell: _____

Email: _____

I have lived in Tomball 9 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: I work part-time for the following businesses:
- NONNIE'S SODA FOUNTAIN
- ASHELYNN MANOR
- EXQUISITE REFLECTIONS

Professional and/or Community Activities: Tomball Republican Women Club,
DOWN SYNDROME ASSOC OF HOUSTON, HIDDEN MIRACLES
PARENT NETWORK, SPECIAL OLYMPICS OF TEXAS.

Additional Pertinent Information/References: With a special needs daughter now in high school, my time to be involved has increased. My first choice for this time is to be more involved than just my attending City Council meetings.

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Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

☐ Tomball Hospital Board

Meeting Information

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

Ad Hoc/Advisory Committees

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

Meeting Information

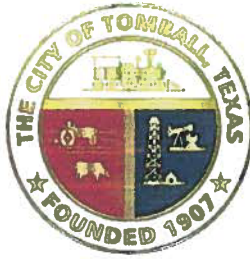
As called

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


Signature of Applicant

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



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 2/18/2013

Name: MARCIA MOORE SWINEHART

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 13 years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: RETIRED: Tomball Regional Hospital/VP. H.R.

Professional and/or Community Activities: HR CONSULTING FOR NOT-FOR PROFIT, NWEMS + TOMAGWA

Additional Pertinent Information/References:

*Very interested in serving
Community w/ Hospital Foundation*

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Decision-Making Boards and Commissions

- () Planning & Zoning Commission
() Board of Adjustments

Meeting Information

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To Be Announced; Evenings

Separate Legal Entities

- () Tomball Economic Development Corporation

Meeting Information

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October, 9 a.m. (special meetings may be
called)
Fourth Wednesday each month, 4 p.m.

- (X) Tomball Hospital Board *(Foundation)*

Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

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

Barbara Moore Spivehart

Signature of Applicant

Please return this application to:

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

RESUME

Marcia Moore Swinehart

Tomball, Texas 77375

Education: Portland State University, Portland, Oregon – 1969-1972- Education Major

Work History:

1969-1975 – Various part time retail jobs and self employment.

1976-1979- Snelling and Snelling, Portland, Oregon

Employment Counselor: Recruitment, placement for office and clerical applicants. Job search, employment counseling and applicant counseling. Fee paid and applicant paid. Collections and billing. Award winning for placements.

1979-1980 – Preferred Personnel, Portland, Oregon

Employment Counselor: Managed a small team of counselors who recruited and placed in all job areas in the city. Responsibility for A/R, A/P, payroll and commissions.

1980-1990- Tomball Community Hospital, Tomball, Texas

Hired as Collections Coordinator and promoted to Business Office Coordinator for eighteen months. Promoted to Director of Personnel

Hired, recruited and managed employee retention programs. Was responsible for employee counseling, management development programs and employee orientation. Grievance counseling and resolutions. Benefit administration, policy development and renewals. Joint Commission ready at all times. Board presentations as required.

1990-1993- East Texas Regional Healthcare Systems- Tyler, Texas

1990- 91- Director of Community Education. Responsible for outreach community programs in a 5 county service area. Program development, management of staffing and placement to meet the needs of those in need of services. Meals on Wheels management and other programs as needed. Managed CME for system physicians and brought into Tyler various speakers and educators to meet requirements.

1991-1996-Director on International Recruitment- a for-profit company owned by East Texas Regional Healthcare System

Recruitment of international nurses, physical therapists, occupational therapists and med. techs for system wide hospitals in three counties. Development of outside the system hospitals and healthcare systems in a thirty two (32) states. Developed recruiting relationships in Universities to support the supply of qualified applicants. Managed US Immigration standards and state licensures. Worked and traveled to recruit in Australia, New Zealand, The Philippines, Canada, South Africa, The Netherlands, England, Ireland and Israel.

Developed and wrote programs for US hospitals to make the international placement successful and long term. Negotiated contracts and discounted airline fares for incoming placements of over 600 per year.

Developed and managed a Locum business of traveling therapists within thirty two (32) states. Immigration and licensure departments directly reported to me as well as all placement personnel and orientation counselors. Guest speaker as requested with Texas Hospital Association.

1996-2011- Tomball Regional Hospital, Tomball, Texas

Vice President of Human Resources- Was responsible for recruitment and retention. Managed all Wage and Hour, EEOC and other State and Federal regulations related to employees and benefits within this growing hospital. Responsible for recruitment of The Heritage, Home Health, Texas Sports Medicine through each expansion of services. Managed and developed benefits for a growing staff of approximately 2000 employees.

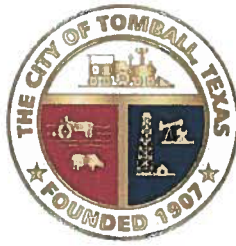
Managed conflict resolution, wrote and presented management development programs on an annual basis that assisted in limiting EEOC claims, employee turnover reduction and general employment liability. Significantly reduced Worker's Compensation claims and

actively managed the day to day operations within my department. Served as a counselor and management support of all department directors. Actively served on the Compliance Committee, Employee Safety, Benefits committee and others as directed by the CEO. Responsible for HR policy development and standards. Maintained the lowest turnover rate in Harris County for many years as well as filling our vacancies rapidly as benchmarked by hospital associations.

The management of special short term and long term projects, Joint Commission compliance, reductions of staff and employee relations.

References: Lynn LeBouef- Past CEO of Tomball Regional Hospital

Other References upon request.



CITY OF TOMBALL

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Please Type of Print Clearly:

Date: May 16, 2012

Name: Barbara Tague

Phone: _____ (Home)

Address: 503 Inwood St

Phone: _____ (Work)

City/State/Zip Tomball, Tx 77375

Cell: _____

Email: _____

I have lived in Tomball 39 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Retired

Professional and/or Community Activities: PLANNING & Zoning Commission, Tomball
Area Local Emergency planning Committee - Sec/Treas, Board of
Adjustments, Zoning Commission - Vice Chairman, Tomball CERT
Program Manager/Coordinator - See attached

Additional Pertinent Information/References: See attached

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(1) Planning & Zoning Commission
(2) Board of Adjustments

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

Separate Legal Entities
(3) Tomball Economic Development Corporation

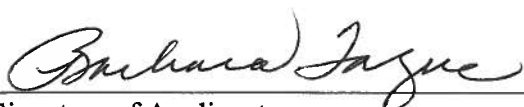
Meeting Information
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Fourth Wednesday each month, 4 p.m.

 Tomball Hospital Board

Ad Hoc/Advisory Committees
(4) Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information
As called

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


Signature of Applicant

Please return this application to:
City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

May 16, 2012

City of Tomball
401 Market Street
Tomball, Texas 77375

Attn: Honorable Mayor Gretchen Fagan
Mr. Rick Brown, City Council
Mr. Preston Dodson, City Council
Mr. Field Hudgens, City Council
Mr. Mark Stoll, City Council
Mr. Derek Townsend, City Council
Mr. George Shackelford, City Manager

Dear Mayor Fagan and City Council,

I would like to thank you for the opportunity to have served my first term on the Zoning and Planning Commission.

I would like to be considered for reappointment to the Planning and Zoning Commission so I can continue to serve the City of Tomball now and in the future.

My experience in serving on the Planning and Zoning Commission, Zoning Commission has given me the opportunity to understand the importance of the impact of the commission's decisions and recommendations on our community.

Through the Lone Star College Small Business Development affiliation with the Community Development Institute, I have completed 5 years in their program for my Professional Community Economic Development Certification. I have completed their basic 3 year course plus 2 years of Advanced Classes in Business Retention and Economic Investment, and Making Good Decisions on Incentives. I continue to do this so I can be aware of any new regulations and changes in government that could affect Tomball.

I would like to continue to serve the city with my experience on the Planning and Zoning Commissions and the PCED Certification classes and as a resident of Tomball.

Sincerely,

Barbara Tague

Barbara Tague

Cc. file

EXPERIENCE – PROFESSIONAL AND COMMUNITY

Harris County Citizen Corps, under the Office of the Harris County Office of Homeland Security and Emergency Management 2008

Administrative Assistant

- Administrative Assistant for the Harris County CERT (Community Emergency Response Team) Program, Division of the Harris County Citizen Corps.

Downtown Tomball Association

2002 - Present

President

- President and founding charter member
- Incorporated the organization as a 501 (6) C
- Served as secretary, Vice president and President
- Increased membership 50%
- Developed relationship with City of Tomball, Greater Tomball Chamber of Commerce
- Monthly column for the HCN – Tomball/Magnolia Potpourri newspaper for the DTA

Tomball Cert Coordinator

2006 – Present

- Responsible for Tomball CERT program
- Promote CERT program throughout the community
- Represent CERT and DTA on TALEPC
- Assisted at Transtar during Hurricane Gustav and Ike
- Volunteer Coordinator for Tomball PODs – Hurricane IKE
- EOC Liaison for Tomball CERT program
- Member of Tomball Fire Corp – Tomball Fire Academy Alumni
- Coordinate CERT monthly training and meetings
- Harris County CERT Rodeo 2009 Committee - Administration and Finance Chair
- Harris County CERT Rodeo 2010 Committee Chairman

Tomball Area Local Emergency Planning Committee

2006 – Present

- Secretary/Treasurer
- Administrative and financial duties
- Keep records of committee
- Record and distribute minutes
- Keep records of committee members
- Maintain bank account and financial records
- Liaison with Tomball CERT program and Fire Corp

City of Tomball Planning and Zoning Commission

June 2010 - Present

President

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

City of Tomball Board of Adjustments – Alternate No. 2

2009 – June, 2010

Appointed in March 2009

Vice Chairman

- Developed City of Tomball Zoning Ordinances with Consultants, Sefko and Dunkin
- Designed Zoning Map and districts
- Chaired public hearings
- Spoke at organization meetings as representative of Zoning Commission

City of Tomball Centennial Commission

2004 – 2009

2nd Vice president

- Incorporated the commission as a 501 (6) C, oversaw trademarking of Centennial logo and licensing agreements
- Chairman – Publicity Committee
- Chairman – Grounds/Operations -Tomball Heartbeat Festival – 3 day festival with 20,000 in attendance.

**Great Northwest Houston Convention and Visitors Bureau
President**

2004-present

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

Tomball Independent School District Facility Study Finance Sub Committee

2006

- Member of Finance Sub Committee worked with TISD CFO.
- Tasked with the development of a plan for financing facilities for student and program growth for TISD
- Focus on TISD fiscal condition and future stability in the business environment.
- Recommendations were based on a consensus of the findings and conclusions regarding additional debt issuance.
- Developed various scenarios on varied amounts of bond issuances from \$64M to \$150M
- Recommended tax rate with M & O, I & S breakdown

Red Awning Antiques/ HADL Enterprises

1996 – 2006

- Owner of 15 dealer antique co-op
- Responsible for all aspects of business from payroll to merchandising
- Bought and sold estates

Patriot Kennels

1981 – Present

- Handled and show dogs throughout the United States, both as a breeder/owner and as a professional handler.

Barbara A. Tague, Pet Stylist

1988 - 2002

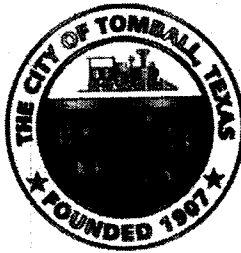
- Affiliated with Tomball Veterinary Clinic
- Retired with 2000 clients
- Specialized in geriatric, difficult and large animals,
- Member of IPGA and IPGA - Texas State Representative, Proctor for certification of Master Groomers, taught IPGA seminars

PROFESSIONAL/ COMMUNITY ACTIVITIES**Harris County Republican Party Precinct 529 Chairman****Elected 2008, 2010, 2012
Candidate**

- Harris County Republican Party Finance Committee – Roots Program Sub-Committee Chair, Chairman of the Small Donor Program
 - Texas Federation of Republican Women – 2009 State Convention Logistics Chairman
 - Texas Federation of Republican Women – 2010 – 2013 Board of Directors
 - *Special Committee Chairman* – 2011-2013 State Convention Coordinator
 - 2013 Convention Site Selection Committee Member
 - 2015 Convention Site Selection Committee Co-Chairman
 - Tomball Republican Women – Founder and President 2010-present
 - Greater Houston Council of Federated RW – 3rd Vice president/ Special Events 2009, 2010, Newsletter Editor-2012
 - Tomball Pachyderm Club – Board of Directors 2006 – 2012 , Vice president 2010 -2012
 - Delegate Precinct Convention 2008,2010
 - Attended Senatorial District 7 Convention – 2008, 2010,2012
 - Delegate to Republican State Convention - 2008, 2010, 2012
 - Tomball Liaison to Ted Cruz for Attorney General Campaign, 2010-2012
 - Tomball Liaison for Congressman McCaul Campaign, 2008,2010,2012
-
- Greater Tomball Chamber of Commerce – Government and Legislative Committee –
 - State and Federal legislative sub- committee chairman
 - Greater Tomball Chamber of Commerce – Mobility and Transportation Committee
 - Greater Tomball Chamber of Commerce – Miss Tomball Pageant Committee, Chairman's Ball Committee, Tomball Night Committee
 - 249 Partnership
 - Tomball Area Development Group
-
- Tomball Local Emergency Planning Committee – Secretary/Treasurer
 - Tomball CERT (Community Emergency Response Team) Coordinator
 - Harris County CERT Rodeo 2009 Administrative/ Finance Chairman
 - Harris County CERT Rodeo 2010 Chairman
 - Tomball Fire Academy Alumni, Class I – 2008 – Fire Corps member
 - Hurricane IKE – Supervised PODS and coordinated over 300 volunteers for and with Tomball Fire Department at the Tomball PODs for Tomball Local Emergency Planning Committee, Harris County OEM, FEMA and State Representative Debbie Riddle. Also Tomball Community Volunteer Clean Up Program. Supervised the CERT response teams during Hurricane IKE.
 - Mission Tomball – volunteer
 - Tri County Fires - Coordinated the volunteers for the Tri County Fire Donation Site – Tomball Fire Dept.

PROFESSIONAL MEMBERSHIPS

- Texas Federated Republican Women – Patron 2009-2010
- National Association of Republican Women
- Texas Festival and Events Association
- Texas Tourism Industry Association
- American Spaniel Club
- Texas Downtown Association
- Great Northwest Houston Convention and Visitors Bureau
- Greater Tomball Area Chamber of Commerce
- CYFair Houston Chamber of Commerce
- Leadership North Houston Alumni
- BREI Association (Business Retention, Economic and Investment Assn)



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2012 will expire in 2014.

Please Type or Print Clearly:

Date: May 18, 2012

Name: Evelyn Torres - Chervenak

Phone: _____ (Home)

Address: 111 McPhail

Phone: _____ (Work)

City/State/Zip Tomball TX 77375

Cell: _____

Email: _____

I have lived in Tomball 5 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Accountant

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
() Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

Meeting Information

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

- ☒ Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

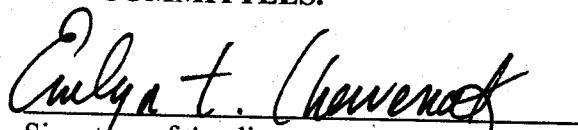
Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

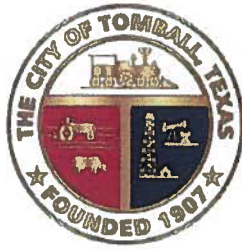
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 2/27/2013

Name: ROBERT TURNER

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.

I am ☒ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: DENTIST

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

- () Planning & Zoning Commission
() Board of Adjustments

Meeting Information

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

Separate Legal Entities

- () Tomball Economic Development Corporation

Meeting Information

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

- (✓) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

Tomball Regional Health Foundation

Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee

Meeting Information

As called

DTAC does not require Tomball residency

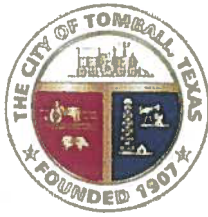
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 1-29-2010

Name: Brett Tynes

Phone:

Address: _____

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

City/State/Zip: Tomball, TX 77375

Email: btynes@hiddenvul.com

I have lived in Tomball 12+ years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Investment Manager / Business Owner

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

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

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

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

Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

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

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

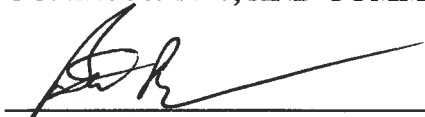
() Tomball Economic Development Corporation

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

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

Fourth Wednesday each month, 4 p.m.

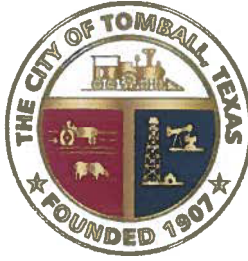
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date:

1/24/12

Name:

Jarmon Wolfe

Phone:

Address:

504 Kane

Phone:

832-868-6069 (Home)

City/State/Zip

Tomball, TX 77375

Cell:

(Work)

Email:

I have lived in Tomball 11 years.

I am X am not ___ a U.S. Citizen

Occupation:

Currently Unemployed

Professional and/or Community Activities:

DTAC

Additional Pertinent Information/References:

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

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

Decision-Making Boards and Commissions

- 1 (X) Planning & Zoning Commission
2 (X) Board of Adjustments

Meeting Information

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

Separate Legal Entities

(3) Tomball Economic Development Corporation

Meeting Information

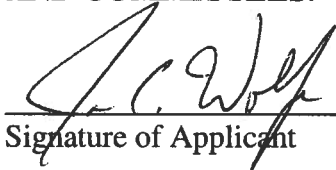
First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

(4) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

Tourism Board as resident

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



Signature of Applicant

Please return this application to:

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: August 19, 2013

Topic:

Approve Resolution No. 2013-23, a Resolution of the City Council of the City of Tomball, Texas, Nominating a Candidate for a Position on the Board of Directors of the Harris County Appraisal District

Background:

Harris County Appraisal District (HCAD) has requested nominations for the new two-year term, beginning on January 1, 2014, for the HCAD representative for suburban cities. Each city may nominate a single candidate by Resolution; the nomination must be submitted to HCAD no later than October 15, 2013.

The current representative for the 32 smaller cities and towns in Harris County, other than the City of Houston, on the six-member HCAD Board of Directors is Ed Heathcott, who has served on the board since January 1, 2008; Mr. Heathcott has requested Tomball's support and nomination for a fourth two-year term. The City Council may also nominate any individual, including a member of Council, who has resided in Harris County at least two years, who is not employed by a taxing unit, and who is not related to another person who is in the business of appraising property or represents property owners for a fee in proceedings in the appraisal district by consanguinity or affinity.

Nominations must be presented to the chief appraiser of HCAD no later than October 15, 2013 by a certified copy of the resolution, to provide adequate time to prepare the ballot.

Origination:

Jim Robinson, Chief Appraiser-HCAD

Recommendation:

City staff makes no recommendation.

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-23 - Draft

Ed Heathcott - Request for Nomination

Sands Stiefer - HCAD Chief Appraiser - Request for Nominations to HCAD Board

RESOLUTION NO. 2013-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, NOMINATING A CANDIDATE FOR A
POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS
COUNTY APPRAISAL DISTRICT**

* * * * *

WHEREAS, those cities and towns other than the City of Houston within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2014, and extending through December 31, 2015.

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; **now, therefore**

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

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

Section 2. That _____ (*name*), ~~c/o Harris County Appraisal District, P. O. Box 920975, 13013 Northwest Freeway, Houston, Texas 77040~~ (*address, zip code, and phone number*), be, and he or she is, hereby nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those cities and towns other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Section 3. That the Mayor, as presiding officer of the governing body of this taxing unit, be, and she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this Resolution to the Chief Appraiser of the Harris County Appraisal District no later than October 15, 2013.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF August, 2013.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

**CERTIFICATION OF NOMINATION OF A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF
THE HARRIS COUNTY APPRAISAL DISTRICT**

I, Gretchen Fagan, Mayor of the City of Tomball, Texas, certify that on the 19th day of August 2013, the City Council of the City of Tomball, Texas, did by Resolution No. 2013-23, nominate _____ (*name*), c/o Harris County Appraisal District, P. O. Box 920975, 13013 Northwest Freeway, Houston, Texas 77040 (*address, zip code, and phone number*), for a position on the Board of Directors of the Harris County Appraisal District.

I further certify that a true and correct copy of the Resolution No. 2013-23 making such nomination is attached hereto.

WITNESS MY HAND this _____ day of _____ 2013.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

I, Doris Speer, City Secretary for the City of Tomball, Texas, do hereby certify that I am the custodian of the records of the City, and that the attached Resolution No. 2013-23, A Resolution of the City Council of the City of Tomball, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District, is a true and correct copy from the official records of the City of Tomball, Texas.

Doris Speer
City Secretary

Date



Harris County Appraisal District

13013 Northwest Freeway
Houston TX 77040
Telephone: (713) 812-5800

P.O. Box 920975
Houston TX 77292-0975
Information Center: (713) 957-7800

Board of Directors

Glenn E. Peters, *Chair*
Toni Trumbull, *Secretary*
Ed Heathcott
Ray Holtzapple
Lawrence Marshall
Mike Sullivan
Chief Appraiser
Jim Robinson

Board of Directors

August 8, 2013

Chief Deputy & Chief Legal Officer

Sands L. Stiefer
Assistant Chief Appraisers
Roland Altinger
Guy Griscom
Chief Information Officer
Al Garcia
Director of Information & Assistance
Bonnie Hebert
Taxpayer Liaison Officer
Teresa S. Terry

Mayor Gretchen Fagan
City of Tomball

Re: HCAD Board of Directors

Dear Mayor and Council:

I am nearing the end of my third term of service on the Harris County Appraisal District (HCAD) Board representing suburban cities. With this letter, I am seeking re-election for my fourth term commencing January 1, 2014.

By now you should have received a letter from HCAD with instructions as to how to submit a nominee for the ballot for your representative to serve on the Board of Directors. It would be my hope your city would place my name in nomination along with the other 33 cities I represent. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the Chief Appraiser of HCAD no later than **Tuesday, October 15, 2013**.

The Chief Appraiser of HCAD will then compile a list of nominees and draft a ballot which will be mailed to each city at the end of October. Each city must cast its vote by resolution for one of the nominees and this ballot must be returned to the Chief Appraiser no later than **Monday, December 16, 2013** in order to be counted.

It has been my privilege and honor to serve you these past six years and I seek your city's support in my re-election. Should you have any questions, please do not hesitate to call.

Sincerely,

Ed Heathcott
Cell 281-435-2446



Harris County Appraisal District

13013 Northwest Freeway
Houston TX 77040
Telephone: (713) 812-5800

P.O. Box 920975
Houston TX 77292-0975
Information Center: (713) 957-7800

Office of Chief Appraiser

August 1, 2013

Presiding Officers of Harris County Taxing Units

Ladies and Gentlemen:

Board of Directors

Glenn E. Peters, *Chair*
Toni Trumbull, *Secretary*
Ed Heathcott
Ray Holtzapple
Lawrence Marshall
Mike Sullivan

Chief Appraiser

Sands L. Stiefer
Deputy Chief Appraiser
Roland Altinger
Taxpayer Liaison Officer
Teresa S. Terry

It is almost time to select members of the Harris County Appraisal District's board of directors for 2014-2015. Recent legislation required the current board of directors to adopt a resolution modifying the method of selecting directors. The following documents are designed to walk you through the selection process.

- Change In Method of Selecting Directors for School Districts other than Houston ISD (all taxing units)
- Selection of Appraisal District Board Members (taxing units that participate in elections)
- Resolution 2013-1 Harris County Appraisal District Board of Directors (all taxing units)
- Senate Bill 359, 83rd Regular Legislative Session (all taxing units)
- Notice of special workshop for Junior College Districts (only Junior College Districts)

If you have any questions about the process for selecting directors or the resolution, please do not hesitate to contact my office.

Sincerely,

Sands L. Stiefer
Chief Appraiser

Journal of the American Medical Association

PUBLISHED WEEKLY
Subscription Office: 535 North Dearborn Street, Chicago, Ill. 60610
Telephone: (312) 462-5000



Editorial Office: 535 North Dearborn Street, Chicago, Ill. 60610
Telephone: (312) 462-5000
Subscription Office: 535 North Dearborn Street, Chicago, Ill. 60610
Telephone: (312) 462-5000
Advertising Office: 535 North Dearborn Street, Chicago, Ill. 60610
Telephone: (312) 462-5000
Business Office: 535 North Dearborn Street, Chicago, Ill. 60610
Telephone: (312) 462-5000

Volume 195
Number 10
October 1975

Official Journal of the American Medical Association

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The Journal of the American Medical Association is a weekly publication of the American Medical Association. It is the official journal of the Association and is published for the benefit of the medical profession and the public. The Journal contains original research articles, clinical reports, reviews, and news items. It is a valuable source of information for physicians and other health care professionals.

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Published by the American Medical Association

535 North Dearborn Street, Chicago, Ill. 60610

Telephone: (312) 462-5000



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS COUNTY APPRAISAL DISTRICT

FROM: SANDS STIEFER, CHIEF APPRAISER

SUBJECT: CHANGE IN METHOD OF SELECTING DIRECTORS

DATE: AUGUST 1, 2013

Dear Presiding Officer:

Enclosed you will find a copy of Resolution 2013-1, which was adopted by the board of directors of the Harris County Appraisal District on July 17, 2013. The resolution was adopted in response to new legislation that required the change. As required by Sec. 6.031, Tax Code, I am delivering a copy of the resolution to you.

SB 359, from the recent legislative session, took effect June 14, 2013. The bill provides for participation by junior college districts in the selection of appraisal district directors. The bill applies for appointment to terms beginning in 2014. The bill requires that an appraisal district which changes its method of selecting directors must provide for participation by the junior college districts in a specific manner. Resolution 2013-1 so provides.

SB 359 specifically directs how the district should incorporate junior colleges into the process. Subsection (b-1), added to Sec. 6.031, Tax Code by the bill, provides:

If an appraisal district increases the number of members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution **shall** provide for the junior college districts that participate in the appraisal district to **collectively** participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with

representation in the appraisal district. A resolution adopted under this section is not subject to rejection by a resolution opposing the change filed with the board of directors by a taxing unit under Subsection (a). (emphasis added).

The word "shall" indicates that subsection (b-1) is mandatory; "collectively" indicates that the four junior college districts collectively will have the same voting strength as the school district with the lowest tax levy in the district (currently Dayton ISD, which levies about \$33,000 in property taxes within HCAD).

In HCAD's system, one board member represents the school districts other than HISD. Each of these school districts has a right to nominate a candidate and to cast a single vote in an election for the school district representative. To implement Sec. 6.031(b-1) without changing that process, the four junior college districts have been given the right to collectively nominate a candidate and to collectively cast a single vote in the school district election.

As noted above, this resolution is not subject to rejection by the taxing entities, as is normally the case when the board of directors of an appraisal district changes the board selection method by resolution. No action on your part is required. Junior college districts will receive additional instructions on how to participate in this year's director election process in early August. I have enclosed copies of the resolution and of SB 359. Please do not hesitate to contact me if you have questions.

Enclosures

xc: Board of Directors



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS COUNTY APPRAISAL DISTRICT

FROM: SANDS STIEFER, CHIEF APPRAISER

SUBJECT: SELECTION OF APPRAISAL DISTRICT BOARD MEMBERS; CHANGE TO
METHOD OF SELECTION FOR SCHOOL DISTRICTS OTHER THAN
HOUSTON ISD

DATE: AUGUST 1, 2013

Your taxing unit participates in selecting members of the Harris County Appraisal District's board of directors. The board is composed of six members who serve two-year terms, all of which expire December 31, 2013. This memorandum describes the process of selecting directors for the two-year term that begins January 1, 2014. **Pursuant to Sec. 6.031, Tax Code, as amended by SB 359 from the most recent regular legislative session, I have enclosed a copy of a resolution enacted by the board of directors that provides for junior college districts to collectively participate in the selection of one of the six board members. This is your official notice of that change.**

Functions of the Board

The appraisal district appraises all property in the county for ad valorem tax purposes. The board of directors is the governing body for the district. This board employs the chief appraiser, sets general policies for the district, and adopts the budget for the district. By law, board members cannot communicate with the chief appraiser regarding appraisals. There is no compensation for service on the appraisal district board of directors; however, directors are reimbursed for travel expenses if incurred. The board of directors typically meets once a month.

Participating Units

The current method of selecting directors was established by resolutions of the county, cities, and school districts participating in the appraisal district in 1981. The method of selection was modified in 1991 after the law was changed to provide a voting entitlement to conservation and reclamation districts and has now been modified to provide a voting entitlement for junior college districts. Sec. 6.031, Tax Code, authorizes an appraisal district to vary both the size and the method of selecting its board members.

The six members of the Harris County Appraisal District's board of directors are selected as follows:

- One member appointed by the Harris County Commissioners Court.
- One member appointed by the Houston City Council.
- One member appointed by the board of trustees of the Houston Independent School District.
- One member appointed by votes of the city councils of the cities other than Houston. Each city council casts a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the boards of trustees of the school districts other than Houston Independent School District and by the boards of directors of the junior colleges with territory in Harris County. Each school district board casts a single vote. The junior college districts collectively cast a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the governing bodies of the conservation and reclamation districts that participate in the appraisal district. Each body casts a single vote. The candidate who receives the most votes is elected.

In the event the county appoints someone other than the county assessor-collector to the board, the county assessor-collector will serve ex officio in a non-voting capacity as a seventh member.

Board members whose terms expire December 31, 2013, are:

- Glenn Peters, Chairman, representing conservation and reclamation districts
- Toni Trumbull, Secretary, representing junior college districts and school districts other than Houston ISD
- Lawrence Marshall, representing Houston ISD
- Ed Heathcott, Member, representing cities & towns, except City of Houston
- Ray Holtzapple, Member, representing City of Houston
- Mike Sullivan, Member, representing Harris County

Eligibility Requirements

An individual must satisfy certain residency, employment, and conflict-of-interest requirements to be eligible to serve on the board of directors.

Residency: The candidate must be a resident of Harris County, and must have resided in the county for at least two years immediately preceding the date he or she takes office. The appraisal district's boundaries are the same as those for Harris County.

Employment: An employee of a taxing unit served by the appraisal district may not serve, with one exception. An employee may serve if the employee is also a member of the governing body or an elected official of a taxing unit that participates in the district. For example, a member of the governing body of a school district who is also a city employee would be *eligible* to serve on the appraisal district's board of directors. Elected officials or members of governing bodies who are not employed by taxing units are also *eligible* to serve on the board.

An individual is *ineligible* to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

Conflict-of-interest: A candidate may not serve if the candidate is related to a person who is in the business of appraising property or represents property owners for a fee in proceedings in the appraisal district. Relatives barred are those within the second degree by consanguinity (blood) or affinity (marriage). These persons include: spouse; children; brothers and sisters; parents; grandparents; and grandchildren. The spouse's relatives in the same degree are included.

A candidate who contracts with the appraisal district for any purpose, or who contracts with a taxing unit served by the district for a property tax related purpose, may not serve. The same rule applies to candidates who have a substantial interest in businesses contracting with the appraisal district (for any purpose) or with the taxing unit (for property tax purposes). A candidate has a substantial interest if the candidate or the candidate's spouse has combined ownership of at least ten percent (10%) of the voting stock or shares of the business. A candidate also has a substantial interest if the candidate or the candidate's spouse is a partner, limited partner, or an officer of the business. These prohibitions on contracting continue for the duration of the affected director's term of office.

The appraisal district may not employ any person who is related to an appraisal district director within the second degree by affinity or the third degree by consanguinity. The provision applies to existing employees at the time the director takes office and to employees hired during the director's term.

Delinquent taxes: Texas law makes a person ineligible to serve as an appraisal district director if he or she has delinquent property taxes owing to any taxing unit 60 days after the person knew or should have known of the delinquency.

Selection Procedures

The procedures for selecting members of the board of directors for the two-year term beginning on January 1, 2014, are as follows:

For Cities and Towns Other Than the City of Houston

The cities and towns other than the City of Houston appoint one member by majority vote of their city council. The process for these cities and towns involves two steps: nomination and election.

Nomination

The city council of each city and town has the right to nominate a single candidate for the position. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the chief appraiser of the Harris County Appraisal District no later than Tuesday, **October 15, 2013**. The mayor must provide a certified copy of the resolution and may include a cover letter naming the nominee.

Election

Before Wednesday, October 30, 2013, the chief appraiser will prepare a ballot listing the nominees in alphabetical order. The chief appraiser will deliver a copy of the ballot to the mayor of each voting city or town.

No later than Monday, December 16, 2013, each city council must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. *Ballots received by the chief appraiser after December 16 may not be counted.*

The chief appraiser will count the votes, declare the results, and notify the winner, the nominees, and the managers of each city and town. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

**For Junior Colleges and School Districts Other Than
the Houston Independent School District**

With the exception described below for junior college districts, exactly the same procedure described for cities and towns above applies to the selection of the member who represents junior colleges and school districts other than Houston ISD. The board of trustees of the school districts must nominate and elect following the deadlines and procedures described above.

Under the provisions of SB 359, 83d Regular Session, 2013, and the enclosed resolution, the four junior college districts with territory in Harris County may participate in the selection of the member who represents school districts other than the Houston ISD and the junior colleges. However, the junior college districts collectively have the same voting authority as a single school district. See Sec. 6.031(b-1), Tax Code, as added by SB 359. The boards of trustees of junior college districts may each nominate a candidate following the deadlines and procedures described above. However, the four junior colleges collectively have a single vote in the election. Each board of trustees may cast a vote by resolution and file the resolution with the chief appraiser. The collective vote will be automatically cast for the candidate who receives the most votes from among the junior colleges. As an example, if one candidate receives three votes and another receives one vote, the junior colleges will be deemed to have collectively cast their vote for the candidate who received the three votes. See the enclosed resolution for more details.

For Conservation and Reclamation Districts

The procedure and timetable for selecting the member who represents the conservation and reclamation districts are the same as that described above for small cities and school districts.

The conservation and reclamation districts that participate in the appraisal district may cast a single vote. The candidate who receives the most votes is elected.

**For Harris County, the City of Houston,
and the Houston Independent School District**

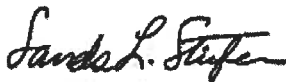
By December 5, 2013, the governing body of each of these entities appoints a single person to represent it on the board. Each governing body must formally adopt a resolution naming the person who will serve as a board member and submit it to the chief appraiser at the address shown below:

Sands L. Stiefer
Chief Appraiser
Harris County Appraisal District
13013 Northwest Freeway
P. O. Box 920975
Houston, TX 77292-0975

To assist you in this process, I have enclosed a suggested form of resolution for the nomination of a candidate to the board of directors of the Harris County Appraisal District.

We invite your questions or comments on the board selection process. Please do not hesitate to call me at (713) 957-5274.

Sincerely,



Sands L. Stiefer, RPA
Chief Appraiser

Attachments

c: HCAD Board Members
Tax Assessors
Attorneys

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
_____ INDEPENDENT SCHOOL DISTRICT
NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT**

WHEREAS, those school districts other than the Houston Independent School District within the Harris County Appraisal District and the junior college districts within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2014, and extending through December 31, 2015; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____
_____ :

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

Section 2. That _____ (name), _____
_____ (address, zip code) _____ (phone
number) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2013.

PASSED AND APPROVED this _____ day of _____, 2013.

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
_____ JUNIOR COLLEGE DISTRICT
NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT**

WHEREAS, those school districts other than the Houston Independent School District within the Harris County Appraisal District and the junior college districts within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2014, and extending through December 31, 2015; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____

_____ :

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

Section 2. That _____ (name), _____
_____ (address, zip code) _____ (phone
number) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2013.

PASSED AND APPROVED this _____ day of _____, 2013.

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF _____, TEXAS,
NOMINATING A CANDIDATE FOR A POSITION
ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT**

WHEREAS, those cities and towns other than the City of Houston within the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2014, and extending through December 31, 2015; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF _____

_____ :

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

Section 2. That _____ (name), _____
_____ (address, zip code) _____ (phone
number), be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those cities and towns other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2013.

PASSED AND APPROVED this _____ day of _____, 2013.

Mayor

ATTEST:

City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE

(CONSERVATION & RECLAMATION DISTRICT)
NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT

WHEREAS, those eligible conservation and reclamation districts participating in the Harris County Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris County Appraisal District for a term of office commencing on January 1, 2014, and extending through December 31, 2015; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF

_____:

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

Section 2. That _____ (name),

_____ (address, zip code)

_____ (phone number), be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris County Appraisal District to be filled by those eligible conservation and reclamation districts participating in the Harris County Appraisal District for a two-year term of office commencing on January 1, 2014.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than October 15, 2013.

PASSED AND APPROVED this _____ day of _____, 2013.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

RESOLUTION NO. 2013 - 01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT PROVIDING FOR THE COLLECTIVE PARTICIPATION OF JUNIOR COLLEGE DISTRICTS IN THE SELECTION OF DIRECTORS ON THE BOARD OF DIRECTORS OF SAID DISTRICT.

* * * * *

WHEREAS, the current Board of Directors of the Harris County Appraisal District is composed of six (6) members, one of whom is appointed by each of the following: Harris County, the City of Houston, the Houston Independent School District, all cities and towns, other than the City of Houston, participating in the District, all conservation and reclamation districts, and all school districts, other than the Houston Independent School District, participating in the District, all as authorized by and provided for in resolution 91-4 approved in 1991 by the Board of Directors of the Harris County Appraisal District; and

WHEREAS, Sec. 6.031(b-1), Tax Code, provides that if an appraisal district increases the number of members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution shall provide for the junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district; and

WHEREAS, said Board of Directors deems it appropriate and in the public interest to exercise the authority granted to it by Section 6.031(b-1) of the Property Tax Code to provide for collective participation by the junior college districts; now, therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT:

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

Section 2. That this Resolution be, and it is hereby, adopted pursuant to authority granted to the Board of Directors by Section 6.031(a) and (b-1) of the Texas Property Tax Code.

Section 3. That, from and after the date of this resolution, the time and method for appointing the six (6) members of such Board of Directors shall be as follows:

A. Time and Method of Appointment to Regular Terms.

- (1) Harris County, City of Houston, and Houston Independent School District.

Those members appointed by the County of Harris, the City of Houston, and the Houston Independent School District shall be appointed by a resolution duly adopted by the respective governing bodies of such

entities and delivered to the Chairman or Secretary of the Board of Directors of the District prior to December 1 of each such odd numbered year.

(2) Cities and Towns Other Than the City of Houston.

The member appointed by all incorporated cities and towns participating in the District, other than the City of Houston, shall be selected in the following manner:

Each such city and town may nominate, by resolution duly adopted by its governing body, one (1) candidate for the position on the Board of Directors to be filled by such cities and towns. The presiding officer of the governing body of each such City and town making such a nomination shall submit the name of its nominee to the Chief Appraiser of the Appraisal District prior to October 15 of each odd numbered year. Before October 30 of such year, the Chief Appraiser shall prepare a ballot, listing the candidates thus nominated alphabetically according to the first letter in each such candidate's surname, and shall deliver a copy of such ballot to the presiding officer of the governing body of each such city and town. The governing body of each such city and town shall be entitled to one vote for the candidate of its choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the presiding officer of such governing body to the Chief Appraiser of the District prior to December 1 of such year. The Chief Appraiser shall count the votes, declare the candidate who received the highest number of votes elected, and, prior to December 15 of such year, submit the results of such election to the governing body of each such city and town, to the candidates nominated, and to the Secretary of the Board of Directors of the District. The Chief appraiser shall resolve a tie vote by any method of chance,

(3) School Districts Other Than Houston Independent School District.

- (a) The member appointed by all school districts participating in the District, other than the Houston Independent School District, shall be nominated and selected by the governing bodies of such school districts and collectively by the governing bodies of the junior colleges participating in the appraisal district, as described below, at the same time and in the same manner as the member selected by those cities and towns, other than the City of Houston, participating in the District.
- (b) The governing body of each such school district shall be entitled to one vote for the candidate of its choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the

presiding officer of such governing body to the Chief Appraiser of the District prior to December 1 of such year.

- (c) The governing bodies of each such junior college district shall be entitled to a single collective vote for the candidate of their choice whose name appears on such ballot. Such vote shall be expressed by resolution of each such governing body and an official copy thereof shall be delivered by the presiding officer of such governing body to the Chief Appraiser of the Appraisal District prior to December 1 of such year. The collective vote of the junior college districts is cast for the candidate who receives the most votes under this subsection. If two or more candidates receive an equal number of votes, the chief appraiser shall determine the candidate for whom the vote is cast by any method of chance.
- (d) The Chief Appraiser shall count the votes, declare the candidate who received the highest number of votes elected, and, prior to December 15 of such year, submit the results of such election to the governing body of each such city and town, to the candidates nominated, and to the Secretary of the Board of Directors of the District. The Chief appraiser shall resolve a tie vote by any method of chance.

(4) Conservation and Reclamation Districts.

The member appointed by all conservation and reclamation districts participating in the District shall be nominated and selected by the governing bodies of such conservation and reclamation districts at the same time and in the same manner as the member selected by those cities and towns, other than the City of Houston, participating in the District,

B. Time and Method of Appointment to fill Vacancies On the Board,

In the event a vacancy occurs on the Board of Directors, the Chairman or Secretary of such Board shall give written notice thereof to the governing body or bodies of the taxing unit or units who appointed the person who vacated such position. Such notice shall be delivered to such taxing unit or units within ten (10) days after such vacancy occurs by the Board of Directors, Within seventy-five (75) days after receipt of such notification, the governing body or bodies of such taxing unit or units who initially appointed the person to the position vacated shall fill such position for the unexpired term. The method and procedure employed in appointing a person to fill such vacancy shall be the same as that employed in the appointment of the person who vacated such position,

Section 4. That the Secretary of the Board of Directors of the Harris County Appraisal District be, and the Secretary is hereby, directed to file an official copy of this Resolution with the Chief Appraiser of said District before August 1, 2013.

Section 5. That the Chief Appraiser be, and the Chief Appraiser is hereby, directed to deliver an official copy of this Resolution to each taxing unit participating in the Harris County Appraisal District before August 15, 2013

PASSED, APPROVED, AND ADOPTED this 17th day of July, 2013



Chairman, Board of Directors
Harris County Appraisal District

ATTEST:



Secretary, Board of Directors
Harris County Appraisal District

AN ACT

relating to the selection of certain members of the board of directors of an appraisal district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (c) and (e), Section 6.03, Tax Code, are amended to read as follows:

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are

imposing taxes and that participate in the district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager; ~~and~~

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

SECTION 2. Section 6.031, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If an appraisal district increases the number of

members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution shall provide for the junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district. A resolution adopted under this section is not subject to rejection by a resolution opposing the change filed with the board of directors by a taxing unit under Subsection (a).

SECTION 3. The change in law made by this Act applies only to the selection of appraisal district directors for terms beginning on or after January 1, 2014. The change in law made by this Act does not affect the selection of appraisal district directors for terms beginning before that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 359 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0; May 21, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 359 passed the House, with amendments, on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting; May 22, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Regular City Council Agenda Item Data Sheet

Meeting Date: August 19, 2013

Topic:

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

Background:

Resolution No. 2013-24 provides that boards requesting that the City Council appoint a City representative to serve, but over which the City of Tomball has no oversight, will provide an annual report prior to the appointment/reappointment of a City representative.

Origination:

Council

Recommendation:

N/A

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Resolution No. 2013-24

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**

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas appoints members to various boards or committees within the City of Tomball over which the City has no oversight; and

WHEREAS, this governing body desires to request annual reports from those boards or committees for which the Council is requested to make appointments; **now, therefore,**

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

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

Section 2. That the City Council requests that an annual report be provided to the Council by each board or commission to which the City Council appoints a member or members.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF August, 2013.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: August 19, 2013

Topic:

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"

Background:

Administrative Policy #13 – Investment Policy, identifies those types of investments into which the City may place its funds. The City's policy is constrained by the Texas Public Funds Investment Act. On May 18, 2009, Administrative Policy #13 was amended to allow for the City to invest funds in the TexPool Prime and the TexasClass local government investment pools.

Pursuant to the Public Funds Investment Act, the City's Investment Policy must be reviewed annually and any necessary changes adopted. No changes to the policy, as reaffirmed by City Council on August 20, 2012, are recommended by staff at this time.

Origination:

Finance

Recommendation:

Staff recommends affirmation of Administrative Policy #13 – City of Tomball Investment Policy

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

Glenn Windsor, CPA, CFE, CGFO Finance Director

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

ATTACHMENTS:

Resolution Number 2013-25

RESOLUTION NO. 2013-25

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ADOPTING
THE CITY OF TOMBALL'S INVESTMENT POLICY, AS SET OUT IN
CITY OF TOMBALL ADMINISTRATIVE POLICY NO. 13, ENTITLED
"INVESTMENT POLICY".**

* * * * *

WHEREAS, Texas Government Code, Section 2256.005(a), states that "the governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control"; and

WHEREAS, the governing body of an investing entity shall review its investment policy and investment strategies not less than annually, adopting a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies;

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

Section 1. The City Council has reviewed the investment policy and now desires to reaffirm and re-adopt said investment policy, as set forth in City of Tomball Administrative Policy No. 13, entitled "Investment Policy", a copy of which is attached hereto and made a part hereof as Exhibit "A".

Section 2. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. In the event any clause phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect,

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

PASSED, APPROVED, AND RESOLVED this the 19th day of August, 2013.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

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

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 1 OF 8
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CITY OF TOMBALL

INVESTMENT POLICY

I. SCOPE OF POLICY

PURPOSE:

This policy is developed to be in accordance with the Public Funds Investment Act, Chapter 2256 and with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code, as amended. This investment policy applies to the investment activities of the City of Tomball. This policy serves to satisfy the statutory requirement to define and adopt a formal investment policy. The investment portfolio shall be designed and managed in a manner to be responsive to public trust and to be in compliance with legal requirements and limitations.

INVESTMENT FUNDS:

All financial assets of all funds of the City of Tomball, Texas, at the present time and any funds to be created in the future shall be administered in accordance with the provisions of this policy. For investment purposes, all funds of the City shall be combined in a common pool, except as provided by applicable federal or state statutes, City ordinance, or other law. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. PRIMARY OBJECTIVES

SAFETY OF PRINCIPAL:

The safety of the principal invested always remains the primary and foremost objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk, the risk of loss due to the failure of the security issuer or backer, and interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

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LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by structuring the portfolio so that investments mature concurrent with forecasted cash flow requirements. Because all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio will also be placed in interest bearing accounts which offer same day liquidity for short-term funds.

DIVERSIFICATION:

Invested funds shall be diversified to minimize risk resulting from over-concentration of assets in a specific maturity, specific market sector, or specific instruments.

YIELD:

The City's cash management portfolio shall be designed with the objective of attaining reasonable market rates of return on investments, while remaining within the objective of safety and liquidity, throughout budgetary and economic cycles. The investment program shall seek to augment these returns consistent with risk limitations identified herein and prudent investment principles, also taking into account the risk constraints associated with the protection of capital.

MATURITY:

The investment maturity schedule shall correspond with the City's projected cash flow needs. Market risk shall be minimized by diversification of maturity dates. The City has a "buy and hold" portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, securities may be sold before they mature should it be in the City's best interest. No City investments shall exceed a maturity of more than four years.

INVESTMENT MANAGEMENT:

All participants in the investment process shall seek to act responsibly as custodians of the public trust. They shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The system of internal controls will be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the City.

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

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III. AUTHORIZED INVESTMENTS

Assets of funds of the government of the City of Tomball may be invested in:

- A. Obligations of the United States or its agencies and instrumentalities;
- B. Direct obligations of the State of Texas or its agencies and instrumentalities;
- C. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- D. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;
- E. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- F. Certificates of Deposit issued by state or national banks domiciled in the State of Texas, a savings bank domiciled in the State of Texas, or a state or federal credit union domiciled in the State of Texas and are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by the obligations named within this policy under items A through E above.
- G. Repurchase agreements which are fully collateralized, have a defined termination date, are secured by obligations of the United States or its agencies and instrumentalities; are purchased and pledged to the City of Tomball; are held in the City of Tomball's name; are deposited with third-party safekeeping of collateral at the time the investment is made; and are purchased through a primary government securities dealer or state or national bank domiciled in the State of Texas evidenced by a fully executed Master Repurchase Agreement on file with the City. The repurchase agreement is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations of the United States or its agencies and instrumentalities, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed.

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ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

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H. Commercial paper is an authorized investment if the commercial paper:

- a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
- b. Is rated not less than A-1 or P-1 or an equivalent rating by at least:
 - i. Two nationally recognized credit rating agencies; or
 - ii. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by organized and existing under the laws of the United States or any state.

I. An eligible investment pool authorized by the governing body, which must furnish to the City an offering circular or other similar disclosure instrument that contains, at a minimum, the types of investments in which money is allowed to be invested; the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool; the maximum stated maturity date of any investment within the portfolio; the objectives of the pool; the size of the pool; the names of the members of the advisory board of the pool and the dates their terms expire; the custodian bank that will safe-keep the pool's assets; whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation; whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment; the name and address of the independent auditor of the pool; the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must furnish to the City investment transaction confirmations; and a monthly report that contains, at a minimum, the types and percentage breakdown of securities in which the pool is invested, the current average dollar-weighted maturity based on the stated maturity date of the pool, the current percentage of the pool's portfolio in investments that have stated maturities of more than one year, the book value versus the market value of the pool's portfolio, using amortized cost valuation, the size of the pool, the number of participants in the pool, the custodian bank that is safekeeping the assets of the pool, a listing of daily transaction activity of the entity participating in the pool, the yield and expense ratio of the pool, the portfolio managers of the pool and any changes or addenda to the offering circular.

Investment pool yield shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.

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

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To be eligible to receive funds from and invest funds on behalf of the City of Tomball, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value.

If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ration between 0.995 and 1.005.

A public funds investment pool must have an advisory board composed: equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created and managed by a state agency; or of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

Although allowed under State Law, Prime Domestic Bankers' Acceptances, Commercial Paper, and Money-market mutual funds are not considered suitable investments of the City of Tomball, and the City of Tomball will refrain from making such investments or allowing such instruments to be pledged to the City's deposits or serve as underlying collateral.

IV. RESPONSIBILITY AND CONTROL

DELEGATION OF AUTHORITY:

Management responsibility for the investment program is hereby delegated to the City Treasurer, or in the absence of such, Assistant City Treasurer, or such other person specifically designated by the Treasurer. The City Treasurer, or designated person by such, shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

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

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TRAINING REQUIREMENT:

The City Treasurer, the Assistant City Treasurer and any person designated by the Treasurer to be responsible for the investment of City funds shall attend an independent and approved source of investment training session no less often than once every two fiscal years and shall receive not less than 10 hours of instruction relating to investment responsibilities under the state statutes. Any person newly designated to duties relating to the investment program shall be required to attend an independent and approved source of investment training session within 12 months of such designation. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act under the Texas Government Code Chapter 2256.

QUARTERLY REPORTS:

The City Treasurer, and the person or persons designated by such, shall submit quarterly an investment report that summarizes the investment portfolio for all funds to the City Council. The report shall describe in detail the investment position of the City on the date of the report; be prepared and signed by all investment officers of the City; contain a summary statement, prepared in compliance with generally accepted accounting principles; provide the beginning market value for the reporting period, the additions and changes to the market value during the period, the ending market value for the period, and fully accrued interest for the reporting period; state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested; state the maturity date of each separately invested asset that has a maturity date; state the account, fund or pooled group fund in City for which each individual investment was acquired; and state the compliance of the investment portfolio of the City's policy as it relates to the strategy. The reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

CONFLICTS OF INTEREST:

The City Treasurer, or any person designated by such to be responsible for investments, shall not be designated as an investment officer for any investing entity other than the City of Tomball. Any person responsible for investments for the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. Any person responsible for investments for the City who is related within the second degree by affinity or consanguinity to an individual seeking to sell an

investment to the City shall file a statement disclosing that relationship. This statement must be filed

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

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with the Texas Ethics Commission and the City of Tomball. A personal business relationship is defined as owning 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization; funds received from the business organization exceed 10 percent of the person's gross income for the previous year; or the acquisition of investments from the business organization during the previous year have a book value of \$2,500 or more for the person's personal account. Any person involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Secretary any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial and/or investment positions that could be related to the performance of the City's portfolio. Any person responsible for investments shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

V. COLLATERAL AND SAFEKEEPING

COLLATERAL REQUIRED:

Funds of the City of Tomball shall be secured by collateral, whereby the market value of such collateral shall not be less than the total amount of the sum of the City's deposits, investments and accrued interest less the amount of insurance provided by the United States or an instrumentality of the United States, such as FDIC and FSLIC insurance. All items held for collateral for the City of Tomball shall be qualified investments as stated in items III.A. through III.E. of the City's investment policy.

SECURITY OF COLLATERAL:

All securities owned by thy City or pledged to the City shall be held in safekeeping by the City; in a City approved account in a third party financial institution with a main office in the State of Texas and capital stock and permanent surplus of \$5 million or more; the Texas Treasury Safekeeping Trust Company; a federal home loan bank; or with a Federal Reserve Bank. A third party custodian shall be required to issue original safekeeping receipts directly to the City and monthly provide a listing of each specific security, rate description, maturity, CUSIP number, and other information as may be deemed necessary and appropriate by the City. Each safekeeping receipt will be clearly marked that the security is pledged to the City of Tomball. It shall be the sole responsibility of the financial institution to immediately, without notice from the City or cost to the City, replace any nonconforming pledged security.

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

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DELIVERY VS. PAYMENT:

Treasury Bills, Notes and Bonds and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City of Tomball or its designated Trustee. The security shall be held in the name of the City. The Trustee's records shall reflect that the City owns such securities. In the event that the security is held by Trustee, the original copy of all safekeeping receipts shall be delivered to the City Treasurer, or person designated by such.

VI. AUTHORIZED BROKERS

The City of Tomball shall annually review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

Regular City Council Agenda Item Data Sheet

Meeting Date: August 19, 2013

Topic:

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

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).

Background:

The Raleigh Creek Utility Line Project requires acquisition of the above-described tract of land in order to complete the extension of utility service to Raleigh Creek Subdivision.

The Engineering and Planning Department are requesting Council approval to proceed with eminent domain proceedings.

When making the motion please state "I 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."

Origination:

City Attorney

Recommendation:

Approval of Resolution No. 2013-27

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-26 - Condemnation - Radcliffe Tract

RESOLUTION NO. 2013-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT 0.0345 ACRE TRACT OF LAND IS NEEDED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, INSPECTION, REPLACEMENT, AND REMOVAL OF ONE OR MORE UTILITY LINES AS PART OF THE RALEIGH CREEK UTILITY LINE PROJECT FOR THE CITY OF TOMBALL, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.

* * * * *

WHEREAS, the City Council of the City of Tomball now finds and determines that public convenience and necessity requires the City of Tomball to acquire a right-of-way easement over and across a tract of land containing 0.0345 acres for the construction, operation, maintenance, inspection, replacement, and removal of one or more utility lines in the City of Tomball, Texas, a more specific description of said 0.0345 acre tract of land is attached hereto as Exhibit “A” and made a part thereof, (herein after the “Land”); and

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

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

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

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

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

Section 3. The City Council hereby finds and determines that a public use and necessity exists for the City of Tomball to construct, operate, maintain, inspect, replace, and remove of one or more utility lines as part of the Raleigh Creek Utility Line Project, and to acquire the necessary property rights in the 0.0345 acre tract of land deemed necessary for expansion of the Raleigh Creek Utility Line Project, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land.

Section 4. The final offer heretofore made by the City Manager authorized by formal action of the City Council, for the purchase of the Land is in all things hereby ratified and confirmed.

Section 5. The City Attorney is hereby authorized to bring eminent domain proceedings on behalf of the City of Tomball under applicable provisions of law, whether provided by §251.001 of the Texas Local Government Code, as amended, Chapter 21 of the Texas Property Code, or by any other provision of law, against the owner or owners of the Land,

to-wit: Mary Radcliffe or against the real and true owner, owners, claimant, or claimants if Mary Radcliffe is said not to be the owner of the Land.

PASSED, APPROVED, AND RESOLVED this ____ day of _____, 2013.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council

Agenda Item

Meeting Date: August 19, 2013

Data Sheet

Topic:

Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P13-106**
- 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.

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 unanimously voted to recommend denial of Zoning Case P13-106.

Origination:

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

Recommendation:

Denial of Zoning Case P13-106.

Funding:

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

Brandy Pate, Engineering and Planning

ACTION TAKEN

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APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER
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ATTACHMENTS:

Ordinance 2013-14

Notice of Public Hearing

P13-106 Staff Report

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**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,

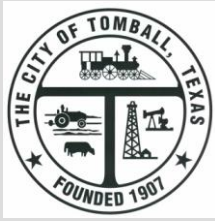
CERTIFICATION

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.



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 43.8.1 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

Regular City Council

Agenda Item

Meeting Date: August 19, 2013

Data Sheet

Topic:

Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P13-114**
- 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.

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 unanimously voted to recommend approval of Zoning Case P13-114.

Origination:

City of Tomball

Recommendation:

Approval of Zoning Case P13-114 and Adoption of Ordinance No. 2013-15 on First Reading

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Ordinance 2013-15

Notice of Public Hearing

P13-114 Staff Report

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.

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**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:

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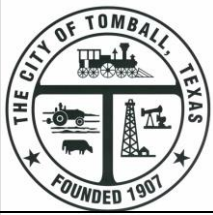
CERTIFICATION

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

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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.