

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



MONDAY, MARCH 18, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 18, 2013 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Aaron Edwards, Sundays 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.
- 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** – 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 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 – **City of Tomball Fourth of July Celebration - TBA**
- **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 – Report on the **Tomball Honky Tonk Music Festival**

6.0 Approve the Minutes of the March 4, 2013 Regular Tomball City Council Meeting.

7.0 New Business:

- 7.1 Accept Resignation of Dr. Ben Thomas and Appoint Replacement Member to Fill Unexpired Vacancy on the Tomball Regional Health Foundation
- 7.2 Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance
- 7.3 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
- 7.4 Consideration regarding **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 & Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P13-006**
- Adopt on First 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

7.5 Consideration and Possible Action regarding Establishing a 501(c)3 Organization for the City of Tomball, for the Purpose of Receiving Grant Funds

7.6 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

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.

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.

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。

7.7 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 Wednesday, 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.

8.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th 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: March 18, 2013

Topic:

- Led by Pastor Aaron Edwards, Sundays 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: March 18, 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: March 18, 2013

Topic:

- **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** – 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 p.m.
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- July 4, 2013 – **City of Tomball Fourth of July Celebration - TBA**
- **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 – Report on the **Tomball Honky Tonk Music Festival**

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:

Public Hearing regarding Abandonment of a Portion of Timkin Road and South Persimmon Street

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

Annual Tomball Clean-up Week

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.

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 **18th** day of **March** 2013 by **5:00** 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.

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


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. Huffsmith 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.

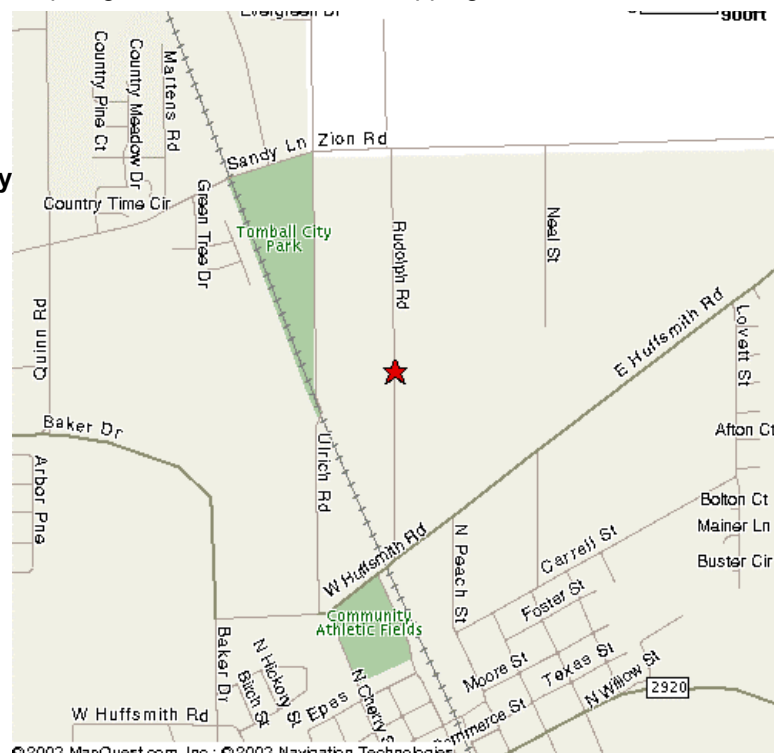
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

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

Regular City Council Agenda Item Data Sheet

Meeting Date: March 18, 2013

Topic:

Approve the Minutes of the March 4, 2013 Regular Tomball City Council Meeting.

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

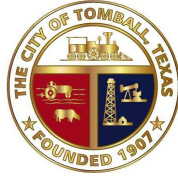
City Secretary

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

ATTACHMENTS:

Draft Minutes - March 4, 2013 City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MARCH 4, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Brown
Councilman Dodson
Councilman Stoll

Councilmember absent:

Councilman Townsend – Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Robert Hauck
Community Development Director – Craig Meyers
Fire Chief – Randy Parr
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 Al Navarro, Puente Para Cristo

3.0 Pledges to U. S. and Texas Flags

- Led by Cole Machalek, Vice President, Tomball High School Student Council

4.0 The following public comments were received:

- | | |
|--|---|
| Rick Grassi
1820 S. Cherry
Tomball, 77375 | - Requested Council assistance in resolving platting dilemma regarding City-required dedication of 15-feet of road right-of-way on Zion Road. |
| Tim Miller
16416 Surrey Lane
Stagecoach, 77355 | - Extended invitation to Mueller's 25 th Annual Barbeque Cook-off on April 20, "Patriots & Heroes". |

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- March 9, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 16, 2013 – ***Tomball Honky Tonk Music Festival*** – 11:00 a.m.-7:00 p.m.
- March 18, 2013 – Second Public Hearing regarding Tomball's Juvenile Curfew Ordinance
- March 18, 2013 – Candidate Orientation has been canceled.
- 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.
- April 13, 2013 – ***5th Annual City of Tomball Bunny Run 5K and Kids 1K*** – 9:00 a.m. at the Depot
- 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**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mayor Fagan administered the Oath of Office to new City of Tomball Police Officer Matt Maglitto

6.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the Minutes of the February 18, 2013 Special Tomball City Council and Tomball Economic Development Corporation Meeting and the February 18, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Glenn Windsor and Sara Roberts, Weaver, LLP, presented the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending September 30, 2012. Motion was made by Councilman Brown, second by Councilman Stoll, to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending September 30, 2012, as presented by the CPA firm of Weaver, LLP.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the request by the Tomball Lions Club for City Support and Approval of Road Closures for the 19th Annual Tomball Lions Club Car Show, to be held at Depot Plaza on Sunday, April 21, 2013.

Motion carried unanimously.

- 7.3 Mayor Fagan opened the Public Hearing at 6:27 p.m. to consider 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 6:27 p.m.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18th day of March 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

Accept Resignation of Dr. Ben Thomas and Appoint Replacement Member to Fill Unexpired Vacancy on the Tomball Regional Health Foundation

Background:

Dr. Ben Thomas recently submitted his resignation from the Hospital board, a copy of which is enclosed for Council consideration. Dr. Thomas' term expires September 19, 2014 and we have received a request from the Tomball Regional Health Foundation to appoint a replacement and suggesting Dr. Robert Turner, DDS. I would like to recommend the appointment of Ralph Foxworthy to the unexpired term vacated by Dr. Thomas.

Board Members selected by the Tomball City Council shall be residents of the City of Tomball. Attached are copies of applications of individuals who have expressed an interest in serving on the TRHF board and who are not currently serving on another City board:

Ralph Foxworthy
William Harris
Marcia Moore-Swinehart
Robert Turner.

Tomball Regional Health Foundation is the new name of the Tomball Hospital Authority ("THA"). The THA was the owner and operator of Tomball Regional Medical Center from its founding in 1976 until the sale of the 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. 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.

The TRHF Mission Statement 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". Its Vision Statement is "to be a catalyst for measurably improving access to healthcare and health status of the Tomball, Magnolia, Waller and surrounding communities".

The total number constituting the members of the Board shall be eleven as determined by the City Council at the time of creating the Authority. Five (5) of the eleven (11) Board Members shall be appointed by City Council in accordance with the provisions set forth in the Creating City Council Ordinance in 1974. Six (6) of the eleven (11) Board Members shall be elected by the Board. Annually, during the month of August, the City Council and the Board shall select Board Members for terms commencing on the first day of September following such election and continuing for two years. Board Members shall be divided into three groups to be designated Class A, Class B and Class C. Class A Board Members (5 members) shall be appointed by City Council in alternating years according to provisions set forth in the Creating Ordinance. Class B and Class C Board Members (3 members each) shall be elected by the Board, also in alternating years.

The total number of Board Members may be increased or decreased from time to time by the City Council as

provided by law, but no decreases in numbers shall have the effect of shortening the term of any incumbent Director or of changing the constituent ratio that exists between the Board-appointed Directors and the City Council-appointed Directors. 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.

Origination:

Tomball Regional Health Foundation

Recommendation:

Appointment of Ralph Foxworthy to vacated Position 1.

Funding:

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

Doris Speer

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

ATTACHMENTS:

- Dr. Thomas - Resignation
- Letter from TRHF Requesting Appointment
- Ralph Foxworthy - Application
- William Harris - Application
- Marcia Moore-Swinehart - Application
- Robert Turner - Application

Ben Thomas, Ph.D.
1318 Pine Brook • Tomball, Texas 77375
bthomas@cleanblueh2o.com
C: 832-814-6789

January 9, 2013

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

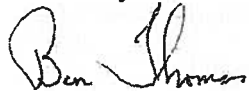
Subject: Resignation – Tomball Regional Health Foundation Board of Directors

Dear Mayor Fagan:

It is with much regret that I must tender my resignation from the Tomball Regional Health Foundation Board of Directors, Position 1. The reason for this action is because my ongoing treatment for a recent health issue now prevents me from attending the regularly scheduled monthly meetings of the Board.

I have enjoyed my years as a Board member, and want to thank you and the City Council for the opportunity to serve in that capacity. I also want to thank my fellow Board members for their many kindnesses and willingness to share their knowledge and insights. They are an outstanding group of people who are truly dedicated to improving the health of our region, and I feel privileged to have been able to share their time and friendship.

Sincerely,

A handwritten signature in black ink that reads "Ben Thomas". The signature is written in a cursive style with a large initial "B" and a stylized "T".

Ben Thomas, Ph.D.

Cc: Jack Smith

February 6, 2013

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

Dear Mayor Fagan:

Due to the resignation and unexpired term of Dr. Ben Thomas, the Board of Directors of Tomball Regional Health Foundation respectfully request that you consider Dr. Robert Turner, DDS, to fill the remaining months of that term.

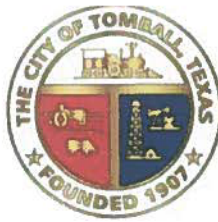
Dr. Turner has been a dentist in the City of Tomball (616 West Main Street) for the last 10 years, and is a respected member of the community. With the recent addition of the dental program at TOMAGWA this past month, we are eager to gain further insight into providing a constant quality of dental care for their clients; the knowledge that Dr. Turner possesses would be a huge benefit in the effective education of our Board members in this continuing process.

Please consider appointing Dr. Robert Turner to Position 1 for the remaining term and make him a member of the Board of Directors for Tomball Regional Health Foundation.

Sincerely,



**Jack Smith
Chairman**



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 (typically, three meetings) in any twelve consecutive months or absent from more than three 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 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 02-16-2011

Name: RALPH D. FOXWORTHY

Phone: _____
(Home)

Address: _____

Phone: 713-829-6839
(Work)

City/State/Zip: TOMBALL TX 77375

Email: ralph.foxworthy@bakerhughes.com

I have lived in Tomball 10 years.

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

Occupation: Director, Baker Hughes Inc. (26 yrs.)
Currently leading integrations & installations of B.J. Services
company global ERP systems (for 59 countries) to Baker Hughes'
I.T. environment.

Professional and/or Community Activities: Private Pilot, currently working towards
INSTRUMENT license - Hooks Airport, VICE-PRESIDENT of Foxworthy's, LLC;
wife, KAREN - PRESIDENT, of retail business now located in Tomball.

Additional Pertinent Information/References: Two sons & daughter-in-law. All in
Richardson, Texas; work @ U.T. Dallas and also pursuing degrees in
Masters & Bachelors programs.

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

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

Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

() Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

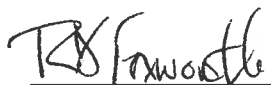
() Tomball Economic Development Corporation

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

(X) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

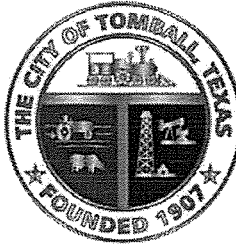
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Private Security

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

Additional Pertinent Information/References: _____

References available upon request.

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

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

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

Meeting Information

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

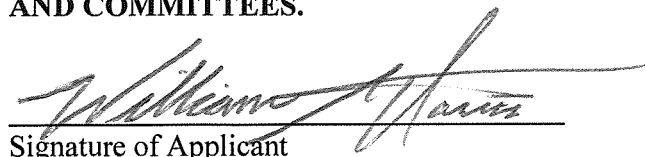
Ad Hoc/Advisory Committees

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

Meeting Information

As called

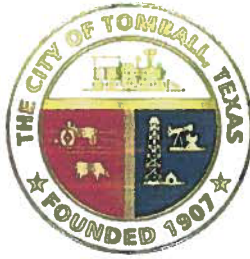
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 2/18/2013

Name: MARCIA MOORE SWINEHART

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 13 years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: RETIRED: TOMBALL REGIONAL HOSPITAL/VP. H.R.

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

Additional Pertinent Information/References:

*Very interested in serving
Community w/ Hospital Foundation*

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

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- () Tomball Economic Development Corporation

Meeting Information

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

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

Ad Hoc/Advisory Committees

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

Meeting Information

As called

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

Barbara Moore Spivehart

Signature of Applicant

Please return this application to:

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

RESUME

Marcia Moore Swinehart

Tomball, Texas 77375

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

Work History:

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

1976-1979- Snelling and Snelling, Portland, Oregon

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

1979-1980 – Preferred Personnel, Portland, Oregon

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

1980-1990- Tomball Community Hospital, Tomball, Texas

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

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

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

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

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

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

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

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

1996-2011- Tomball Regional Hospital, Tomball, Texas

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

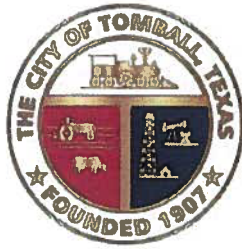
Managed conflict resolution, wrote and presented management development programs on an annual basis that assisted in limiting EEOC claims, employee turnover reduction and general employment liability. Significantly reduced Worker's Compensation claims and

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

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

References: Lynn LeBouef- Past CEO of Tomball Regional Hospital

Other References upon request.



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 2/27/2013

Name: ROBERT TURNER

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.

I am ☒ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: DENTIST

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

Decision-Making Boards and Commissions

- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

Meeting Information

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

- ☒ Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

Tomball Regional Health Foundation

Ad Hoc/Advisory Committees

- ☐ Downtown Tomball Advisory Committee

Meeting Information

As called

DTAC does not require Tomball residency

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



Signature of Applicant

Please return this application to:

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

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

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."

The first public hearing was held on March 4, with no comments being received. Following the second public hearing, Ordinance No. 2013-02 will be presented to Council for consideration and adoption on first reading. The second reading of the Ordinance will be considered on April 1, 2013 in order to satisfy the state-required timeframe for readoption.

Origination:

Local Government Code, Section 370.002(2)

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Notice of Public Hearings - March 4, 2013 and March 18, 2013

Current Ordinance No. 2010-04

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

**MONDAY, MARCH 4, 2013
AND
MONDAY, MARCH 18, 2013**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 4, 2013, and Monday, MARCH 18, 2013, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

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

Written comments should be received no later than February 25, 2013 for the March 4, 2013 Public Hearing and no later than March 11, 2013 for the March 18, 2013 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12th day of February 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

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.

ORDINANCE NO. 2010-04

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

* * * * *

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 2007-05 adopted in April 2007; 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 1 and March 15 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 15TH DAY OF MARCH, 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<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 5TH DAY OF APRIL, 2010.

COUNCILMAN QUINN	<u>ABSENT</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

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

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. This will be the first reading of the ordinance.

Ordinance No. 2010-04 was adopted on April 5, 2010; to readopt the juvenile curfew within the three-year timeframe, the new ordinance must be adopted no later than April 4, 2013. The adoptive date (second reading) of Ordinance No. 2013-02 will be considered on April 1, 2013, meeting the three-year requirement.

Origination:

Robert Hauck, Chief of Police

Recommendation:

Adopt Ordinance No. 2013-02 on First Reading

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-02

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

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: March 18, 2013

Data Sheet

Topic:

Consideration regarding **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 & Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P13-006**
- Adopt on First 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").

Origination:

Tomball and Magnolia Properties, LLC

Recommendation:

On March 11, 2013, the Planning and Zoning Commission, after conducting a public hearing, voted to recommend approval of Zoning Case P13-006.

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:

- Notice of Public Hearing
- Ordinance 2013-03
- Property Owner Notification Letter
- P13-006 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MARCH 11, 2013
&
CITY COUNCIL
MARCH 18, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, March 11, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-006: 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 & Mixed Use District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of March 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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

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

SECOND READING:

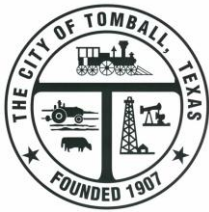
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2013.

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.

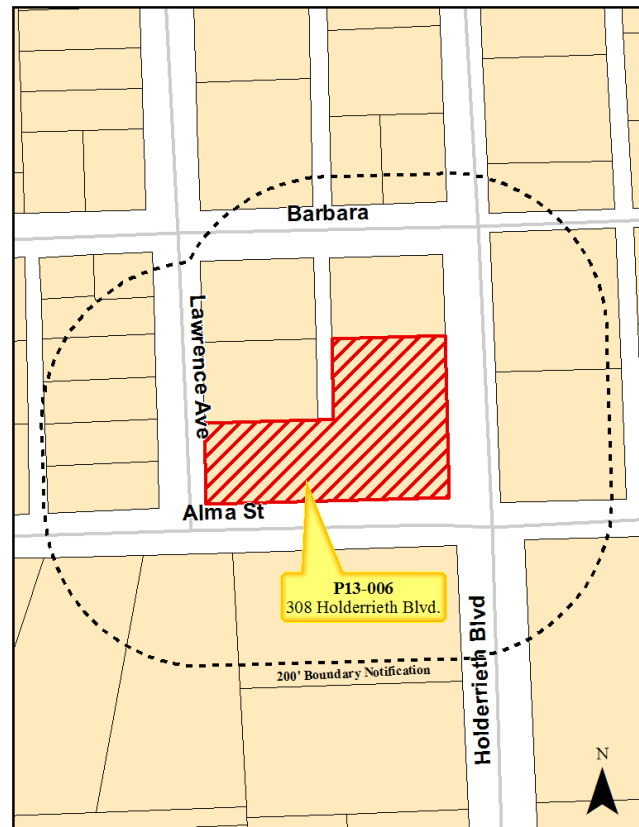
CONTACT: Rodney Schmidt

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.

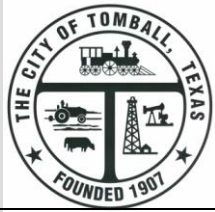


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2013, 6:00 PM**

**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

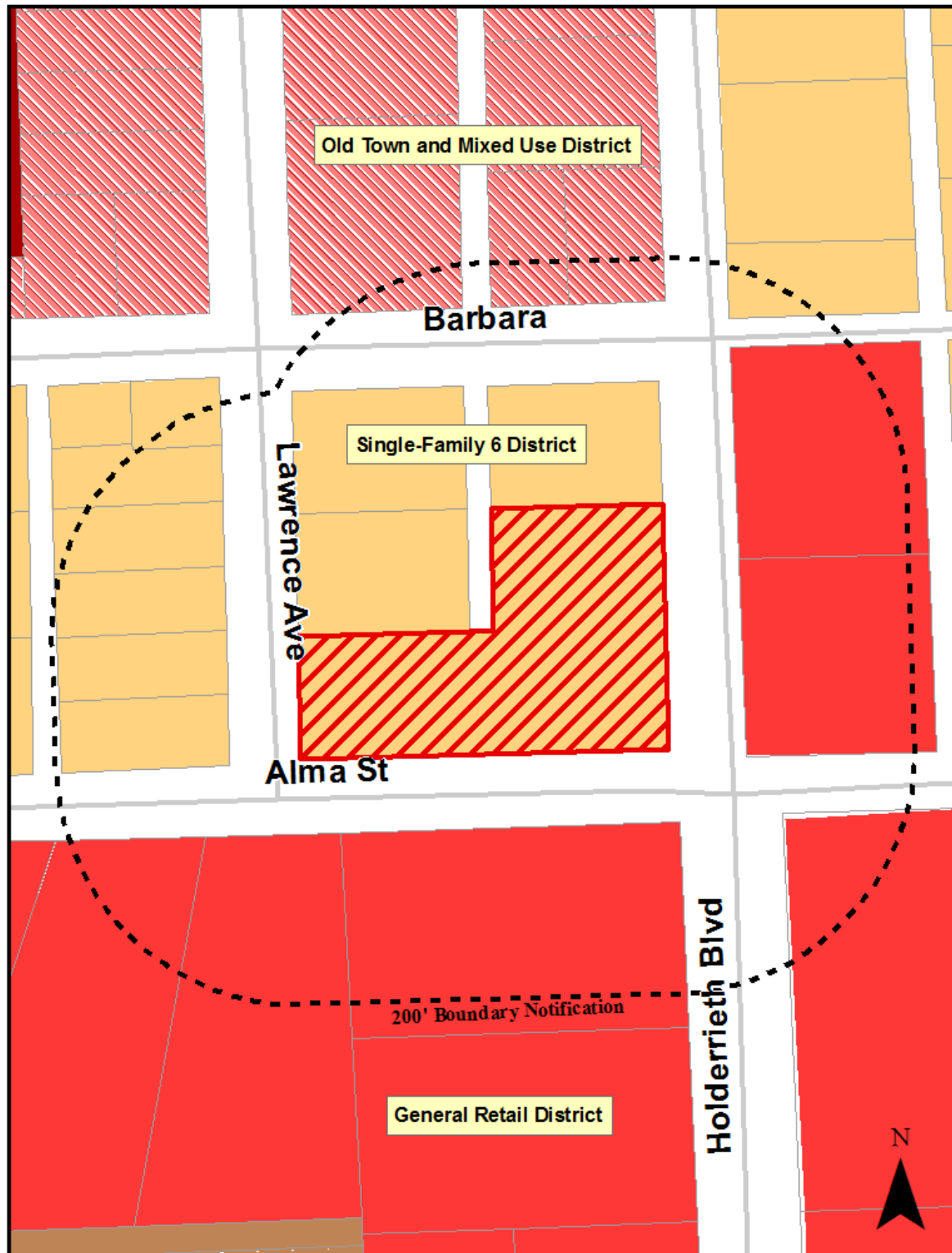


Exhibit "B"
Aerial Photo

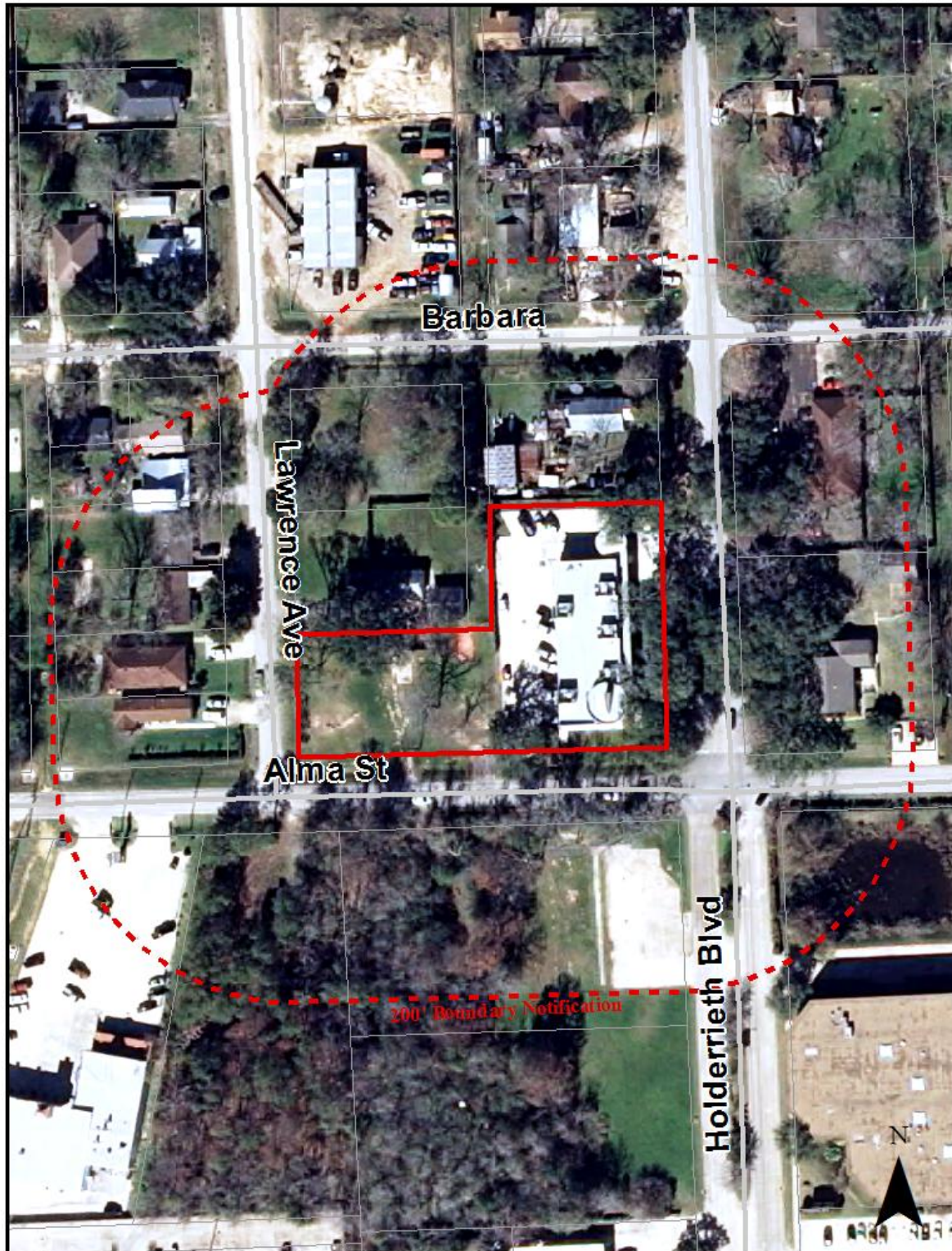


Exhibit "C"
Comprehensive Plan FLU Map

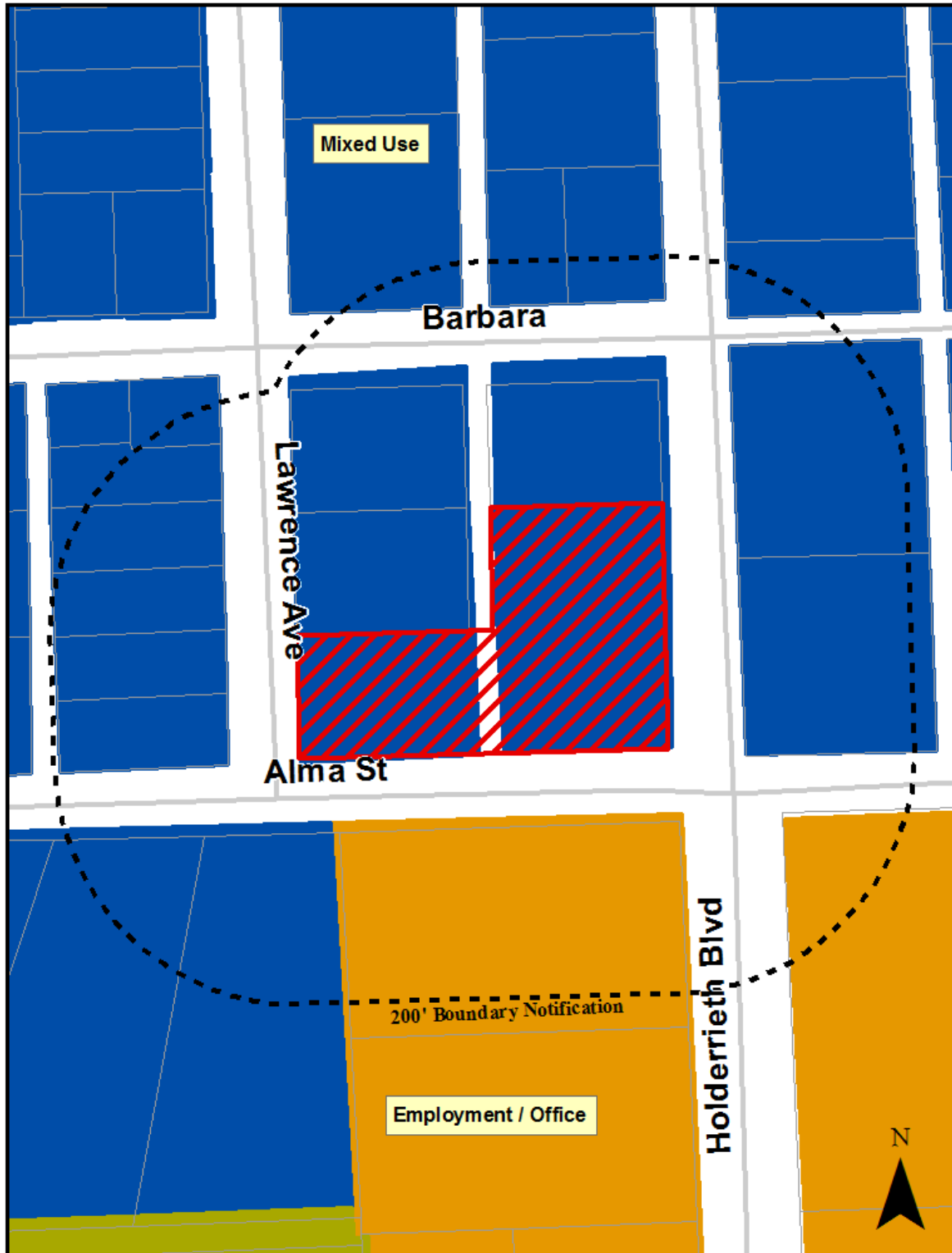
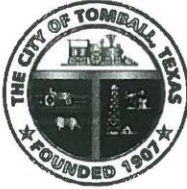


Exhibit "D"
Rezoning Application

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
office.manager@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

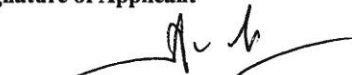
www.ci.tomball.tx.us

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

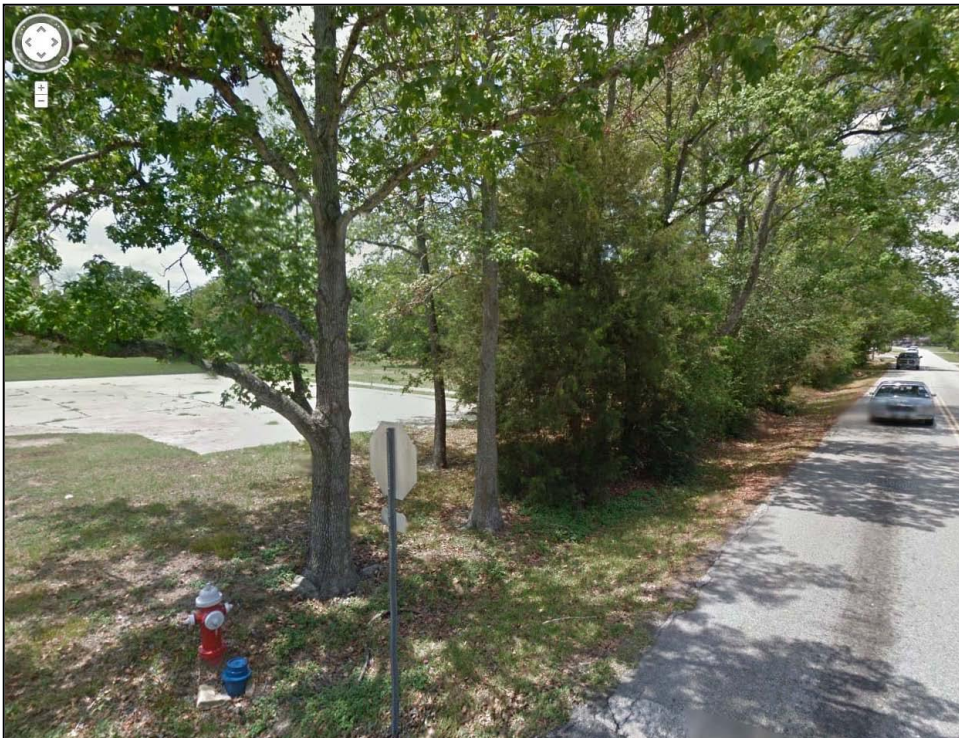


Figure 8: Undeveloped property to the south. Source: maps.google.com



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)

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:
(please print)

Address:

Signature:

Date:

Maria Jordan MD PA
27920 Tomball Tomball TX
77375
Property: Alma St Tomball TX
77375
3/4/2013

☒ 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

X

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:

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Please reference the case number in the subject line.

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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 (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

☒

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: E. Wheeler Coe, Jr

(please print)

Address: P.O. Box 340

Tomball TX 77377

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.

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

Consideration and Possible Action regarding Establishing a 501(c)3 Organization for the City of Tomball, for the Purpose of Receiving Grant Funds

Background:

This item is for consideration and possible action on the creation of a 501(c)3 non-profit foundation to supplement the City of Tomball's ability to fund various programs, projects, events, and other expenditures as approved by the by-laws of the foundation and approved by the foundation's board.

We have been approached by a corporate donor that would like to sponsor some of our events and programs, but their corporate policies require that the donation be made to a non-profit, 501(c)3 organization.

This is done in other cities as a vehicle for accepting funding from corporate donors. If approved by the City Council, the steps to be taken will be the creation of a board to direct the foundation, the adoption of by-laws for the foundation, and the application with the Internal Revenue Service (IRS) to create the foundation. The non-profit designation from the IRS could take several months before the actual creation of the foundation.

Origination:

Finance

Recommendation:

Staff recommends authorization from Council to proceed with the establishment of the foundation.

Funding:

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

Glenn Windsor, CPA Finance Director

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

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

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

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.

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.

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。

Background:

All filing deadlines have passed and the incumbents, Gretchen Fagan and Rick Brown, are unopposed for the May 11, 2013 Regular City Officer's Election.

Section 2.052, Election Code, requires the City Secretary to deliver the Certification of Unopposed Candidates to City Council and request Council to accept the Certification and declare the election canceled.

Resolution No. 2013-15 cancels the election scheduled to be held on May 11, 2013 and includes the Order of Cancellation. A copy of the Order of Cancellation will be posted on Election Day at City Hall, the polling location for all City elections.

The oaths of office and election of Mayor Pro Tem will take place at the May 21, 2013 Council meeting. Candidates elected through cancellation shall be declared elected "in the same manner and at the same time as provided for a candidate elected at the election" (Election Code, Sec. 2.053(c)) and shall take the oaths of office the same as candidates elected at an election.

Origination:

City Secretary

Recommendation:

Approval of Resolution No. 2013-15 and the Order of Cancellation

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-15 and Order of Cancellation

RESOLUTION NO. 2013-15

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, 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**

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

Section 1: It is hereby ordered that the Regular Election, scheduled to be held in the City of Tomball on the 11th day of May, 2013, at which election the following officers were to be elected by the qualified voters of the City, is canceled in accordance with Section 2.053(a) of the Texas Election Code.

POSITION:	MAYOR
	COUNCIL POSITION 3

Section 2: The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Gretchen Fagan	Mayor
Rick Brown	Council Position 3

Section 3: A copy of the Order of Cancellation, attached herein and made part of Resolution No. 2013-15, will be posted on Election Day at the following polling place, which would have been used in the election:

POLLING PLACE
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASSED, APPROVED and RESOLVED this 18th day of March, 2013.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2013-15

RESOLUCIÓN DE LA CIUDAD DE TOMBALL, TEXAS, CANCELANDO LA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PROGRAMADA PARA 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

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que la Elección Regular, programada para celebrarse en la Ciudad de Tomball el 11 de mayo de 2013, en la cual los votantes calificados de la Ciudad habrían votado para elegir a los siguientes funcionarios, sea cancelada de acuerdo con la sección 2.053(a) del Código Electoral de Texas.

POSICIÓN: ALCALDE
 POSICIÓN 3 EN EL CONSEJO

Sección 2: Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:

<u>Candidato</u>	<u>Cargo que aspira ocupar</u>
Gretchen Fagan	Alcalde
Rick Brown	Posición 3 del Consejo

Sección 3: Una copia de la Orden de Cancelación, adjunta al presente y hecha parte de la Resolución Nro. 2013-15, será colocada el Día de Elección en el siguiente lugar de votación que se hubiera utilizado en la elección:

LUGAR DE VOTACIÓN
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASADA, APROBADA y RESUELTA este día 18 de marzo de 2013.

Gretchen Fagan, Alcaldesa
City of Tomball

ATESTIGUA:

Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2013-15

MỘT NGHỊ QUYẾT CỦA THÀNH PHỐ TOMBALL, TIỂU BANG TEXAS, HỦY BỎ CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG KỲ DỰ KIẾN SẼ ĐƯỢC TỔ CHỨC VÀO NGÀY 11 THÁNG NĂM, 2013, CHIỀU 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.

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT NGHỊ:

Mục 1: Theo đây ra lệnh rằng Cuộc Bầu Cử Thường Kỳ, dự kiến sẽ được tổ chức tại Thành Phố Tomball vào ngày 11 tháng Năm 2013, tại đó cuộc bầu cử các viên chức sau đây đã được lựa chọn bởi các cử tri hội đủ điều kiện của Thành Phố, bị hủy bỏ chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas.

VỊ TRÍ: THỊ TRƯỞNG:
ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 3

Mục 2: Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đắc cử như sau:

<u>Ủng Cử Viên</u>	<u>Vị Trí Đặc Cử</u>
Gretchen Fagan	Thị Trưởng
Rick Brown	Ủy Viên Hội Đồng Vị Trí 3

Mục 3: Một bản sao của Lệnh Hủy Bỏ, được đính kèm theo Nghị Quyết này và trở thành một phần của Nghị Quyết số 2013-15, sẽ được niêm yết vào Ngày Bầu Cử tại địa điểm bỏ phiếu sau đây, mà lẽ ra được sử dụng trong cuộc bầu cử:

ĐỊA ĐIỂM BỎ PHIẾU
Tomball City Hall
401 Market Street
Houston, Texas 77375

ĐƯỢC CHẤP THUẬN VÀ THÔNG QUA hôm nay ngày 18 tháng Ba, 2013.

Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

決議案編號2013-15

一德克薩斯州，TOMBALL市決議案，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

特此由德克薩斯州，TOMBALL市決議:

第1條: 茲此命令計畫在德克薩斯州，TOMBALL市2013年5月11日舉行的選舉，在該選舉應由本市合乎資格選民選出下列官職，根據德克薩斯州選舉法2.053(a)節該選舉已取消。

席位:	市長
	委員席位 3

第2條: 下列候選人已被證實為無競爭對手當選候選人:

<u>候選人</u>	<u>當選職位</u>
Gretchen Fagan	市長
Rick Brown	委員席位 3

第3條: 本取消令命令副本，在此附上以及成為決議案編號2013-15的一部分，將於選舉日張貼在在下列可能啟用的投票場所。

投票場所
Tomball市政廳
401 Market Street
Tomball, Texas 77375

在2013年3月18日通過，批准及決議。

Gretchen Fagan市長
Tomall市

此證:

Doris Speer, 市秘書
Tomall市

ORDER OF CANCELLATION
(ORDEN DE CANCELACIÓN)
(LỆNH HỦY BỎ)
(取消命令)

The City of Tomball, Texas hereby cancels the election scheduled to be held on May 11, 2013 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

(En conformidad con la Sección 2.053(a) del Código de Elecciones de Texas, por la presente la Ciudad de Tomball, Texas, cancela la elección programada para el 11 de mayo 2013. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:)

(Thành Phố Tomball, Texas theo đây hủy bỏ cuộc bầu cử dự kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas. Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đắc cử như sau:)

(茲依照德州選舉法 2.053(a) 款的規定，德克薩斯州，Tomball市在此取消計畫在 2013 年5月 11 日舉辦的選舉。以下候選人業經證實為無競選對手的候選人，並已當選以下職位：)

Candidate
(Candidato)
(Ứng Cử Viên)
(候選人)

Office Sought
(Cargo que aspira ocupar)
(Vị Trí Đ ăc Cử)
(當選職位)

Gretchen Fagan
Rick Brown

Mayor (Alcalde) (Thị Trưởng) (市長)
Council Position 3 (Posición 3 del Consejo)
(Ủy Viên Hội Đồng Vị Trí 3)(委員席位3)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(El Día de Elección se colocará una copia de esta orden en cada lugar de votación que se hubieran utilizado en la elección.)

(Một bản sao của Lệnh này sẽ được niêm yết vào Ngày Bầu Cử tại mỗi địa điểm bỏ phiếu mà lẽ ra được sử dụng trong cuộc bầu cử.)

(本取消令副本將於選舉日張貼在每個可能啟用的投票所。)

Mayor (Alcalde) (Thị Trưởng) (市長)

Secretary (Secretaria) (Thư Ký) (秘書)

(seal) (sello) (con dấu) (印鑑)

Date of Adoption (Fecha de Adopción) (Ngày Chấp Thuận) (正式通過日期)

Regular City Council

Agenda Item

Meeting Date: March 18, 2013

Data Sheet

Topic:

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 Wednesday, 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.

Background:

In, 2012, the City expanded the July 4th activities to include a street party on Business SH 249 between Keefer and Hicks. The event was hugely successful for the two restaurants at Rudel and SH249, the bands that entertained the attendees, the attendees to all of the related activities and to the City. The 2012 event was put together in less than three weeks as we awaited the approval of TxDOT for the closure of SH 249. We are requesting Council support earlier this year in an effort to be able to better plan for the activities.

Origination:

Fire Department

Recommendation:

Staff recommends approval of Resolution No. 2013-03 and authorization for the City Manager to issue a letter to TxDOT

Funding: Yes

Account Number:

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

Randy Parr/Mike Baxter

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

ATTACHMENTS:

Resolution

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 WEDNESDAY, JULY 4, 2013, AND CLOSING STATE
HIGHWAY 249 BUSINESS FROM HICKS TO THE NORTH ENTRANCE
TO KROGERS FROM 2:00 PM UNTIL 10:00 PM.**

* * * * *

WHEREAS the City of Tomball annually provides a *July 4th Celebration* for the enjoyment of its citizens and the surrounding community, with a fireworks display under the direction of the Tomball Fire Department; and

WHEREAS the *July 4th Celebration* provides a unique opportunity to showcase Tomball's many attractions and encourage citizens to enjoy the festivities and sales offered by local merchants in Tomball on July 4th; and

WHEREAS the *July 4th Celebration* has become one of the most popular fireworks displays, drawing people from surrounding areas including Magnolia, Spring, Houston and The Woodlands; and

WHEREAS the *July 4th Celebration* plans include many activities sponsored during the day by the Tomball Fire Department and the Tomball Police Department, including a block party; and

WHEREAS the City of Tomball desires and requests the closure of the following portion of State Highway 249 on Wednesday, July 4, 2013: from 2:00 pm to 10:00 pm;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the *July 4th Celebration* as a safe July 4th holiday for its citizens and the surrounding community.

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary