

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



MONDAY, APRIL 1, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 1, 2013 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Jim Sim, The Journey Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for*

length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

5.0 Reports and Announcements

- **Farmers Market** – 9:00 a.m.-1:00 p.m
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 8:00 a.m. at the Depot
- April 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – **Annual Tomball Recycle and E-Waste Event** – Weingartens Center
- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7:00 p.m
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – **80th Anniversary of the 1933 Tomball Oil Strike** – TBA
- July 4, 2013 – **City of Tomball Fourth of July Celebration** – 2:00 p.m.-10:30 p.m.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Craig Meyers – Update on Implementation of Sign Ordinance
 - David Kauffman – Update on Construction of Restrooms at the Depot

6.0 Approve the Minutes of the March 18, 2013 Regular Tomball City Council Meeting.

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2013-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto
- 7.2 Adopt, on Second Reading, Ordinance 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

8.0 New Business:

- 8.1 Discuss Request from River of Praise Church for the City of Tomball to Extend Potable Water Service to River of Praise Church Property, Located Outside City of Tomball Extra-Territorial Jurisdiction (ETJ)
- 8.2 Adopt on First Reading, Ordinance 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date
- 8.3 Public Hearing on Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way
- 8.4 Approve Application of Tom Crofoot for Abandonment of a portion of Timkin Road and Persimmon Road Right-of-Ways and Adopt on First Reading, Ordinance No. 2013-05, An Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner’s Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject.
- 8.5 Approve **TOMBALL BUSINESS AND TECHNOLOGY PARK FINAL PLAT**: a Subdivision of 120.8081 Acres, a Portion of Which is a Partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and being a Replat of Lot 4 of Tomball South Commercial as recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.
- 8.6 Award Purchase of Four (4) Public Works Fleet Replacement Vehicles in the Amount of \$89,299.00, to Caldwell Country, through the State Buyboard Cooperative Purchasing Contract.
- 8.7 Approve Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook

8.8 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.

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 28th day of March 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: April 1, 2013

Topic:

- Led by Pastor Jim Sim, The Journey Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 1, 2013

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

- **Farmers Market** – 9:00 a.m.-1:00 p.m
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 8:00 a.m. at the Depot
- April 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
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- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7:00 p.m
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 11:00 a.m.-6:00 p.m.
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- July 4, 2013 – **City of Tomball Fourth of July Celebration** – 2:00 p.m.-10:30 p.m.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Craig Meyers – Update on Implementation of Sign Ordinance
 - David Kauffman – Update on Construction of Restrooms at the Depot

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

5th Annual City of Tomball Bunny Run 5K and Kids 1K

5th Annual Bunny Run T-Shirt

Annual Tomball Clean-up Week
Rails and Tails Mudbug Festival
Mayor's Coffee
Memorial Day Weekend Chili Challenge at the Depot
City of Tomball Fourth of July Celebration

THE CITY OF TOMBALL PRESENTS

BUNNY RUN 2013

5K & 1 MILE FAMILY WALK

APRIL 13TH, 2013

9 A.M. AT THE DEPOT

201 S. ELM STREET TOMBALL 77375

Visit tomballtx.gov for information

START

 **NiteLites**
— The Outdoor Lighting Professionals

Walgreens

H-E-B
Burke Carpet Cleaning Service


5TH ANNUAL
BUNNY RUN • 2013

APRIL 13TH



WWW.TOMBALLTX.GOV

TOMBALL
TEXAN FOR FUN! ©

City of Tomball

Spring Clean up

Week of April 22-27, 2013
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS) ****

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|------------------------------|--------------------------|-----------------------------------|
| • Lumber | • Bricks (small amount) | • Gutter material |
| • Bicycle parts | • Empty buckets or pails | • Cardboard boxes |
| • Plywood (4 cubic yd. max) | • Rocks (small amount) | • Lawn mowers (oil & gas removed) |
| • Rugs/carpet | • Washing machines | • Dishwashers |
| • Siding | • Dryers | |
| • Clothing | • Water heaters | |
| • Box springs and mattresses | • Furniture | |

Not Acceptable:

- | | | |
|----------------------------------|--|--|
| • Tree trimmings | • Insecticides | • Raw meats, food products or byproducts |
| • Limbs or stumps | • Container with unmarked labels holding liquids | • Televisions |
| • Tires | • Sealed containers of any type | • Computers |
| • Engine blocks | • Large amounts of construction or demolition material | • Refrigerators |
| • Structural steel | • Smoke detectors | • AC units |
| • Equipment with oil or gasoline | • Pressurized vessels | • Appliances with Freon or fluids |
| • Fertilizers | • Flammable, combustible or corrosive products | • Paint |
| • Pool chemicals | | |
| • Batteries | | |
| • Oil filters | | |

All appliances must be drained and tagged by a licensed technician.

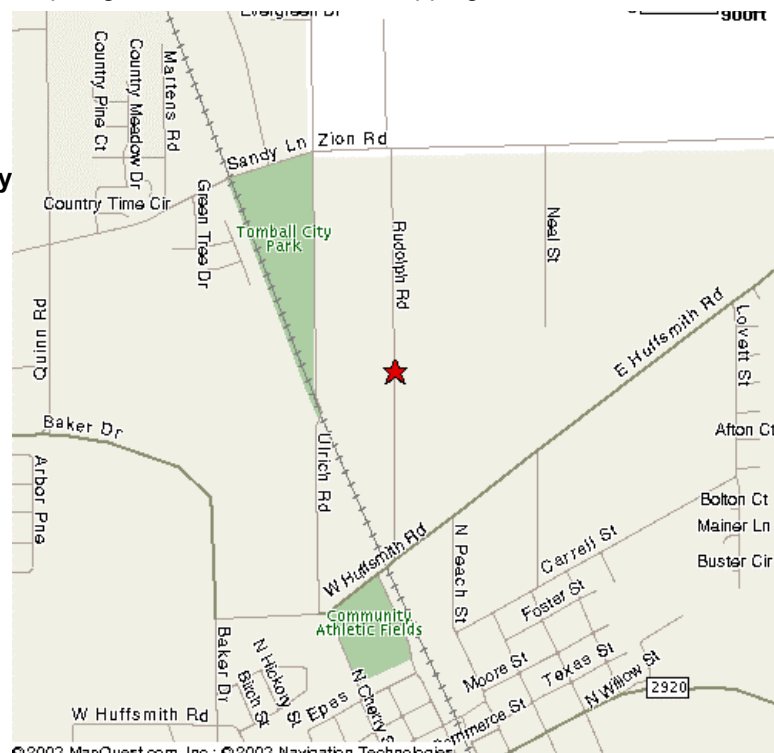
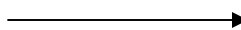
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves, please bag for regular garbage pickup

Map to Tomball landfill site



©2003 MapQuest.com, Inc.; ©2003 Navigation Technologies

RAILS & TAILS MUDBUG FESTIVAL AT THE DEPOT

PRESENTED BY



MAY 4 - 5, 2013
TOMBALL, TEXAS

TOMBALL IS TEXAN FOR FUN!

Tuesday, May 7, 2013
Start Time 5:30 P.M.
Sol de Luna
(Cisco's Banquet Room)
207 Commerce

Mayor's Coffee

Stop by to get in
touch



Gretchen Fagan
Mayor

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

MEMORIAL DAY WEEKEND CHILI CHALLENGE

MAY 25, 2013 AT THE DEPOT
DOWNTOWN TOMBALL, TEXAS



- LIVE MUSIC • 10 AM to 5 PM
- FESTIVAL FOOD
- VENDORS, AND... CHILI!



A Chili Appreciation Society International Sanctioned Cook-off Event
In Cooperation with the Piney Woods Pod - CASI

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THE CITY OF TOMBALL

JULY 4TH STREET PARTY AND FIREWORKS!

3 – 10 PM
ON BUSINESS
HWY 249

- LIVE MUSIC FROM BAYOU ROUX AND UNFORTUNATE SONS
- EATS BY PECOS GRILL AND THE ORIGINAL RIB TICKLER
- KIDS' ZONE WITH PONY RIDES, PETTING ZOO AND MORE . . .

- HAY RIDES
- VENDORS
- FREE ADMISSION AND PARKING

PRESENTED BY



Visit tomballtx.gov and "like" us at facebook.com/TomballTexanForFun

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Approve the Minutes of the March 18, 2013 Regular Tomball City Council Meeting.

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

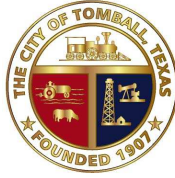
City Secretary

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

ATTACHMENTS:

Draft Minutes - March 18, 2013 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MARCH 18, 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 Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Members absent:

Councilman Hudgens - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Community Development Director – Craig Meyers
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Internal Operations Director-NWEMS – Terry Rogers

2.0 Invocation

- Led by Pastor Aaron Edwards, Sundays Church

3.0 Pledges to U. S. and Texas Flags

- Led by Ally Pace and Olivia Furstenfeld, Members of the Tomball High School Student Council

4.0 The following public comments were received:

- | | |
|--|--|
| Ally Pace and Olivia Furstenfeld,
Members of the Tomball High
School Student Council | - Requested City Support for the 6 th Annual
Homecoming Parade and Pep Rally, to be
held at the Tomball Depot on October 16,
2013. |
| Ralph Foxworthy
29607 Liberty Lane, 77375 | - Expressed his interest in serving on the
Tomball Regional Health Foundation Board
of Directors |

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- March 22-24, 2013 – **German Heritage Festival** – Friday, 6:00 p.m.-10:00 p.m.; Saturday, 10:00 a.m.-10:00 p.m.; and Sunday, 10:00 a.m.-6:00 p.m.
- March 29, 2013 – **Good Friday** – City Offices Closed
- April 1, 2013 – Public Hearing regarding Abandonment of a Portion of Timkin Road and South Persimmon Street
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 9:00 a.m. at the Depot
- April 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – Annual **Tomball Recycle and E-Waste Event** – Weingartens Center
- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol do Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** 10:00 a.m.-6:00 p.m.
- May 27, 2013 – **80th Anniversary of the 1933 Tomball Oil Strike**
- July 4, 2013 – **July 4th Celebration**
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot

- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter presented a report on the success of the ***Tomball Honky Tonk Music Festival***.
 - Rob Hauck presented an update regarding the status of the investigation of the murder of Mrs. Mildred Stallones; the perpetrator has been taken into custody in Mexico and Tomball Police will continue working with U. S. and Mexican authorities.

6.0 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Minutes of the March 4, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Dodson, second by Councilman Brown, to accept the Resignation of Dr. Ben Thomas and to appoint Ralph Foxworthy as the replacement member to fill the unexpired vacancy on the Tomball Regional Health Foundation (TRHF).

Motion carried unanimously.

Information was presented by Lynn LeBouef and Jack Smith, Chairman-TRHF, and discussion was held regarding City's authority to appoint member to the TRHF board, receiving financial reports from TRHF, posting of agendas, projects being undertaken, pending legislation, and possibly revision of TRHF bylaws. No action taken.

7.2 Mayor Fagan opened the Public Hearing at 6:34 p.m. to consider Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Receiving no public comments, Mayor Fagan closed the public hearing at 6:34 p.m.

7.3 Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2013-02 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2013-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried unanimously.

- 7.4 Mayor Fagan opened the Public Hearing at 6:38 p.m. to consider **ZONING CASE P13-006**: Request by Tomball & Magnolia Properties, LLC to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center within the City of Tomball, Harris County, Texas, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, from the Single-Family Residential-6 District to the Old Town.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:38 p.m.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll to approve establishing a 501(c)3 Organization for the City of Tomball, for the purpose of receiving grant funds.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2013-15, Canceling the Regular City Officer's Election Scheduled to be held on the 11th Day of May, 2013, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

El Concejal Townsend hizo la moción de aprobar la Resolución Nro. 2013-15 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 11 de mayo de 2013 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección, la cual fue secundada por el Concejal Stoll.

Cuộc Vận Động đã được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Stoll, để chấp thuận Nghị Quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

動議已由市議員 Townsend, 第二由市議員 Stoll, 通過決議案2013-15,

取消一般市府官員應於2013年5月11日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

動議無異議的通過。

- 7.7 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Resolution No. 2013-16, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Thursday, July 4, 2013, and Closing State Highway 249 Business from Hicks to the North Entrance to Kroger's from 2:00 p.m. until 10:00 p.m., and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway 249 Business.

Motion was made by Councilman Townsend, second by Councilman Brown, to extend the time to end the celebration to 10:30 p.m., to allow sufficient time to clear the area before opening SH 249 Business to traffic.

Motion, as amended, carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of April 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 1, 2013

Topic:

Adopt, on Second Reading, Ordinance No. 2013-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

"§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 4 and March 18, 2013 regarding the effectiveness and the need to continue the ordinance and Council adopted Ordinance No. 2013-02 on First Reading on March 18, 2013. This will be the second reading of the ordinance.

Origination:

Robert Hauck, Chief of Police

Recommendation:

Adopt Ordinance No. 2013-02 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. 2013-02

ORDINANCE NO. 2013-02

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING
OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 50 of the Tomball Code of Ordinances; and

WHEREAS, the City reviewed and continued the juvenile curfew ordinance by Ordinance No. 2010-04 adopted on April 5, 2010; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 4, 2013 and March 18, 2013 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

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 18TH DAY OF MARCH 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 1ST DAY OF APRIL 2013.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: April 1, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

On October 8, 2012, the Planning & Zoning Commission (P&Z) heard a request by Tomball & Magnolia Properties, LLC to rezone the subject site from the Single-Family Residential-6 (SF-6) District to the Commercial District to facilitate the expansion of the existing medical office parking lot. P&Z voted to recommend approval of the request with the condition that the property be rezoned to the Old Town & Mixed Use District instead of the Commercial District. On October 15, 2012, City Council voted to deny the requested rezoning the Commercial District.

On January 24, 2013, the City of Tomball met with representatives of Tomball & Magnolia Properties, LLC to discuss the possible rezoning of the subject site from the SF-6 District to the Old Town & Mixed Use District. The property representatives indicated the rezoning request was, again, to facilitate the expansion of the existing medical office parking lot. City staff explained that the property is classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Mixed Use" and appeared to be compatible with the Old Town & Mixed Use District proposed for this site. On that same day, the City received a rezoning application from Tomball & Magnolia Properties, LLC for the subject site (Exhibit "D").

On March 18, 2013, Council adopted Ordinance No. 2013-03 on First Reading.

Origination:

Tomball and Magnolia Properties, LLC

Recommendation:

Adopt Ordinance No. 2013-03 on Second Reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-03

Property Owner Notification Letter

P13-006 Staff Report

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.01 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 1, BLOCK 1, NORTHWEST HOUSTON HEART CENTER, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY RESIDENTIAL-6 DISTRICT TO THE OLD TOWN & MIXED USE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTHERLY OF ALMA STREET, BETWEEN HOLDERRIETH BOULEVARD AND LAWRENCE AVENUE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Single-Family Residential-6 District to the Old Town & Mixed Use District; and

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

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

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the Single-Family Residential-6 District to the Old Town & Mixed Use District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

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

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

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

Section 2. The zoning classification of 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, is hereby changed from the Single-Family Residential-6 District to the Old Town & Mixed Use District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, as Old Town & Mixed Use District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, to the Old Town & Mixed Use District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MARCH 2013.

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

SECOND READING:

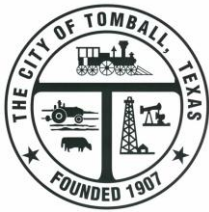
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Notice of Public Hearing

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

CASE NUMBER: P13-006

APPLICANT: Tomball & Magnolia Properties, LLC

LOCATION: Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District.

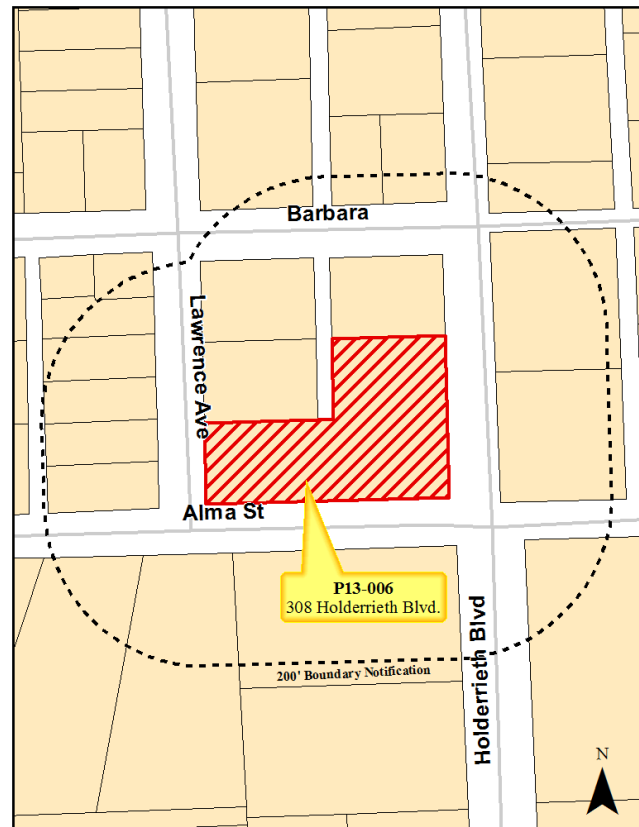
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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

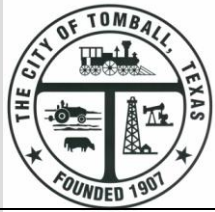


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, March 18, 2013, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 11, 2013

Rezoning Case: P13-006
Property Owner: Tomball & Magnolia Properties, LLC
Applicant: Tomball & Magnolia Properties, LLC
Legal Description: Lot 1, Block 1, Northwest Houston Heart Center
Location: Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue
Area: 1.01 acres
Present Zoning and Use: Single-Family Residential-6 District (Exhibit "A") / Medical office (Exhibit "B")
Comp Plan Designation: Mixed Use (Exhibit "C")
Proposed Zoning and Use: Old Town & Mixed Use District / Medical office and parking lot

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Single-Family Residential-6 District and Old Town & Mixed Use District / Single-family residences, undeveloped land, Barbara Street, auto service garage, and warehouse
South: General Retail District / Alma Street and undeveloped land
West: Single-Family Residential-6 District / Lawrence Avenue and single-family residences
East: General Retail District / Holderrieth Boulevard, law office, and single-family residence

BACKGROUND

On October 8, 2012, the Planning & Zoning Commission (P&Z) heard a request by Tomball & Magnolia Properties, LLC to rezone the subject site from the Single-Family Residential-6 (SF-6) District to the Commercial District to facilitate the expansion of the existing medical office parking lot. P&Z voted to recommend approval of the request with the condition that the property be rezoned to the Old Town & Mixed Use District instead of the Commercial District. On October 15, 2012, City Council voted to deny the requested rezoning the Commercial District.

On January 24, 2013, the City of Tomball met with representatives of Tomball & Magnolia Properties, LLC to discuss the possible rezoning of the subject site from the SF-6 District to the Old Town & Mixed Use District. The property representatives indicated the rezoning request was, again, to facilitate the expansion of the existing medical office parking lot. City staff explained that the property is classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as “Mixed Use” and appeared to be compatible with the Old Town & Mixed Use District proposed for this site. On that same day, the City received a rezoning application from Tomball & Magnolia Properties, LLC for the subject site (Exhibit “D”).

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north are single-family residences, undeveloped land, Barbara Street, auto service garage, and a warehouse in the SF-6 and Old Town & Mixed Use (OT&MU) districts; to the south is Alma Street and undeveloped land in the General Retail District; to the west is Lawrence Avenue and single-family residences in the SF-6 District; and to the east is Holderrieth Boulevard, a law office, and a single-family residence with parking for the subject site in the General Retail District (Exhibit “E”). The uses permitted in the Old Town & Mixed Use District appear to be consistent with the existing uses in the vicinity.

The Old Town & Mixed Use District “...is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses.” Furthermore, “The Old Town and Mixed Use District is also intended for those areas outside the Old Town Area that either currently have or are suitable for a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses and are designated for such mixed use on the adopted Comprehensive Plan.” The Old Town & Mixed Use District appears to be compatible with the zoning districts in the vicinity.

The Comprehensive Plan’s FLU map identifies the site as “Mixed Use.” The CP states, “Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing.” The Old Town & Mixed Use District appears to be compatible with the Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Old Town & Mixed Use District appear to be consistent with the existing uses in the vicinity.

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

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

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

There is little vacant property in the vicinity zoned Old Town & Mixed Use District; there are several vacant properties elsewhere in the City zoned Old Town & Mixed Use District.

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

Recently, there has been limited development city-wide or in the vicinity of the subject site in the Old Town & Mixed Use District.

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

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

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

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

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

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

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

The Comprehensive Plan’s FLU map identifies the site as “Mixed Use.” The CP states, “Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be

accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development. Compatibility with surrounding neighborhoods is determined by a transition based on the scale of development using (but not limited to) articulation in building height, required setbacks, building materials, and building massing.” The Old Town & Mixed Use District appears to be compatible with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 1, 2013. The following public comment forms were received in support of the request at the time of the rezoning staff report finalization (Exhibit “F”):

- Maria Jordan (0 Alma)
- Tomball & Magnolia Properties, LLC (210 Holderrieth)
- Ahmad Aslam/Tomball & Magnolia Properties, LLC (911 Barbara and 308 Holderrieth)
- Ahmad Aslam (301 and 309 Holderrieth)
- E. Wheeler Coe, Jr. (910 Barbara)

RECOMMENDATION

1. **APPROVAL** of Zoning Case P13-006 based on the following:
 - a. The uses permitted in the Old Town & Mixed Use District appear to be consistent with the existing uses in the vicinity.
 - b. The Old Town & Mixed Use District appears to be compatible with the zoning districts in the vicinity.
 - c. The Old Town & Mixed Use District appears to be compatible with the Comprehensive Plan.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

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

Exhibit "A"
Zoning Map

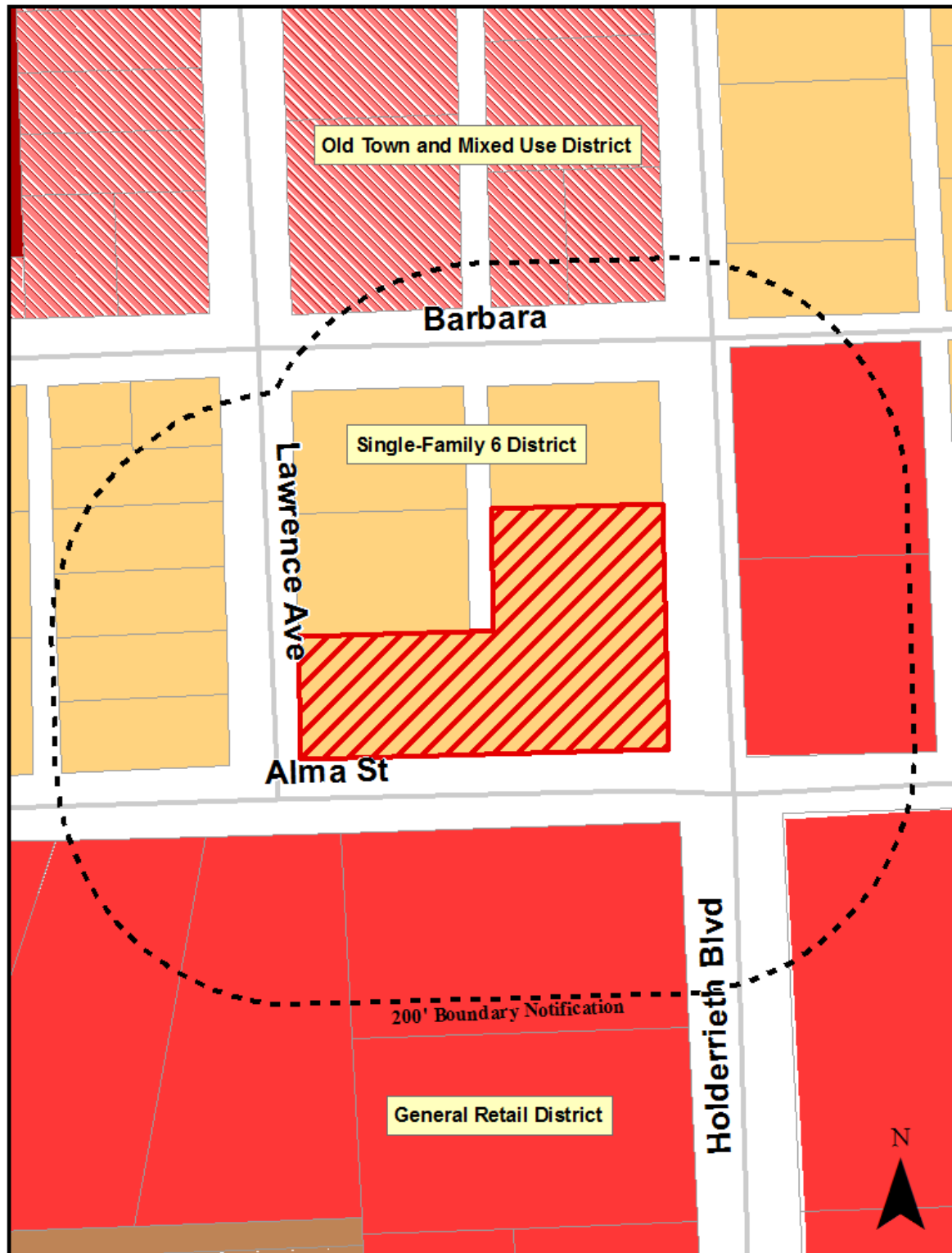


Exhibit "B"
Aerial Photo

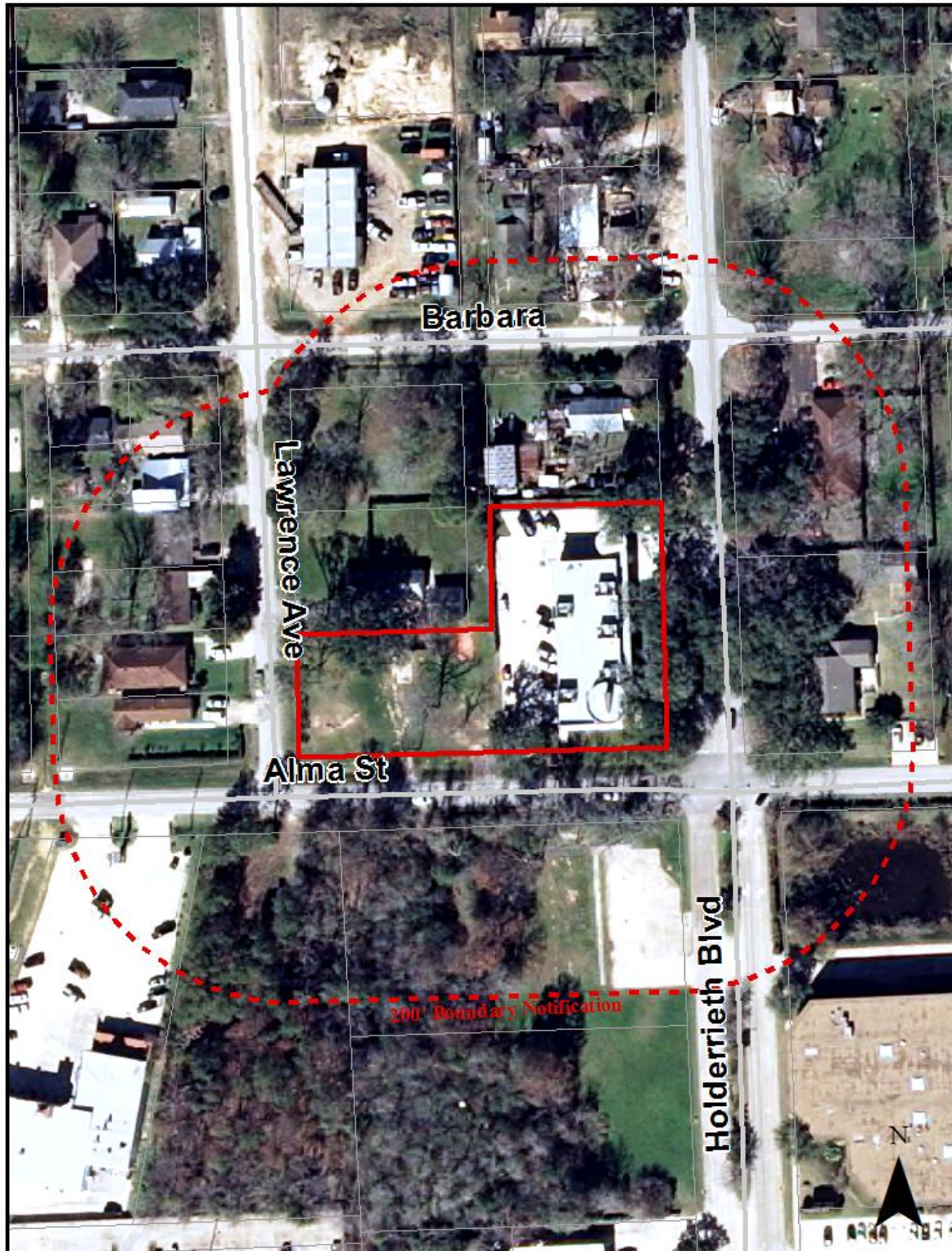


Exhibit "C"
Comprehensive Plan FLU Map

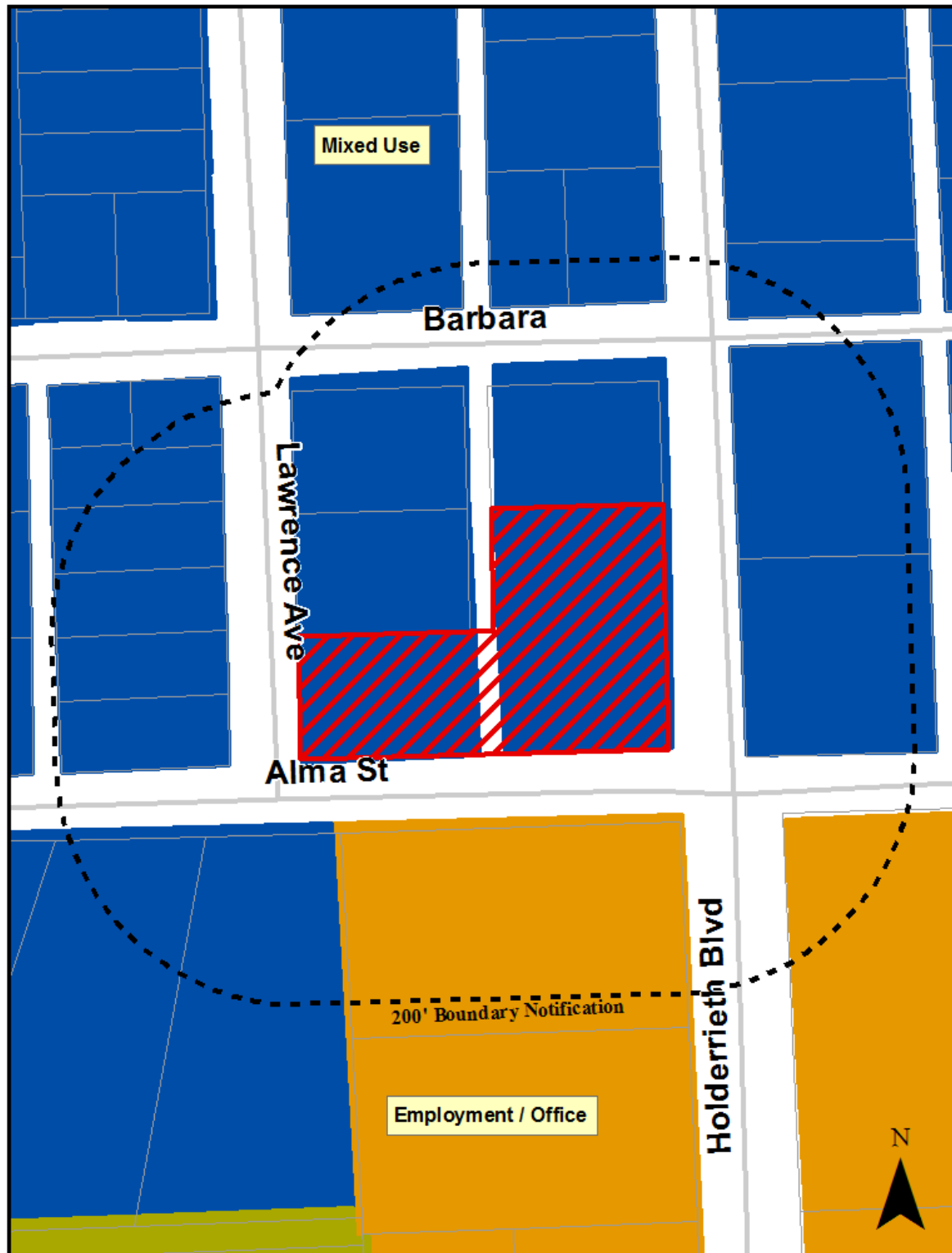
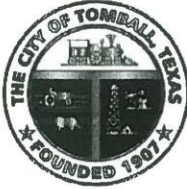


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: AHMAD ASLAM ^{Tomball & Magnolia Properties, LLC} Title: M.D.
Mailing Address: 50 Pendleton Park Point City: The Woodlands State: TX
Zip: 77382-1679
Phone: (281) 351-4911 Fax: (281) 351-4915 Email: houstonheartcenter@yahoo.com
officemanager@houstonheartcenter.com

Owner

Name: AHMAD ASLAM ^{Tomball & Magnolia Properties, LLC} Title: M.D.
Mailing Address: 50 Pendleton Park Point City: The Woodlands State: TX
Zip: 77382-1679
Phone: (281) 351-4911 Fax: (281) 351-4915 Email: houstonheartcenter@yahoo.com

Engineer/Surveyor (if applicable)

Name: N.A. Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: 1.01 Acres 308 Holderrieth Blvd.

Physical Location of Property: NW Corner of Holderrieth Blvd & Alma
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lot 1 Block 1 Northwest Houston Heart Center
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF6

Current Use of Property: Medical Office

Proposed Zoning District: Old town & Mixed use District

Proposed Use of Property: Old town & Mixed use Medical office with parking

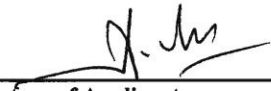
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

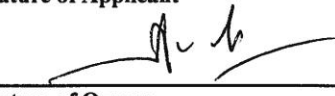
www.ci.tomball.tx.us

HCAD Identification Number: 130-784-001-0001 Acreage: 1.0101 Ac

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

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

X  1/17/13
Signature of Applicant Date

X  1/17/13
Signature of Owner Date



NORTHWEST HOUSTON HEART CENTER

A. ADNAN ASLAM
MD, FACC, FSCAI

SAMUEL J. FERRIS
MD, FACC

TAYYAB MOHYUDDIN
MD

January, 17th 2013

Engineering and Planning Department
City of Tomball
Tomball.

Re: Application for Rezoning

Our company, Northwest Houston Heart Center is a Medical Practice located at 308 Holderrieth Boulevard, Tomball, TX 77375. Due to growth in our business, we are experiencing the shortage of existing parking facility at this location.

We intend to add more space for parking for our patients. We have additional space available next to our existing office but just get to know that this proposed parking space falls under residential zone. We want to request City of Tomball to rezone this place into "Old Town and Mixed Use District" in order to construct additional parking facility for our patients.

In case some question, please call me directly at 281-351-4911. A considerate response to our request is highly appreciated.

Sincerely,

Ahmad Aslam
Tomball & Magnolia Properties LLC
50 Pendleton Park Pt
The Woodlands, TX, 77382-1679

308 Holderrieth Blvd.
Tomball, TX 77375

18220 Tomball Parkway, Suite 205
Houston, TX 77070
(inside Methodist Willowbrook Hospital)

18230 FM 1488, Suite 201
Magnolia, TX 77354

Phone: 281-351-4911 Fax: 281-351-4915 • www.houstonheartcenter.com

**Exhibit “E”
Site Photos**



Figure 1: Subject site. Source: maps.google.com



Figure 2: Subject site. Source: maps.google.com



Figure 3: Single-family residence and undeveloped land to the north.
Source: maps.google.com



Figure 4: Auto service garage to the north. Source: maps.google.com



Figure 5: Single-family residence to the north. Source: maps.google.com



Figure 6: Warehouse to the north. Source: maps.google.com



Figure 7: Single-family residence to the north. Source: maps.google.com

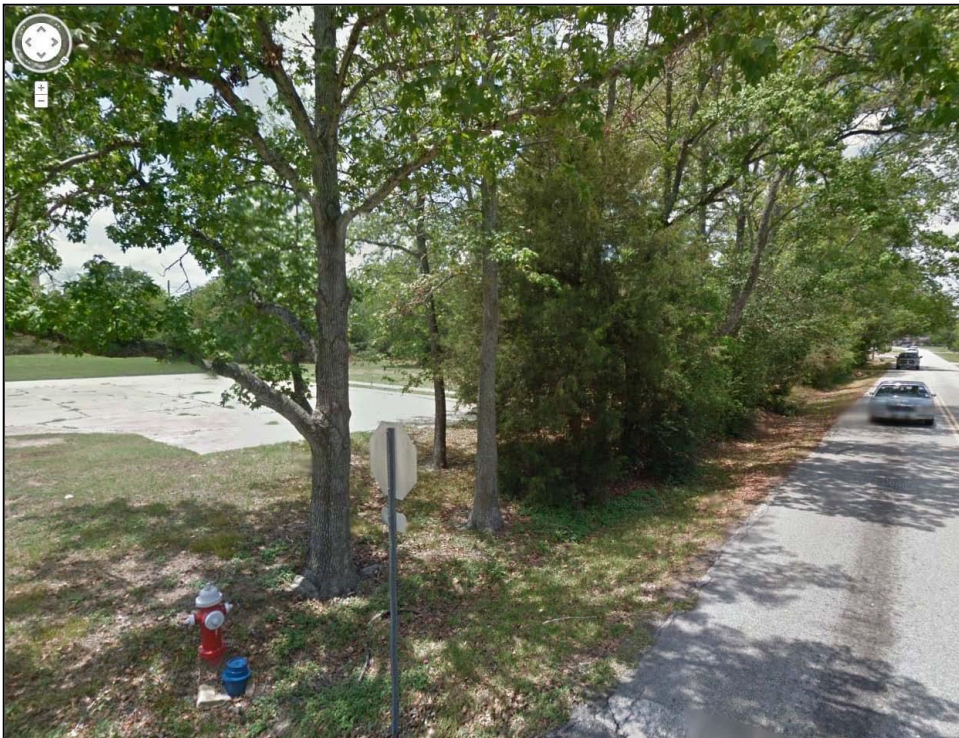


Figure 8: Undeveloped property to the south. Source: maps.google.com



Figure 9: Single-family residences to the west. Source: maps.google.com



Figure 10: Single-family residence with parking for subject site and law office to the east. Source: maps.google.com

Exhibit "F"
Public Comment Form(s)



Public Comment Form

(Please type or use black ink)

Please return to:

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

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



Name:
(please print)

Address:

Signature:

Date:



I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P13-006. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P13-006. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, March 11, 2013, 6:00 PM

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

Date, Location & Time of City Council meeting:
Monday, March 18, 2013, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

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

Please return to:

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



Name: Tomball & Magnolia Properties (TOMBALL and MAGNOLIA PROPERTIES)
(please print)
Address: 210 HOLDERRIETH BLVD
Tomball TX 77375
Signature: [Signature]
Date: 3/3/13

☒

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-006**. (Please state reasons below)

☐

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-006**. (Please state reasons below)

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

Monday, March 11, 2013, 6:00 PM

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

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

Monday, March 18, 2013, 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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



Name: AHMAD ASLAM
(please print)
Address: 301 / 309 HOLDERRIETH BLVD
TOMBALL, TX 77375
Signature: [Signature]
Date: 3/3/13

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-006**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-006**. (Please state reasons below)

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Public Comment Form

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Please return to:

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



Name: AHMAD ASLAM (TOMBALL AND MAGNOLIA PROPERTIES)
(please print)
Address: 911 Barbara Street / 308 HOLDEPRIETA
Tomball TX 77375 / BLVD TOMBALL
TX 77375
Signature: [Signature]
Date: 3/3/13

☒

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Please return to:

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



Name: E. Wheeler Coe, Jr

(please print)

Address: P.O. Box 340

Tomball TX 77371

Signature: _____

Date: _____

☒

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

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Discuss Request from River of Praise Church for the City of Tomball to Extend Potable Water Service to River of Praise Church Property, Located Outside City of Tomball Extra-Territorial Jurisdiction (ETJ)

Background:

River of Praise Church is requesting the City's assistance and direction in obtaining water for their new campus expansion, located at 13215 Boudreaux Estates Drive, which is located outside Tomball's ETJ.

Potable water to River of Praise's current 5-acre location is being supplied by Tomball through the 2002 waterline extension project (Tomball-Exxon remediation project).

River of Praise is requesting that the City provide water to the 14.87-acre tract, which would require boring under Boudreaux Road and tapping into the City's existing water line.

This item is presented for Council discussion only; no action is requested at this time.

Origination:

River of Praise Church

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:

River of Praise Request and Information Packet

Exon-Mobil Agreement_Boudreaux and Hoffman Subdivisons_Potable Water



March 27, 2013

River of Praise Church water solution for campus expansion:

Dear George Shackelford and Tomball City Council,

Thank you for taking a brief moment to consider helping River of Praise Church in offering some assistance and direction on how we might be able to proceed regarding the water issue for our new campus expansion. Currently a water supply of any kind does not exist to our expansion site. While digging a deep water well has always been an option for the expansion site, ExxonMobile and its representatives have strongly recommended that this option not be considered. Instead however, ExxonMobile is requesting that an amendment be made to the original 2002 Water Supply Agreement for Boudreaux Estates, Hoffman Estates, and Shaw Acres.

In our meeting this week on March 26, 2013, with ExxonMobile representatives, Aaron Thom and John Hannig, it was stated that if there had been any structures on the campus expansion site at the time of the initial agreement, they would have included the site in the original scope of work. ExxonMobile has agreed to not only confirm this in the amendment but also cover all costs associated with connecting to the existing water line that currently supplies our existing campus as we; River of Praise and ExxonMobile feel through the research we have invested in thus far that this is the best option for the expansion site moving forward.

Overview:

River of Praise's main ministry headquarters is in Tomball, TX and was established in 1982. This main campus is located at 13215 Boudreaux Estates Drive. The campus includes 2 tracts of land: 5 acres located on the northwest side of Boudreaux Rd. and 14.87 acres on the southeast side of Boudreaux Rd. These properties sit directly across the street from one another on Boudreaux Rd.

The development for the 14.87 acre tract began 6 years ago. Our original site plan for the expansion site was started in 2002. Land clearing and excavation has extended over the past several years. As of 2011, Bleyl & Associates has been hired to expedite the process for permitting and all other requirements needed for the building of our new 2,500 seat auditorium and children's facilities. The campus will be used on Saturdays and Sundays for church services. The remaining 5 days of the week, the campus will be open for use for area schools, community events, Chamber of Commerce functions, as well as corporate gatherings for those in need of a larger venue in this community.



All permitting for the expansion site is able to be scheduled with the exception of this water issue. Here is the issue; The 14.87 tract does not have access to a water supply.

Below is a list of our water alternatives:

The property is currently under a "virtual MUD". It seems as though that MUD is not going to be developed.

The closest actual MUD is in Canyon Gate, approximately a mile away. This MUD is located on the south side of the new Grand Parkway. The tract is on the North side. Infrastructure will have to be provided to tunnel under, lift stations, and easements. Based on the research done by Bleyl and Associates this process is estimated to cost as much as \$250,000.00. This is not a considerable option for River of Praise.

Another option which would be a much less expensive option for River of Praise is a deep water well. Our current well that has served our irrigation needs for the past 25 years has been periodically tested and has never produced any concerning contaminants. With that said, as stated, ExxonMobile and its representatives have strongly recommended that this option not be considered for the expansion site due to the extensive efforts already made by ExxonMobile to provide an alternative water supply for the area. Within the last few months we have transitioned our water source at our current 5 acre location from the well source (mentioned) we have used for 25 years and are now completely supplied with water from the city of Tomball from the Exxon water remediation project from 2002.

We believe the best option for the expansion site is to request The City of Tomball to provide water to the 14.87 acre tract via a bore permit under Boudreaux Rd. and a tap into the existing water line that already supplies our current 5 acre campus across the street.

What has already been done regarding the preferred alternative?

Bleyl and Associates has already contacted the city of Houston requesting that the property be released out of the ETJ for water supply. Houston agreed to release it if Tomball agrees to provide water and Houston City Council approves it.

I met with the city manager of Tomball, George Shackleford, and he stated that Tomball would provide water if Tomball City Council approves it and if Exxon agrees to the same stipulations as in the 2002 Water Supply Agreement for Boudreaux Estates, Hoffman Estates, and Shaw Acres.



Why is this an urgent need now?

The construction company that was awarded the Grand Parkway project wants to use our remaining tract on the north side of the Grand Parkway as a pad site for their concrete construction company for the next 3 years. If we allow them the use of the property for the next three years, they will donate all of the concrete for our parking lots and slab for the new building when the 3 years is over. Without water, the pad site will not be a suitable location. We do not want to miss this opportunity.

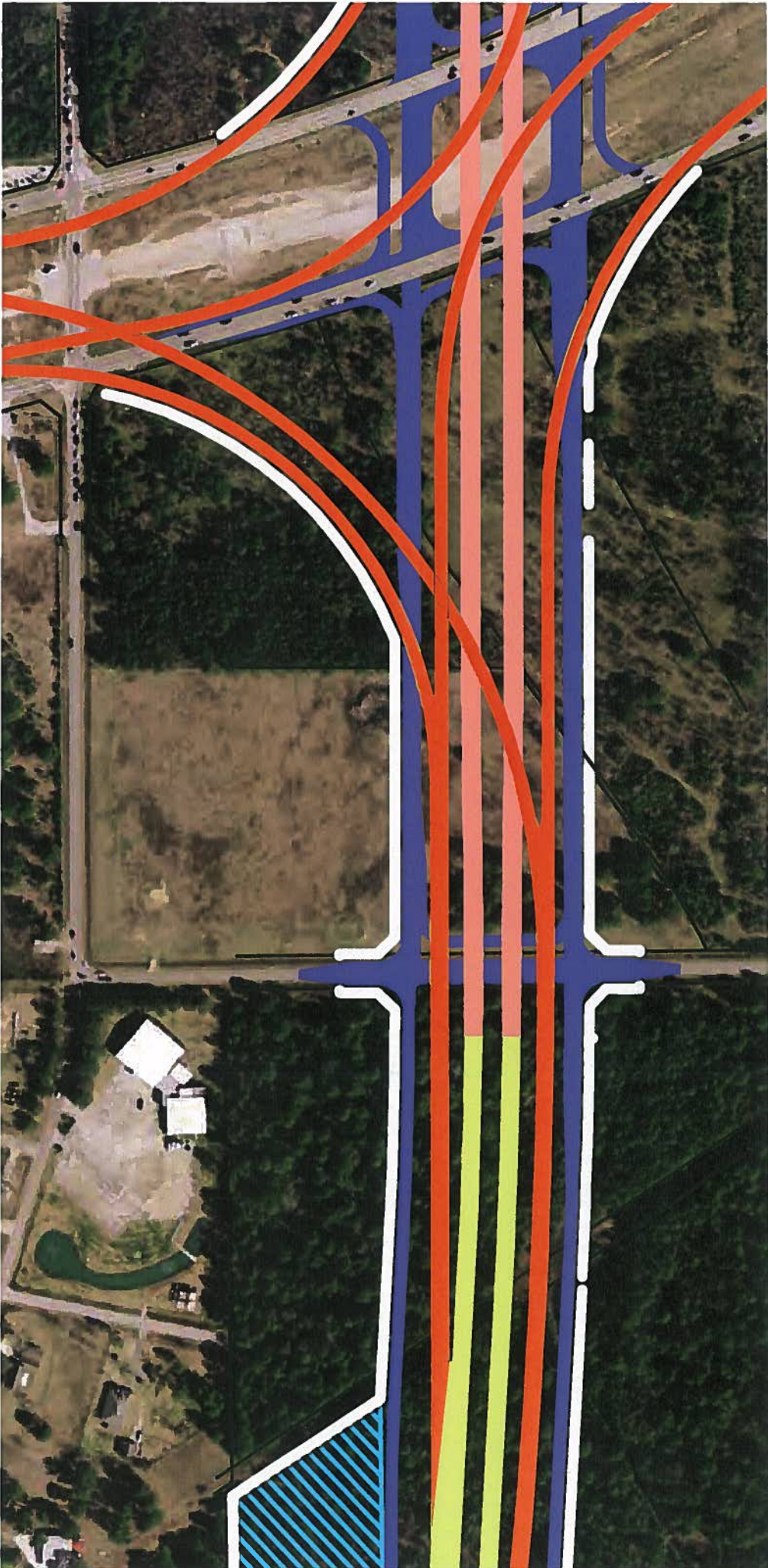
Bob Sanchez -	Lead Architect for River of Praise:	281-850-1334
Jeff Peña -	Bleyl & Associates's :	936-760-3833
Aaron Thom -	ExxonMobil Project Manager:	832-544-3413
John Hannig -	ExxonMobil Commercial Advisor – Claims:	908-730-2150

Any assistance or recommendations would be greatly appreciated.

Sincerely,

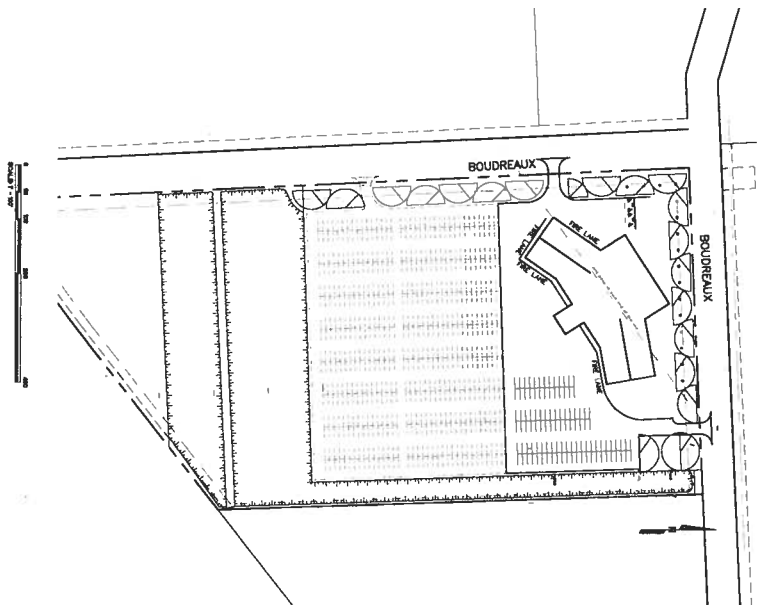
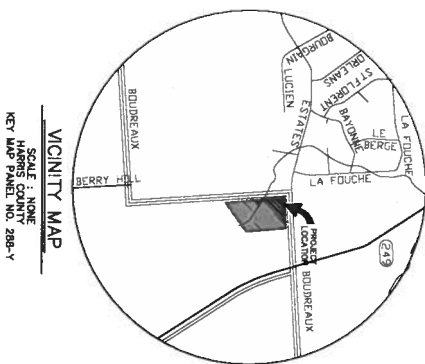
Richard E. Jennings

Sr. Pastor of River of Praise Church



Bleyl & Associates

CONSTRUCTION DRAWINGS FOR RIVER OF PRAISE HARRIS COUNTY, TEXAS "PAVING, DRAINAGE, & UTILITIES" AUGUST, 2011



SHEET INDEX

SHEET 01	COVER SHEET
SHEET 02	HARRIS COUNTY EXPRESS INTERCHANGE
SHEET 03	CONSTRUCTION NOTES
SHEET 04	STANDARD LEGEND & SYMBOL SHEET
SHEET 05	DIMENSIONAL CONTROL LAYOUT
SHEET 06	UTILITY LAYOUT
SHEET 07	PAVING AREA MAP
SHEET 08	SITE DRAINAGE PLAN
SHEET 09	DETENTION POND DETAILS
SHEET 10	TEMPORARY EROSION CONTROL PLAN
SHEET 11	STORM WATER QUALITY DETAILS
SHEET 12	CONSTRUCTION DETAILS
SHEET 13	CONSTRUCTION DETAILS

ALL CONSTRUCTION SHALL BE DONE PER HARRIS COUNTY
STANDARD SPECIFICATIONS & SPECIFICATIONS LATEST EDITION
FOR THE CONSTRUCTION OF THE PROJECT.
LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES SHALL BE
OBTAINED FROM THE HARRIS COUNTY UTILITY DEPARTMENT.
CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE
CONSTRUCTION SCHEDULE.

PROJECT NUMBER	10531
DATE	10/23/2007
SHEET	1 OF 13



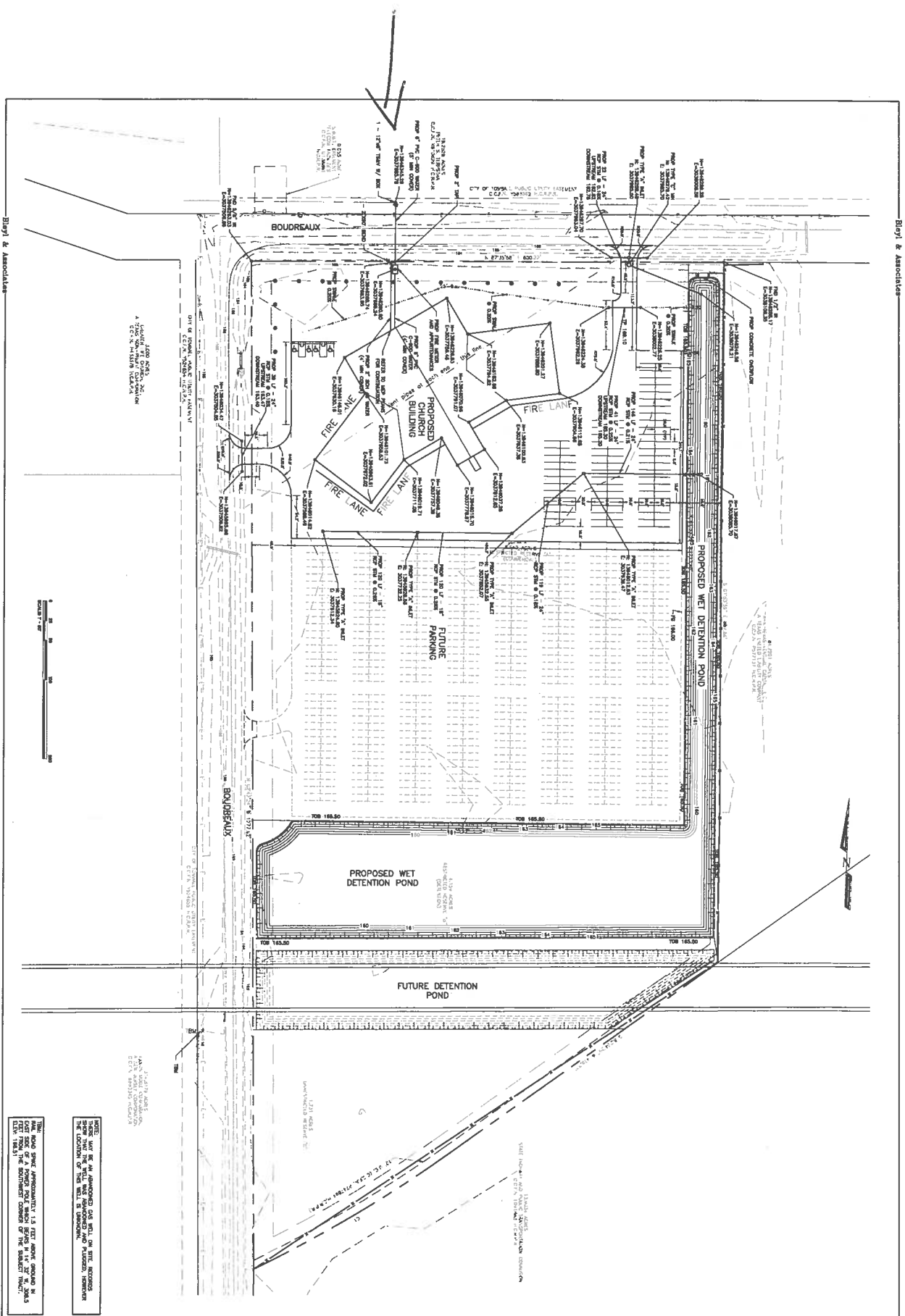
Bleyl & Associates
Project Engineering & Management

TEXAS FROM REG. # F-878
100 MUGENT STREET
CONROE, TEXAS 77385
836-441-7833 PHONE
836-780-3553 FAX

REV	DATE	BY	APP	COMMENT

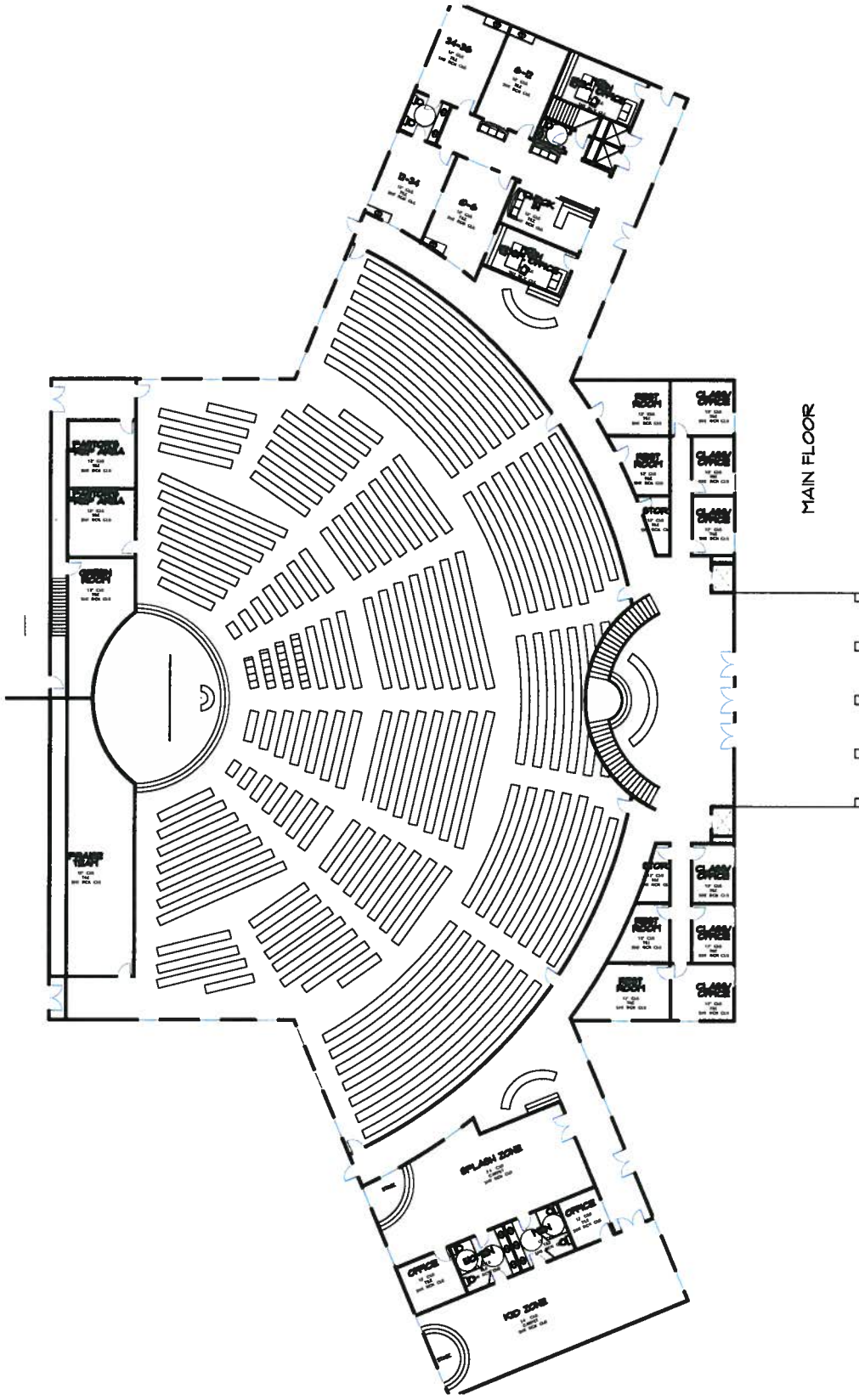
PREPARED FOR:
GRAND HARBOR

SCALE: 1" = 100'
DATE: AUG. 2011
DRAWN BY: CURTIS HUNT
PROJECT MANAGER: JEFF PERA, P.E.

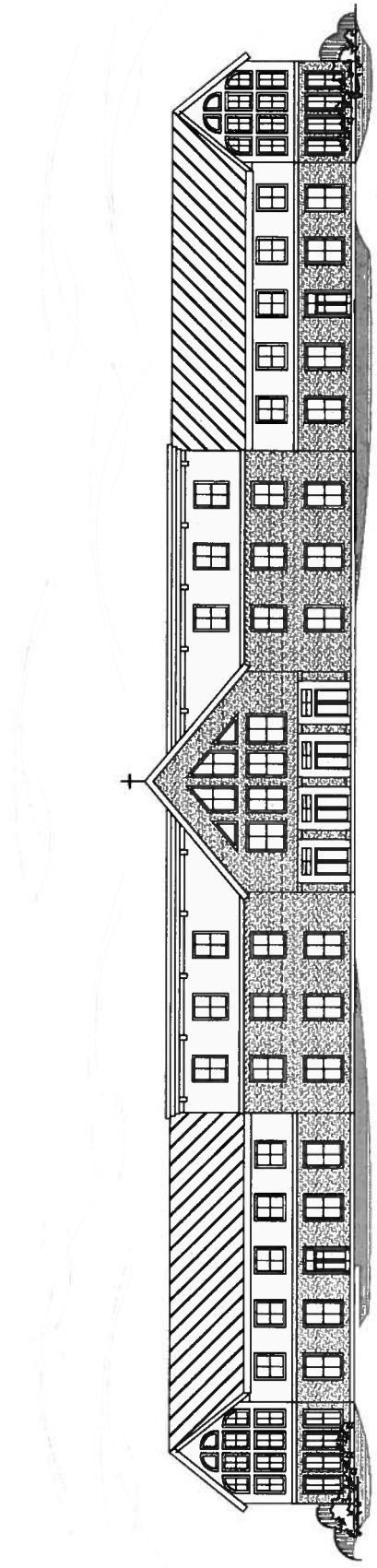


THESE DIMENSIONS ARE APPROXIMATE. A FIELD SURVEY SHOULD BE CONDUCTED TO DETERMINE THE EXACT LOCATIONS OF THE SUBJECT PROPERTY AND THE EXISTING AND PROPOSED IMPROVEMENTS.

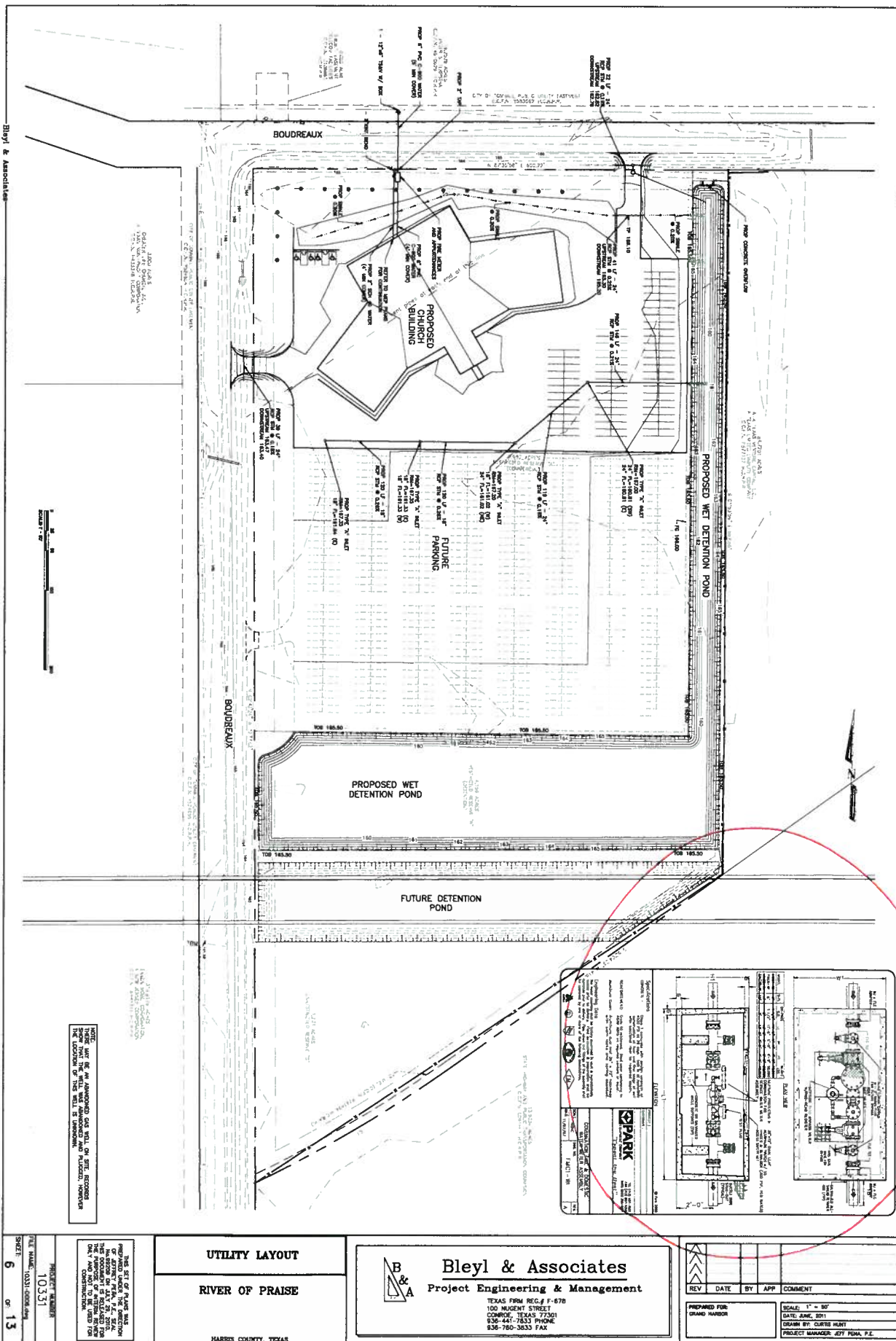
PROJECT NUMBER 10331	DIMENSIONAL CONTROL LAYOUT	RIVER OF PRAISE	HARRIS COUNTY, TEXAS	 Bleyl & Associates Project Engineering & Management TEXAS REG.# T-876 100 MAGNET STREET CONROE, TEXAS 77301 936-441-7833 PHONE 936-760-3833 FAX	REV	DATE	BY	APP	COMMENT
					PREPARED FOR: GRAND HARBOR	SCALE: 1" = 30' DATE: JUNE, 2011 DRAWN BY: CURTIS HART PROJECT MANAGER: JEFF PERA, P.E.			



THE RIVER OF PRAISE



THE RIVER OF PRAISE



AGREEMENT BY AND BETWEEN
THE CITY OF TOMBALL, TEXAS AND
EXXONMOBIL PRODUCTION COMPANY

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement ("Agreement") is made and entered into by and between the City of Tomball, Texas ("City"), a home rule municipal corporation organized and existing under the laws of the State of Texas, and ExxonMobil Production Company ("ExxonMobil"), a division of Exxon Mobil Corporation, a New Jersey corporation.

RECITALS

WHEREAS, City owns and operates a public waterworks system, which supplies potable water to customers within the corporate limits of City; and

WHEREAS, City, under certain circumstances, has the authority to provide water services to customers in areas outside of its City's corporate limits; and

WHEREAS, two residential subdivisions, which are adjacent to City and known as Boudreaux Estates and Hoffman Estates ("Boudreaux and Hoffman Estates"), each being more particularly described in Exhibit "A" attached hereto and made a part hereof, are not served by a public waterworks system, such service currently being provided by the private water wells of the residents; and

WHEREAS, certain residents of Boudreaux and Hoffman Estates have alleged that their private water wells have been affected by the presence of chlorides in such wells; and

WHEREAS, ExxonMobil, along with other oil companies, have operated facilities within the area of Boudreaux and Hoffman Estates and, although ExxonMobil admits no liability for any contamination of water wells in such area, in the spirit of goodwill and cooperation,

ExxonMobil wishes to facilitate the availability of a new source of water supply to Boudreaux and Hoffman Estates residents; and

WHEREAS, ExxonMobil is willing to fund the design and construction of an extension of City's water mains, distribution lines, and associated facilities (the "Facilities"), more particularly described in Exhibits "A" and "B" attached hereto and made a part hereof, to Boudreaux and Hoffman Estates, so that City may supply potable water to the residents thereof; and

WHEREAS, City is willing to construct, install, operate, and maintain the Facilities, and to supply the residents of Boudreaux and Hoffman Estates with potable water, under the terms set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the sum of Three Hundred Thousand and No/100 Dollars (\$300,000.00), to be paid by ExxonMobil to City within fifteen (15) days of being notified by City of the completion of construction and acceptance of the Facilities by City, the Date of Acceptance as defined in paragraph 3.04 hereof, and the further consideration of the provisions and the mutual promises, benefits, and obligations contained herein, including the recitals set forth above, City and ExxonMobil agree as follows:

ARTICLE I

Conditions Precedent

1.01 ExxonMobil agrees to exert its best efforts to assist City in obtaining, from the City of Houston, Texas ("Houston"), a release of Houston's extraterritorial jurisdiction over the territory within Boudreaux and Hoffman Estates, so that such area will then be within the exclusive extraterritorial jurisdiction of City. The parties understand and agree that City's

obligations under this Agreement are contingent upon Houston's release to City of its extraterritorial jurisdiction over Boudreaux and Hoffman Estates.

ARTICLE II

Construction of Facilities

2.01 Upon City's receipt of written notice from ExxonMobil to proceed with design of the Facilities, City agrees to prepare, or cause to be prepared, plans and specifications for construction of the Facilities, in accordance with its usual customs and practices, and to perform other engineering and surveying services in connection therewith. City shall submit such plans and specifications to ExxonMobil for review and approval. ExxonMobil shall promptly review said plans and specifications and approval thereof shall not be unreasonably withheld. ExxonMobil agrees to pay to City all costs for the preparation of plans, specifications, surveys, and construction and bid documents (including advertising costs), which are necessary for construction of the Facilities, together with any attorneys fees and engineering or consultant costs incurred in obtaining any approvals and/or permits required from Harris County for construction of the Facilities within any County road right-of-way, or any other approvals and/or permits required by any governmental entity or agency regarding construction of the Facilities. City shall invoice ExxonMobil for such costs, fees, and expenses and ExxonMobil agrees to pay such invoices within thirty (30) days of receipt thereof. City shall submit supporting documentation with each invoice.

The parties agree that if ExxonMobil does not notify the City that it can proceed with the design of the Facilities within five (5) years of the effective date of this Agreement, this Agreement can be terminated by ExxonMobil or City by providing written notice thereof to the

other party. In the event of termination under this provision, this Agreement shall be of no further force or effect.

2.02 The parties understand and agree that it will be necessary for City to acquire certain public utility easements to construct the Facilities. Such utility easements are generally described in Exhibits "A" and "B" attached hereto. Upon City's receipt of written notification from ExxonMobil to proceed, City will initiate the acquisition of such utility easements. ExxonMobil agrees to pay to City all costs associated with the acquisition of such utility easements, including, but not limited to, appraisals, land purchase price or condemnation award, attorneys fees, and condemnation expenses, if any. City shall invoice ExxonMobil for such costs and expenses and ExxonMobil agrees to pay such invoices within thirty (30) days of receipt thereof. City shall submit supporting documentation with such invoices.

2.03 Upon receipt of any and all necessary governmental approvals and permits for construction, acquisition of the necessary utility easements, and approval of the plans and specifications by ExxonMobil, City will advertise and receive bids for construction of the Facilities in accordance with the approved plans and specifications and in the manner similar to that of other City projects. Upon receipt and tabulation of the bids, City will select the lowest responsible bidder for construction of the Facilities and submit its selection to ExxonMobil for review and approval. ExxonMobil shall promptly review such selection.

2.04 Upon ExxonMobil's approval of City's selection of the lowest responsible bidder (the "Contractor"), ExxonMobil agrees to transmit to City, without demand, a warrant or check, made payable to City, in the amount of the total sum bid by the Contractor. Following receipt of such funds from ExxonMobil, City shall award the contract to Contractor and require the construction of the Facilities in accordance with the approved plans and specifications.

2.05 The parties agree that the review and approval by ExxonMobil of any plans and specifications or contractor selection, as required under this Article and as required in paragraphs 2.01, 2.03, and 2.04 hereof, shall be for the sole and exclusive purpose of determining consistency with the terms of this Agreement. The City shall be responsible for the technical specifications and design, as well as supervision and control, of the construction process.

2.06 City may make such changes or amendments to the plans and specifications for the construction of the Facilities, as long as the original scope and intent is unchanged. Provided, however, in the event change orders are required during construction of the Facilities, which individually exceed \$10,000 or cumulatively increases the contract price by more than ten percent (10%), City shall submit each such change order to ExxonMobil for approval and such approval shall not be unreasonably withheld. Upon the necessary approvals of any change order increasing the contract price, ExxonMobil agrees to transmit to City a warrant or check, made payable to City, for the amount of such change order.

2.07 City shall establish a separate account or system of accounting for the money paid to it under Sections 2.04 and 2.06 hereof, so that at any time during the term of this Agreement, the amounts, purpose, and date of each expenditure of any funds distributed hereunder can be verified. The sums paid by ExxonMobil to City, pursuant to Sections 2.04 and 2.06 hereof, shall not be used for any purpose other than for payment of the cost of construction of the Facilities. Upon completion of such construction and the acceptance of the Facilities by City, City shall perform, or cause to be performed, a final accounting of the expenditure of ExxonMobil's funds, the costs of construction of the Facilities, interest earned, if any, and any unexpended portions of ExxonMobil funds paid pursuant to Sections 2.04 and 2.06 hereof. Any funds remaining,

including interest earned thereon, shall be paid to ExxonMobil within thirty (30) days of completion of such final accounting.

2.08 ExxonMobil acknowledges that City may incur additional expenses during construction of the Facilities, such as engineering and surveying costs that may be reasonably related and necessary to construction of the Facilities. ExxonMobil agrees to reimburse City for such additional expenses. City shall invoice ExxonMobil for such additional expenses and ExxonMobil shall pay such invoice within thirty (30) days of receipt thereof. City shall submit supporting documentation with each invoice. City will provide ExxonMobil with an estimate of these expenses before initiation of related work activities.

ARTICLE III

Water Supply

3.01 It is understood and agreed that, upon completion of construction and acceptance of the Facilities by City, City shall own, operate, and maintain the Facilities. City agrees to provide potable water utility service to the residents of Boudreaux and Hoffman Estates, in accordance with the terms and conditions of this Agreement, through the operation and maintenance of the Facilities. It is further understood and agreed that City's obligations herein to maintain the Facilities shall be limited to the same level of maintenance generally provided by City to other waterworks facilities within City.

3.02 City agrees, subject to the terms and conditions of this Agreement, to supply potable water from the Facilities, and from the waterworks system now owned and operated by City, to the residents within Boudreaux and Hoffman Estates. City assumes responsibility for the quality of such water and agrees that such water will meet any and all applicable local, state, and federal standards.

W/A

3.03 Prior to City providing water service to a residence located within Boudreaux and Hoffman Estates, the landowner or tenant of such residence shall be required to make application to City for such service, and to execute a Commitment to Water Service Conditions, the form and content of which is set forth in Exhibit "C" attached hereto and made a part hereof. In consideration for the water supplied to such residence, City shall receive a fee for the water delivered thereunder, as the same is measured by the meter(s) installed on such property. The price to be paid for such water shall be at the same rates as those charged for similar water services provided to customers within City. A schedule of the rates presently charged by City is attached hereto as Exhibit "D" and made a part hereof.

City reserves the right to adjust its rates charged for water service to customers within the City from time to time, and such adjusted rates will also be charged to residences within Boudreaux and Hoffman Estates.

City and ExxonMobil understand and agree that any charges for water usage by a residence within Boudreaux and Hoffman Estates shall be the sole responsibility of the landowner or tenant of such residence, and that ExxonMobil assumes no responsibility or liability for nonpayment of any charge from City for such water service.

3.04 City agrees to notify ExxonMobil, in writing, of the date of completion of construction and acceptance of the Facilities by City (the "Date of Acceptance"). For each water service connection (meter) requested by a landowner or tenant of Boudreaux and Hoffman Estates within four (4) months of the Date of Acceptance (the "Initial Request Period"), ExxonMobil agrees to pay to City a connection fee, on behalf of each such customer who requests water services from City within the Initial Request Period. The amount of such connection fee shall be the water tap fee in effect at such time each application is made, plus a

fee in the amount of One Thousand Seventy-five and No/100 Dollars (\$1,075.00), or the amount of the impact fee then in effect and charged to new residential units within City for water services, whichever is greater. City shall invoice ExxonMobil for each connection fee assessed within the Initial Request Period, and ExxonMobil agrees to pay such invoice within thirty (30) days of receipt thereof. City shall submit supporting documents with each invoice.

After the Initial Request Period, all landowners or tenants within Boudreaux and Hoffman Estates who request water service from City shall, in addition to making proper application for such service and executing the Commitment to Water Service Conditions, be required to pay a connection fee to City. The amount of such connection fee shall be the water tap fee in effect at such time each application is made, plus a fee in the amount of One Thousand Seventy-five and No/100 Dollars (\$1,075.00), or the amount of the impact fee then in effect and charged to new residential units within City for water services, whichever is greater.

3.05 It is understood and agreed between the parties that the Facilities include a stub out from the twelve-inch water line at the Hamish Road area. If, during the term hereof, ExxonMobil shall present a request to City, in writing, City agrees to design, construct, and install water distribution lines and related facilities and to provide water utility service to the residences within Shaw Estates, such area more particularly identified and described on Exhibit "A" attached hereto. City's obligations and conditions regarding construction of such facilities and servicing such area, and ExxonMobil's obligations and requirements for funding such construction, shall be the same as set forth in this Agreement regarding the Facilities.

ARTICLE IV

Term

4.01. The term of this Agreement shall be for a period of thirty (30) years, commencing upon the effective date hereof. Provided, however, in the event City annexes all or any part of Boudreaux and Hoffman Estates into the corporate limits of City, any term or provision herein regarding or relating to City's obligations to the landowners, tenants, or customers within such annexed area, or the obligations and requirements of the landowners, tenants, or customers within such area, to City, shall be null, void, and of no further affect. City's responsibility to provide water service within such annexed area, and the conditions, obligations, and requirements of water service customers within such annexed area, shall be the same as required of other water service customers within City. In such event, all other and further provisions hereof shall remain in full force and effect for the term hereof.

ARTICLE V

Miscellaneous

5.01 In the event either party is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Agreement, other than the obligation of such party to make payment of the amounts due hereunder, notice shall be given with full particulars of such force majeure, in writing or by facsimile transmission, to the other party as soon as reasonably possible after the occurrence of the cause relied on, and the obligations of the party giving such notice, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, neither party shall be required to settle a strike or dispute with workmen when such settlement is against the will of the party having the difficulty. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts,

arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the party claiming suspension, which by the exercise of reasonable diligence such party shall not have been able to avoid.

5.02 All notices that City or ExxonMobil may be required, or may desire, to serve on any other party shall be in writing and shall be served by personal delivery or by depositing the same with the U.S. Postal Service, certified mail, postage prepaid, return receipt requested, and addressed to the respective party at the addresses set forth below or by facsimile transmission to the facsimile numbers listed below. All notices shall be deemed effective when actually received. The addresses and facsimile numbers stated herein shall be effective for all notices to the respective parties until written notice of any change of address or facsimile number is given pursuant to the provisions hereof:

If to City:

City of Tomball
401 W. Market Street
Tomball, Texas 77375
Telephone: 281-351-5484
Facsimile: 281-351-6256
Attn: Mayor

If to ExxonMobil:

ExxonMobil Production Company
396 West Green Road
Houston, Texas 77067
Telephone: 713-431-1125
Facsimile: 713-431-1626
Attn: Roland L. Moreau
U.S. West – Regulatory/Safety/OIMS Manager

WPA

With Copy to:

ExxonMobil Corporation
Law Department
P. O. Box 2180
Houston, Texas 77252-2180
Telephone: 713-656-5741
Facsimile: 713-656-4892
Attn: Enrieta C. Azad
Counsel

The parties shall have the right, from time to time and at any time, to change their respective addresses or facsimile numbers and each shall have the right to specify as its address or facsimile number any other address or facsimile number, by giving at least fifteen (15) days written notice to the other parties.

5.03 This Agreement is not intended to create and will not be construed as creating any type of partnership, joint venture, association, or other relationship where any party will become liable for the acts or obligations of another party.

5.04 This Agreement shall be subject to amendment, change, or modification only with the written mutual consent of each of the parties hereto.

5.05 ~~This Agreement shall be for the sole and exclusive benefit of City and ExxonMobil and shall not be intended to confer any benefit or right upon any other party or parties.~~

5.06 This Agreement, and all rights, duties, and obligations hereunder, shall not be assignable by any party to any other person or entity without the prior written approval of the other party hereto.

5.07 This Agreement shall be interpreted, construed, and governed according to the laws of the State of Texas. Venue shall be in Harris County, Texas.

5.08 Failure of either party hereto to insist in any one or more instances upon performance of any of the terms, covenants, or conditions of this Agreement shall not be construed as a waiver or relinquishment of future performance of any such term, covenant, or condition, and the obligation of the party in default with respect to future performance shall continue in full force and effect.

5.09 This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior oral or written agreements, commitments, or understandings with respect thereto. This Agreement shall bind and inure to the benefit of City and ExxonMobil, and their respective successors and assigns.

5.10 The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section or other part of this Agreement, or the application thereof to any person or circumstance, shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Agreement to other persons or circumstances shall not be affected thereby; and in lieu of such illegal, invalid, or unenforceable term or provision, there shall be added automatically to this Agreement, a legal, valid, or enforceable term or provision, as similar as possible to the term or provision declared illegal, invalid, or unenforceable.

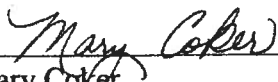
5.11 Each party hereto represents and warrants to the other that (i) the statements made with respect to such party in the recitals to this Agreement are true and correct in all material respects, (ii) such party is validly existing and operating under the laws of the State of Texas, (iii) such party has full requisite power and authority to perform its obligations under this Agreement, (iv) the execution, delivery, and performance of this Agreement has been duly authorized by all

necessary action of the governing body, or board of directors, as applicable, of such party, and (v) this Agreement is a valid and binding obligation of such party enforceable against such party in accordance with its terms.

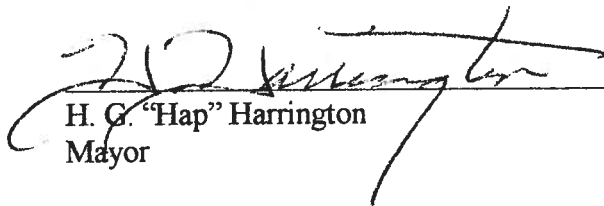
This Agreement is executed effective as of this _____ day of _____, 2002.

ATTEST:

CITY OF TOMBALL, TEXAS



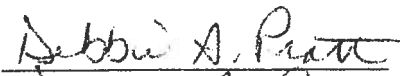
Mary Coker
City Secretary

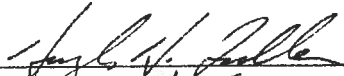


H. G. "Hap" Harrington
Mayor

ATTEST:

EXXONMOBIL PRODUCTION COMPANY

By: 
Name: DEBBIE A. PRATT
Title: STAFF ASST. TO MGMT.

By: 
Name: HUGH N. FULLER
Title: PRODUCTION MGR, US WPS



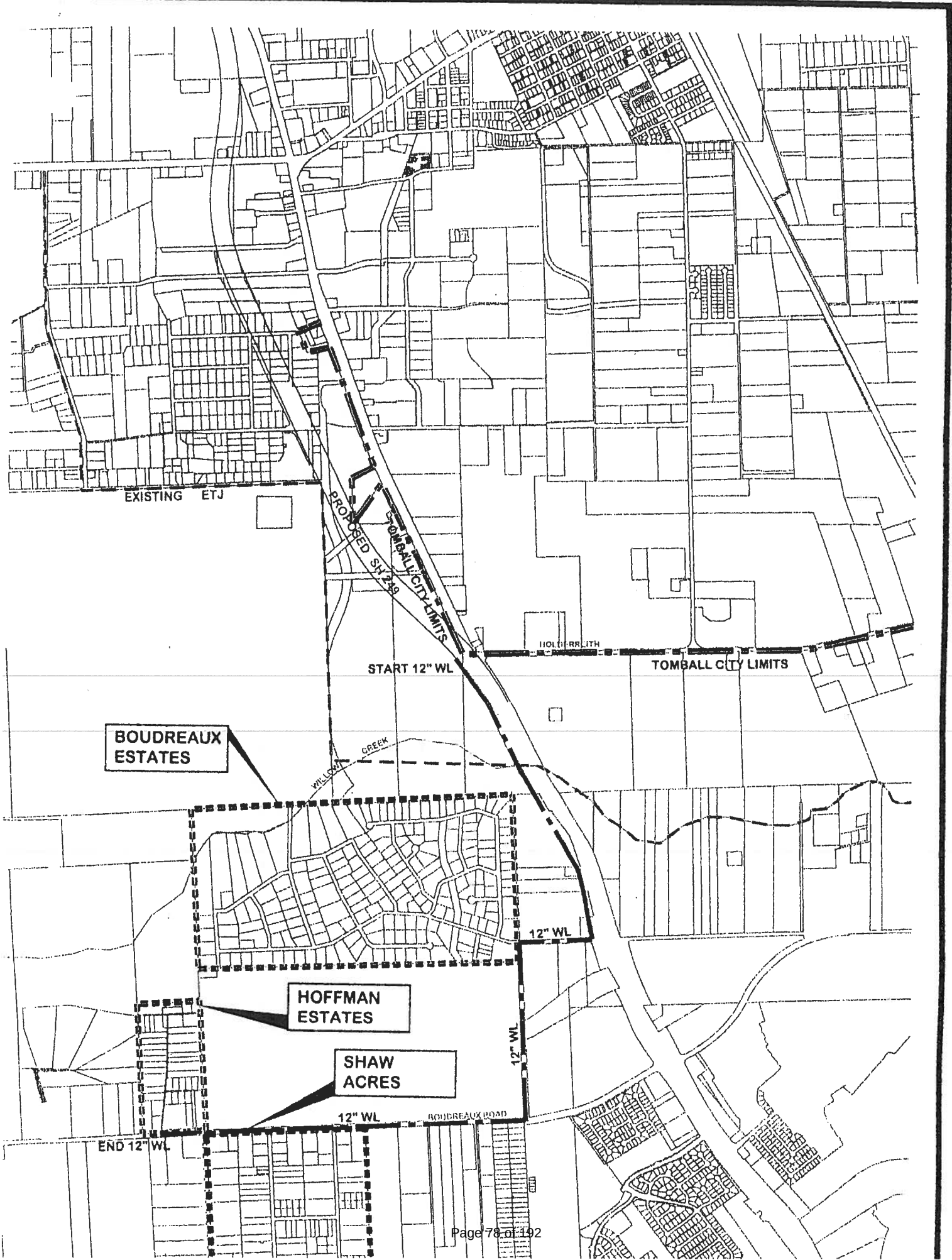


EXHIBIT "B"
DESCRIPTION OF THE FACILITIES

The Facilities will consist of public water supply lines constructed of material meeting American Water Works Association specifications, rules promulgated by the Texas Commission on Environmental Quality, and City of Tomball design standards. Appurtenances will include line and branch valves, and fire hydrants at 300-foot intervals along SH 249 and Boudreaux Road and at 500-foot intervals otherwise.

The Facilities will commence at a 12-inch water line on the west side of SH 249 and will be constructed across SH 249 at Holderrith Road. The connection to this 12-inch line will be part of the project.

The Facilities will include a 12-inch water line located within a 20-foot public utility easement to be acquired by the City, adjacent to the west right-of-way line of SH 249, constructed from the point of commencement to the north line of Boudreaux Road, thence west, south, and west along Boudreaux Road to Hoffman Estates Road. The section to be constructed along Boudreaux Road will be adjacent to the north right-of-way line of Boudreaux Road and located within a 20-foot public utility easement to be acquired by the City. At a point opposite Hamish Road, a 12-inch by 12-inch tee, two valves, and a plug will be installed for the future extension of the water distribution system south to serve the area known as Shaw Estates.

At the entry into Boudreaux Estates subdivision, an 8-inch line will branch from the 12-inch line and run along the subdivision street (Boudreaux Estates Drive) and continue into the subdivision. Water lines will be built along all subdivision streets. If the streets are confirmed to be Harris County rights-of-way, the lines can be located within those rights-of-way as long as the proper notices, permits, and bonds are filed with Harris County. If the streets are not County rights-of-way, a 10-foot-wide public utility easement will be acquired by the City, either within the street right-of-way or adjacent to it. Lines within the neighborhood will generally be 8-inch lines unless no fire hydrant is served, in which case such lines can be 6-inch. For dead-ends, the 8-inch lines line will be reduced to 4-inch past the last fire hydrant. A 12-inch stub will be provided on Fountainbleu Drive at Chateau Drive for eventual extension of the system to the north. Additionally, an 8-inch line, within a 20-foot public utility easement to be acquired by the City, will connect the cul-de-sac on La Fouche Street with the line on Chateau Drive. Another 8-inch line in a 20-foot public utility easement, to be acquired by the City, will connect the south end of Randon Lane with the east end of Hoffman Estates Road.

At the entry into Hoffman Estates from Boudreaux Road, an 8-inch line will be located within a 10-foot public utility easement to be acquired by the City along the existing roadway to the north end of the neighborhood, thence east to connect to the 8-inch line coming from Randon Lane. Branches to serve dead-ends will be as described above.

EXHIBIT "C"

COMMITMENT TO WATER SERVICE CONDITIONS

I/We, _____ (Name/Address) ("Customer"),
own/ reside at the following described property ("Property"), located within Boudreaux Estates/Hoffman Estates,

and hereby apply for connection to and water utility service from the water distribution system owned by the City of Tomball, Texas ("City"), as set forth in the Application for Utility Service attached hereto.

In consideration for receipt of such water utility service, Customer agrees to the following terms and conditions:

1. Customer agrees to abide by and comply with each and every term, condition, and requirement established by City ordinance, rule, or regulation, which may now exist or may hereafter be in effect, which governs the receipt and/or a recipient of water utility service within the City, including the terms, conditions, and requirements set forth in Chapter 82 of the Code of Ordinances of City. In the event of conflict between the provisions of any such City ordinance, rule, or regulation and this Commitment, the provisions of this Commitment shall prevail.

2. Customer agrees to pay to City a monthly charge for receipt of potable water from City and such charge shall be in accordance with the schedule of rates established by City and charged for similar service to customers within City. City's current schedule of rates for water utility service is attached hereto. City reserves the right to adjust its rates for water utility service to customers within City from time to time, and such adjusted rates shall also be charged to Customer.

3. Customer agrees to pay to City, at the time it submits its Application for Utility Service, a connection fee in amount of \$ _____. (The amount of such connection fee shall be equal to the amount of the tap fee charged in City at the time such Application is submitted, plus an additional fee in the amount of \$1,075.00, or the amount of City's impact fee charge then in effect and charged to new residential units within City for water utility service, whichever is greater).

4. Customer agrees to comply with the provisions and requirements of City's Drought Contingency Plan as set forth in Article VII of Chapter 82 of City's Code of Ordinances, or as such Chapter may be hereafter amended.

5. Customer agrees that all plumbing improvements made on Property, including any improvements that are necessary to connect Customer's facilities to City's water distribution system, shall be performed in accordance with the provisions and requirements of the *International Plumbing Code*, 2000 Edition. Prior to being connected to City's water distribution system connection, Customer's facilities shall be subject to inspection by City.

6. Customer agrees to permanently disconnect all private water well or water supply from any and all of its plumbing facilities or systems that are to be connected to City's water distribution system. If Customer has a private water well, and such well is to be plugged, Customer agrees to comply with any and all Texas Railroad Commission and/or Texas Commission on Environmental Quality requirements when plugging such well. Customer further understands and agrees that City shall have the right to inspect Customer's facilities, upon reasonable notice, to ensure Customer's compliance with this Commitment, particularly paragraphs 5 and 6 hereof. In the event City determines that any private water well or water supply has been connected to any plumbing facility or system of Customer that is connected to City's water distribution system, in addition to disconnection of City's water utility service, City also may refuse to allow Customer, and/or Customer's property and facilities, to be reconnected to City's water distribution system in the future.

7. Customer understands and agrees that, in the event of violation of or noncompliance with any term, provision, condition, or requirement of this Commitment, City shall be authorized to disconnect Customer from City's water utility service.

8. In the event Customer's Property, which is provided with water utility service pursuant to this Commitment, is annexed into the corporate limits of City, this Commitment shall terminate and be of no further force and effect and thereafter, water utility service shall be provided to Customer in the same manner as such service is provided to other customers within City.

EXHIBIT "C" (Continued)

9. This Commitment shall be for the sole and exclusive benefit of Customer and shall not be construed to confer any benefit or right upon any other person.

10. If any term or provision of this Commitment is held to be illegal, invalid, or unenforceable, the legality, validity, or enforceability of the remaining terms or provisions of this Commitment shall not be affected thereby; and, in lieu of such illegal, invalid, or unenforceable term or provision, there shall be added automatically to this Commitment, a legal, valid, or enforceable term or provision, as similar as possible to the term or provision declared illegal, invalid, or unenforceable.

11. No change of or modification to this Commitment, or waiver of any of the terms, conditions, or provisions hereof, shall be valid unless the same is in writing and approved by City.

Signature

Printed Name

Address

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2002.

Notary Public In and For the State of Texas
My Commission Expires: _____

(SEAL)

EXHIBIT "D"

SCHEDULE OF RATES*

Section 1. Definitions. For the purposes of this Exhibit, 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 2. The monthly rates and charges for potable water provided by the City shall be as follows:

a. Residential. A base rate of \$8.31, plus a consumption charge of \$2.12 for each 1,000 gallons used.

b. Small Commercial. A base rate of \$11.05, plus a consumption charge of \$2.14 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using less than 5,000 gallons during the billing month.

c. Medium Commercial. A base rate of \$16.85, plus a consumption charge of \$2.16 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,000 gallons or more, but less than 51,000 gallons during the billing month.

d. Large Commercial. A base rate of \$31.70, plus a consumption charge of \$2.18 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,000 gallons or more during the billing month.

e. Bulk Sales. A base rate of \$54.08, plus a consumption charge of \$2.99 for each 1,000 gallons used. This charge includes the current \$0.25 for each 1,000 gallons used surcharge that the City collects on behalf of NHCRWA and will be adjusted as the surcharge increases. Additionally, if a meter is desired, the deposit will be \$1,000.00.

* Pursuant to City of Tomball, Texas Ordinance No. 2002-19, passed and approved the 3rd day of September 2002.

Regular City Council

Agenda Item

Meeting Date: April 1, 2013

Data Sheet

Topic:

Adopt on First Reading, Ordinance 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled "Donation Containers" to Chapter 42 "Health and Sanitation" regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date

Background:

On February 4, 2013, the City Council discussed and outlined needed provisions for the regulation of charitable donation containers. This ordinance is to enact those regulations and addresses:

- allowable containers and operators
- location and design standards
- permitting process
- penalties for violations.

In brief, containers must be operated by or on behalf of a non-profit. They can only be placed in non-residential districts with distance limits from rights-of-way and residential uses. There can be no more than 2 per lot and they must be 300 feet from any other container on any other lot. The containers must be no more than 96 cubic feet, neutral-colored, with required signage. All containers must be in good condition and emptied regularly. They cannot conflict with any other provisions or requirements. They must be permitted annually.

Origination:

City Council

Recommendation:

N/A

Funding:

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

Christal Weber, Assistant City Manager

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

ATTACHMENTS:

Ordinance No. 2013-04

ORDINANCE NO. 2013-04

AN ORDINANCE AMENDING THE CITY OF TOMBALL CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI TITLED “DONATION CONTAINERS” TO CHAPTER 42 “HEALTH AND SANITATION” REGARDING THE DEFINITION OF DONATION CONTAINERS; SETTING FORTH REGULATION REGARDING THE PERMITTING, LOCATION, AND CONDITION OF DONATION CONTAINERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE IMPOUNDMENT OF THE CONTAINERS IN THE EVENT OF A VIOLATION HEREOF; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000) WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, combating illegal dumping is a rightful concern of the City; and

WHEREAS, the City has experienced a growing problem of illegal dumping occurring around “Donation Containers”; and

WHEREAS, the City recognizes that many Donation Containers are not regularly collected, overflow and become receptacles for uncollected refuse; and

WHEREAS, Donation Containers continue to proliferate with the City’s limits; and

WHEREAS, the City recognizes Donation Containers are not typically found in a permanent building operation; and

WHEREAS, the City Council recognizes the conditions included with this ordinance are intended to protect the health, safety and general welfare of the community; now, therefore

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

Section 1. Chapter 42 “Health and Sanitation” of the Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article VI titled “Donation Containers” to read as follows:

“ARTICLE VI – DONATION CONTAINERS

Sec. 42-139 – Definitions.

Donation Container shall mean any container, receptacle or similar device that is located on any lot within the city and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include paper recycling bins for the collection of recyclable material that are screened and placed in accordance with zoning ordinance as refuse container or any Donation Container located within a building.

Sec. 42-140 – Location.

- a. Donation Containers shall be limited to Office, Retail, and Commercial zoning districts and shall be subject to approval by a temporary permit with a maximum duration of one (1) year.
- b. Donation Containers are allowed in Planned Developments when expressly included in the listed uses and allowances.
- c. Donation Containers shall not be within fifty feet (50') of property being used for residential purposes or a public-right-of-way.
- d. Donation Containers shall not be located within any established buffer areas, required landscaped area, sidewalks, access easements, drainage easements, drive aisles, utility easements or fire lanes and shall not be located in such a manner that they block sight lines or impede vehicular or pedestrian traffic.
- e. Donation Containers shall be located on a paved surface.
- f. A Donation Container shall not be located in any parking space required to meet the minimum parking requirements for a site.
- g. The number of Donation Containers allowed for each lot shall not exceed one (2) and shall not be located less than three hundred feet (300') from any other Donation Container except as required in Section 42-140(h).
- h. On lots with more than one Donation Container, the Donation Containers on that lot shall be placed adjacent to each other with no more than two feet (2') of separation between containers. These containers must be three hundred feet (300') from containers on any other lot.

Sec. 42-141 – Container Design and Maintenance.

- a. The Donation Container shall not exceed ninety six cubic feet and shall not be larger than four feet (4') in wide by four feet (4') deep by six feet (6') tall. The Donation Containers shall be fully enclosed.
- b. Donation Containers shall be painted or stained with a neutral or earth-tone color scheme. Bright primary, fluorescent, or contrasting colors are prohibited.
- c. Unless required by other provision, no specific landscaping, screening fences or walls are required around Donation Containers, but aesthetically pleasing site design considerations are encouraged.
- d. The Donation Container shall display a sign not to exceed two square feet only the following information:

- i. Permit holder's current contact information including street address and telephone number
- ii. If permit holder is not the operator of the donation box, the operator's contact information including street address and telephone number must also be included.
- iii. Tomball Code Enforcement Division's street address and phone number.
- iv. Note indicating allowable items.
- v. Note indicating hazardous materials and illegal dumping prohibited.
- vi. The sign may contain the trademark or logo of the non-profit organization benefitting from the container. The sign shall be in a neutral color with black lettering. No other signage is allowed.
- e. Donation Containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti.

Sec. 42-142 – Proper Use and Removal of Materials

- a. The Donation Container shall only be used as a collection container for clothing and household materials. All donation materials must fit into and be placed inside the Donation Container. The collection or storage of any materials outside the container is prohibited.
- b. The permit holder shall be responsible to collect the contents of the Donation Container as needed to prevent overflow, but at least once every two weeks.
- c. Items not properly placed in the container must be removed within 24 hours from deposit. Both the property owner and the permit holder are subject to enforcement action for materials not properly placed in the Donation Container.

Sec. 42-143 – Permit Required.

- a. The owner of a Donation Container shall apply for a permit from the City, and submit a fee not to exceed \$25.00 for each Donation Container.
- b. The permit applicant must have the written authorization from the business owner on whose property the Donation Container will be placed.
- c. The permit holder shall employ a staff of full-time or paid drivers to collect the contents of the Donation Container.
- d. Donation Container must be owned or operated on behalf of an organization registered and operating in the State of Texas as a non-profit (501.c.3) corporation.
- e. The permit holder must maintain general liability insurance for each Donation Container, at a minimum level of one million dollars (\$1,000,000.00), holding the city and business owner harmless.
- f. Provided that the above conditions are met, each permit shall be valid for a period of twelve (12) months, from the date first issued.
- g. Each application must include a diagram of the proposed location including any screening or landscaping proposed.
- h. The location and specific site design features of the Donation Container placement must be approved by the City Manager or his/her designee.

- i. The permit holder and the property owner shall jointly and severally liable for any violations of this ordinance.
- j. More than three (3) complaints, in a one (1) year period, regarding a specific Donation Container, shall result in the permit being revoked. The complaints must be validated as being legitimate by the City of Tomball, Code Enforcement Division.
- k. Unless otherwise said within, approval of a permit for said operation shall not exempt the use or permit holder from all applicable City of Tomball ordinances including, but not limited to nuisance, signage, lighting, etc.
- l. All existing Donation Containers must comply with this ordinance within sixty (30) days of the effective date.

Sec. 42-144. Penalty

- a. Any Donation Container in violation of this ordinance is subject to impoundment by the City. Impounded containers shall be released to the owner upon payment of an impound fee of \$200.00 and a daily storage fee of \$20.00 for each day in the City's possession after impound. An impounded Donation Container not claimed within 30 days will be considered abandoned and may be destroyed without notice from the City.
- b. Any person who shall violate any provision of this ordinance or fail to comply therewith shall be punished by a fine not to exceed \$2000.00. Each day the violation occurs shall constitute a distinct and separate offense."

Section 2. 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.

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 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.

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 1ST DAY OF APRIL 2013.

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Public Hearing on Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way

Background:

Consideration and possible action regarding Right-of-Way Abandonment of Timkin Road and (South) Persimmon Street: Requested by Tom Crofoot. City Council approved Administrative Policy No. 65 - Right-of-Way Abandonment Policy on March 7, 2011. This is the City's second application requesting right-of-way abandonment under this policy.

Should any easements be required they will be recorded prior to the quit claim deeds being executed or included in the deeds.

Origination:

Tom Crofoot

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

Lori Lakatos, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing - ROW Abandonment Timkin & Persimmon

Timkin Persimmon ROW Abandonment Staff Report

Application for Abandonment for Part of Timkin and Persimmon

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

MONDAY, APRIL 1, 2013



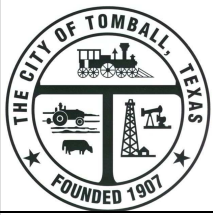
6:00 P.M.

Notice is hereby given that the City Council of the City of Tomball, Texas, will hold a Public Hearing during the Regular City Council Meeting to be held on Monday, April 1, 2013, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

ADOPT ON FIRST READING, ORDINANCE NO. 2013-05 OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF TIMKIN ROAD AND A PART OF (SOUTH) PERSIMMON STREET , IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, AS RECORDED IN VOLUME 002, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID ABANDONED ROADWAY AND STREET RIGHT-OF-WAY TO CPAR, INC., TOM CROFOOT, CENTERPOINT ENERGY, BAKER HUGHES OILFIELD OPERATIONS, INC., AND SAFDAR CHAUDHRY IN ACCORDANCE WITH EACH PROPERTY OWNER'S INTEREST IN THE ADJACENT ABANDONED RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Any member of the public has the right to appear at this Public Hearing and will be given an opportunity to be heard.

Written comments should be received no later than 4:00 p.m., April 1, 2013. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.



Right-of-Way Abandonment Staff Report

City Council Hearing Date: April 1, 2013

ROW ABANDONMENT REQUEST: A request by Thomas Crofoot to abandon a portion of right-of-way (ROW) containing approximately 0.98 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and being out of Timkin road called 40.00 feet ROW as recorded in Volume 002, Page 65 of the map records of Harris County, Texas.

BACKGROUND

On November 30, 2012, the Community Development Department received a request from Thomas Crofoot to abandon approximately 0.98 acres of ROW northerly of Lizzie Lane, southerly of developed Timkin Road, westerly of Hufsmith-Kohrville Road, and easterly of developed Persimmon Street. The request includes portion of undeveloped Timkin Road and Persimmon Street. Mr. O'Sullivan has requested the abandonment to "...make all the adjacent properties more functional. It will be putting to use City property that has no future use and will increase the City's tax base."

ANALYSIS

City staff has reviewed the ROW abandonment application and does not anticipate that a substantial public purpose will be served by retaining ownership of the ROW, nor is it anticipated to be contrary to the public interest. Excess ROW can burden the public with continued maintenance costs, liability concerns, and underutilized urban land. Abandoning the ROW may allow the property to be placed back on the tax rolls and to be developed by private property owners.

The portions of Timkin Road and Persimmon Street requested to be abandoned have not been improved nor are they anticipated to be improved in the future. Consequently, abandoning them is not anticipated to substantially interfere with vehicular and pedestrian traffic in the area. Abandoning the ROW will still afford adjacent property owners at least one point of access to a public right-of-way and will not deprive them of reasonable means of ingress and egress to their property. Additionally, the subject ROW is not essential to maintain or advance the City's Major Thoroughfare Plan and/or utility system. A portion of Timkin Road was previously abandoned as part of the BJS Manufacturing Replat approved by City Council in July 2012.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on March 18, 2013 and a public hearing notice was mailed to property owners within 200 feet of the requested abandonment on March 22, 2013. No public comments were received at the time of the ROW abandonment staff report finalization.

RECOMMENDATION

City staff recommendations of the ROW abandonment based on the following:

1. No substantial public purpose is anticipated to be served by the City retaining ownership of the ROW;
2. The proposed ROW abandonment is not anticipated to be contrary to the public interest;
3. The proposed ROW abandonment is not anticipated to deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property; and
4. The ROW proposed to be abandoned is not anticipated to be necessary to maintain or advance the City's Major Thoroughfare Plan and/or utility system.

EXHIBITS

- A. Area Map
- B. ROW Abandonment Application
- C. Property Survey and Field Notes

Area Map

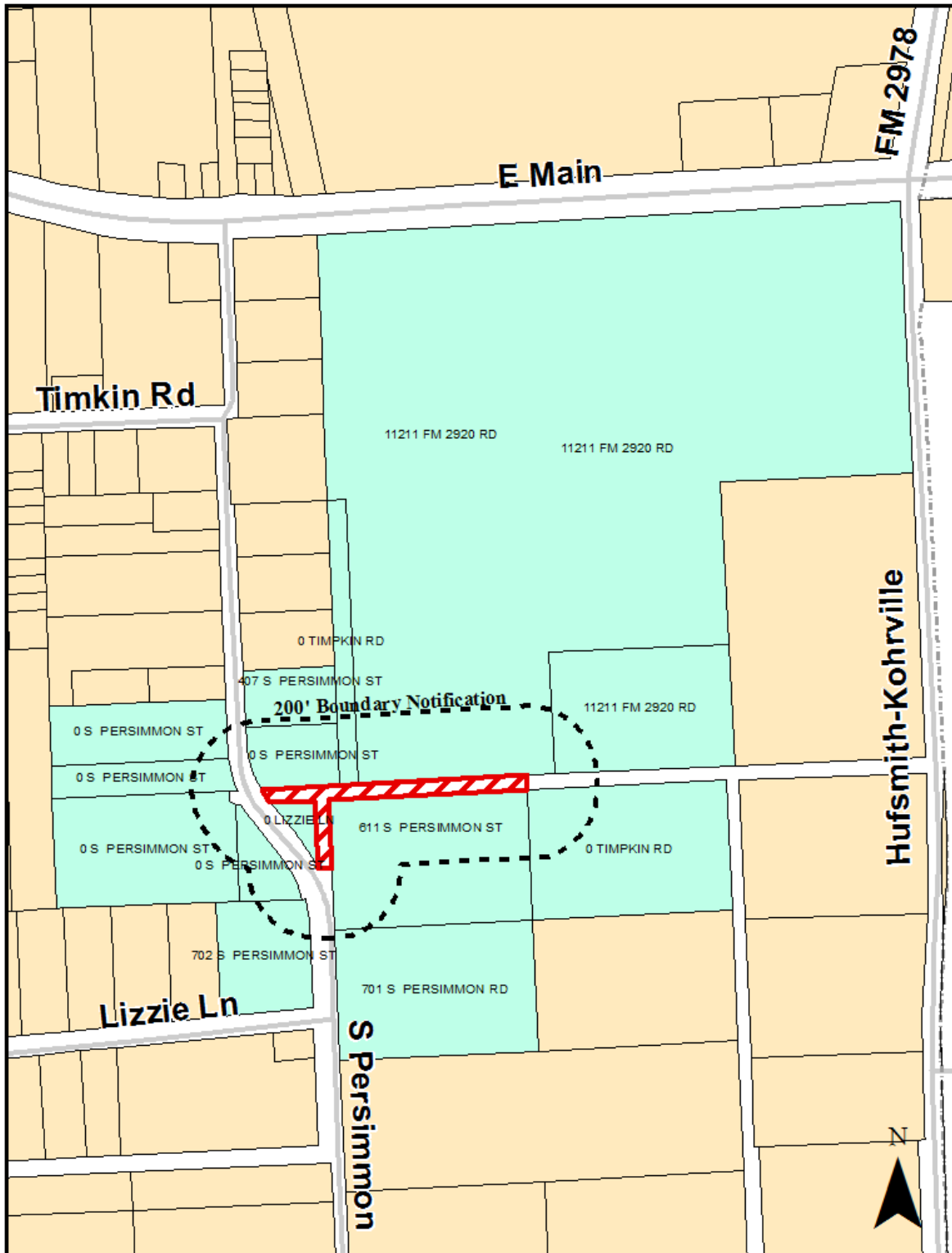


Exhibit "B"

ROW Abandonment Application



CITY OF TOMBALL



RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☒ \$300 application fee;
- ☒ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☒ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☒ Completed and signed application form.

Applicant Information

Name TOM CROFOOT
Mailing Address 1430 NEAL DR.
City TOMBALL State TX Zip Code 77375
Phone Number 832-788-7872 Fax Number _____
E-mail Address tcrofoot@comcast.net

Agent or Engineer Information

Name _____
Mailing Address _____
City _____ State _____ Zip Code _____
Phone Number _____ Fax Number _____
E-mail Address _____

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

I, _____, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

THIS ABANDONMENT WILL MAKE ALL THE ADJACENT
PROPERTIES MORE FUNCTIONAL. IT WILL BE PUTTING
TO USE CITY PROPERTY THAT HAS NO FUTURE USE, AND WILL
INCREASE THE CITY'S TAX BASE.

Tom Crofoot
(Signature)

TOM CROFOOT
(Printed Name)

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. CLIFFORD PARKER, PRESIDENT C'PAR, INC
2. 831 VILLAGE SQ, TOMBALL, TX 77325
3. 1205350010005
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

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Tom Crofoot
(Signature)

TOM CROFOOT
(Printed Name)

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Steve P. Bellet, Real Estate Counsel, Baker Hughes Oilfield
2. Operations, Inc. 1172240000003, #5
3. 124-249-001-0001
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

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INCREASE THE CITY'S TAX BASE.

Tom Crofoot
(Signature)

TOM CROFOOT
(Printed Name)



STREET/ALLEY CLOSURE APPLICATION FORM
SURVEYING & RIGHT OF WAY
1111 LOUISIANA, 7TH FLOOR, HOUSTON, TEXAS 77002
TELEPHONE (713) 207-5769 or (713) 207-6348; FACSIMILE (713) 207-9040

STREET ADDRESS

FOR THE PROPERTY: 415 S. PERSIMMON

11/30/2012

Date of Application

REQUESTOR INFORMATION: (Print or Type Only)

Name: TOM CROFOOT 832-788-7872 cell
Individual Company Phone Number
E-mail address: tcrofoot@comcast.net 281-255-4855 home
Address 1430 NEAL DR. TOMBALL TX 77375
City State Zip Code

LOCAL GOVERNMENTAL ENTITY (City or County that Requestor is asking to close the street or alley)

CITY of TOMBALL LORI LAKOTAS, CITY ENGINEER
Governmental Entity Name Governmental Official/Phone Number
Address 501 JAMES ST. TOMBALL TX 77375
City State Zip Code

THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:

- Four (4) copies of a property survey or drawing, a maximum of 8.5" X 14", of legible and clear detail, indicating all dimensions of the portion of the street(s)/alley(s) to be abandoned, including the legal description and a north arrow, as well as the ownership information of all landowners adjacent to the street/alley to be abandoned. 281-290-1466
LLAKOTAS@CI.TOMBALL
TX.US
- If CenterPoint Energy facilities are located within the street or alley, please check here _____ and advise CenterPoint Energy if the facilities serve only your property and if so, will this service be removed or not.
- Copies of any and all motions, letters, or drawings provided by the local governmental entity involved.
- A non-refundable processing fee of \$500.00 made payable by check to CenterPoint Energy must accompany this application before it can be processed.

If this request is approved, a letter will be issued by CenterPoint Energy, addressed to the appropriate government office, providing the Company's approval to the closure request. This letter will be forwarded to the requestor unless CenterPoint Energy is requested otherwise.

If CenterPoint Energy's facilities must remain in a street/alley to be closed, new easements, as prepared by CenterPoint Energy must be granted by each adjacent landowner who will assume title to any portion of the street/alley before an approval letter will be issued. In addition to the processing fee, if CenterPoint Energy's facilities are located within the area to be abandoned, the cost for CenterPoint Energy to prepare these easement documents will be passed along to the requestor of this service.

CenterPoint Energy requires a time period of approximately 5-6 weeks for review and document preparation. In the event electrical facilities must be relocated or removed, or new easements granted because of this request, a longer time period may be required. Should the relocation of CenterPoint Energy's facilities be necessitated by said request, the cost of such relocation(s) will be borne by a party or parties other than CenterPoint Energy and must be paid before approval is granted. Also, the acquisition of new easements or the relocation/removal of facilities must be completed prior to CenterPoint Energy issuing any letter of approval.

Please be assured that CenterPoint Energy is aware of the urgent nature of your request and will make every effort to expedite the completion of your request.

I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.

Tom Crofoot
Signature of Requestor

ACCEPTANCE LETTER

Date: 9/14/2013

Jerry Ray
AT&T
Manager Engineering Right-of-Way
7602 Spring Cypress
Room 226
Spring, Texas 77379
Phone #: 281 379-7524
Fax # 281 374-3318

Dear Mr. Ray:

I have received your letter concerning my following request. Please describe in detail your request.

My request is a letter to the City of Tomball
City Engineer, Lori Lakota, stating if you have
any objections to a request for Abandonment of
Broken and Persimmon Roads; and if not, a
letter of "NO OBJECTION".

I am aware that this is a non-refundable charge whether my request is granted or not. Attached please find Check Number 5053 in the amount of \$150.00 as payment for the processing of this request.

By: THOMAS CROFOOT / Thomas Crofoot
CROFOOT & CROFOOT LLC

Print Name / Company

30530 TOMBALL PARKWAY

TOMBALL, TX 77375

Mailing Address

832-788-7872

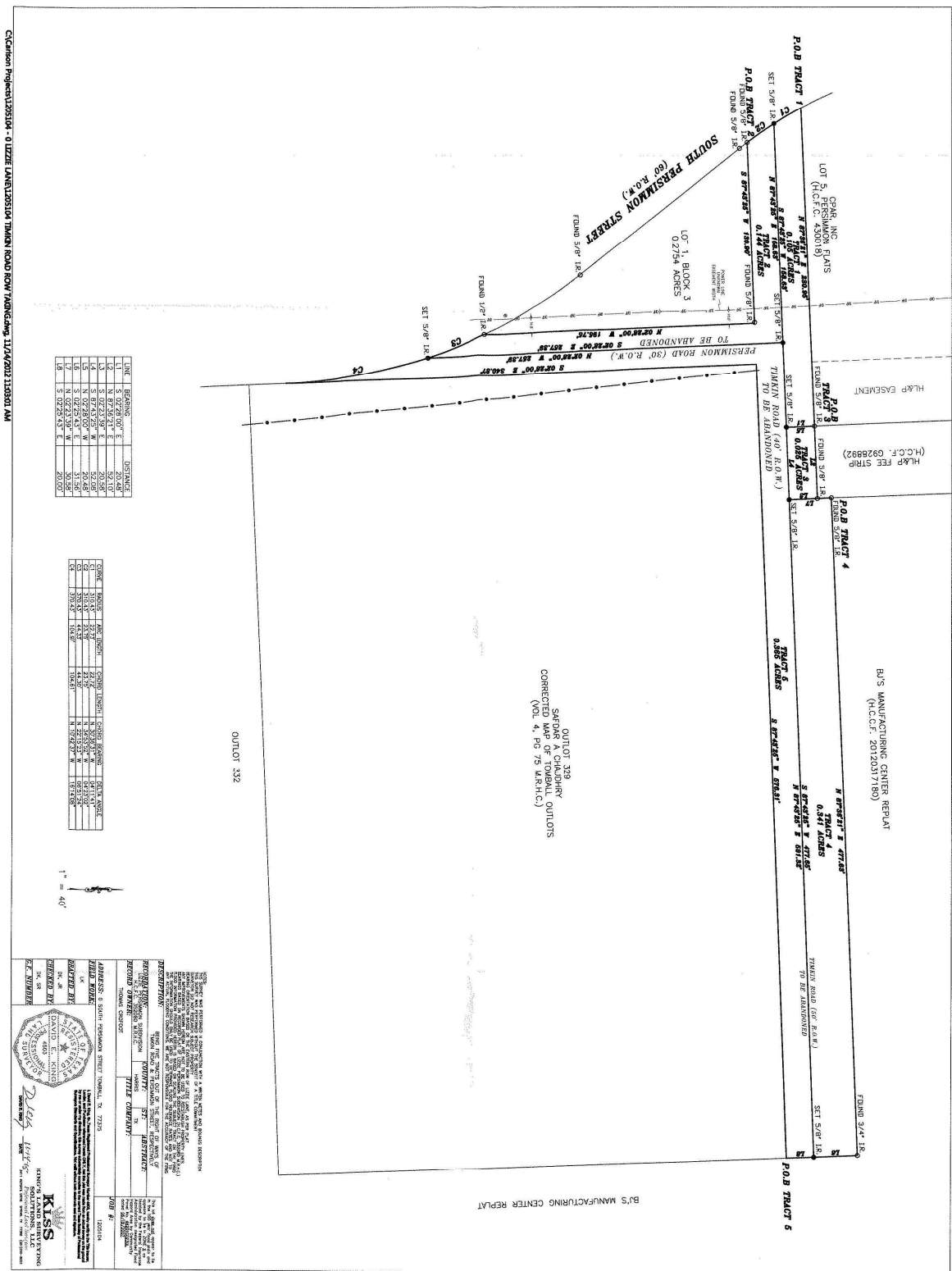
Telephone Number

tcrofoot@comcast.net

E-Mail Address

Attachment:

Page 10 of 17



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METES AND BOUNDS
TRACT 1
0.105 ACRE PARCEL
SITUATED IN THE
JESSE PRUITT SURVEY
ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a 0.105 acre parcel situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being out of Timkin Road called 40.00 feet right of way as recorded in Volume 002, Page 65 Map Records of Harris County, said 0.105 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called map of plat.

Beginning at a point in a curve to the right, said point being in the east right of way line of South Persimmon Road called 60.00 feet wide as per the recorded plat of Lizzie – Persimmon Subdivision as recorded in Vol. 352, Pg. 080 Map Records of Harris County for the southwest corner of Lot 5 of the Persimmon Flats Subdivision as recorded under Harris County Clerk's File Number 430018 and marking the northwest corner of the herein described parcel of land;

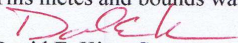
THENCE, North 87° 36' 21" East, along the north right of way line of Timkin Road (called 40.00 feet) and the south line of Lot 5, Persimmon Flats Subdivision, a distance of 230.95 feet to a 5/8 inch iron rod found for the southeast corner of Lot 5, Persimmon Flats Subdivision and marking the northeast corner of the herein described parcel of land;

THENCE, South 02° 28' 00" East, along the east line of the herein described parcel, a distance of 20.48 feet to a 5/8 inch iron rod set in the centerline of Timkin Road for the southeast corner of the herein described parcel;

THENCE, South 87° 43' 25" West, along the centerline of Timkin Road and the south line of the herein described parcel, a distance of 158.63 feet to a 5/8 inch iron rod set in the east right of way of South Persimmon Street, called 60.00 wide, for the southwest corner of the herein described parcel of land said 5/8 inch iron rod being in a curve to the right;

THENCE, along the curve to the right having an radius of 310.43 and an arc length of 22.73 feet, along the west line of the herein described parcel to a point for the southwest corner of Lot 5, Persimmons Flats subdivision marking the **POINT OF BEGINNING** and containing 0.105 acres.

This metes and bounds was written in conjunction with a survey plat.


David E. King, Sr.
King's Land Surveying Solutions, LLC
November 9, 2012
Job Number 1205104



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

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METES AND BOUNDS
TRACT 2
0.144 ACRE PARCEL
SITUATED IN THE
JESSE PRUITT SURVEY
ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a 0.144 acre parcel situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being out of Timkin Road called 40.00 feet right of way as recorded in Volume 002, Page 65 Map Records of Harris County, and Persimmon Road said 0.144 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called map of plat.

Beginning at a 5/8 inch iron rod found in a curve to the right, said 5/8 inch iron being in the east right of way line of South Persimmon called 60.00 feet wide as per the recorded plat of Lizzie – Persimmon Subdivision as recorded in Vol. 352, Pg. 080 Map Records of Harris County for the northwest corner of Lot 1, Block 3 of the Lizzie – Persimmon Subdivision and marking the southwest corner of the herein described parcel of land;

THENCE, along the curve to the right having an radius of 310.43 and an arc length of 23.75 feet and the west line of the herein described parcel to a 5/8 inch iron rod set in the centerline of said Timkin Road for the northwest corner of the herein described parcel of land;

THENCE, North 87° 43' 25" East, along the said centerline of Timkin Road and the north line of the herein described parcel, a distance of 158.63 feet to a 5/8 inch iron rod set in the centerline of Persimmon Road, called 30.00 feet wide, for the northeast corner of the herein described parcel of land;

THENCE, South 02° 28' 00" East, along the centerline of Timkin Road and Persimmon Road as recorded in Tomball Outlots in Vol. 4, Pg. 025 M.R.H.C. and the west line of the herein described parcel, a distance of 257.39 feet to a 5/8 inch iron rod set in the center line of said Persimmon Road for the southeast corner of the herein described parcel of land, the said 5/8 inch iron rod set being in a curve to the left;

THENCE, along the curve to the left having an radius of 370.43 and an arc length of 44.33 feet and the south line of the herein described parcel to a 1/2 inch iron rod found for the southeast corner of the said Lot 1 Block 3, and being the southeast corner of the herein described parcel of land;

THENCE, North 02° 28' 00" West, along the west right of way of Persimmon Road and the east line of Lot 1, Block 3, a distance of 195.75 feet, to a 5/8 inch iron rod found for the northeast corner of Lot 1 Block 3

3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

THENCE, South 87° 43' 25" West, along the north line of the said Lot 1, Block 3 and the south line of the herein described parcel, a distance of 130.90 feet to the **POINT OF BEGINNING** and containing 0.144 acres.

This metes and bounds was written in conjunction with a survey plat.


David E. King, Sr.
King's Land Surveying Solutions, LLC
November 9, 2010
Job Number 1205104



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

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METES AND BOUNDS
TRACT 3
0.025 ACRE PARCEL
SITUATED IN THE
JESSE PRUITT SURVEY
ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a 0.025 acre parcel situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being out of Timkin Road called 40.00 feet right of way as recorded in Volume 002, Page 65 Map Records of Harris County, said 0.025 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called map of plat.

Beginning at a 5/8 inch iron rod found in the north right of way line of Timkin Road for the southeast corner of Lot 5, Persimmon Flats as recorded under Harris County Clerk's File Number 430018, the southwest corner of HL&P Fee Strip as recorded under H.C.C.F. No. G928892 and being the northwest corner of the herein described parcel of land;

THENCE, North 87° 36' 21" East, along the said north line of Timkin Road and the north line of the herein described parcel, a distance of 52.10 feet to a 5/8 inch iron rod set for the northeast corner of the herein described parcel of land;

THENCE, South 02° 23' 39" East, along the east line of the herein described parcel, a distance of 20.58 feet to a 5/8 inch iron rod set in the centerline of Timkin Road for the southeast corner of the herein described parcel of land;

THENCE, South 87° 43' 25" West, along the centerline of Timkin Road and the south line of the herein described parcel, a distance of 52.08 feet to a 5/8 inch iron rod set in the centerline of Timkin Road and the south line of the herein described parcel of land;

THENCE, North 02° 28' 00" West, along the west line of the herein described parcel, a distance of 20.48 feet to a 5/8 inch iron rod found for the northwest corner of the herein described parcel to the **POINT OF BEGINNING** and containing 0.025 acres.

This metes and bounds was written in conjunction with a survey plat.


David E. King, Sr.
King's Land Surveying Solutions, LLC
November 9, 2012
Job Number 1205104



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

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METES AND BOUNDS
TRACT 4
0.341 ACRE PARCEL
SITUATED IN THE
JESSE PRUITT SURVEY
ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a 0.341 acre parcel situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being out of Timkin Road called 50.00 feet right of way as recorded in Volume 002, Page 65 Map Records of Harris County, said 0.341 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called map of plat.

Beginning at a 5/8 inch iron rod found in the north right of way line of Timkin Road for the southwest corner of BJ's Manufacturing Center Replat as recorded under Harris County Clerk's File Number 20120317180 and being the northwest corner of the herein described parcel of land;

THENCE, North 87° 36' 21" East, along the said north line of Timkin Road and the north line of the herein described parcel, a distance of 477.63 feet to a 3/4 inch iron rod found for the northeast corner of the herein described parcel of land;

THENCE, South 02° 25' 43" East, along the east line of the herein described parcel, a distance of 31.56 feet to a 5/8 inch iron rod set in the centerline of Timkin Road for the southeast corner of the herein described parcel of land;

THENCE, South 87° 43' 25" West, along the centerline of Timkin Road and the south line of the herein described parcel, a distance of 477.65 feet to a 5/8 inch iron rod set in the centerline of Timkin Road and the south line of the herein described parcel of land;

THENCE, North 02° 23' 39" West, along the west line of the herein described parcel, a distance of 30.58 feet a 5/8 inch iron rod found for the northwest corner of the herein described parcel to the **POINT OF BEGINNING** and containing 0.341 acres.

This metes and bounds was written in conjunction with a survey plat.


David E. King, Sr.
King's Land Surveying Solutions, LLC
November 9, 2012
Job Number 1205104



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"We set the boundaries you need in life"

METES AND BOUNDS
TRACT 5
0.365 ACRE PARCEL
SITUATED IN THE
JESSE PRUITT SURVEY
ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a 0.365 acre parcel situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being out of Timkin Road called 50.00 feet right of way as recorded in Volume 002, Page 65 Map Records of Harris County and Persimmon Road called 30.00 feet right of way, said 0.365 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called map of plat.

Beginning at a point in the south right of way line of Timkin Road in the west line of BJ's Manufacturing Center Replat as recorded under Harris County Clerk's File Number 20120317180, the northeast corner of Outlot 329 as recorded in Volume 004, Page 75 Map Records of Harris County and being the southeast corner of the herein described parcel of land;

THENCE, South 87° 43' 25" West, along the said south line of Timkin Road and the south line of the herein described parcel, a distance of 576.31 feet to a point for an angle point of the herein described parcel of land;

THENCE, South 02° 25' 43" East, along the east line of the herein described parcel, a distance of 340.87 feet to a point in a curve, to the left, in the north right of way line of South Persimmon Street called 60.00 foot wide for the most southerly southeast corner of the herein described parcel of land;

THENCE, along said curve to the left having a radius of 370.43 feet and an arc distance of 104.97 to a 5/8 inch iron rod set in the centerline of Persimmon Road for the southwest corner of the herein described parcel of land;

THENCE, North 02° 23' 00" West, along the centerline of Persimmon Road and the west line of the herein described parcel, a distance of 257.39 feet a 5/8 inch iron rod set in the centerline of Timkin Road for the northwest corner of the herein described parcel of land;

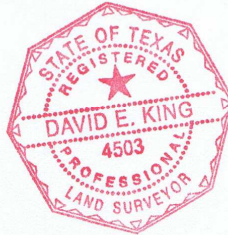
THENCE, North 87° 43' 25" West, along the centerline of Timkin Road and the north line of the herein described parcel, a distance of 591.32 feet to a 5/8 inch iron rod set in the centerline of Timkin Road and the north line of the herein described parcel for the northeast corner of the herein described parcel of land;

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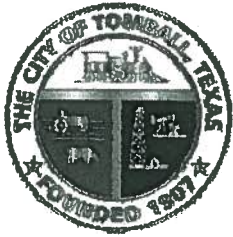
THENCE, South 02° 25' 43" East, along the east line of the herein described parcel, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.365 acres.

This metes and bounds was written in conjunction with a survey plat.


David E. King, Sr.
King's Land Surveying Solutions, LLC
November 9, 2012
Job Number 1205104



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118



CITY OF TOMBALL



RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☒ \$300 application fee;
- ☒ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☒ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☐ Letter of "No Objection" from each of the concerned entities; and
- ☒ Completed and signed application form.

Applicant Information

Name TOM CROFOOT
Mailing Address 1430 NEAL DR.
City TOMBALL State TX Zip Code 77375
Phone Number 832-788-7872 Fax Number _____
E-mail Address tcrofoot@comcast.net

Agent or Engineer Information

Name _____
Mailing Address _____
City _____ State _____ Zip Code _____
Phone Number _____ Fax Number _____
E-mail Address _____

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

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Please list the reasons for the request and how this request will benefit the public:

THIS ABANDONMENT WILL MAKE ALL THE ADJACENT
PROPERTIES MORE FUNCTIONAL. IT WILL BE PUTTING
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INCREASE THE CITY'S TAX BASE.

Tom Crofoot
(Signature)

TOM CROFOOT
(Printed Name)

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

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(please include your name, mailing address, HCAD number of your property, and signature)

1. CLIFFORD PARKER, President C'PAR, INC
2. 831 VILLAGE SQ, TOMBALL, TX 77325
3. 1205350010005
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

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Tom Crofoot
(Signature)

TOM CROFOOT
(Printed Name)

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. She P. Bellett, Real Estate Counsel, Baker Hughes Oilfield
2. Operations, Inc. 1172240000003 to 5
3. 124-249-001-0001
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

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PROPERTIES MORE FUNCTIONAL. IT WILL BE PUTTING
TO USE CITY PROPERTY THAT HAS NO FUTURE USE, AND WILL
INCREASE THE CITY'S TAX BASE.

Jon Crofoot
(Signature)

TOM CROFOOT
(Printed Name)



STREET/ALLEY CLOSURE APPLICATION FORM SURVEYING & RIGHT OF WAY

1111 LOUISIANA, 7TH FLOOR, HOUSTON, TEXAS 77002
TELEPHONE (713) 207-5769 or (713) 207-6348; FACSIMILE (713) 207-9040

STREET ADDRESS

FOR THE PROPERTY: 415 S. PERSIMMON

11/30/2012

Date of Application

REQUESTOR INFORMATION: (Print or Type Only)

Name: TOM CROFOOT 832-788-7872 cell
Individual Company Phone Number
E-mail address: tcrofoot@comcast.net 281-255-4855 home
Address 1430 NEAL DR. TOMBALL TX 77375
City State Zip Code

LOCAL GOVERNMENTAL ENTITY (City or County that Requestor is asking to close the street or alley)

CITY of TOMBALL LORI LAKOTAS, CITY ENGINEER
Governmental Entity Name Governmental Official/Phone Number
Address 501 JAMES ST. TOMBALL TX 77375
City State Zip Code

THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:

- Four (4) copies of a property survey or drawing, a maximum of 8.5" X 14", of legible and clear detail, indicating all dimensions of the portion of the street(s)/alley(s) to be abandoned, including the legal description and a north arrow, as well as the ownership information of all landowners adjacent to the street/alley to be abandoned. 281-290-1466
LLAKOTAS@CI.TOMBALL
TX-WS
- If CenterPoint Energy facilities are located within the street or alley, please check here ☐ and advise CenterPoint Energy if the facilities serve only your property and if so, will this service be removed or not.
- Copies of any and all motions, letters, or drawings provided by the local governmental entity involved.
- A non-refundable processing fee of \$500.00 made payable by check to CenterPoint Energy must accompany this application before it can be processed.

If this request is approved, a letter will be issued by CenterPoint Energy, addressed to the appropriate government office, providing the Company's approval to the closure request. This letter will be forwarded to the requestor unless CenterPoint Energy is requested otherwise.

If CenterPoint Energy's facilities must remain in a street/alley to be closed, new easements, as prepared by CenterPoint Energy must be granted by each adjacent landowner who will assume title to any portion of the street/alley before an approval letter will be issued. In addition to the processing fee, if CenterPoint Energy's facilities are located within the area to be abandoned, the cost for CenterPoint Energy to prepare these easement documents will be passed along to the requestor of this service.

CenterPoint Energy requires a time period of approximately 5-6 weeks for review and document preparation. In the event electrical facilities must be relocated or removed, or new easements granted because of this request, a longer time period may be required. Should the relocation of CenterPoint Energy's facilities be necessitated by said request, the cost of such relocation(s) will be borne by a party or parties other than CenterPoint Energy and must be paid before approval is granted. Also, the acquisition of new easements or the relocation/removal of facilities must be completed prior to CenterPoint Energy issuing any letter of approval.

Please be assured that CenterPoint Energy is aware of the urgent nature of your request and will make every effort to expedite the completion of your request.

I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.

Tom Crofoot
Signature of Requestor

Regular City Council

Agenda Item

Meeting Date: April 1, 2013

Data Sheet

Topic:

Approve Application of Tom Crofoot for Abandonment of a portion of Timkin Road and Persimmon Road Right-of-Ways and Adopt on First Reading, Ordinance No. 2013-05, An Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject.

Background:

In the Administrative Policy No. 65 - Right-of-Way Abandonment, if the request is granted, then the City staff will prepare an ordinance and quit claim deed for consideration by City Council.

The ordinance is being presented for consideration and should any easements be required they will be recorded prior to the quit claim deeds being executed or included in the deeds.

Origination:

Tom Crofoot

Recommendation:

Funding:

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

Lori Lakatos, Engineering and Planning

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

ATTACHMENTS:

Ordinance No. 2013-05

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF TIMKIN ROAD AND A PART OF (SOUTH) PERSIMMON STREET, ALL SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 002, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID ABANDONED ROADWAY AND STREET RIGHT-OF-WAY TO CPAR, INC., TOM CROFOOT, CENTERPOINT ENERGY, BAKER HUGHES OILFIELD OPERATIONS, INC., AND SAFDAR CHAUDHRY IN ACCORDANCE WITH EACH PROPERTY OWNER'S INTEREST IN THE ADJACENT ABANDONED RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that public convenience and necessity no longer require the continued existence of the roadway and street right-of-way described below and that it should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; now, therefore;

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

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

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the roadway easement described in Section 3 hereof.

Section 3. The roadway and street right-of-way, more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes, located within the City of Tomball, Harris County, Texas, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway and street right-of-way to CPAR, Inc., Tom Crofoot, CenterPoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in consideration for the payment to the City of fair market value therefor.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of 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 6. This Ordinance shall become effective upon 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.

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 1ST DAY OF APRIL
2013.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

SECOND READING:

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

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Approve **TOMBALL BUSINESS AND TECHNOLOGY PARK FINAL PLAT**: a Subdivision of 120.8081 Acres, a Portion of Which is a Partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and being a Replat of Lot 4 of Tomball South Commercial as recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

Background:

The Tomball Business and Technology Park Preliminary Plat was presented to the Planning and Zoning Commission on December 10, 2012 and approved with contingencies. Corrections have been made and the Preliminary Plat was accepted by the Engineering Division on March 6, 2013. The Final Plat was presented and approved by the Planning and Zoning Commission on March 11, 2013. The plat is now being presented to City Council for approval consideration.

Origination:

Recommendation:

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:

Tomball Business and Technology Park Final Plat Pg. 1 of 3

Tomball Business and Technology Park Final Plat Pg. 2 of 3

Tomball Business and Technology Park Final Plat Pg. 3 of 3

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, TOMBALL ECONOMIC DEVELOPMENT CORPORATION, ACTING BY AND THROUGH GRETCHEN FAGAN, PRESIDENT OF THE BOARD OF DIRECTORS, AND 2978 INDUSTRIAL PROPERTIES, LLC, ACTING BY AND THROUGH JEFF PRESNAL, MANAGER, BEING OFFICERS OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND 2978 INDUSTRIAL PROPERTIES, LLC, RESPECTIVELY, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 120.8081 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TOMBALL BUSINESS AND TECHNOLOGY PARK, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED SERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15') WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY, AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY GRETCHEN FAGAN, PRESIDENT OF THE BOARD OF DIRECTORS, THEREUNTO AUTHORIZED, ATTESTED BY THE SECRETARY OF THE BOARD OF DIRECTORS, W. E. (BILL) SUMNER, JR., AND ITS COMMON SEAL HEREUNTO AFFIXED THIS _____ DAY OF _____, 2013.

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

BY: _____
GRETCHEN FAGAN
PRESIDENT OF THE BOARD OF DIRECTORS

ATTEST:

BY: _____
W. E. (BILL) SUMNER, JR.
SECRETARY OF THE BOARD OF DIRECTORS

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GRETCHEN FAGAN AND W. E. (BILL) SUMNER, JR., PRESIDENT AND SECRETARY RESPECTIVELY OF THE BOARD OF DIRECTORS OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

IN TESTIMONY WHEREOF, THE 2978 INDUSTRIAL PROPERTIES, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JEFF PRESNAL, MANAGER, THEREUNTO AUTHORIZED, ATTESTED BY DAVID BUTLER, MEMBER, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS _____ DAY OF _____, 2013.

2978 INDUSTRIAL PROPERTIES, LLC

BY: _____
JEFF PRESNAL
MANAGER

ATTEST: _____
DAVID BUTLER, MEMBER

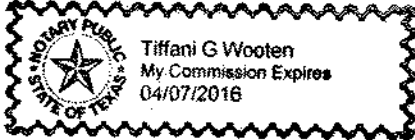
THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFF PRESNAL AND DAVID BUTLER, MANAGER AND MEMBER RESPECTIVELY OF 2978 INDUSTRIAL PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 19 DAY OF March, 2013.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

MY COMMISSION EXPIRES: 04/07/2016



I, ROBERT W. TERRY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN, ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'); AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN DIMENSIONED TO THE NEAREST SURVEY CORNER.

ROBERT W. TERRY
TEXAS REGISTRATION NO. 4420



THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF TOMBALL BUSINESS AND TECHNOLOGY PARK IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
LORI WALLACE, CHAIRMAN

BY: _____
EVELYN CHERVENAK, VICE CHAIRMAN

WE, THE CITY MANAGER AND THE DIRECTOR OF ENGINEERING & PLANNING FOR THE CITY OF TOMBALL, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

GEORGE SHACKELFORD
CITY MANAGER

LORI LAKATOS, P.E.
ACTING CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY OF TOMBALL ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON, AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
GRETCHEN FAGAN, MAYOR

BY: _____
DORIS SPEER, CITY SECRETARY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2013, AT _____ O'CLOCK _____ M., AND IN FILM CODE NUMBER _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

STAN STANART, CLERK OF
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

NOTES:

- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANY PUBLIC UTILITY INCLUDING THE CITY OF TOMBALL. THE CITY OF TOMBALL SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENT OPERATION OF ANY PUBLIC UTILITY SYSTEM ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- ACCORDING TO FLOOD INSURANCE RATE MAP NO. 48201C0230 L, EFFECTIVE DATE JUNE 18, 2007, THE SUBJECT PROPERTY LIES WITHIN ZONE (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THIS INFORMATION IS AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND SURVCON MAKES NO WARRANTY AS TO ITS ACCURACY.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
- THE AREAS SHOWN HEREON HAVE BEEN CARRIED TO THE NUMBER OF DECIMAL PLACES REQUIRED BY THE CITY OF TOMBALL, WHICH EXCEEDS THE PRECISION PRESCRIBED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.
- ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE DISTANCES AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED AVERAGE ADJUSTMENT FACTOR OF 0.999942131.
- WITH RESPECT TO RECORDED INSTRUMENTS WITHIN THIS PLAT, THE SURVEYOR RELIED ON A TITLE REPORT ISSUED BY STEWART TITLE GUARANTY COMPANY, DATED FEBRUARY 18, 2013, FILE NO. 1320181454.

METES AND BOUNDS DESCRIPTION
120.8081 ACRES (5,262,399.08 SQUARE FEET)
ELIZABETH SMITH SURVEY, ABSTRACT NO. 70
C. N. PILLOT SURVEY, ABSTRACT NO. 632
HARRIS COUNTY, TEXAS

DESCRIPTION OF A 120.8081 ACRE (5,262,399.08 SQUARE FEET) TRACT OF LAND BEING ALL OF A CALLED 17.6301 ACRE TRACT DESCRIBED IN A DEED TO 2978 INDUSTRIAL PROPERTIES, LLC AS RECORDED UNDER FILE NO. 20070289548 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (H.C.O.P.R.P.), ALL OF A CALLED 97.57 ACRE TRACT DESCRIBED IN A DEED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION AS RECORDED UNDER FILE NO. 20120018139 OF SAID H.C.O.P.R.P., ALL OF LOTS 384, 385, 386, 387 AND 394 OF THE TOM BALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), AND ALL OF LOT 4 OF THE PLAT OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF SAID H.C.M.R., IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, IN HARRIS COUNTY, TEXAS, SAID 120.8081 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (WITH BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE):

BEGINNING AT A 5/8-INCH IRON ROD FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN, INC. RAILROAD WHICH MARKS THE NORTHWESTERLY CORNER OF THE PLAT OF HOUSTON POLYBAG AS RECORDED IN VALUING 335, PAGE 108, OF THE HARRIS COUNTY MAP RECORDS, SAID POINT ALSO MARKS THE MOST WESTERLY SOUTHWEST CORNER OF SAID 17.6301 ACRE TRACT AND THIS HEREIN DESCRIBED TRACT:

THENCE, NORTH 28° 04' 44" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID 17.6301 ACRE TRACT, A DISTANCE OF 644.18 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN ANGLE POINT;

THENCE, NORTH 28° 00' 47" WEST, CONTINUING ALONG THE AFORESAID LINES, A DISTANCE OF 641.50 FEET TO A COPPERWELD FOUND FOR THE NORTHWESTERLY CORNER OF SAID 17.6301 ACRE TRACT IN THE SOUTHERLY LINE OF A 30-FOOT WIDE ROADWAY AS REFLECTED ON THE PLAT OF TOM BALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65, OF THE HARRIS COUNTY MAP RECORDS;

THENCE, NORTH 42° 47' 16" EAST, ALONG THE NORTHWESTERLY LINE OF SAID 17.6301 ACRE TRACT, PASSING AT A DISTANCE OF 329.64 FEET A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE MOST NORTHERLY CORNER OF SAID 17.6301 ACRE TRACT AND THE MOST WESTERLY CORNER OF SAID 97.57 ACRE TRACT, AND CONTINUING ALONG THE MOST NORTHWESTERLY LINE OF SAID 97.57 ACRE TRACT FOR A TOTAL DISTANCE OF 1,036.05 FEET TO A COPPERWELD FOUND FOR A NORTHWESTERLY CORNER OF SAID 97.57 ACRE TRACT;

THENCE, SOUTH 48° 42' 29" EAST, ALONG A NORTHEASTERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 809.80 FEET TO A COPPERWELD FOUND FOR AN INTERIOR CORNER OF SAID 97.57 ACRE TRACT;

THENCE, NORTH 42° 46' 13" EAST, ALONG A NORTHWESTERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 1,122.13 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "ACCOM" FOUND IN A SOUTHWESTERLY LINE OF LOT 2 OF THE SAID PLAT OF TOMBALL SOUTH COMMERCIAL;

THENCE, SOUTH 47° 13' 47" EAST, ALONG THE COMMON LINE BETWEEN SAID 97.57 ACRE TRACT AND SAID LOT 2, A DISTANCE OF 54.06 FEET TO A POINT FOR CORNER, FROM WHICH A FOUND 5/8-INCH IRON ROD WITH CAP STAMPED "GS" BEARS SOUTH 80° 05' WEST, 0.22 FOOT;

THENCE, NORTH 44° 30' 33" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 130.94 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR A NORTHERLY CORNER OF SAID 97.57 ACRE TRACT AND AN INTERIOR CORNER OF SAID LOT 2, SAID POINT MARKS THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 23.81 FEET ALONG SAID COMMON LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 05° 03' 09", RADIUS = 229.20 FEET; CHORD BEARING AND DISTANCE = SOUTH 22° 53' 22" EAST, 23.80 FEET) TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR A POINT OF TANGENCY;

THENCE, SOUTH 20° 21' 47" EAST, CONTINUING ALONG SAID COMMON LINE, AT 352.52 FEET PASS A 5/8-INCH IRON ROD WITH CAP STAMPED "C&C" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 2 AND THE NORTHWESTERLY CORNER OF LOT 3 OF SAID TOMBALL SOUTH COMMERCIAL, AND CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 3 FOR A TOTAL DISTANCE OF 666.52 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 3 AND AN INTERIOR CORNER OF SAID 97.57 ACRE TRACT;

THENCE, NORTH 68° 38' 13" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 3 AND A NORTHERLY LINE OF SAID 97.57 ACRE TRACT, AT 180.00 FEET PASS A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE NORTHWESTERLY CORNER OF LOT 4 OF SAID TOMBALL SOUTH COMMERCIAL, AND CONTINUING ALONG THE COMMON LINE BETWEEN SAID LOTS 3 AND 4 FOR A TOTAL DISTANCE OF 580.00 FEET TO A 5/8-INCH IRON ROD FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF HUFSMITH-KOHVILL ROAD (WIDTH VARIES) WHICH MARKS THE MOST NORTHERLY CORNER OF SAID LOT 4;

THENCE, SOUTH 20° 21' 47" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KOHVILL ROAD AND THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 568.74 FEET TO A 3/4-INCH IRON ROD WITH CAP STAMPED "SURVCON/MCKINCREED" SET FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 171.11 FEET, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 08° 56' 46", RADIUS = 1,095.92 FEET; CHORD BEARING AND DISTANCE = SOUTH 15° 54' 19" EAST, 170.94 FEET) TO A 3/4-INCH IRON ROD WITH CAP STAMPED "SURVCON/MCKINCREED" SET ON A NORTHERLY LINE OF SAID 97.57 ACRE TRACT FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT 4;

THENCE, NORTH 80° 08' 10" EAST, ALONG A NORTHERLY LINE OF SAID 97.57 ACRE TRACT, A DISTANCE OF 20.01 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KOHVILL ROAD WHICH MARKS THE MOST EASTERLY NORTHEAST CORNER OF SAID 97.57 ACRE TRACT, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, SOUTHEASTERLY, 224.16 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HUFSMITH-KOHVILL ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT (CENTRAL ANGLE = 11° 30' 33", RADIUS = 1,115.92 FEET; CHORD BEARING AND DISTANCE = SOUTH 05° 38' 59" EAST, 223.78 FEET TO A 1-INCH IRON ROD FOUND FOR END OF CURVE;

THENCE, SOUTH 00° 07' 01" WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 804.28 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 97.57 ACRE TRACT AND THE NORTHEASTERLY CORNER OF A CALLED 2.8316 ACRE TRACT DESCRIBED IN A DEED TO YAM DEVELOPMENT, INC. AS RECORDED UNDER FILE NO. Y546849 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY;

THENCE, SOUTH 84° 40' 07" WEST, ALONG A SOUTHERLY LINE OF SAID 97.57 ACRE TRACT AND THE NORTHERLY LINE OF SAID 2.8316 ACRE TRACT, A PORTION OF SAID LINE ALSO BEING THE NORTHERLY LINE OF UNRESTRICTED RESERVE "A" OF THE PLAT OF YAM PLAZA AS RECORDED IN FILM CODE NO. 594151 OF THE HARRIS COUNTY MAP RECORDS, A DISTANCE OF 408.60 FEET TO A POINT FOR THE NORTHWESTERLY CORNER OF SAID RESTRICTED RESERVE "A", FROM WHICH A FOUND 5/8-INCH IRON ROD WITH CAP BEARS NORTH 00° 07' WEST, 0.31 FOOT;

THENCE, SOUTH 08° 49' 53" EAST, IN PART ALONG THE WESTERLY LINE OF SAID RESTRICTED RESERVE "A" AND ALONG THE COMMON LINE BETWEEN SAID 97.57 ACRE TRACT AND THE WESTERLY LINE OF SAID 2.8316 ACRE TRACT, A DISTANCE OF 335.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERBIRTH ROAD WHICH MARKS THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 97.57 ACRE TRACT;

THENCE, SOUTH 81° 10' 07" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERBIRTH ROAD AND THE MOST SOUTHERLY LINE OF SAID 97.57 ACRE TRACT, AT 1,405.41 FEET PASS A 5/8-INCH IRON ROD WITH CAP STAMPED "GS" FOUND FOR THE SOUTHWESTERLY CORNER OF SAID 97.57 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID 17.6301 ACRE TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 1,607.34 FEET TO A POINT FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 17.6301 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID HOUSTON POLYBAG, FROM WHICH A FOUND 5/8-INCH IRON ROD WITH CAP BEARS NORTH 43° 41' WEST, 0.33 FOOT;

THENCE, NORTH 28° 04' 02" WEST, ALONG A WESTERLY LINE OF SAID 17.6301 ACRE TRACT AND THE EASTERLY LINE OF SAID HOUSTON POLYBAG, A DISTANCE OF 642.79 FEET TO A 5/8-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF SAID 17.6301 ACRE TRACT AND THE NORTHEASTERLY CORNER OF SAID HOUSTON POLYBAG;

THENCE, SOUTH 61° 54' 59" WEST, ALONG A SOUTHERLY LINE OF SAID 17.6301 ACRE TRACT AND THE NORTHERLY LINE OF SAID HOUSTON POLYBAG, A DISTANCE OF 577.71 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 120.8081 ACRES (5,262,399.08 SQUARE FEET) OF LAND.

CURVE TABLE

NO.	ARC	DELTA	RADIUS	CHORD BRG	CHORD DIST
C1	23.81'	05°03'09"	270.00'	S22°53'22"E	23.80'
C2	171.11'	08°56'46"	1095.92'	S15°54'19"E	170.94'
C3	224.16'	11°30'33"	1115.92'	S05°38'59"E	223.78'
C4	427.50'	24°29'38"	1000.00'	N69°38'51"E	424.25'
C5	1183.16'	67°47'23"	1000.00'	N42°43'35"W	1115.34'
C6	485.84'	27°50'13"	1000.00'	N62°42'10"W	481.08'
C7	768.33'	44°01'19"	1000.00'	S54°36'37"E	749.57'
C8	414.83'	23°46'05"	1000.00'	S20°42'55"E	411.86'
C9	484.66'	41°26'46"	670.00'	N07°20'39"W	474.16'
C10	361.68'	41°26'46"	500.00'	S07°20'39"E	353.85'
C11	103.12'	11°08'52"	530.00'	N03°15'27"W	102.96'
C12	103.12'	11°08'52"	530.00'	N03°15'27"W	102.96'
C13	1135.83'	67°47'23"	960.00'	N42°43'35"W	1070.73'
C14	506.38'	27°53'50"	1040.00'	N62°40'21"W	501.39'
C15	465.31'	27°46'17"	960.00'	S62°44'08"E	460.77'
C16	734.05'	40°26'25"	1040.00'	S56°24'04"E	718.91'
C17	444.60'	24°29'38"	1040.00'	N69°38'51"E	441.22'
C18	103.12'	11°08'52"	530.00'	N76°19'14"E	102.96'
C19	103.12'	11°08'52"	530.00'	N76°19'14"E	102.96'
C20	85.06'	02°29'57"	1950.00'	S10°08'55"E	85.05'
C21	85.01'	02°29'52"	1950.00'	S07°39'00"E	85.00'
C22	103.12'	11°08'52"	530.00'	S87°28'06"W	102.96'
C23	103.12'	11°08'52"	530.00'	S87°28'06"W	102.96'
C24	410.40'	24°29'38"	960.00'	S69°38'51"W	407.28'
C25	366.41'	20°11'11"	1040.00'	S18°55'28"E	364.52'
C26	103.12'	11°08'52"	530.00'	S14°24'19"E	102.96'
C27	103.12'	11°08'52"	530.00'	S14°24'19"E	102.96'
C28	235.05'	06°54'22"	1950.00'	N14°51'05"W	234.90'
C29	221.83'	06°31'05"	1950.00'	N03°08'32"W	221.71'
C30	7.54'	00°48'53"	530.00'	S71°09'15"W	7.54'
C31	95.58'	10°19'59"	530.00'	S78°43'41"W	95.45'
C32	223.88'	12°20'03"	1040.00'	S70°27'15"E	223.45'
C33	282.49'	15°33'47"	1040.00'	S56°30'19"E	281.62'
C34	626.95'	18°25'17"	1950.00'	N09°05'38"W	624.25'

ABBREVIATIONS:

- BL INDICATES BUILDING LINE.
- CTUE INDICATES CITY OF TOMBALL UTILITY EASEMENT.
- SSE INDICATES SANITARY SEWER EASEMENT.
- WLE INDICATES WATER LINE EASEMENT.
- STM SE INDICATES STORM SEWER EASEMENT.
- H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS.
- H.C.O.P.R.P. INDICATES HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY.
- H.C.D.R. INDICATES HARRIS COUNTY DEED RECORDS.

OWNERS:

Tomball Economic
Development Corporation
29201 Quinn Road
Tomball, TX 77375
281-401-4086

2978 Industrial Properties, LLC
25614 Bridle Creek Drive North
Magnolia, TX 77355-5876

SURVEYOR / ENGINEER:

CLR, Inc.

Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

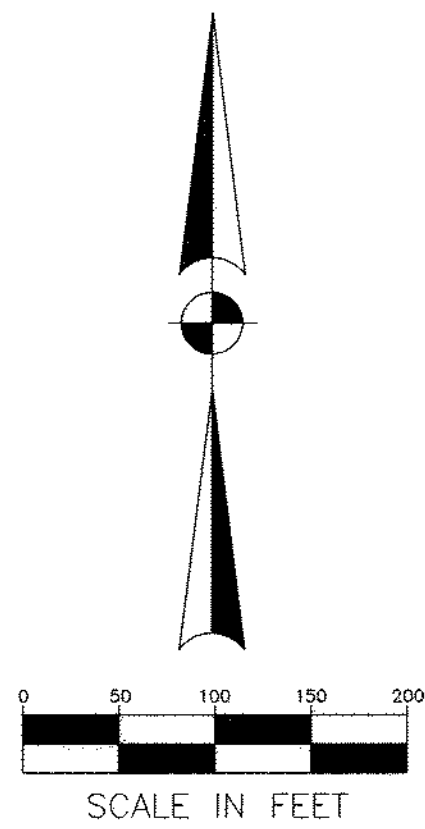


7 LOTS

SCALE: 1"=100'

MARCH, 2013

SHEET 1 OF 3



FINAL PLAT TOMBALL BUSINESS AND TECHNOLOGY PARK

A SUBDIVISION OF 120.8081 ACRES (5,262,399.08 SQ.FT.), A PORTION OF WHICH IS A PARTIAL REPLAT OF LOTS 384, 385, 386, 387 AND 394, OF THE TOM BALL TOWNSITE AS RECORDED IN VOL. 2, PG. 65 OF THE HARRIS COUNTY MAP RECORDS, AND BEING A REPLAT OF LOT 4 OF TOMBALL SOUTH COMMERCIAL AS RECORDED IN FILM CODE NO. 632199 OF THE HARRIS COUNTY MAP RECORDS, IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, AND THE C. N. PILLOT SURVEY, ABSTRACT NO. 632, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNERS:

Tomball Economic
Development Corporation
29201 Quinn Road
Tomball, TX 77375
281-401-4086

SURVEYOR / ENGINEER:

CLR, Inc.

Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732



SURVCON
A DIVISION OF
MCKIM & CREED
ENGINEERS, SURVEYORS, PLANNERS
3757 Woodcherry Drive, Suite 101 West
Houston, TX 77057
713-699-0021
www.mckimcreed.com

7 LOTS

SCALE: 1"=100' MARCH, 2013

NOTES (SHEET 2 ONLY):

- ONE-FOOT RESERVE DEDICATED FOR BUFFER PURPOSES TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREET WHERE SUCH STREETS ADJACENT PROPERTY. THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND FEE TITLE THERE TO SHALL REVERT TO AND REVEST IN THE DEDICATOR, THEIR HEIRS, ASSIGNS OR SUCCESSORS.
- TEMPORARY CUL-DE-SAC IS PROVIDED AT THE END OF A DEAD END STREET. THE TEMPORARY CUL-DE-SAC SHALL BE AUTOMATICALLY TERMINATED UPON THE EXTENSION OF SOUTH PERSIMMON STREET INTO THE ADJACENT PROPERTY.
- SEE SHEET 1 OF 3 FOR LINE AND CURVE TABLES.

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Award Purchase of Four (4) Public Works Fleet Replacement Vehicles in the Amount of \$89,299.00, to Caldwell County, through the State Buyboard Cooperative Purchasing Contract.

Background:

This purchase is for the replacement of four existing Public Works trucks that have been flagged for replacement under the City of Tomball Vehicle Replacement program. These existing trucks flagged for replacement have been evaluated by the Public Works Fleet Maintenance Department and the need for replacement has been substantiated based upon actual mileage and condition. The purchase price for these replacement trucks includes a trade in allowance of \$23,750.00 for six trucks being removed from the existing Public Works fleet.

Attached for your review are the H-GAC cooperative purchasing quotes and the vehicle repair and maintenance history reports produced by the new fleet management software recently implemented by the Fleet maintenance Department.

Origination:

Public Works

Recommendation:

Public Works staff recommends approval to award purchase of Four (4) Public Works fleet replacement vehicles In the amount of \$89,299.00, to Caldwell County, Through the State Buyboard Cooperative Purchasing Contract.

Funding: Yes

Account Number: 650-651-6405 & 650-652-6405

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

Director of Public Works

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

ATTACHMENTS:

H-GAC Quotes

PW Vehicle Replacement Repair History Report

Unit G-22
Unit G-23
Unit G-25
Unit U-20
Unit U-21
Unit U-22
Unit U-24

2 TRUCKS - superintendents

QUOTE# 001

CONTRACT PRICING WORKSHEET

End User: CITY OF TOMBALL	Contractor: CALDWELL COUNTRY
Contact Name: THERESA WITT	CALDWELL COUNTRY
Email: TWITT@CI.TOMBALL.TX.US	Prepared By: Averyt Knapp
Phone #: 281-290-1419	Email: aknapp@caldwellcountry.com
Fax #: 281-351-6256	Phone #: 800-299-7283 or 979-567-6116
Location City & State: TOMBALL, TX	Fax #: 979-567-0853
Date Prepared: MARCH 5, 2013	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: BUY BOARD #358-10	Tax ID # 14-1856872
Product Description: 2013 CHEVROLET 1500 SILVERADO 4X2 CREWCAB CC10543	

A Base Price & Options:	\$24,552
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B Fleet Quote Option:

Code	Description	Cost	Code	Description	Cost
	4X2, SHORT BED, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, V8, AUTOMATIC, TOW PACKAGE, LH SOFTLIGHT, FULL RUBBER FLOOR, AM/FM, CAB MOUNTED AMBER/BUE LED STROBE LIGHT (#49), FLASHING HEADLIGHT & TAILLIGHT STROBES	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	

Subtotal B

INCL

C Unpublished Options

Code	Description	Cost	Code	Description	Cost

Subtotal C

D Other Price Adjustments (Installation, Delivery, Etc...)

Subtotal D

INCL

E	Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)	\$24,552
X	Quantity Ordered	1
	Subtotal E	\$24,552
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
	UNIT -G22 (3/4 EXT CAB) \$5,000, UNIT G23 (3/4 EXT CAB) \$4,500,	(23,750)
	UNIT G25 (1/2 EXT CAB) \$5,500, UNIT U22 (3/4 CREW CAB) \$3,500,	N/I
	UNIT U21 (3/4 CREW CAB) \$2,500, UNIT U20 (3/4 EXT CAB) \$2,750	
	BUY BOARD \$400 PER PO, PLEASE INCLUDE	N/I
	G. Color of Vehicle: WHITE	
	H. Total Purchase Price (E+F)	\$24,552
Estimated Delivery Date:		60-120 DAYS APPX

crew truck - STREETS

QUOTE# 002

CONTRACT PRICING WORKSHEET

End User: CITY OF TOMBALL	Contractor: CALDWELL COUNTRY
Contact Name: THERESA WITT	CALDWELL COUNTRY
Email: TWITT@CI.TOMBALL.TX.US	Prepared By: Averyt Knapp
Phone #: 281-290-1419	Email: aknapp@caldwellcountry.com
Fax #: 281-351-6256	Phone #: 800-299-7283 or 979-567-6116
Location City & State: TOMBALL, TX	Fax #: 979-567-0853
Date Prepared: MARCH 5, 2013	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: <u>BPY BOARD #358-10</u>	Tax ID # 14-1856872
Product Description: <u>2013 CHEVROLET 3500HD SILVERADO 4X2 CREWCAB SRW</u> CC30943-R04-SRW	

A Base Price & Options: \$30,983

B Fleet Quote Option:

Code	Description	Cost	Code	Description	Cost
	4X2, SRW-SINGLE REAR WHEEL, 6.0L-V8 GAS, 6-SPD HD AUTOMATIC, LH SPOTLIGHT, FULL RUBBER FLOOR, AM/FM, CAB MOUNTED AMBER/BLUE LED STROBE LIGHT (#49), FLASHING HEADLIGHT & TAILLIGHT STROBES, UTILITY SERVICE BODY, FRAME MOUNTED RECEIVER HITCH/LIGHT HARNESS	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	

Subtotal B

INCL

C Unpublished Options

Code	Description	Cost	Code	Description	Cost

Subtotal C

D Other Price Adjustments (Installation, Delivery, Etc...)

INCL

Subtotal D		
E	Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)	\$30,983
	Quantity Ordered	1
X		
Subtotal E		\$30,983
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
UNIT -G22 (3/4 EXT CAB) \$5,000, UNIT G23 (3/4 EXT CAB) \$4,500,		(23,750)
UNIT G25 (1/2 EXT CAB) \$5,500, UNIT U22 (3/4 CREW CAB) \$3,500,		N/I
UNIT U21 (3/4 CREW CAB) \$2,500, UNIT U20 (3/4 EXT CAB) \$2,750		
BUY BOARD \$400 PER PO, PLEASE INCLUDE		N/I
G. Color of Vehicle: WHITE		
H. Total Purchase Price (E+F)		\$30,983
Estimated Delivery Date:		60-120 DAYS APPX

crew truck - utilities - dual axle

QUOTE# 003

CONTRACT PRICING WORKSHEET

End User: CITY OF TOMBALL			Contractor: CALDWELL COUNTRY		
Contact Name: THERESA WITT			CALDWELL COUNTRY		
Email: TWITT@CI.TOMBALL.TX.US			Prepared By: Averyt Knapp		
Phone #: 281-290-1419			Email: aknapp@caldwellcountry.com		
Fax #: 281-351-6256			Phone #: 800-299-7283 or 979-567-6116		
Location City & State: TOMBALL, TX			Fax #: 979-567-0853		
Date Prepared: MARCH 5, 2013			Address: P. O. Box 27, Caldwell, TX 77836		
Contract Number: BUY BOARD #358-10			Tax ID # 14-1856872		
Product Description: 2013 CHEVROLET 3500HD SILVERADO 4X2 CREWCAB DRW CC30943-R05-DRW					
A Base Price & Options:					\$32,562
B Fleet Quote Option:					
Code	Description	Cost	Code	Description	Cost
	4X2, DRW-DUAL REAR WHEEL, 6.0L-V8 GAS, 6-SPD HD AUTOMATIC, LH SPOTLIGHT, FULL RUBBER FLOOR, AM/FM, CAB MOUNTED AMBER/BUE LED STROBE LIGHT (#49), FLASHING HEADLIGHT & TAILLIGHT STROBES, UTILITY SERVICE BODY, FRAME MOUNTED RECEIVER HITCH/LIGHT HARNESS	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	
Subtotal B					INCL
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc...)					
					INCL

Subtotal D		
E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)		\$32,562
Quantity Ordered		1
X		
Subtotal E		\$32,562
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
UNIT -G22 (3/4 EXT CAB) \$5,000, UNIT G23 (3/4 EXT CAB) \$4,500,		(23,750)
UNIT G25 (1/2 EXT CAB) \$5,500, UNIT U22 (3/4 CREW CAB) \$3,500,		N/I
UNIT U21 (3/4 CREW CAB) \$2,500, UNIT U20 (3/4 EXT CAB) \$2,750		
BUY BOARD \$400 PER PO, PLEASE INCLUDE		N/I
G. Color of Vehicle: WHITE		
H. Total Purchase Price (E+F)		\$32,562
Estimated Delivery Date:		60-120 DAYS APPX

DATE: 03/27/2013
TIME: 11:36 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

No longer needed - utilities

STARTING VMRS CODE: 000-000-000 DATE: FIRST VEHICLE:: U20
ENDING VMRS CODE: 999-999-999 DATE: LAST VEHICLE: U20

NIT: U20	LF MTR: 105746.0	CUR MTR: 105746.0	YR: 02	MAKE: CHEV	DEPT: UTILITIES	SIZE: H	CLASS: PICKUP	FUEL:
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VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC	RC	WA
32	TITLE > CRANKING SYSTEM													
32-002-000	04092012	0009927	103190	103187	BATTERY		82.95	75.00	157.95	1.00	VICENTE	01	1	XX
32	TOTAL >CRANKING SYSTEM						82.95	75.00	157.95					
66	TITLE > PREVENTIVE MAINTENAN													
66-001-000	03132012	0009897	103020	103016	PM-A LUBE, OIL FILTE		1.79	75.00	76.79	1.00	VICENTE	01	8	XX
66-002-000	10122012	0010172	105750	105746	PM-B ANNUAL INSPECTI		39.75	75.00	114.75	1.00	TOM	01	8	XX
66	TOTAL >PREVENTIVE MAINTENAN						41.54	150.00	191.54					
00	TITLE > MISCELLANEOUS													
00-060-000	03202012	0009906	103040	103038	CHECK OUT		0.00	112.50	112.50	1.50	VICENTE	01	1	XX
00	TOTAL >MISCELLANEOUS						0.00	112.50	112.50					

DATE: 03/27/2013
TIME: 11:36 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV

PAGE: 2

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: U20
VEHICLE: U20

MRS Code	METER : STANDARD QUANTITY	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL			PERIOD : LIFE TOTAL COST	PERCENT	TOT COST /METER
		LABOR HRS	LABOR COST	PARTS COST			
32 CRANKING SYSTEM	1	1.0	75.00	82.95	157.95	34.20 %	0.00149
66 PREVENTIVE MAINTENANCE	2	2.0	150.00	41.54	191.54	41.50 %	0.00181
00 MISCELLANEOUS	1	1.5	112.50	0.00	112.50	24.40 %	0.00106
TOTALS:	4	4.5	337.50	124.49 TOT:	461.99	100 %	0.00436

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

No Logger needed - Starts

STARTING VMRS CODE: 000-000-000 DATE: FIRST VEHICLE:: G25
ENDING VMRS CODE: 999-999-999 DATE: LAST VEHICLE: G25

NIT: G25	LF MTR:	69643.0	CUR MTR:	69643.0	YR: 03	MAKE: CHEV 1500	DEPT: GENERAL	SIZE: H	CLASS: PICKUP	FUEL:
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VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC	RC	WA
34	TITLE > LIGHTING SYSTEM													
34-006-000	04022012	0009919	69640	69643	BULB, EXTERIOR		0.79	15.00	15.79	0.20	VICENTE	01	4	XX
34-045-000	04022012	0009919	69640	69643	SWITCH		4.92	60.00	64.92	0.80	VICENTE	01	4	XX
34	TOTAL >LIGHTING SYSTEM						5.71	75.00	80.71					
45	TITLE > POWER PLANT/ENGINE													
45-081-000	01262012	0009850	49140	49143	ENGINE LIGHT ON		0.00	112.50	112.50	1.50	VICENTE	01	4	XX
45	TOTAL >POWER PLANT/ENGINE						0.00	112.50	112.50					

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

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STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: G25
VEHICLE: G25

MRS Code	METER : STANDARD QUANTITY	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL			PERIOD : LIFE		TOT COST
		LABOR HRS	LABOR COST	PARTS COST	TOTAL COST	PERCENT	/METER
34 LIGHTING SYSTEM	2	1.0	75.00	5.71	80.71	41.80 %	0.00116
45 POWER PLANT/ENGINE	1	1.5	112.50	0.00	112.50	58.20 %	0.00162
TOTALS:	3	2.5	187.50	5.71 TOT:	193.21	100 %	0.00278

DATE: 03/27/2013
TIME: 11:33 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

Pool Truck - no longer used - streets

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE: G22
VEHICLE: G22

NIT: G22		LF MTR:		54372.0		CUR MTR:		54372.0		YR: 02		MAKE: CHEV		DEPT: GENERAL		SIZE: H		CLASS: PICKUP		FUEL:											

VMRS CODE		DATE		WO NUM		LF-MILS		ODOM		WORK DESCRIPTION		OUT		PARTS		LABOR		TOTAL		HOURS		MECHANIC		CC		RC		WA			

17		TITLE > TIRES,TUBES,LINERS																													
17-011-000		02012012		0009855		54360		54362		TIRE PLUG				0.00		52.50		52.50		0.70		TOM				01		1		XX	
17		TOTAL >		TIRES,TUBES,LINERS										0.00		52.50		52.50													
66		TITLE > PREVENTIVE MAINTENAN																													
66-001-000		03122012		0009894		54370		54372		PM-A LUBE, OIL FILTE				1.79		75.00		76.79		1.00		TOM				01		8		XX	
66-004-000		02012012		0009855		54360		54362		CHECK TIRE PRESSURES				0.00		7.50		7.50		0.10		TOM				01		1		XX	
66-004-000		03122012		0009894		54370		54372		CHECK TIRE PRESSURES				0.00		18.75		18.75		0.25		TOM				01		8		XX	
66-006-000		03122012		0009894		54370		54372		PM-F CHECK AND TOP				0.00		7.50		7.50		0.10		TOM				01		8		XX	
66		TOTAL >		PREVENTIVE MAINTENAN										1.79		108.75		110.54													

DATE: 03/27/2013
TIME: 11:33 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

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STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: G22
VEHICLE: G22

MRS Code	METER : STANDARD QUANTITY	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL			PERIOD : LIFE		TOT COST
		LABOR HRS	LABOR COST	PARTS COST	TOTAL COST	PERCENT	/METER
17 TIRES,TUBES,LINERS	1	0.7	52.50	0.00	52.50	32.20 %	0.00097
66 PREVENTIVE MAINTENANCE	4	1.4	108.75	1.79	110.54	67.80 %	0.00203
TOTALS:	5	2.1	161.25	1.79 TOT:	163.04	100 %	0.00300

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

Replacement - with upgrade to 1-ton dual rear axle - utilities

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: U22
VEHICLE: U22

NIT: U22		LF MTR:		91485.0 CUR MTR:		91485.0 YR: 02 MAKE: CHEV		DEPT: UTILITIES		SIZE: H CLASS: PICKUP		FUEL:	

VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC	RC WA

01 TITLE > A/C, HEAT, VENTILATI													
01-001-000	10032012	0010159	90510	90509	REFRIGERANT, ADD		8.95	90.00	98.95	1.20	TOM	01 4	XX
01-034-000	07232012	0010061	89320	89319	A/C BLOWER MOTOR		105.20	112.50	217.70	1.50	TOM	01 4	XX
01-035-000	07232012	0010061	89320	89319	RESISTOR BLOWER		31.11	0.00	31.11	0.00	TOM	01 4	XX
01-038-000	07232012	0010061	89320	89319	PIGTAIL/SOCKET		31.09	0.00	31.09	0.00	TOM	01 4	XX
01 TOTAL >A/C, HEAT, VENTILATI							176.35	202.50	378.85				
13 TITLE > BRAKES													
13-000-000	11302012	0010214	90510	90509	BRAKES		95.00	150.00	245.00	2.00	VICENTE	01 1	XX
13 TOTAL >BRAKES							95.00	150.00	245.00				
32 TITLE > CRANKING SYSTEM													
32-010-000	09142012	0010130	90240	90243	STARTER		131.14	112.50	243.64	1.50	TOM	01 1	XX
32 TOTAL >CRANKING SYSTEM							131.14	112.50	243.64				
33 TITLE > IGNITION SYSTEM													
33-000-000	12122012	0010228	91490	91485	IGNITION SYSTEM		92.32	187.50	279.82	2.50	TOM	01 1	XX
33-003-000	09142012	0010130	90240	90243	COIL IGNITION		76.12	0.00	76.12	0.00	TOM	01 1	XX
33-017-000	09142012	0010130	90240	90243	SPARK PLUG		5.90	225.00	230.90	3.00	TOM	01 1	XX
33-018-000	09142012	0010130	90240	90243	SPARK PLUG WIRE		45.87	0.00	45.87	0.00	TOM	01 1	XX
33 TOTAL >IGNITION SYSTEM							220.21	412.50	632.71				
44 TITLE > FUEL SYSTEM													
44-024-000	09142012	0010130	90240	90243	FILTER FUEL		2.99	0.00	2.99	0.00	TOM	01 1	XX
44-057-000	09142012	0010130	90240	90243	FUEL ADDITIVE		15.98	0.00	15.98	0.00	TOM	01 1	XX
44 TOTAL >FUEL SYSTEM							18.97	0.00	18.97				
45 TITLE > POWER PLANT/ENGINE													
45-039-000	09142012	0010130	90240	90243	FILTER OIL		1.99	75.00	76.99	1.00	TOM	01 1	XX
45 TOTAL >POWER PLANT/ENGINE							1.99	75.00	76.99				
66 TITLE > PREVENTIVE MAINTENAN													
66-001-000	07232012	0010061	89320	89319	PM-A LUBE, OIL FILTE		1.79	75.00	76.79	1.00	TOM	01 4	XX
66 TOTAL >PREVENTIVE MAINTENAN							1.79	75.00	76.79				
71 TITLE > BODY													
71-015-000	11302012	0010214	90510	90509	BUMPER		36.44	187.50	223.94	2.50	VICENTE	01 1	XX

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 2

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: U22
VEHICLE: U22

NIT: U22	LF MTR:	91485.0	CUR MTR:	91485.0	YR: 02	MAKE: CHEV	DEPT: UTILITIES	SIZE: H	CLASS: PICKUP	FUEL:		

VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC RC WA

71	TOTAL >BODY						36.44	187.50	223.94			
00	TITLE > MISCELLANEOUS											
00-034-000	07232012	0010061	89320	89319	PLUG		4.47	90.00	94.47	1.20	TOM	01 4 XX
00	TOTAL >MISCELLANEOUS						4.47	90.00	94.47			

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 3

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: U22
VEHICLE: U22

MRS Code	METER : STANDARD	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL				PERIOD : LIFE		TOT COST
	QUANTITY	LABOR HRS	LABOR COST	PARTS COST	TOTAL COST	PERCENT	/METER	
01 A/C, HEAT, VENTILATION	4	2.7	202.50	176.35	378.85	19.00 %	0.00414	
13 BRAKES	1	2.0	150.00	95.00	245.00	12.30 %	0.00268	
32 CRANKING SYSTEM	1	1.5	112.50	131.14	243.64	12.20 %	0.00266	
33 IGNITION SYSTEM	4	5.5	412.50	220.21	632.71	31.80 %	0.00692	
44 FUEL SYSTEM	2	0.0	0.00	18.97	18.97	1.00 %	0.00021	
45 POWER PLANT/ENGINE	1	1.0	75.00	1.99	76.99	3.90 %	0.00084	
66 PREVENTIVE MAINTENANCE	1	1.0	75.00	1.79	76.79	3.90 %	0.00084	
71 BODY	1	2.5	187.50	36.44	223.94	11.20 %	0.00245	
00 MISCELLANEOUS	1	1.2	90.00	4.47	94.47	4.70 %	0.00103	

TOTALS: 16 17.4 1305.00 686.36 TOT: 1991.36 100 % 0.02177

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

Trade in - was replaced 2012 FY - utilities/gas

STARTING VMRS CODE: 000-000-000 DATE: FIRST VEHICLE:: U21
ENDING VMRS CODE: 999-999-999 DATE: LAST VEHICLE: U21

NIT: U21 LF MTR: 120373.0 CUR MTR: 120373.0 YR: 02 MAKE: CHEV DEPT: UTILITIES SIZE: H CLASS: PICKUP FUEL:

VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC	RC	WA

17	TITLE > TIRES,TUBES,LINERS													
17-000-000	06142012	0010015	120370	120373	TIRES,TUBES,LINERS		0.00	150.00	150.00	2.00	VICENTE	01	1	XX
17	TOTAL >TIRES,TUBES,LINERS						0.00	150.00	150.00					
32	TITLE > CRANKING SYSTEM													
32-002-000	06062012	0010004	120090	120086	BATTERY		82.95	75.00	157.95	1.00	VICENTE	01	1	XX
32	TOTAL >CRANKING SYSTEM						82.95	75.00	157.95					
66	TITLE > PREVENTIVE MAINTENAN													
66-002-000	03302012	0009916	118690	118692	PM-B ANNUAL INSPECTI		55.48	112.50	167.98	1.50	VICENTE	01	8	XX
66	TOTAL >PREVENTIVE MAINTENAN						55.48	112.50	167.98					
00	TITLE > MISCELLANEOUS													
00-060-000	03302012	0009916	118690	118692	CHECK OUT		0.00	165.00	165.00	2.20	VICENTE	01	8	XX
00	TOTAL >MISCELLANEOUS						0.00	165.00	165.00					

DATE: 03/27/2013
TIME: 11:35 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

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STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: U21
VEHICLE: U21

MRS Code	METER : STANDARD QUANTITY	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL			PERIOD : LIFE TOTAL COST	PERCENT	TOT COST /METER
		LABOR HRS	LABOR COST	PARTS COST			
17 TIRES,TUBES,LINERS	1	2.0	150.00	0.00	150.00	23.40 %	0.00125
32 CRANKING SYSTEM	1	1.0	75.00	82.95	157.95	24.60 %	0.00131
66 PREVENTIVE MAINTENANCE	1	1.5	112.50	55.48	167.98	26.20 %	0.00140
00 MISCELLANEOUS	1	2.2	165.00	0.00	165.00	25.70 %	0.00137
TOTALS:	4	6.7	502.50	138.43 TOT:	640.93	100 %	0.00533

DATE: 03/27/2013
TIME: 11:34 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV PAGE: 1

Replacement - upgrade to 1-ton - streets

STARTING VMRS CODE: 000-000-000 DATE: FIRST VEHICLE:: G23
ENDING VMRS CODE: 999-999-999 DATE: LAST VEHICLE: G23

NIT: G23 LF MTR: 67154.0 CUR MTR: 67154.0 YR: 02 MAKE: CHEV DEPT: GENERAL SIZE: H CLASS: PICKUP FUEL:

VMRS CODE	DATE	WO NUM	LF-MILS	ODOM	WORK DESCRIPTION	OUT	PARTS	LABOR	TOTAL	HOURS	MECHANIC	CC	RC	WA
01	TITLE > A/C, HEAT, VENTILATI													
01-001-000	05252012	0009994	66760	66755	REFRIGERANT, ADD		26.85	165.00	191.85	2.20	TOM	01	8	XX
01	TOTAL >A/C, HEAT, VENTILATI						26.85	165.00	191.85					
27	TITLE > TRANSMISSION AUTOMAT													
27-095-000	05252012	0009994	66760	66755	VALVE		4.29	15.00	19.29	0.20	TOM	01	8	XX
27	TOTAL >TRANSMISSION AUTOMAT						4.29	15.00	19.29					
34	TITLE > LIGHTING SYSTEM													
34-045-000	07132012	0010051	67150	67154	SWITCH		4.92	60.00	64.92	0.80	VICENTE	01	4	XX
34	TOTAL >LIGHTING SYSTEM						4.92	60.00	64.92					
36	TITLE > INFORMATION DEVICES													
36-003-000	05252012	0009994	66760	66755	SENSOR AND/OR BRACKE		71.50	187.50	259.00	2.50	TOM	01	8	XX
36	TOTAL >INFORMATION DEVICES						71.50	187.50	259.00					
66	TITLE > PREVENTIVE MAINTENAN													
66-001-000	05252012	0009994	66760	66755	PM-A LUBE, OIL FILTE		1.79	75.00	76.79	1.00	TOM	01	8	XX
66-002-000	05252012	0009994	66760	66755	PM-B ANNUAL INSPECTI		39.75	37.50	77.25	0.50	TOM	01	8	XX
66	TOTAL >PREVENTIVE MAINTENAN						41.54	112.50	154.04					

DATE: 03/27/2013
TIME: 11:34 a.m.

CITY OF TOMBALL
VEHICLE REPAIR HISTORY REPORT
FACILITY: 0001

ID: 1-32/RRV

PAGE: 2

STARTING VMRS CODE: 000-000-000
ENDING VMRS CODE: 999-999-999

DATE: FIRST
DATE: LAST

VEHICLE:: G23
VEHICLE: G23

MRS Code	METER : STANDARD QUANTITY	SUBTOTALS OF VMRS CODES FOR DIVISION > ALL			PERIOD : LIFE		TOT COST
		LABOR HRS	LABOR COST	PARTS COST	TOTAL COST	PERCENT	/METER
01 A/C, HEAT, VENTILATION	1	2.2	165.00	26.85	191.85	27.80 %	0.00286
27 TRANSMISSION AUTOMATIC	1	0.2	15.00	4.29	19.29	2.80 %	0.00029
34 LIGHTING SYSTEM	1	0.8	60.00	4.92	64.92	9.40 %	0.00097
36 INFORMATION DEVICES	1	2.5	187.50	71.50	259.00	37.60 %	0.00386
66 PREVENTIVE MAINTENANCE	2	1.5	112.50	41.54	154.04	22.40 %	0.00229

TOTALS:	6	7.2	540.00	149.10 TOT:	689.10	100 %	0.01027









OH BODIES
"As Strong As An Ox"

U20

CHEVROLET 2500 HD

Utilities





BUILDING 7
711-718



Utilities

CHEVROLET 2500 HD

U22



U24

CHEV 2500HD

PUBLIC WORKS
UTILITIES

265

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

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

Background:

Due to the recent changes in the function of the Tomball Regional Health Foundation, following the 2011 sale of Tomball Regional Medical Center to a subsidiary of Community Health Systems, Inc., staff has prepared proposed revisions to the City's Boards, Commission, and Committees Handbook.

Attached, for Council review and consideration is a draft containing the proposed revisions to page 8 (correcting the name of the board) and to page 9 of the handbook, entitled "Tomball Regional Health Foundation".

We have also included both the general and the Tourism Advisory Committee application forms, as well as the form regarding disclosure of personal information.

Origination:

City Secretary

Recommendation:

Approval of Proposed Revisions.

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

City Secretary

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

ATTACHMENTS:

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

The City of Tomball, Texas



Boards, Commissions, and Committees Handbook



City of Tomball

*Gretchen Fagan
Mayor*

*Jan Belcher
City Manager*

Dear Citizen:

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

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

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

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

Sincerely,

Gretchen Fagan
Mayor



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip _____

Cell: _____

Email: _____

I have lived in Tomball ____ years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- () Tomball Economic Development Corporation

() Tomball 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

Please return this application to:

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



CITY OF TOMBALL

2013 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

Email _____

I have lived in Tomball ____ years.

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

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

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

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

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CHAPTER I

DEFINITIONS

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

Advisory Boards, Commissions, and Committees
Decision-making Boards
Separate Legal Entities
Standing Committees Sunset Committees.

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

Capital Improvement Plan Advisory Committee.



Capital Improvement Plan Advisory Committee



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

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

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

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

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

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

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

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

Board of Adjustments

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

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

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

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

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

Limitations on Authority:

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

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

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

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

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

Planning and Zoning Commission

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

Duties: The Planning and Zoning Commission shall:



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

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

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

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

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

Building Standards Commission

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



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

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

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

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

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

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

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

[The Tomball Economic Development Corporation](#)
[The Tomball Regional Health Foundation.](#)

Tomball Economic Development Corporation



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

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

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

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

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

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

Tomball Regional Health Foundation

(Formerly the Tomball Regional Hospital Authority)

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



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

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

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

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

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

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

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

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

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

Sunset Committees Defined. Sunset Committees are temporarily appointed advisory committees that terminate upon completion of their specific task. Example:

The Comprehensive Plan Advisory Committee (CPAC).

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

CHAPTER II

BOARD, COMMISSION, AND COMMITTEE APPOINTMENT PROCESS

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

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

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

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

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

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

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

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

CHAPTER III

MEETINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IV

RESPONSIBILITIES OF THE MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

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

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

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

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

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

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

CHAPTER V

LEGAL LIABILITY

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

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

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

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



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

ORDINANCE NO. 93-06

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

* * * * *

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

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

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

1.0. Declaration of Policy.

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

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

2.0. Definitions.

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

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

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

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

3.0. Ethical Principles.

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

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

4.0. Standards of Conduct.

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

4.01. Grant of Special Consideration.

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

4.02. Appearances on Behalf of Private Interests.

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

4.03. Appearances by Past Officials.

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

4.04. Securing Special Privileges.

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

4.05. Gifts.

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

4.06. Disclosure or Use of Confidential Information.

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

4.07. Incompatible Outside Activities.

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

4.08. Incompatible Employment.

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

4.09. Use of City Property for Personal Use.

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

5.0. State Laws Governing Conduct.

5.01. Conflicts of Interest.

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

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

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

5.02. Bribery.

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

5.03. Gifts to Public Servants.

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

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

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

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

5.03.05. Exceptions to Gifts to Public Servants.

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

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

5.04. Tampering with Governmental Records.

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

5.05. Impersonating Public Servant.

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

5.06. Misuse of Official Information.

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

5.07. Disrupting Meeting or Procession.

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

5.08. Official Oppression.

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

5.09. Official Misconduct.

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

5.10. Nepotism.

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

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

5.11. Disclosure of Interest in Property.

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

6.0. Violations.

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

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

Section 7.0. Publication; Effective Date; Open Meetings.

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

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

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

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3rd DAY OF May , 1993.

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

SECOND READING:

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

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

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

ATTEST:

[signed] Mary Reagan
Mary Reagan, City Secretary

APPROVED AS TO FORM:

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

APPENDIX A

DEFINITIONS

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

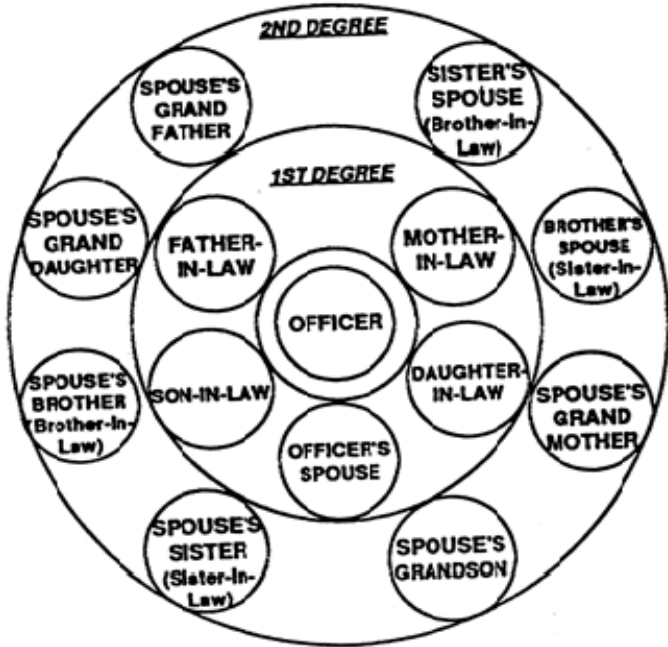
“Governing body”	“He,” “his” or “him” means the Tomball City Council and every Board, Commission, or Committee that exercises decision-making authority on behalf of the City. shall include the female gender as well as the masculine.
“Incidental Interest”	means an interest in a person, entity or property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

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

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

APPENDIX B

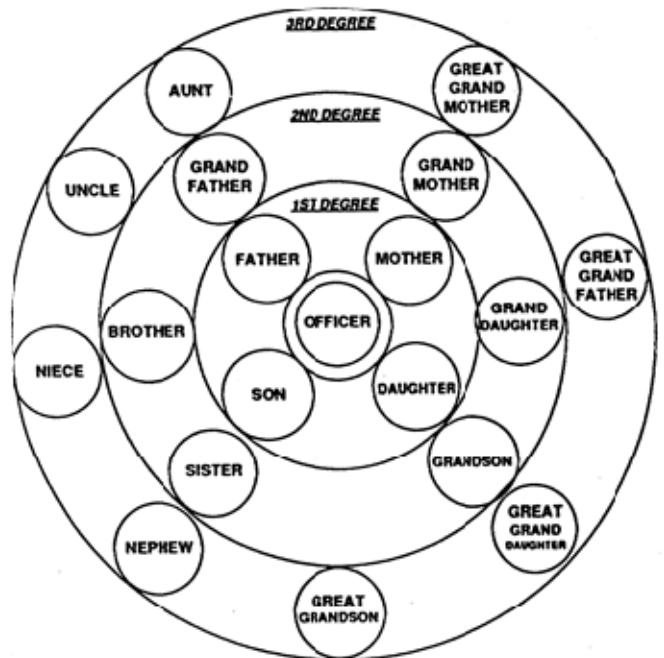
CHART OF KINSHIP



Affinity Kinship Chart
(Marriage)

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

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



Consanguinity Kinship Chart
(Blood)

APPENDIX C

ROBERT'S RULES OF ORDER RELATING TO MOTIONS

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

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

FOOTNOTES TO TABLE OF ROBERT'S RULES OF ORDER

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

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2013

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.

Background:**Origination:**

Olson & Olson

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	