

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



MONDAY, JANUARY 7, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 7, 2013 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Dr. Robert Rush, First Presbyterian Church-Tomball

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

- January 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 30, 2013 through March 1, 2013 – Period to File Application for Place on Ballot for the May 11, 2013 General City Election
- **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
 - Doug Tippey and Ben Lato – Launch of City’s New Website

6.0 Approve the Minutes of the December 17, 2012 Special City Council Meeting and the December 17, 2012 Regular City Council Meeting

7.0 Old Business:

7.1 Approve, on Second Reading, Resolution No. 2012-35-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation’s Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and One Moore Holdings Inc., to Make Direct Incentives To, or Expenditures For, Assistance with Infrastructure Costs for the Promotion of New or Expanded Business Enterprise Related to the Construction of a Commercial Facility to be Located at 15423 FM 2920, Tomball, TX 77375. The Estimated Amount of Expenditures for Such Project is \$56,425.00.

7.2 Consideration to approve **ZONING CASE P12-510**; City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 (“Fences in Residential Areas”).

- Conduct a Public Hearing on **ZONING CASE P12-510**
- Adopt on First Reading, Ordinance No. 2012-51, an Ordinance of The City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 42.4 (“Fences In Residential Areas”); Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

7.3 Adopt, on Second Reading, Ordinance No. 2012-50, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Amending Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by Creating a New Land Use called “Training Well,” Permitting It by Right in the Light Industrial District, and Assigning It a Parking Requirement of One Parking Space per Acre of Land Area; Creating a New Section 43.9 (“Training Wells and Training Well Sites”) to Regulate Training Wells and Training Well Sites; and Amending Section 45.2 (“Definitions”) by Creating a Definition for “Training Well” and “Training Well Site;” 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.

- 7.4 Adopt, on Second Reading, Ordinance No. 2012-53, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 96.94 acres of Land from Mixed Use to Business/Industrial; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 0.610-Acre Tract of Land being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas, from Mixed Use to Business/Industrial; Said Property being generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978; Providing for the Amendment of the Comprehensive Plan 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 Adopt, on Second Reading, Ordinance No. 2012-54, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 96.94 Acres of Land, generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610-Acre Tract of Land

being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas; 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

- 7.6 Adopt, on Second Reading, Ordinance No. 2012-55, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial; Said Property being generally Located Easterly of South Chestnut Street, Southerly of Timkin Road; Providing for the Amendment of the Comprehensive Plan 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
- 7.7 Adopt, on Second Reading, Ordinance No. 2012-56, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance, by Approving a Planned Development District (“PDD”) of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #3 (PD-3); Adopting a Concept Plan and Regulations Applicable to PD-3; 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.

- 7.8 Adopt, on Second Reading, Ordinance No. 2012-57, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Ordinance No. 2012-21 (Conditional Use Permit #8) by Removing the Condition that “Outside Storage shall be Limited to a Maximum of Five (5) Percent of the Total Lot Area, or 1,546 Square Feet;” Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability.
- 7.9 Adopt, on Second Reading, Ordinance No. 2012-58, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Roadway Right-of-Way Containing 1.1794 Acres Tract of Land Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and Being out of Lot 171, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and Being out of a 1.145 Acre Tract as Conveyed to the City of Tomball by Deed Recorded in County Clerk’s File Number J819958, Film Code Number 002-64-1847 of the Official Public Records of Real Property of Harris County Texas, within the City of Tomball, Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway Right-of-Way to Jacquelyn D. Marshall; Providing for Severability; and Containing Other Provisions Relating to the Subject

8.0 New Business:

- 8.1 Approve Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 1:30 p.m. to 4:00 on Friday, March 8, 2013 and Friday, September 13, 2013 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 9, 2013 and Saturday, September 14, 2013 for the Juried Art Shows
- 8.2 Approve Resolution No. 2013-02, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 23, 2013
- 8.3 Approve Resolution No. 2013-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer’s Election to be Held on Saturday, May 11, 2013; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of such Election
Aprobar la Resolución Nro. 2013-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 11 de mayo de 2013; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.
 Chấp thuận Nghị Quyết số 2013-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 11 tháng Năm, 2013;

Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

2013-01 Tomball
2013 5 11 Tomball
Tomball
Tomball

- 8.4 Approve Resolution No. 2013-03, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2012-2013
- 8.5 Approve Resolution No. 2013-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2013 for Publication of Matters Pertaining to the City of Tomball
- 8.6 Approve Appointment of Director by Ballot, Naming Nominee to Serve on the Board of Directors of the Lone Star Groundwater Conservation District for a Term Ending January 31, 2017 and Authorize the Mayor to Cast Appointment Ballot on Behalf of the City of Tomball
- 8.7 Review Documentation and Accept Donation of a Type VI Engine (Brush Truck) from the Texas A&M Forest Service Texas Intrastate Fire Mutual Aid System (TIFMAS) Capacity Building Grant Program.
- 8.8 Approve Encroachment Agreement for Woodforest Boulevard at Tomball Marketplace Shopping Center and Authorize Mayor to Execute Agreement
- 8.9 Executive Session: The Tomball City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.072 – Deliberations Regarding Real Property

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of January 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours

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: January 7, 2013

Topic:

- Led by Dr. Robert Rush, First Presbyterian Church-Tomball

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: January 7, 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

Meeting Date: January 7, 2013

Data Sheet

Topic:

- January 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 30, 2013 through March 1, 2013 – Period to File Application for Place on Ballot for the May 11, 2013 General City Election
- **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
 - Doug Tippey and Ben Lato – Launch of City's New Website

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:

1/12/2013 – 2nd Saturday at the Depot - Gridiron Fun at the Depot

Notice of Dates to File Applications for Place on Ballot for the May 11, 2013 General City Election - English/Spanish

Notice of Dates to File Applications for Place on Ballot for the May 11, 2013 General City Election - English/Vietnamese/Chinese

2nd Saturday

At the Depot in Tomball

January 12th starting at 5:00 p.m.

"GRIDIRON FUN AT THE DEPOT!"



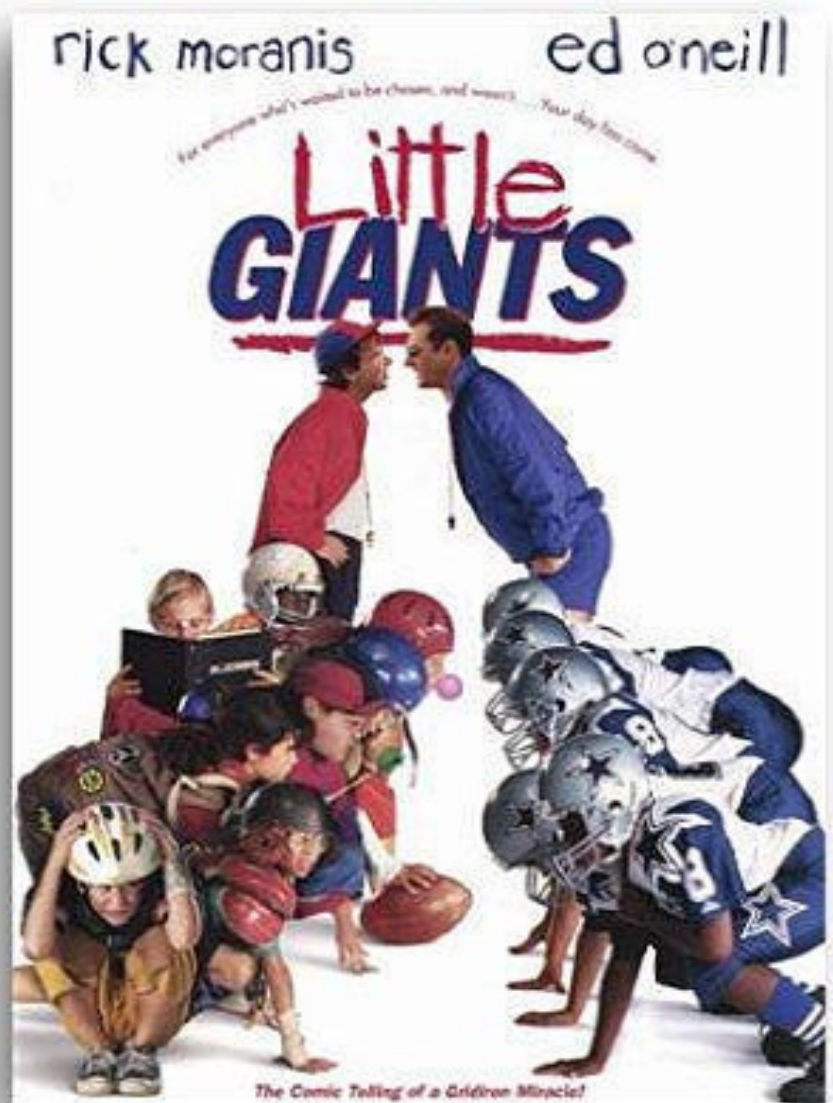
Join Kroger in its support of the "Souper Bowl of Sharing" by contributing non-perishable food items at 2nd Saturday, and get a FREE gift while supplies last.

TOMBALL
TEXAN FOR FUN! ®

facebook

www.facebook.com/TomballTexanForFun

*In case of rain the event will take place at the Tomball Community Center – Market and South Cherry Streets



Rusty's Family Feature
On the giant inflatable screen

The Depot is at 201 S. Elm Street in historic downtown Tomball, Texas. Call 281-351-5484 for information.

**NOTICE OF DEADLINE TO FILE APPLICATIONS FOR
PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA
UN LUGAR EN LA BOLETA)**

Notice is hereby given that applications for a place on the City of Tomball, Texas General Election ballot may be filed during the following time:

(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas se pueden presentar durante el siguiente horario:)

Filing Dates and Times:

(Fechas y Horario para Entregar Presentaciones):

Start Date: January 30, 2013

(Fecha Inicio): 30 de enero de 2013

End Date: March 1, 2013

(Fecha Limite): 1 de marzo de 2013

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.

Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.

Physical address for filing applications in person for place on the ballot:

(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):

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

*La Secretaria de la Ciudad
La Ciudad de Tomball, Tejas
401 Market Street
Tomball, Texas 77375*

Address to mail applications for place on the ballot (if filing by mail):

(Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo))

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

*Secretaria de la Ciudad
La Ciudad de Tomball, Tejas
401 Market Street
Tomball, Texas 77375*

Doris Speer, City Secretary/Secretaria de la Ciudad

Printed Name of Filing Officer

(Nombre en letra de molde del Oficial de Archivos)



Signature of Filing Officer

(Firma del Oficial de Archivos)

December 5, 2012/5 de diciembre de 2013

Date Posted *(Fecha archivada)*

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT
(THÔNG BÁO VỀ HẠN CHỐT ĐỀ ĐƠN XIN VỊ TRÍ TRÊN LÁ PHIẾU BẦU)
申請選票席位截止日期公告

Notice is hereby given that applications for a place on the City of Tomball, Texas General Election ballot may be filed during the following time:

(Thông báo sau đây cho biết rằng các đơn xin cho một vị trí trên lá phiếu của Cuộc Bầu Cử Tổng Quát Thành Phố Tomball, Texas có thể được đệ trình trong khoảng thời gian như sau:

特此公告申請德克薩斯州Tomball市普通選舉選票席位可在下列時間提出:

Filing Dates and Times:

*(Ngày, giờ đệ trình đơn xin):*申請日期和時間:

Start Date: January 30, 2013

(Ngày bắt đầu): 30 tháng 1 Năm, 2013

開始日期: 2013年1月30日

End Date: March 1, 2013

(Ngày kết thúc): 1 tháng Ba năm, 2013

截止日期: 2013年3月1日

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.

Giờ làm việc: Thứ Hai – Thứ Năm: 7:45 sáng – 5:00 chiều; Thứ Sáu: 7:45 sáng – 4:00 chiều

辦公時間: 週一至週四: 上午 7:45至下午5:00; 週五: 上午 7:45至下午4:00.

Physical address for filing applications in person for place on the ballot:

(Địa chỉ để quý vị đích thân nộp đơn xin cho vị trí trên lá phiếu):

親自辦理選票席位申請實際地址:

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

(Bí Thư Thành Phố)
(Thành Phố Tomball, Texas)
401 Market Street
Tomball, Texas 77375

市政府秘書
德州, Tomball市
401 Market Street
Tomball, Texas 77375

Address to mail applications for place on the ballot (if filing by mail):

(Địa chỉ gửi các đơn xin cho vị trí trên lá phiếu (nếu nộp đơn qua đường bưu điện)):

郵寄辦理選票席位申請地址 (如郵寄申請):

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

(Bí Thư Thành Phố)
(Thành Phố Tomball, Texas)
401 Market Street
Tomball, Texas 77375

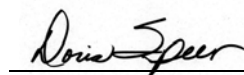
市政府秘書
德州, Tomball市
401 Market Street
Tomball, Texas 77375

Doris Speer, City Secretary/Bí Thư Thành Phố/市政府秘書

Printed Name of Filing Officer

(Tên Viết chữ in của Viên Chức Nhận Đơn)

辦理申請官員印刷體姓名



Signature of Filing Officer

(Chữ ký của Viên Chức Nhận Đơn)

辦理申請官員簽字

December 5, 2012/5 tháng Mười Hai, 2012/2012年12月5日

Date Posted *(Ngày niêm yết)* 公告日期

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2013

Topic:

Approve the Minutes of the December 17, 2012 Special City Council Meeting and the December 17, 2012 Regular City Council Meeting

Background:

Origination:

Recommendation:

Funding:

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

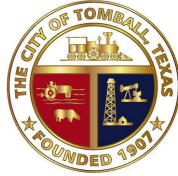
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - 12/17/2012 Special City Council Meeting

Draft Minutes - 12/17/2012 Regular City Council Meeting

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 17, 2012
4:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 4:00 p.m. by Mayor Gretchen Fagan. Other members present were:

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Engineering & Planning Admin. Assistant – Brandy Pate

2.0 Workshop Session:

2.1 The Tomball City Council entered into a Workshop Session regarding the Downtown Specific Plan.

3.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

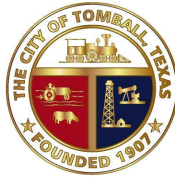
Meeting adjourned.

PASSED AND APPROVED this 7th day of January 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 17, 2012
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
City Attorney – Donna Johnson
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
TEDC Executive Director – Kelly Violette
Chief-NWEMS – Brian Petrilla

2.0 Invocation

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Monique Dermaux 2531 S. Cherry, 77375	- Expressed her appreciation, as a resident, investor, and developer in Tomball, of the City of Tomball, City employees, and the Downtown Specific Plan
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5.0 Chief Rob Hauck presented the following new employees and Mayor Fagan administered the Oath of Office to each employee:

- ***New City of Tomball Police Department Employees***
 - *Police Officers:*
 - Tomeko Henagan
 - Tuan-Anh Nguyen
 - *Public Service Officers:*
 - Crystal Garrett
 - Joshua Littell
 - *Dispatchers:*
 - Shaunna Cundiff
 - Patrick Tompkins

6.0 Reports and Announcements:

- January 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- ***Walk Tomball!*** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Rosalie Dillon presented a report on the success of the second annual ***Christmas on Commerce***

7.0 Motion was made by Dodson, second by Townsend, to approve the Minutes of the December 3, 2012 Regular City Council Meeting and the December 10, 2012 Special City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

Councilman Hudgens left Council Chambers at 6:20 p.m.

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-45, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract One(B): Being 0.610-Acre Tract of Land, Being All of the Remainder of a 30-Ft. Wide Unnamed Road Right-of-Way Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465 and Lot 466, Located near the Intersection of FM 2978 and FM 2920; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-37, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Tract One: Being 3.143 Acres of Land Located at 0 Hufsmith-Kohrville Road, at the Intersection of FM 2978 and FM 2920 – Mary McGill Criner Adickes, Individually and as Trustee and as Successor in Interest to the Joint Venture Agreement, as Recorded under Clerk's File No. G-572577, Real Property Records, Harris County, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Texas). Vote was as follows:

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

Motion carried unanimously.

- 8.3 Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2012-38, an Ordinance of the City of

Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Tract Two: Being 49.544 Acres of Land Located at 0 Dement Road, near the Intersection of FM 2978 and FM 2920 – Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, A/K/A/ Adell G. Johlke Dietz, Deceased); Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-39, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract Three: Being 23.624 Acres of Land, Located at 0 FM 2920, Near the Intersection of FM 2978 and FM 2920 – Cypressbrook 2920, LP; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-40, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating

to the Subject; and Providing a Savings and Severability Clause [Tract Four: Being 20.021 Acres of Land, Located at 10920 FM 2920, near the Intersection of FM 2978 and FM 2920 – ABCO Land Corporation; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.6 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-52, an Ordinance Creating City of Tomball, Texas, Reinvestment Zone No. 4; an Approximately 96.942-Acre Tract of Land, Located Generally at the Northeast Corner of the Intersection of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability (Baker Hughes). Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Tax Abatement Agreement between City of Tomball and Baker Hughes for Improvements to be Constructed in Tax Abatement Reinvestment Zone No. 4.

Motion carried unanimously.

- 9.2 Mayor Fagan opened the Public Hearing at 6:35 p.m. to consider **ZONING CASE P12-513**: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and

Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

Receiving no public comments, Mayor Fagan closed the public hearing at 6:35 p.m.

Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-50 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2012-50, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate training wells and training well sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site;” providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 9.3 Mayor Fagan opened the Public Hearing at 6:38 p.m. to consider **COMPREHENSIVE PLAN CASE P12-515**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and ABCO Land Corporation, to amend the City’s Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre

tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

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

Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2012-53 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt on First Reading, Ordinance No. 2012-53, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Plan by changing the future land use classification of approximately 96.94 acres of land from Mixed Use to Business/Industrial; same being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, trustee, as recorded in clerk's file no. H271449 of the official public records of real property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 0.610 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 49.544 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, individually and as administrator of the estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by cause no. 407636 of the probate records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 23.624 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in document no. 20070522269 of the official public records of real property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and being a 20.021 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in document no. 200265255 of the official public records of real property of Harris County, Texas, from Mixed Use to Business/Industrial; said property being generally located on the northeast corner of F.M. 2920 and F.M. 2978; providing for the amendment of the Comprehensive Plan of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Absent</u>

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

Motion carried unanimously.

- 9.4 Mayor Fagan opened the Public Hearing at 6:45 p.m. to consider **ZONING CASE P12-514**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and ABCO Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of

Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:45 p.m.

Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2012-54 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First Reading, Ordinance No. 2012-54, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District; same being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in clerk's file no. H271449 of the official public records of real property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 0.610 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 49.544 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, individually and as administrator of the estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by cause no. 407636 of the probate records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in volume 2, page 65 of the map records of Harris County, Texas; being a 23.624 acre tract of land out of the Jesse Pruitt

Survey, abstract no. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in document no. 20070522269 of the official public records of real property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and being a 20.021 acre tract of land out of the Jesse Pruitt Survey, abstract no. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in document no. 200265255 of the official public records of real property of Harris County, Texas; providing for the amendment of the official zoning map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing at 6:53 p.m. to consider **COMPREHENSIVE PLAN CASE P12-517**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:53 p.m.

Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-55 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt on First Reading, Ordinance No. 2012-55, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Plan by changing the future land use classification of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial; said property being generally located

easterly of South Chestnut Street, southerly of Timkin Road; providing for the amendment of the Comprehensive Plan of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 9.6 Mayor Fagan opened the Public Hearing at 6:56 p.m. to consider **ZONING CASE P12-516**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:56 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-56 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First Reading, Ordinance No. 2012-56, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance, by approving a Planned Development District ("PDD") of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas; amending the official zoning map of the City to reflect the PD to be known as Planned Development District #3 (PD-3); adopting a concept plan and regulations applicable to PD-3; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 9.7 Mayor Fagan opened the Public Hearing at 6:59 p.m. to consider **ZONING CASE P12-518**: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

Receiving no public comments, Mayor Fagan closed the public hearing at 6:59 p.m.

Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2012-57 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt on First Reading, Ordinance No. 2012-57, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet;” containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

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

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2012-34-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements for the construction of downtown public restroom facilities at 217 South Walnut Street

(Depot Plaza site). The estimated amount of expenditures for such project is an amount not to exceed \$25,000.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Brown, to approve, as a Project of the Corporation, an agreement with QTRCO Inc., to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the expansion of a manufacturing facility located at 13120 Theis Lane, Tomball, Texas. The estimated amount of expenditures for such project is an amount not to exceed \$18,000.00.

Motion carried unanimously.

Councilman Hudgens returned to Council Chambers at 7:10 p.m.

- 9.10 Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First Reading, Resolution No. 2012-35-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and One Moore Holdings Inc., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a commercial facility to be located at 15423 FM 2920, Tomball, TX 77375. The estimated amount of expenditures for such Project is \$56,425.00. Vote was as follows:

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

Motion carried unanimously.

- 9.11 Motion was made by Councilman Brown, second by Councilman Dodson, to Approve Amendment to Extend Agreement between the City of Tomball and Redflex Traffic Systems for Photo Red Light Enforcement Program. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.12 Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-58 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-58, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer Require the Continued Existence of a Roadway Right-of-Way Containing 1.1794 Acres Tract of Land Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and Being out of Lot 171, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and Being out of a 1.145 Acre Tract as Conveyed to the City of Tomball by Deed Recorded in County Clerk's File Number J819958, Film Code Number 002-64-1847 of the Official Public Records of Real Property of Harris County Texas, within the City of Tomball, Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway Right-of-Way to Jacquelyn D. Marshall; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 9.13 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2012-36, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Jacquelyn Marshall for use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute All Documents Related Thereto.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2012-37, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Cherry Meadows Community Association, Inc., a Texas Non-Profit Corporation for use in the Medical Complex

Drive Expansion Project; and Authorizing the City Manager to Execute All Documents Related Thereto.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of January 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2013

Topic:

Approve, on Second Reading, Resolution No. 2012-35-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and One Moore Holdings Inc., to Make Direct Incentives To, or Expenditures For, Assistance with Infrastructure Costs for the Promotion of New or Expanded Business Enterprise Related to the Construction of a Commercial Facility to be Located at 15423 FM 2920, Tomball, TX 77375. The Estimated Amount of Expenditures for Such Project is \$56,425.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its regular meeting on December 4, 2012, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with One Moore Holdings Inc. for the promotion of new or expanded business development related to the construction of a new commercial facility (an 11,800 square foot dry cleaning and laundry processing facility) to be located at 15423 FM 2920, Tomball, Texas. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Council approved the first reading of Resolution No. 2012-35-TEDC on December 17, 2012.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of Resolution No. 2012-35-TEDC on second reading

Funding: Yes

Account Number: Project Grants

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2012-35-TEDC

TEDC Memo

Economic Impact Analysis

Draft Agreement - One Moore Holdings

Request Letter

RESOLUTION NO. 2012-35-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND ONE MOORE HOLDINGS INC TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Fifty Six Thousand Four Hundred and Twenty Five Dollars (\$56,425.00) found by the Board to be required or suitable to promote a new business development by One Moore Holdings Inc.; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Fifty Six Thousand Four Hundred and Twenty Five Dollars (\$56,425.00) to One Moore Holdings Inc. in accordance with an economic development agreement by and between the TEDC and One Moore Holdings Inc., to promote and develop a new or expanded business enterprise, to be located at 15423 FM 2920, in Tomball, Texas.

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

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

PASSED AND APPROVED on first reading this 17th day of December 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this 7th day of January 2013.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: December 17, 2012

SUBJECT: One Moore Holdings Inc. Agreement

The Tomball Economic Development Corporation has received a request from Chad Moore, owner of One Moore Holdings, for assistance with infrastructure costs related to the development of a proposed 11,800 square foot dry cleaning and laundry processing facility to be located on a 5.0120 acre tract of land at 15423 FM 2920 in Tomball. The estimated value of the property and improvements is \$925,000.00.

Mr. Moore currently owns and operates Christian Dry Cleaners located in a 4,000 square foot building at 706 West Main Street in Tomball, as well as several other locations in surrounding areas. The Main Street location currently has 13 employees. The company is expanding and desires to construct a full processing facility with retail and wholesale services. Mr. Moore intends to relocate 10 of the existing 13 employees to the new facility and add an additional 12 employees to the new location over the first year.

Mr. Moore is requesting grant funding assistance with infrastructure costs that are necessary to complete this project. Details regarding the infrastructure improvements are shown in Exhibit C of the proposed agreement between the Tomball Economic Development Corporation and One Moore Holdings.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation.

An economic impact analysis is included with the agreement to show the impact of this project on Tomball's economy.

The attached agreement proposes grant funding in an amount not to exceed \$56,425, based on actual expenditures for the approved Infrastructure Improvements. The incentive was calculated based upon 30 percent of the project's net benefit to the City over a five year term.

Economic Impact of One Moore Holdings in Tomball, TX

Executive Summary

November 29, 2012

Prepared by:

Tomball Economic Development Corporation
29201 Quinn Road
Tomball, TX 77375

This summary was prepared by the Tomball Economic Development Corporation using Quick Impact by Impact DataSource. Please consult the full economic impact report for additional details and assumptions used in this analysis.

ECONOMIC IMPACT EXECUTIVE SUMMARY: ONE MOORE HOLDINGS

Project Description

One Moore Holdings proposes to develop an 11,800 square foot dry cleaning and laundry processing facility on a 5.0120 acre tract of land at 15423 FM 2920 in Tomball. The company will invest approximately \$925,000 in the project: \$325,000 for land, \$400,000 for buildings and other real property improvements, and \$200,000 in business personal property. The facility expects to add an additional 12 employees with average annual salaries of \$26,000.

Economic Impact Over the First 10 Years

The project will have the following economic impact on the City of Tomball area over the first 10 years:

Economic Impact Over the First 10 Years			
	Direct	Indirect & Induced	Total
Total number of permanent direct and indirect jobs to be created	12	6	18
Salaries to be paid to direct and indirect workers	\$3,576,730	\$1,575,550	\$5,152,280
Taxable sales and purchases expected in the city	\$11,077,229	\$157,555	\$11,234,784
The value of new residential property to be built for direct and indirect workers who move to the city by Year 10	\$0	\$0	\$0
The market value the firm's property on local tax rolls in Year 1	\$925,000	\$0	\$925,000

Fiscal Impact Over the First 10 Years

Over the first 10 years, the City of Tomball and Tomball EDC can expect the following net benefits from the facility, its employees, and workers in spin-off jobs created in the community:

Costs and Benefits for the City Over the First 10 Years			
	Benefits	Costs	Net Benefits
Sales taxes allocated to the City	\$168,522	\$0	\$168,522
Sales taxes allocated to Tomball EDC	\$56,174	\$0	\$56,174
Property taxes	\$30,931	\$0	\$30,931
Utility revenues	\$779,858	\$0	\$779,858
Utility franchise fees	\$13,124	\$0	\$13,124
Hotel occupancy taxes	\$0	\$0	\$0
Other taxes and user fees	\$8,322	\$0	\$8,322
Building permits and fees	\$2,040	\$0	\$2,040
Costs of providing utilities	\$0	\$623,886	(\$623,886)
Costs of providing municipal services for new residents	\$0	\$13,315	(\$13,315)
Total	\$1,058,970	\$637,201	\$421,769

ECONOMIC IMPACT EXECUTIVE SUMMARY: ONE MOORE HOLDINGS

Net Benefits To The City From The Direct and Indirect Sources

The city will receive benefits from direct and indirect economic impacts that result from the project. The benefits, associated costs and net benefits for the first 10 years are shown below, divided between direct and indirect impacts.

Net Benefits to the City from Direct and Indirect Sources			
<i>Benefits/Costs from:</i>			
	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total</i>
<u><i>Additional revenues:</i></u>			
Sales taxes allocated to the City	\$166,158	\$2,363	\$168,522
Sales taxes allocated to Tomball EDC	\$55,386	\$788	\$56,174
Property taxes	\$30,931	\$0	\$30,931
Utility revenues	\$767,266	\$12,592	\$779,858
Utility franchise fees	\$12,164	\$960	\$13,124
Hotel occupancy taxes	\$0		\$0
Other taxes and user fees	\$4,161	\$4,161	\$8,322
Building permits and fees	\$2,040		\$2,040
Total additional revenues	\$1,038,106	\$20,864	\$1,058,970
<u><i>Additional costs:</i></u>			
Costs of providing utilities	\$613,813	\$10,074	\$623,886
Costs of providing municipal services for new residents	\$6,657	\$6,657	\$13,315
Total additional costs	\$620,470	\$16,731	\$637,201
Net Benefits	\$417,636	\$4,133	\$421,769
<i>Percent of total net benefits for city</i>	<i>99%</i>	<i>1%</i>	

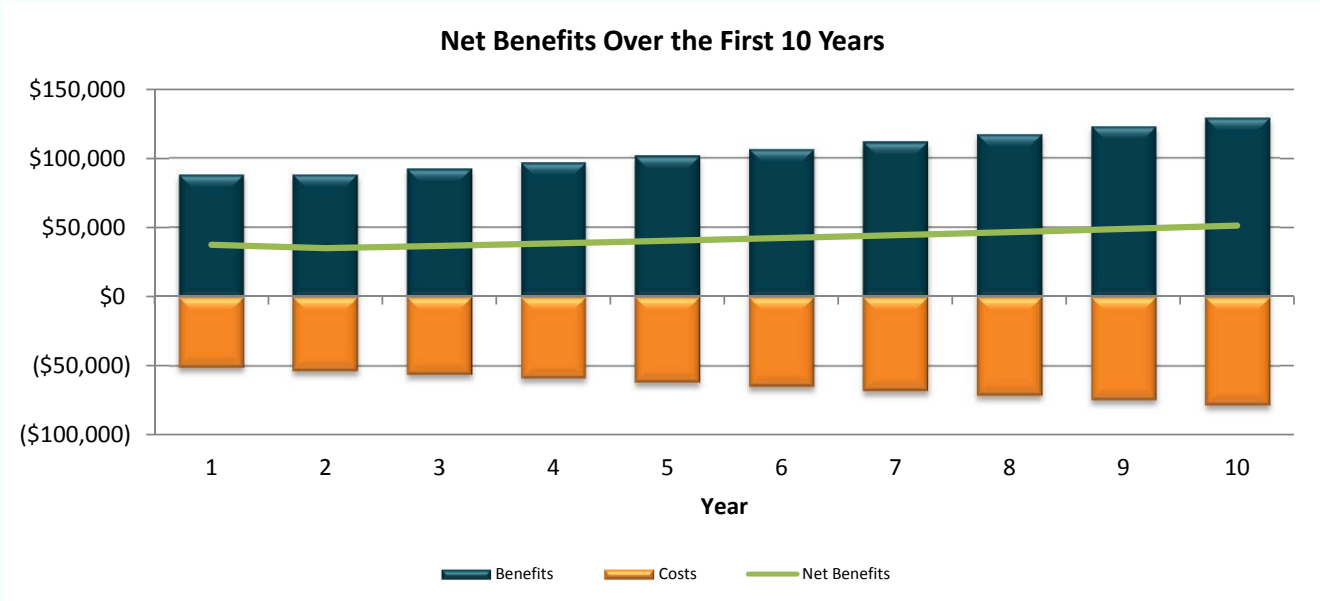
The net benefits to the city over the first 10 years are estimated to accrue as detailed below.

Net Benefits to the City by Year				
	Benefits	Costs	Net Benefits	Cumulative Benefits
Year 1	\$88,551	\$51,056	\$37,495	\$37,495
Year 2	\$88,557	\$53,517	\$35,040	\$72,535
Year 3	\$92,814	\$56,099	\$36,715	\$109,250
Year 4	\$97,292	\$58,809	\$38,483	\$147,733
Year 5	\$102,002	\$61,652	\$40,350	\$188,083
Year 6	\$106,957	\$64,636	\$42,321	\$230,404
Year 7	\$112,169	\$67,766	\$44,403	\$274,807
Year 8	\$117,652	\$71,051	\$46,601	\$321,408
Year 9	\$123,420	\$74,498	\$48,921	\$370,329
Year 10	\$129,555	\$78,116	\$51,440	\$421,769
Total	\$1,058,970	\$637,201	\$421,769	
<i>Present Value of Net Benefits*</i>			<i>\$320,276</i>	

**The Present Value of Net Benefits is a way of expressing in today's dollars, dollars to be paid or received in the future. A dollar today and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.*

Fiscal Impact Over the First 10 Years

The graph below depicts the costs, benefits and net benefits to the city over the first 10 years.



Incentives

Tomball EDC may consider the following incentives for the project:

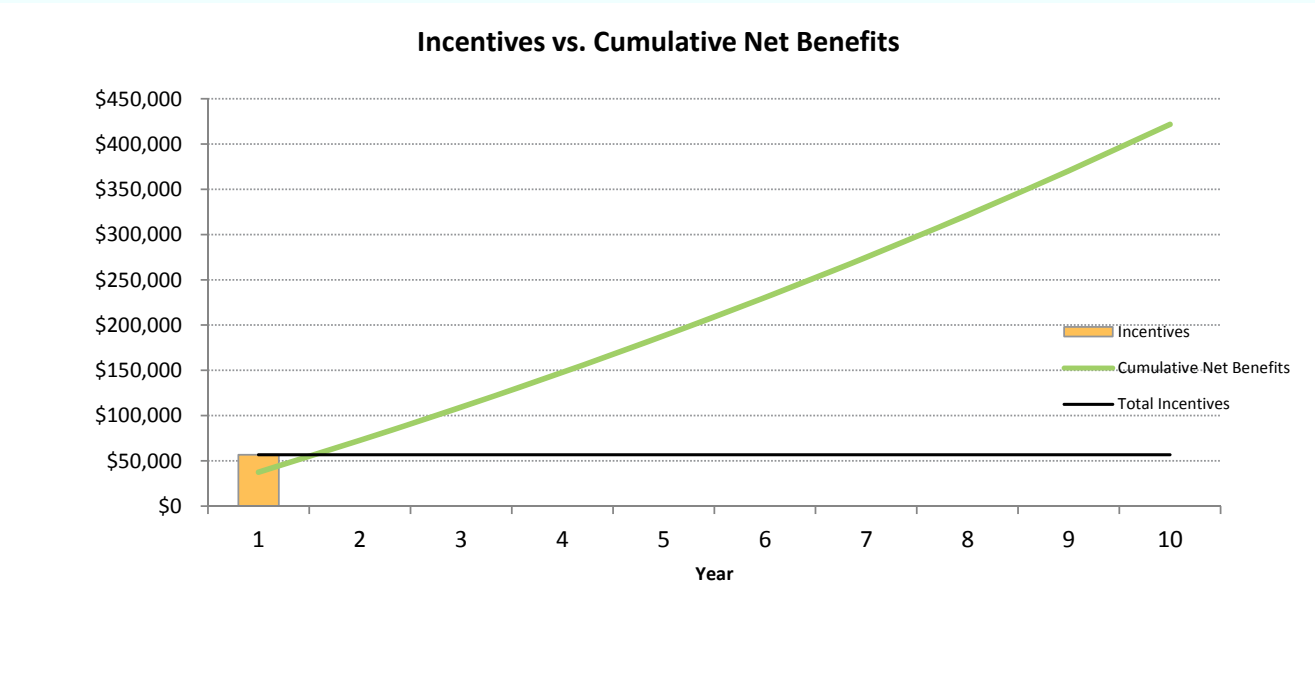
Incentives	
Year 1	\$56,663
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return and payback period.

Analysis of Incentives	
Total Incentives	\$56,663
Rate of Return	74.4%
Payback period (years)	1.5

** Rate of Return and Payback Period are calculated based on the sum of annual incentives rather than the PV of incentives.*

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the city. The intersection indicates the length of time until the incentives are paid back.



AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **One Moore Holdings** (the “Company”), 95 North Almondell Circle, The Woodlands, TX 77354.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to develop a 5.0120 acre tract of land within the City, located at 15423 FM 2920, Tomball, TX 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development shall include the construction of an 11,800 square foot dry cleaning and laundry processing facility (the “Improvements”) on the site, and more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Fifty Six Thousand Four Hundred and Twenty Five Dollars (\$56,425.00), or an amount equal to Forty Percent (40%) of actual construction costs if less than the sum stated above, to assist in the construction of

infrastructure necessary to promote and develop a new business enterprise on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are site improvements and utilities to the exterior of the building (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct and maintain on the Property an 11,800 square-foot dry cleaning and laundry processing facility (the “Improvements”) identified and described in Exhibit “B,” attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the Effective Date of this Agreement (the “Date”). The construction of the Improvements to the Property, including

construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

The Company further covenants and agrees that the Improvements described in Paragraph 1 hereof will be occupied and that the dry cleaning and laundry processing facility will be maintained on the Property for a term of at least five (5) years.

4.

The Company further covenants and agrees that the Company or any owner or lessee of the Improvements does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for a portion of the actual cost of the Infrastructure Improvements up to the amount of Fifty Six Thousand Four Hundred and Twenty Five Dollars (\$56,425.00), or an amount equal to Forty Percent (40%) of actual construction costs if less than the sum stated above. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the actual costs of constructing the Infrastructure Improvements; (b) proof that the Company has added the number of employees indicated above to its business operations on the Property, as

evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) a copy of the City's occupancy permit for the Improvements to the Property; (d) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (e) verification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (f) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released; and, (g) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of

such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default. It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

7.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

8.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

9.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such

notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company: One Moore Holdings
95 North Almondell Circle
The Woodlands, TX 77354
Attn: Chad Moore, President

10.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

11.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

12.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

13.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

14.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2012 (the “Effective Date”).

ONE MOORE HOLDINGS

By: _____
Name: Chad Moore
Title: President

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: Gretchen Fagan
Title: President, Board of Directors

ATTEST:

By: _____
Name: Bill Sumner
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2012, by Chad Moore, President, One Moore Holdings, for and on behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2012, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit "A"

Legal Description of Property

A tract of land containing 5.012 acres (218,328 square feet) in the Chauncey Goodrich Survey, A-311, Harris county, Texas, being out of and part of that certain tract containing 36.6768 acres described in deed to J.F. Hilligiest, et ux, recorded in Volume 1844, Page 155 of the Harris County Deed Records, and being part of a tract of land containing 22.4679 acres described in Deed of Trust to Charles C. Foster, Jr., recorded in The Real Property Records of Harris County in Film code No. 007-79-1075.

Exhibit “B”

Description of Improvements

Construction of an 11,800 square foot commercial dry cleaning and laundry processing facility to be located at 15423 FM 2920, Tomball, TX 77375.

Exhibit “C”

Description of Infrastructure Improvements

Site work

- Earthwork (shaping the site dirt for parking areas, building pad, etc.)
- Erosion control

Site utilities

- Water Bore under FM 2920 for Fire Protection
- Domestic water, sewer and gas connections
- Detention Pond and Lift Station
- Underground storm sewer piping and inlets
- Electrical power service to the building
- Communications conduits to the building

Note: No costs for tap fees or impact fees or fees by the power company have been included in the costs estimates that have been submitted.

To: All Board Members of Tomball Economic Development Corporation

From: Chad Moore, business owner (One Moore Holdings, Inc; CHEC-M Properties; DbA-Christian Dry Cleaners; DbA-Dry Cleaning To You)

Purpose: As a local business owner, I am seeking financial assistance from your company to help offset some of the expenses related to city infrastructure costs for my building project in Tomball, TX.

My first choice is to expand my business in Tomball, and create additional jobs and opportunities for the community while providing the largest and best dry cleaning facility for the patrons of Tomball.

Current Business: Christian Dry Cleaners is located at 706 W. Main St in Tomball, and we have operated at this location for the past 5 years, and during this period we have grown to 7 local area drop stores covering The Woodlands, Magnolia, Spring and Tomball. I purchased my first location in Magnolia, and then shortly afterwards I acquired our 2nd location in Tomball. When we acquired our Tomball location, the previous owner only had a total of 4 employees. Currently, at this location we have 13 employees.

Development: We intend to maintain our existing store front lobby and drive-thru located at 706 W. Main St, and keep the 3 employee's that operate the front counter for the store. However, I intend on relocating all of our other 10 employees and all of the processing/production for our new dry cleaning and laundry facility and we will also provide this facility with a large drive-thru and a new/different store-front name. I would like to stay within the city of Tomball and build a major dry cleaning/laundry processing plant which will provide my company the opportunity to expand our business. My current processing facility is approximately 4,000 square feet, however, our new facility will have just under 11,900 square feet. We intend to almost triple the size of our business because of current demand for our services, provide new jobs to the area, create new tax revenue, and move people to the community to help continue our expansion. Additionally, the increase in the size of the building, will allow me to continue our drop-store expansion throughout the region and drive new demand in new areas, and create additional divisions within our company, such as commercial outsourcing for other dry cleaners that would rather use us to do the processing instead of them having to run a full processing facility.

Request for Financial Recovery: During the past 6 months, I have done my due diligence throughout the area that I felt could provide the best opportunity for my business to grow and also be centrally located to help supply our demand. Tomball is one of my top 3 locations that matches-up well with my criteria for our processing facility. However, one of the major milestones that I see is the infrastructure costs involved with developing our property within the City of Tomball. I have worked with your staff to gain as much detail and data to identify the significant costs related to infrastructure, and while we would like to develop/expand our business in Tomball, we would like to understand if the Board would vote positively in our favor to provide my company with financial assistance to help off-set the expansive infrastructure costs. We have provided the proper quotes from the area contractor's and engineering groups that should give you an idea of what my company will have to invest in order to expand our company here in Tomball. While I am prepared to invest heavily here in Tomball, it also must make sense for me when I run the numbers for developing in like-for-like areas that would assume such costs.

I gratefully appreciate each of the board members reviewing my case, and I look forward to working with you and serving you in the future.

Respectfully,

Chad Moore

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-510**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 ("Fences in Residential Areas").

- Conduct a Public Hearing on **ZONING CASE P12-510**
- Adopt on First Reading, Ordinance No. 2012-51, an Ordinance of The City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 42.4 ("Fences In Residential Areas"); 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:

The City has been approached by several residents during the last several years desiring to construct residential fences and vehicular access gates along their front property lines. Section 42.4 ("Fences in Residential Areas") of the Tomball Zoning Ordinance currently prohibits the construction of residential fences within 15 feet of a public right-of-way and vehicular access gates within 25 feet of a public right-of-way. City Staff has reviewed Section 42.4 and is proposing to allow residential fences and vehicular access gates to be constructed along the front property line.

On November 12, 2012, the Planning & Zoning Commission, after conducting a public hearing, voted unanimously to recommend approval of Zoning Case P12-510.

On November 19, 2012, City Council, after conducting a public hearing, voted to table Zoning Case P12-510 in order to get additional fencing standards for Section 42.4 ("Fences in Residential Areas.")

City staff has revised Section 42.4 and is now bringing this request back to City Council for consideration. A redlined/tracking version of Ordinance No. 2012-51 is included for Council's convenience.

Origination:

City of Tomball

Recommendation:

Funding:

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

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

ATTACHMENTS:

Ordinance No. 2012-51 - Revised/Clean Copy

Ordinance No. 2012-51 - Redlined/Tracking Changes

Notice of Public Hearing

Staff Report

ORDINANCE NO. 2012-51

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 42.4 (“FENCES IN RESIDENTIAL AREAS”); PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that Section 42.4 (“Fences in Residential Areas”) of the Comprehensive Zoning Ordinance be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend Section 42.4 of the City’s Comprehensive Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that the City Council approve the amendments to Section 42.4 of the Comprehensive Zoning Ordinance; and

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

WHEREAS, after consideration of all testimony given at the public hearing and after considering the input of the City staff, the Planning & Zoning Commission recommended the changes set forth in this ordinance; and

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

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

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

Section 2. Section 42.4 of the Comprehensive Zoning Ordinance of the City of Tomball, Texas is hereby amended to read as:

“Section 42.4 “Fences in Residential Areas”

A. No fence or gate in a residential district, except as specified in Subsection E, shall exceed eight (8) feet in height. Fences and gates shall be maintained in

good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or gate is located.

B. Residential fences and gates shall be constructed of materials and colors in character with the area, and may contain a mix of building materials. Residential fences and gates shall consist of durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. Fences or gates composed of chain link or similar material (barbed/chicken wire, hog fencing, etc.), as well as electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited.

C. The maximum height of a fence between the front property line and the closest primary or accessory structure on the site shall be four (4) feet for lots which are less than five (5) acres. For lots five (5) acres or larger, the maximum height of a fence between the front property line and the front setback shall be six (6) feet.

D. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of twenty (25) feet. Locking mechanisms for vehicular gates shall be reviewed by the City Fire Marshal or his/her designee.

E. Special purpose fencing, and their associated gates, that does not exceed ten (10) feet in height shall be limited to only the perimeter of tennis/ball courts, play areas/fields, or gardens. This type of fencing may be constructed of chain link or fabric-type material in addition to durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. In no case shall barbed/chicken wire, hog fencing, etc., or electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed be utilized. Said fences shall not be erected within any setback, easement, or site visibility area detailed in Subsection F. Such fencing shall be subject to approval by the City Manager or his/her designee.

F. All fencing shall comply with Section 66.31-34 of the adopted Code of Ordinances and Section 40.8 of this Ordinance for sight visibility requirements.”

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

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
JANUARY 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 21ST DAY OF
JANUARY 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

ORDINANCE NO. 2012-51

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 42.4 (“FENCES IN RESIDENTIAL AREAS”); PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that Section 42.4 (“Fences in Residential Areas”) of the Comprehensive Zoning Ordinance be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend Section 42.4 of the City’s Comprehensive Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that the City Council approve the amendments to Section 42.4 of the Comprehensive Zoning Ordinance; and

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

WHEREAS, after consideration of all testimony given at the public hearing and after considering the input of the City staff, the Planning & Zoning Commission recommended the changes set forth in this ordinance; and

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

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

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

Section 2. Section 42.4 of the Comprehensive Zoning Ordinance of the City of Tomball, Texas is hereby amended to read as:

“Section 42.4 “Fences in Residential Areas”

A. No fence or gate in a residential district, ~~except as specified in Subsection E, shall exceed eight (8) feet in height. Residential fences shall be constructed of materials and colors in character with the area.~~ Fences and gates shall be maintained in good condition, so as not to endanger life or property. Such

maintenance shall be the responsibility of the owner of the property on which the fence or gate is located.

B. Residential fences and gates shall be constructed of materials and colors in character with the area, and may contain a mix of building materials. Residential fences and gates shall consist of durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. Fences or gates composed of chain link or similar material (barbed/chicken wire, hog fencing, etc.), as well as electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited.

C. The maximum height of a fence between the front property line and the closest primary or accessory structure on the site shall be four (4) feet for lots which are less than five (5) acres. For lots five (5) acres or larger, the maximum height of a fence between the front property line and the front setback shall be six (6) feet.

D. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of twenty (25) feet. ~~All fence openings shall be equipped with gates equal in height and characteristics (e.g., materials, aesthetics, etc.) to the fence.~~ Locking mechanisms for vehicular gates shall be reviewed by the City Fire Marshal or his/her designee.

E. Special purpose fencing, and their associated gates, that does not exceed ten (10) feet in height shall be limited to only the perimeter of tennis/ball courts, play areas/fields, or gardens. This type of fencing may be constructed of chain link or fabric-type material in addition to durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. In no case shall barbed/chicken wire, hog fencing, etc., or electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed be utilized. Said fences shall not be erected within any setback, easement, or site visibility area detailed in Subsection F. Such fencing shall be subject to approval by the City Manager or his/her designee.

F. All fencing shall comply with Section 66.31-34 of the adopted Code of Ordinances and Section 40.8 of this Ordinance for sight visibility requirements.”

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

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
JANUARY 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 21ST DAY OF
JANUARY 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 12, 2012
&
CITY COUNCIL
NOVEMBER 19, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 12, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 2012, 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 P12-510: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 ("Fences in Residential Areas").

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 and 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@ci.tomball.tx.us

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of November 2012 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

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



Text Amendment Staff Report

City Council Hearing Date: January 7, 2012

ZONING CASE P12-510: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 (“Fences in Residential Areas”).

BACKGROUND

The City has been approached by several residents during the last several years desiring to construct residential fences and vehicular access gates along their front property lines. Section 42.4 (“Fences in Residential Areas”) of the Tomball Zoning Ordinance currently prohibits the construction of residential fences within 15 feet of a public right-of-way and vehicular access gates within 25 feet of a public right-of-way. City Staff has reviewed Section 42.4 and is proposing to allow residential fences and vehicular access gates to be constructed along the front property line. In addition, design guidelines and prohibitions have been added to address fences and gates, in general, as well as special purpose fencing.

ANALYSIS

Section 42.4.A

This subsection is being amended to make height requirements easier to understand; the maximum residential fence height of 8 feet is not being amended. “Gates” have been included as they were never specifically addressed. Property owners wanting to construct a fence (other than “special purpose fencing”) or gate taller than 8 feet may submit a Variance request to the Tomball Board of Adjustments. Also, minimum maintenance standards have been included in such a manner as to ascertain that their condition not endanger life or property, with the responsibility of such being placed on the owner of the property on which the fence or gate is located.

Section 42.4.B

This section is being added to ensure that residential fences are constructed of materials and colors in character with the area. At the November 19, 2012, City Council meeting, Staff was asked to provide a list of both acceptable and prohibited building materials, while still allowing for a reasonable mix of building materials to be utilized for gates and fences. As a result, Staff has included a list of suitable building materials commonly used in conventional fence and gate construction. Chain link and similar materials, as well as electrified fences or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed, have been prohibited.

Section 42.4.C

City Staff is proposing to allow residential fences on lots smaller than 5 acres to have a maximum height of 4 feet between the front property line and the closest primary or accessory structure on site

(Exhibit “A”). Residential fences are currently not permitted to be constructed along the front property line (Exhibit “B”). The rationale for this prohibition may stem from concerns that fences may be constructed over utility easements where they can be damaged by utility workers or within areas set for future right-of-way expansion where they can be damaged when a roadway is widened. As the Zoning Ordinance is currently written, commercial fences are permitted to be built along the front property line where many utility easements are located and where future right-of-way expansion is most likely. City Staff is not aware of any major issues caused by this allowance for commercial properties in Tomball and does not anticipate any major issues with permitting it for residential fences. Allowing residential fences to be constructed at the front property line may increase the usable space on a residential lot thereby allowing the residents to further enjoy their land.

The second sentence is being added to allow residential fences on 5 acre sites or greater to be up to 6 feet in height between the front property line and the front building setback (Exhibit “C”). Large lots are currently required to construct their fences the same way as a small lot (i.e. No fence from the front property line to 15 feet back, a 4 foot tall fence from 15 feet back to the front building line, and a maximum 8 foot fence behind the front building line) (Exhibit “D”). This amendment recognizes that large estate- and ranch-style residential lots often have fences and gates taller than 4 feet in height. This provision will accommodate this reality while still maintaining a reasonable transition of fence heights from the front to the rear of the site.

Section 42.4.D

Staff is proposing that vehicular access gates be set back from the edge of street or road pavement, not the property line, a minimum of 25 feet. The City’s requirement to have vehicular access gates 25 feet from the property line appears to be overly burdensome on residents considering there is typically 16 feet of residential driveway in the public right-of-way outside of the street’s paved area. If there is 16 feet of driveway in the right-of-way, the same 25-foot vehicular access gate setback from the street can be achieved by using only 9 feet of private property to accomplish the same goal. This decreased setback may serve to increase the developable area and front yard area of a residential lot. In addition to the above, Staff is proposing that the locking mechanisms for vehicular gates be reviewed by the City Fire Marshal or his/her designee so that in the event of an emergency, the Fire Department may be able to access the site without damaging the gate or fence in order to do so.

Section 42.4.E

Staff is proposing to modify this subsection as the existing language allowing for “special purpose fencing” is too broad a category to be left without design standards. Revisions to this subsection address special purpose fencing which would exceed the 8-foot height limit previously mandated in Subsection A. At the November 19, 2012, City Council meeting, Staff was directed to establish criteria which would address the different forms of taller special purpose fencing, propose a maximum height for them, list what types of materials may be utilized in their construction, and provide a means for their review consistent this subsection. Based on research done, Staff has listed three different areas where taller special purpose fencing is utilized: around tennis/ball courts, play areas/fields, and gardens. The industry-standard height of the tallest of these areas, namely “residential” tennis courts, is 10 feet, and the most commonly employed materials used in their construction are either chain link or a fabric-type material. As with other types of residential fencing proposed in previous subsections, electrified fences or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed, have been

prohibited. If property owners would like a special purpose fence taller than 10 feet, they may submit a Variance request to the Tomball Board of Adjustments.

Section 42.4.F

Minor wording changes are proposed for this subsection; the requirements which have been established will not change.

In conclusion, if Staff's recommended changes to Section 42.4 are implemented, it may result in an increase of the overall developable area of residential lots. For example, if a single-family residence is developed on a minimum 50-foot lot width, 100-foot lot depth, 20-foot front setback, 5-foot interior side setbacks, 15-foot street side setbacks, 5-foot rear setback on a 20-foot alley, and two 9-foot by 19-foot parking stalls. Under the current wording, the 15-foot fence setback and 25-foot gate setback leave only 30.6% developable area for a corner lot and 40.8% developable area for an interior lot (Exhibits "E"). With Staff's recommended changes, the developable area for corner and interior lots jumps to 40.2% and 53.6%, respectively, and is aesthetically what residents are accustomed to seeing within Tomball (Exhibit "F").

PROPOSED AMENDMENTS

Section 42.4 "Fences in Residential Areas"

- A. No fence or gate in a residential district, except as specified in Subsection E, shall exceed eight (8) feet in height. Fences and gates shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or gate is located.
- B. Residential fences and gates shall be constructed of materials and colors in character with the area, and may contain a mix of building materials. Residential fences and gates shall consist of durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. Fences or gates composed of chain link or similar material (barbed/chicken wire, hog fencing, etc.), as well as electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited.
- C. The maximum height of a fence between the front property line and the closest primary or accessory structure on the site shall be four (4) feet for lots which are less than five (5) acres. For lots five (5) acres or larger, the maximum height of a fence between the front property line and the front setback shall be six (6) feet.
- D. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of twenty-five (25) feet. Locking mechanisms for vehicular gates shall be reviewed by the City Fire Marshal or his/her designee.
- E. Special purpose fencing, and their associated gates, that does not exceed ten (10) feet in height shall be limited to only the perimeter of tennis/ball courts, play areas/fields, or gardens. This type of fencing may be constructed of chain link or fabric-type material in addition to durable wood, vinyl, metal, stone, or other materials commonly used in conventional fence construction. In no case shall barbed/chicken wire, hog fencing, etc., or electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed be utilized. Said fences shall

not be erected within any setback, easement, or site visibility area detailed in Subsection F. Such fencing shall be subject to approval by the City Manager or his/her designee.

- F. All fencing shall comply with Section 66.31-34 of the adopted Code of Ordinances and Section 40.8 of this Ordinance for sight visibility requirements.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on October 29, 2012; no public comments have been received.

RECOMMENDATION

Approval of the proposed amendments.

EXHIBITS

- A. Proposed Requirements for Small Lots - Elevations
- B. Existing Requirements for Small Lots - Elevations
- C. Proposed Requirements for Large Lots - Elevations
- D. Existing Requirements for Large Lots - Elevations
- E. Existing Requirements - Developable Area
- F. Proposed Requirements - Developable Area

Exhibit "A"
Proposed Requirements for Small Lots – Elevations

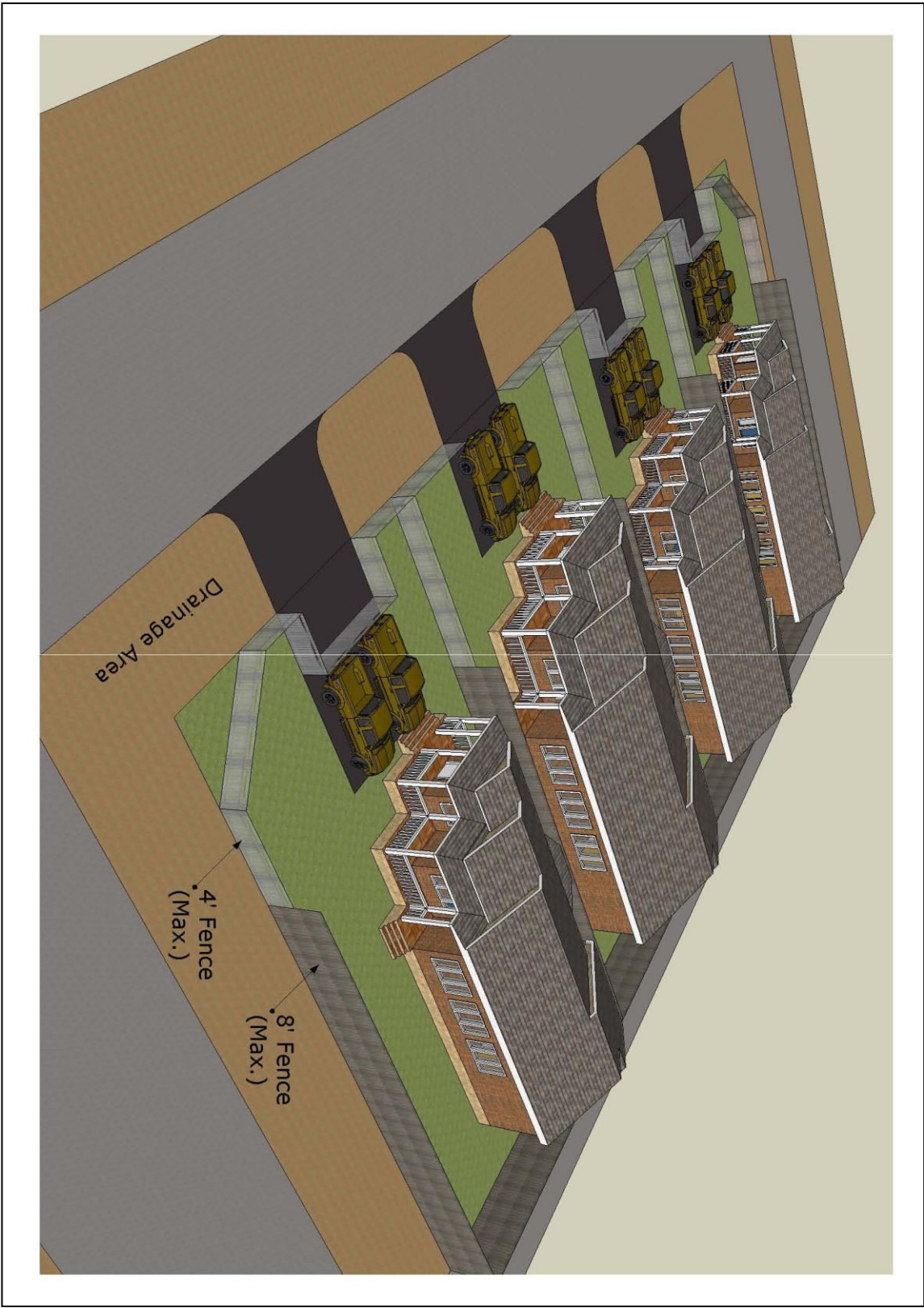


Exhibit "B"
Existing Requirements for Small Lots – Elevations

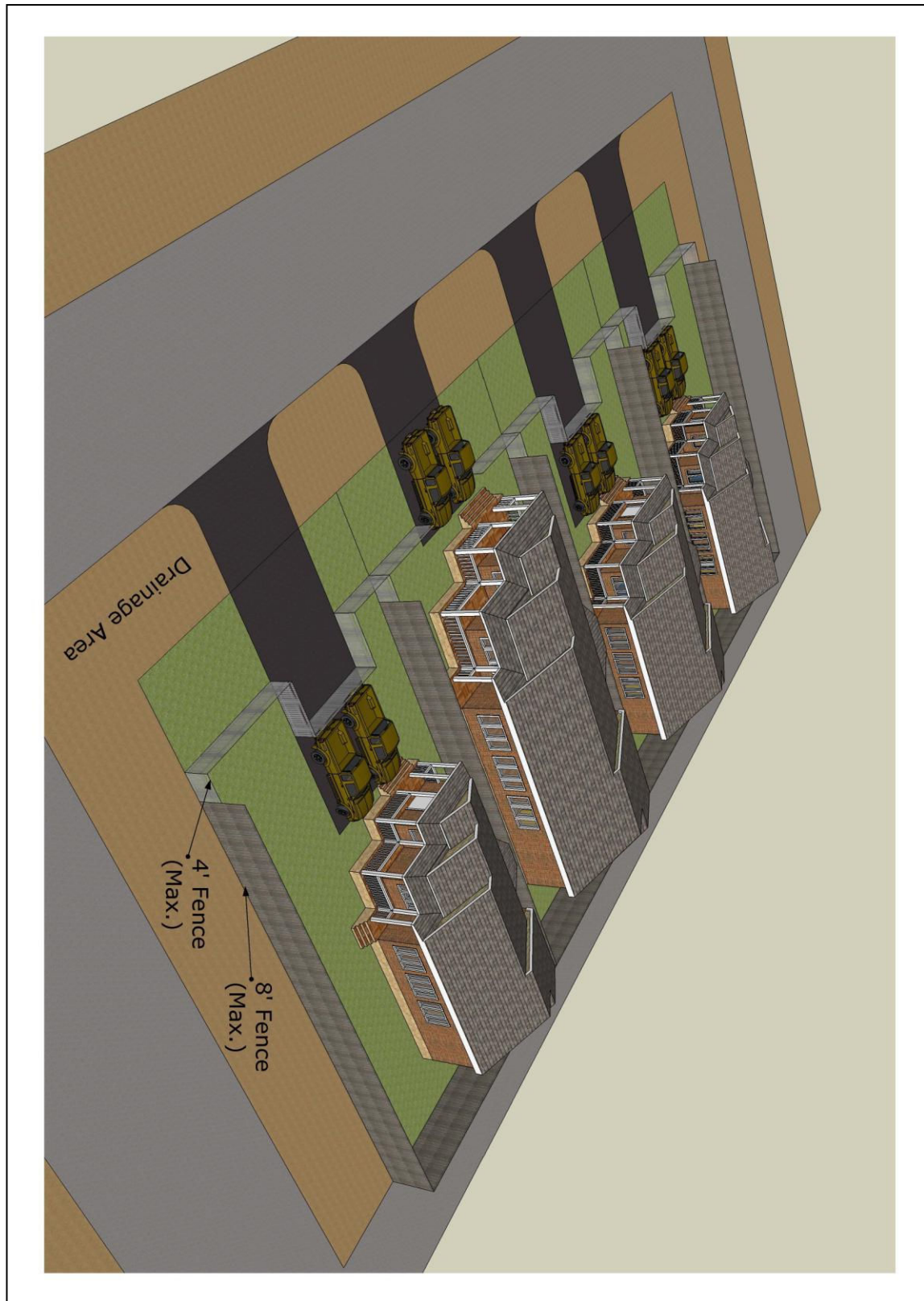


Exhibit "C"
Proposed Requirements for Large Lots – Elevations

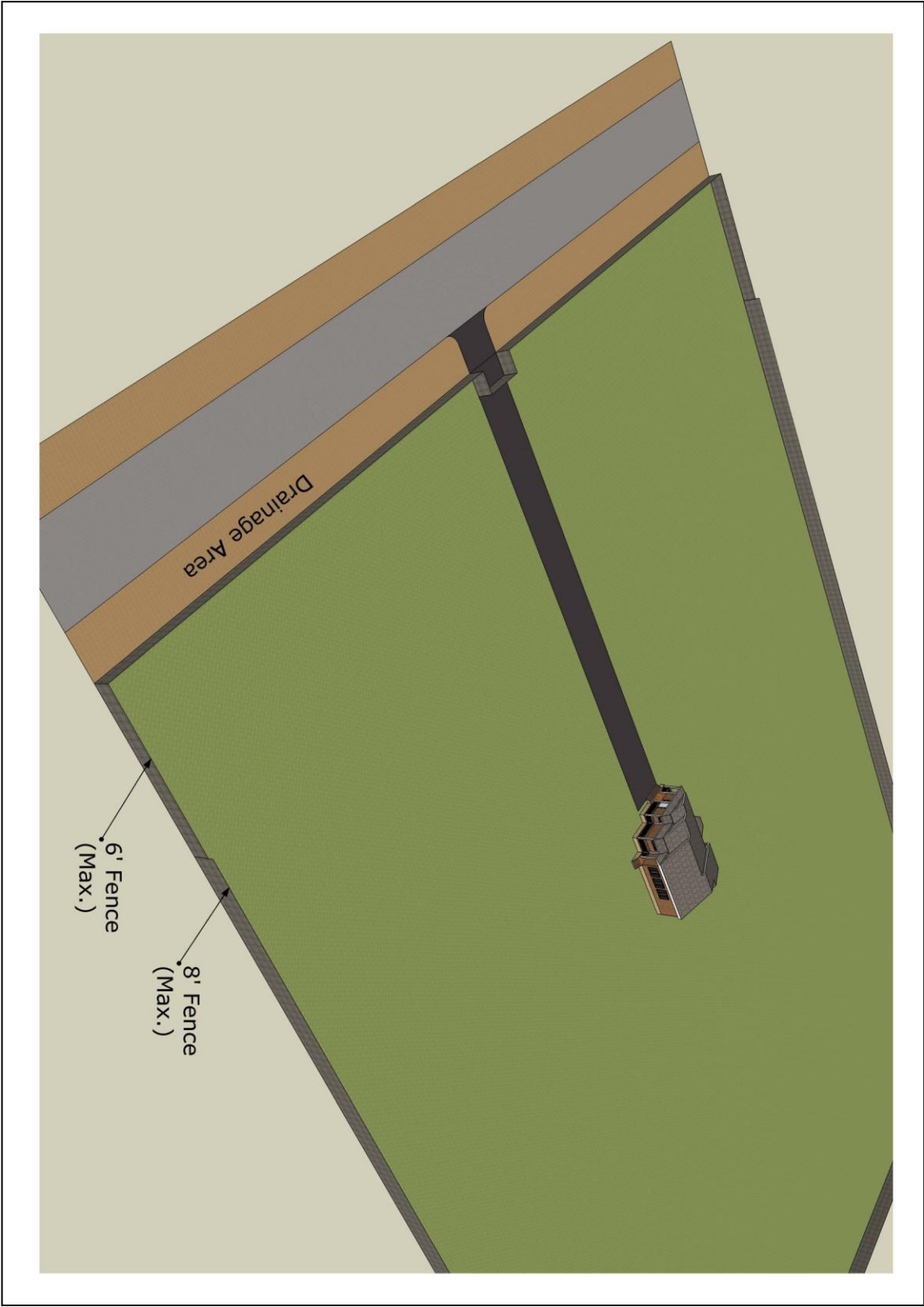


Exhibit "D"
Existing Requirements for Large Lots – Elevations

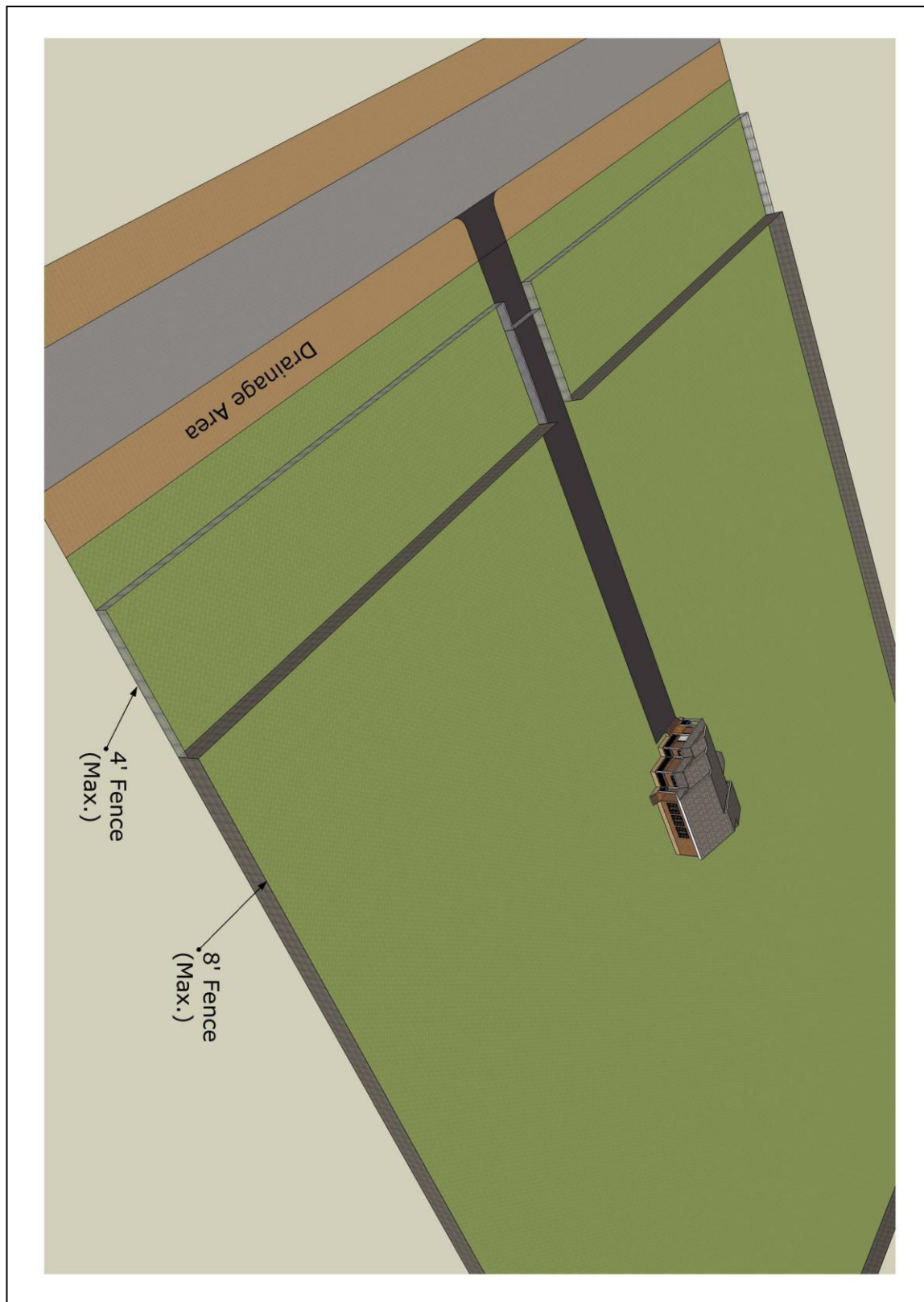


Exhibit "E"
Existing Requirements - Developable Area

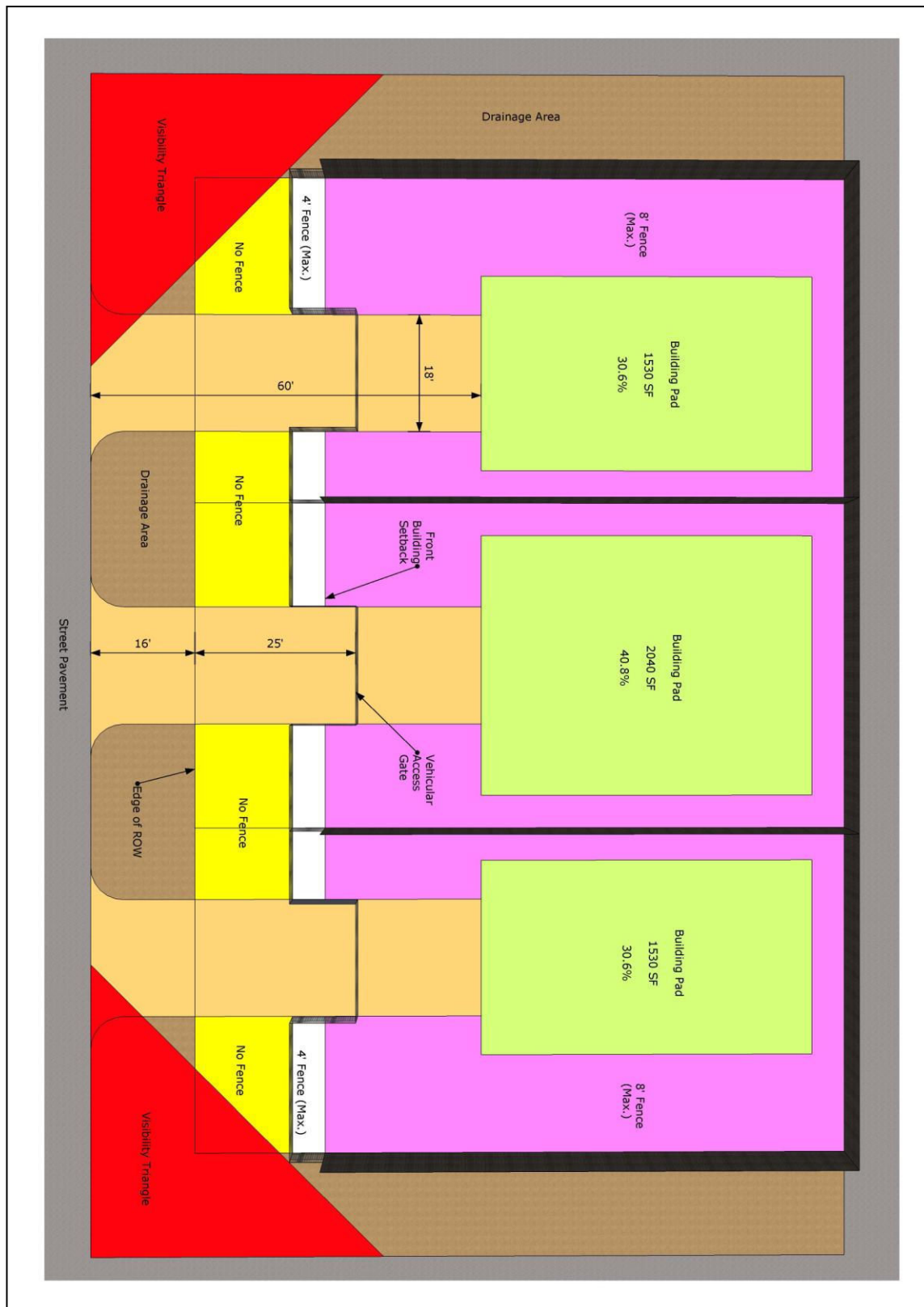
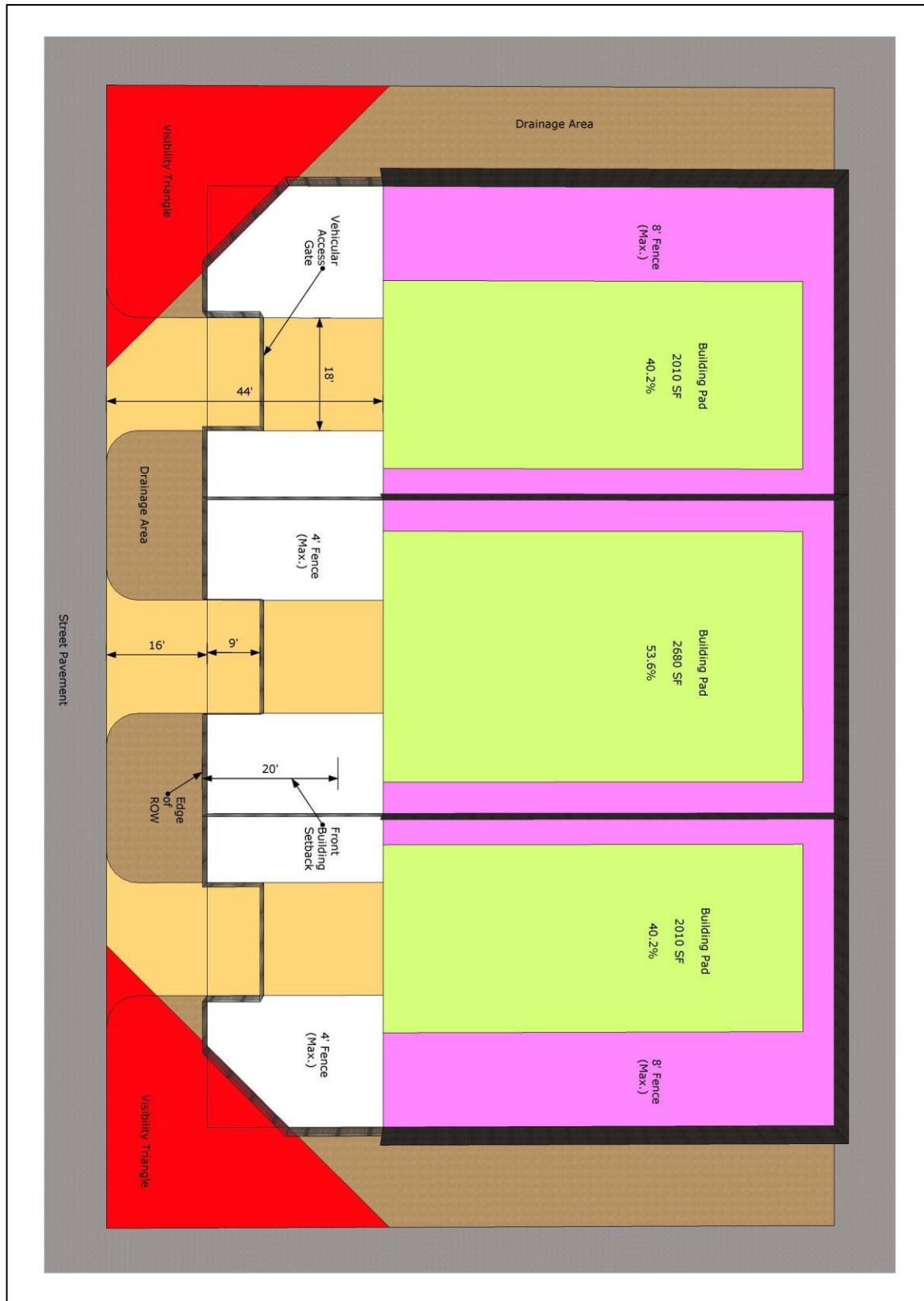


Exhibit "F" Proposed Requirements - Developable Area



Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-50, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Amending Section 38.2 ("Use Charts") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by Creating a New Land Use called "Training Well," Permitting It by Right in the Light Industrial District, and Assigning It a Parking Requirement of One Parking Space per Acre of Land Area; Creating a New Section 43.9 ("Training Wells and Training Well Sites") to Regulate Training Wells and Training Well Sites; and Amending Section 45.2 ("Definitions") by Creating a Definition for "Training Well" and "Training Well Site;" 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:

Baker Hughes Oilfield Operations is developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility. However, Section 38.2 ("Use Charts") of the Zoning Ordinance does not list "Training Wells" or a "Training Well Site" as land use classifications. Section 38.1.B states, "If a use is not listed (or is blank) in the Use Charts, it is not allowed in any zoning district...." Consequently, Baker Hughes has submitted a Zoning Ordinance text amendment which requests that Training Wells and Training Wells Sites be allowed in the Light Industrial District with regulations placed on their operations.

The majority of the proposed Zoning Ordinance text amendments are taken from the revised version of Chapter 30 ("Environment") of the Tomball Code of Ordinances. On October 15, 2012, City Council adopted Ordinance No. 2012-41, amending Chapter 30 to allow for Training Wells and Training Well Sites and to place regulations on them.

On December 17, 2012, Council adopted Ordinance No. 2012-50 on first reading.

Origination:

Baker Hughes Oilfield Operations, Inc.

Recommendation:

Adopt Ordinance No. 2012-50 on second reading

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2012-50

P12-513 Staff Report

Notice of Public Hearing

ORDINANCE NO. 2012-50

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 38.2 (“USE CHARTS”) OF THE CITY’S COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2008-01) BY CREATING A NEW LAND USE CALLED “TRAINING WELL,” PERMITTING IT BY RIGHT IN THE LIGHT INDUSTRIAL DISTRICT, AND ASSIGNING IT A PARKING REQUIREMENT OF ONE PARKING SPACE PER ACRE OF LAND AREA; CREATING A NEW SECTION 43.9 (“TRAINING WELLS AND TRAINING WELL SITES”) TO REGULATE TRAINING WELLS AND TRAINING WELL SITES; AND AMENDING SECTION 45.2 (“DEFINITIONS”) BY CREATING A DEFINITION FOR “TRAINING WELL” AND “TRAINING WELL SITE;” 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, Baker Hughes Oilfield Operations, Inc. has requested that Section 38.2 (“Use Charts”) of the Comprehensive Zoning Ordinance be amended by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area;

WHEREAS, Baker Hughes Oilfield Operations, Inc. has requested the creation of a new Section 43.9 (“Training Wells and Training Well Sites”) of the Comprehensive Zoning Ordinance to regulate Training Wells and Training Well Sites;

WHEREAS, Baker Hughes Oilfield Operations, Inc. has requested that Section 45.2 (“Definitions”) of the Comprehensive Zoning Ordinance be amended by creating definitions for “Training Well” and “Training Well Site.”

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

WHEREAS, the Planning & Zoning Commission recommended in its final report that the City Council approve the proposed amendments to the Comprehensive Zoning Ordinance;

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

WHEREAS, after consideration of all testimony given at the public hearing and after considering the input of the City staff, the Planning & Zoning Commission recommended the changes set forth in this ordinance; and

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

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

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

Section 2. Section 38.2 (“Use Charts”) of the Comprehensive Zoning Ordinance is hereby amended by adding the following text:

Types of Land Uses	Residential Zoning Districts								Non-Residential Zoning Districts						OT&MU	Parking Ratio (Also see Section 39)	
	AG	SF-20-E	SF-9	SF-6		D	MF	MHP	O		GR			C			LI
Light & Heavy Manufacturing/Industrial																	
Training Well															P		1 space: per acre

Section 3. 43.9 (“Training Wells and Training Well Sites”) of the Comprehensive Zoning Ordinance is hereby added and shall read:

Section 43.9 (“Training Wells and Training Well Sites”)

- A. All Training Wells shall be located in a defined area designated as a “Training Well Site.”
- B. A Training Well Site shall not be located closer than 500 feet from any existing or proposed residence, church, public or private school, school, hospital, nursing home, or daycare center.
- C. A Training Well Site shall not be located closer than 150 feet from any barn, building, cabana, garage, shack, shed, or other enclosed structure, or any publicly dedicated right-of-way.
- D. A Training Well Site shall not be located closer than 350 feet from any public park or public athletic field.
- E. No Training Well shall be drilled, deepened or operated, or seismic activities conducted within any existing or proposed roadway right-of-way.
- F. A Training Well Site may include classrooms and offices as part of or adjacent to the rig structure.

G. Distances from the Training Well Site to any building (not identified as being part of the rig structure), right-of-way, or activity used in this Section shall be measured in a straight line from the nearest point of the building, right-of-way, or activity to the nearest point of the training well site.

H. Training Wells and Training Well Site shall adhere to Chapter 30 (“Environment”) of the Tomball Code of Ordinances.

Section 4. Section 45.2 (“Definitions”) of the Comprehensive Zoning Ordinance is hereby amended by adding the following text:

TRAINING WELL - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral.

TRAINING WELL SITE - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral, and shall include all structures appurtenant thereto.

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

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

Section 7. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City’s official newspaper within 14 days after the passage of the ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

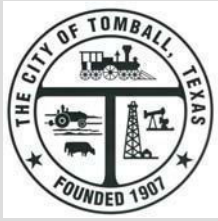
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: December 10, 2012

ZONING CASE P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

BACKGROUND

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility. However, Section 38.2 (“Use Charts”) of the Zoning Ordinance does not list “Training Wells” or a “Training Well Site” as land use classifications. Section 38.1.B states, “If a use is not listed (or is blank) in the Use Charts, it is not allowed in any zoning district....” Consequently, Baker Hughes has submitted a Zoning Ordinance text amendment which requests that Training Wells and Training Wells Sites be allowed in the Light Industrial District with regulations placed on their operations.

The majority of the proposed Zoning Ordinance text amendments are taken from the revised version of Chapter 30 (“Environment”) of the Tomball Code of Ordinances. On October 1, 2012, City Council heard and approved on first reading a request (Ordinance 2012-41) to amend Chapter 30 to allow for Training Wells and Training Well Sites and to place regulations on them. Ordinance 2012-41 was then approved on second reading on October 15th and took effect on October 29th.

PROPOSED AMENDMENTS

Section 38.2 “Use Charts”

Types of Land Uses	Residential Zoning Districts								Non-Residential Zoning Districts					OT&MU	Parking Ratio (Also see Section 39)
	AG	SF-20-E	SF-9	SF-6		D	MF	MHP	O	GR		C	LI		
Light & Heavy Manufacturing/Industrial															
Training Well													P		1 space: per acre

Section 43.9 “Training Wells and Training Well Sites”

A. All Training Wells shall be located in a defined area designated as a “Training Well Site.”

- B. A Training Well Site shall not be located closer than 500 feet from any existing or proposed residence, church, public or private school, school, hospital, nursing home, or daycare center.
- C. A Training Well Site shall not be located closer than 150 feet from any barn, building, cabana, garage, shack, shed, or other enclosed structure, or any publicly dedicated right-of-way.
- D. A Training Well Site shall not be located closer than 350 feet from any public park or public athletic field.
- E. No Training Well shall be drilled, deepened or operated, or seismic activities conducted within any existing or proposed roadway right-of-way.
- F. A Training Well Site may include classrooms and offices as part of or adjacent to the rig structure.
- G. Distances from the Training Well Site to any building (not identified as being part of the rig structure), right-of-way, or activity used in this Section shall be measured in a straight line from the nearest point of the building, right-of-way, or activity to the nearest point of the training well site.
- H. Training Wells and Training Well Site shall adhere to Chapter 30 (“Environment”) of the Tomball Code of Ordinances.

Section 45.2 “Definitions”

TRAINING WELL - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral.

TRAINING WELL SITE - Any hole or bore otherwise meeting the definition of “Well” but intended for the sole purpose of educating personnel and not for the purpose of extracting, exploring for, or ascertaining the existence of any oil, gas, liquid hydrocarbon or other mineral, and shall include all structures appurtenant thereto.

ANALYSIS

The only substantive changes being proposed in this request not currently in affect from Ordinance 2012-41 are the changes to Section 38.2 “Use Charts.” Section 38.2 will be updated to include Training Wells as a permitted use in the Light Industrial District with a parking requirement of one space per acre. City staff recommended approval of Ordinance 2012-41 and subsequently recommends approval of the above listed Zoning Ordinance text amendments.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on November 26, 2012; no public comments have been received.

RECOMMENDATION

Approval of the proposed amendments.

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

COMPREHENSIVE PLAN CASE P12-515: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

ZONING CASE P12-516: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

COMPREHENSIVE PLAN CASE P12-517: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

ZONING CASE P12-518: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 and 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@ci.tomball.tx.us

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 6th day of December 2012 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

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

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-53, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 96.94 acres of Land from Mixed Use to Business/Industrial; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 0.610-Acre Tract of Land being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas, from Mixed Use to Business/Industrial; Said Property being generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978; Providing for the Amendment of the Comprehensive Plan 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:

Baker Hughes Oilfield Operations is developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as their new "Western Hemisphere Education Center." According to the Tomball Economic Development Corporation, "The proposed project involves the development of a 72,445-square foot 3-story education building, a 36,000-square foot workshop, a 16,730-square foot canteen, lab & auditorium, and a 156,000-square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year." It is estimated that Baker Hughes will be investing \$54 million into this project.

The City completed the annexation of the subject site on December 17, 2012. Following annexation, the subject site will be assigned a zoning classification of "Agricultural District" per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned "Light Industrial District" to operate as they intend, they have submitted a Rezoning application requesting the property be zoned "Light Industrial District." The Rezoning request will be heard as Zoning Case P12-514. Additionally, the applicant was informed that the "Light Industrial District" would not be compatible with the Comprehensive Plan's Future

Land Use (FLU) map designation of “Mixed Use” for this property. They were informed of the Comprehensive Plan amendment process and on October 30th they submitted a request to change the Comprehensive Plan’s FLU designation from “Mixed Use” to “Business Industrial.”

Origination:

Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

Recommendation:

Adopt Ordinance No. 2012-53 on second reading.

Funding:

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

City Secretary

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

ATTACHMENTS:

- Ordinance No. 2012-53
- P12-515 Staff Report
- Notice of Public Hearing
- Public Comment Form - Landmark Industries
- Public Comment - Crow Corporation
- Property Owner Notification Letter

ORDINANCE NO. 2012-53

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CLASSIFICATION OF APPROXIMATELY 96.94 ACRES OF LAND FROM MIXED USE TO BUSINESS/INDUSTRIAL; SAME BEING A 3.143 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 3.143 ACRE TRACT OF LAND BEING ALL OF THAT 3.1378 ACRE TRACT OF LAND (BY DEED) DEEDED TO MARY MCGILL CRINER ADICKES, TRUSTEE, AS RECORDED IN CLERK'S FILE NO. H271449 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 3.143 ACRE TRACT OF LAND ALSO BEING A PORTION OF LOT 463, TOMBALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 0.610 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 0.610 ACRE TRACT OF LAND BEING ALL OF THE REMAINDER OF THAT 30 FOOT WIDE UNNAMED ROAD LYING BETWEEN LOT 459, LOT 460, LOT 461, LOT 462, LOT 463, LOT 464, LOT 465, AND LOT 466, AS SHOWN ON SAID TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 49.544 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 49.544 ACRE TRACT OF LAND BEING ALL OF THAT 49.547 ACRE TRACT OF LAND (BY PROBATE) CONVEYED TO RONALD J. COLLINS, DONALD CLAUDE CHILDRESS, ROY A. JOHLKE, AND SUSAN LORRAINE DIETZ VARSEL, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ADELL G. DIETZ, ALSO KNOWN AS ADELL G. JOHLKE DIETZ, DECEASED, BY CAUSE NO. 407636 OF THE PROBATE RECORDS OF HARRIS COUNTY, TEXAS, SAID 49.544 ACRE TRACT OF LAND ALSO BEING A PORTION OF LOT 448, LOT 449, LOT 460, LOT 461, THE REMAINDER OF LOT 447, THE REMAINDER OF LOT 459, THE REMAINDER OF LOT 462, THE REMAINDER OF LOT 464, THE REMAINDER OF LOT 465, AND THE REMAINDER OF LOT 466, TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 23.624 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 23.624 ACRE TRACT OF LAND BEING ALL OF THAT 23.5935 ACRE TRACT OF LAND (BY DEED) DEEDED TO CYPRESSBOOK 2920, LP, AS RECORDED IN DOCUMENT NO. 20070522269 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 23.624 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; AND BEING A 20.021 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 20.021 ACRE TRACT OF LAND BEING A PORTION OF THE REMAINDER OF A 23.6963 ACRE TRACT OF LAND (BY DEED) DEEDED TO ABCO LAND CORPORATION AS RECORDED IN DOCUMENT NO. 200265255 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, FROM MIXED USE TO BUSINESS/INDUSTRIAL; SAID PROPERTY BEING GENERALLY LOCATED ON

THE NORTHEAST CORNER OF F.M. 2920 AND F.M. 2978; PROVIDING FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN 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 owners of approximately 96.94 acres of land, being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas; generally located on the northeast corner of F.M. 2920 and F.M. 2978, in the City of Tomball, Harris County, Texas, (the "Property"), has requested that the Property have its Comprehensive Plan future land use classification changed; 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 Comprehensive Plan future land use classification for the Property from Mixed Use to Business/Industrial; and

WHEREAS, the public hearing was held at least forty (40) calendar days after the City's receipt of the request to change the Comprehensive Plan future land use classification for the Property; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change to the Comprehensive Plan future land use classification for 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 Comprehensive Plan future land use classification for the Property from Mixed Use to Business/Industrial, the City Council held the public hearing on the proposal to change the Comprehensive Plan future land use classification for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of Comprehensive Plan future land use classification; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the Comprehensive Plan future land use classification for 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 Comprehensive Plan future land use classification of the Property is hereby changed from Mixed Use to Business/Industrial subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Comprehensive Plan of the City of Tomball, Texas-Ordinance 2009-33, ("Tomball Comprehensive Plan – Vision 2030"), shall be revised and amended to show the designation of the Property as Business/Industrial.

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 Comprehensive Plan future land use classification for the Property to Business/Industrial.

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 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

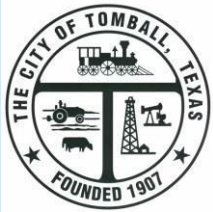
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Comprehensive Plan Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2012

Comp Plan Amend Case: P12-515

Property Owner(s): Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

Applicant(s): Baker Hughes Oilfield Operations, Inc.

Legal Description:

Tract 1

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 1 (B)

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 2

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 3

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to

Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Tract 4

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

Location: Northeast corner of F.M. 2920 and F.M. 2978 (Exhibit “A”)

Area: 96.94 acres

Present Zoning & Usage: Unzoned extraterritorial jurisdiction (Exhibit “B”) / Agricultural, collision center, and salvage yard

FLU Designation: Mixed Use (Exhibit “C”)

Proposed FLU: Business/Industrial

Adjacent Future Land Use Designation & Land Usage:

North: Mixed Use / Commercial, single-family residences, & agricultural

South: Business/Industrial / F.M. 2920 right-of-way, convenience store, & agricultural

East: Mixed Use / F.M. 2978 right-of-way, convenience store, undeveloped land, & commercial

West: Mixed Use & Commercial / Automotive shop & salvage yard (Exhibit “D”)

BACKGROUND

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as their new “Western Hemisphere Education Center.” According to the Tomball Economic Development Corporation, “The proposed project involves the development of a 72,445 square foot 3-story education building, a 36,000 square foot workshop, a 16,730 square foot canteen, lab & auditorium, and a 156,000 square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year.” It is estimated that Baker Hughes will be investing \$54 million into this project (Exhibit “E”).

The City is currently in the process of annexing the subject site. On October 1, and October 8, 2012. City Council approved resolutions declaring the intent of the City to annex the subject site and on November 5. and November 19, 2012. public hearings for the annexation were held. The annexation ordinances for the subject site are anticipated to be heard by City Council on December 10th for a first reading and December 17th for a second reading.

Upon successful annexation on December 17th, the subject site will be assigned a zoning classification of “Agricultural District” per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned “Light Industrial District” to operate as they intend, they have submitted a Rezoning application requesting the property be zoned “Light Industrial District.”

The Rezoning request will be heard as Zoning Case P12-514. Additionally, the applicant was informed that the “Light Industrial District” would not be compatible with the Comprehensive Plan’s Future Land Use (FLU) map designation of “Mixed Use” for this property. They were informed of the Comprehensive Plan amendment process and on October 30th they submitted a request to change the Comprehensive Plan’s FLU designation from “Mixed Use” to “Business Industrial” (Exhibit “F”).

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north are commercial, single-family residential, and agricultural land uses; to the south is F.M. 2920, a Shell convenience store, and agricultural land; to the west is F.M. 2978, a Stripes convenience store, undeveloped land, and the Crow Corporation; and to the east is Charlie’s Auto & Truck Salvage.

The City’s FLU map designates this 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.” The proposed uses for this site do not appear to be consistent with the “Mixed Use” FLU designation. The “Business/Industrial” FLU designation appears to be more appropriate designation for these intended uses. The CP states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.”

The CP allows for amendments to the FLU map if relevant information affecting the use of a parcel is presented. The proposed CP amendment may facilitate the accomplishment of the following CP goals, objectives, and actions:

Action LUD 1.1.5

Ensure that new developments invest in and contribute to the community’s quality of life and amenities.

Based on the “Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas” prepared by Impact DataSource for the Tomball Economic Development Corporation, the proposed facility will cost the City of Tomball \$607,118 over the next ten years but will bring in \$8,441,587 in tax/fee revenue yielding a net benefit of \$7,834,469. The net revenue received from this project may help contribute to the community’s quality of life and amenities.

Goal LUD 7

Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.

The proposed development is anticipated to create 79 permanent direct and indirect jobs, 18 of which will be moving to the City. It is projected to bring 54 new residents to the City and 12 new students to Tomball ISD. There is currently sufficient residential capacity to handle the four new residential properties anticipated to be built in the City from this project.

Action LUD 9.1.2

Work with businesses, developers, and the community to improve appropriate redevelopment sites.

The proposed project is proposed to develop a site currently used for agricultural purposes and an automotive salvage yard. The “Western Hemisphere Education Center” is anticipated to be a positive redevelopment opportunity at the City’s easternmost gateway (*Objective LUD 8.1*).

Action LUD 1.2.1

Maintain and strengthen effective buffering policies between land uses to ensure compatibility.

Although there may be some impact on the single-family residences to the north, the proposed Business/Industrial CP designation is not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and not any more incompatible than the highest uses permitted on this now unzoned and largely unregulated property. The City's building setback and screening/buffering requirements will be enforced on this project to safeguard compatibility with the existing uses.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

RECOMMENDATION

That the Planning & Zoning Commission recommend:

1. APPROVAL of Comprehensive Plan Amendment Case P12-515 based on the following:
 - a. Consistency with Comprehensive Plan Action LUD 1.1.5;
 - b. Consistency with Comprehensive Plan Goal LUD 7;
 - c. Consistency with Comprehensive Plan Action LUD 9.1.2; and
 - d. Consistency with Comprehensive Plan Action LUD 1.2.1
2. APPROVAL of the Staff Report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. TEDC Baker Hughes Oilfield Operations, Inc. Agreement
- F. Comp Plan Amendment Application
- G. An Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas
- H. Public Comment Form(s)

Exhibit "A"
Aerial Photo

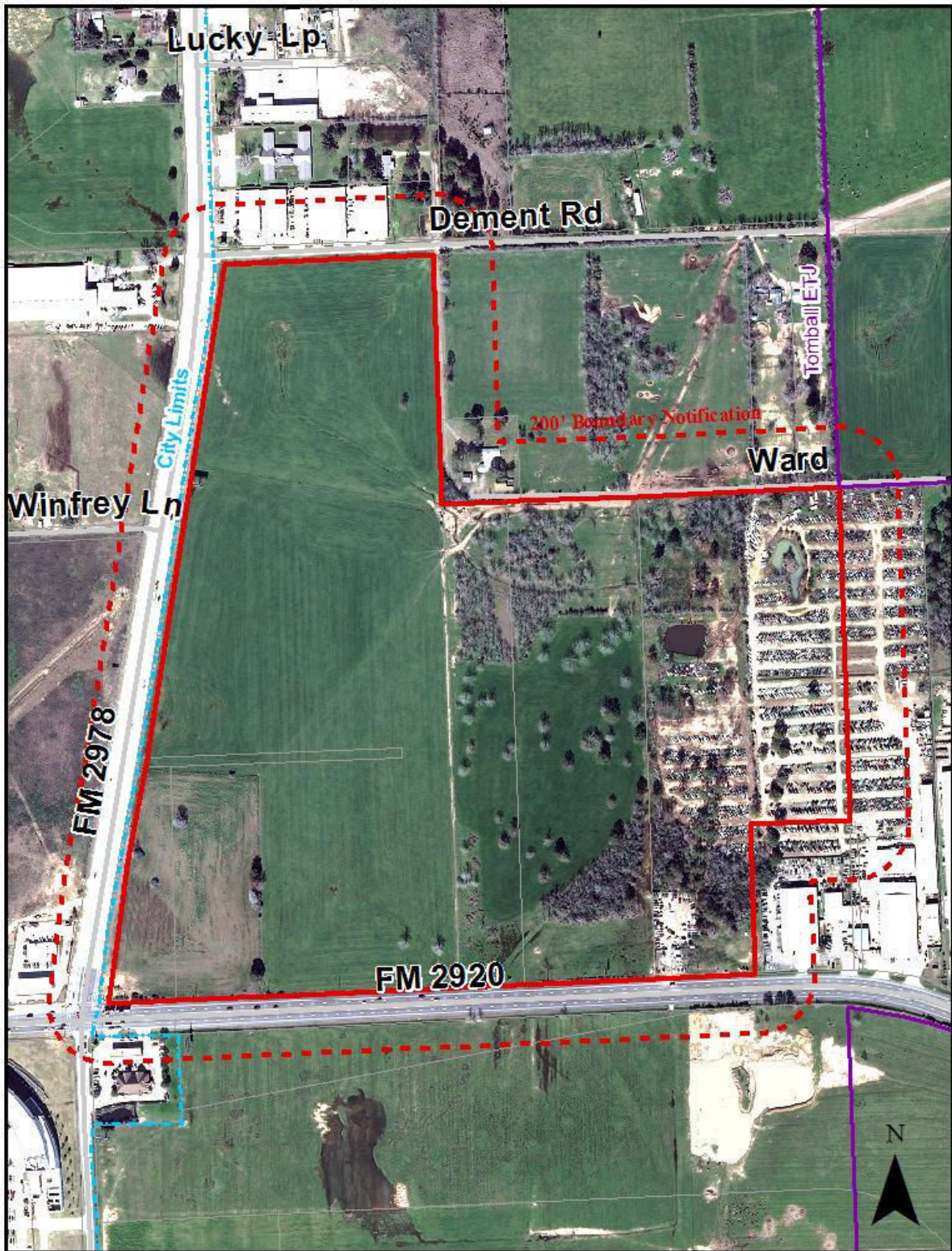


Exhibit "B"
Zoning Map

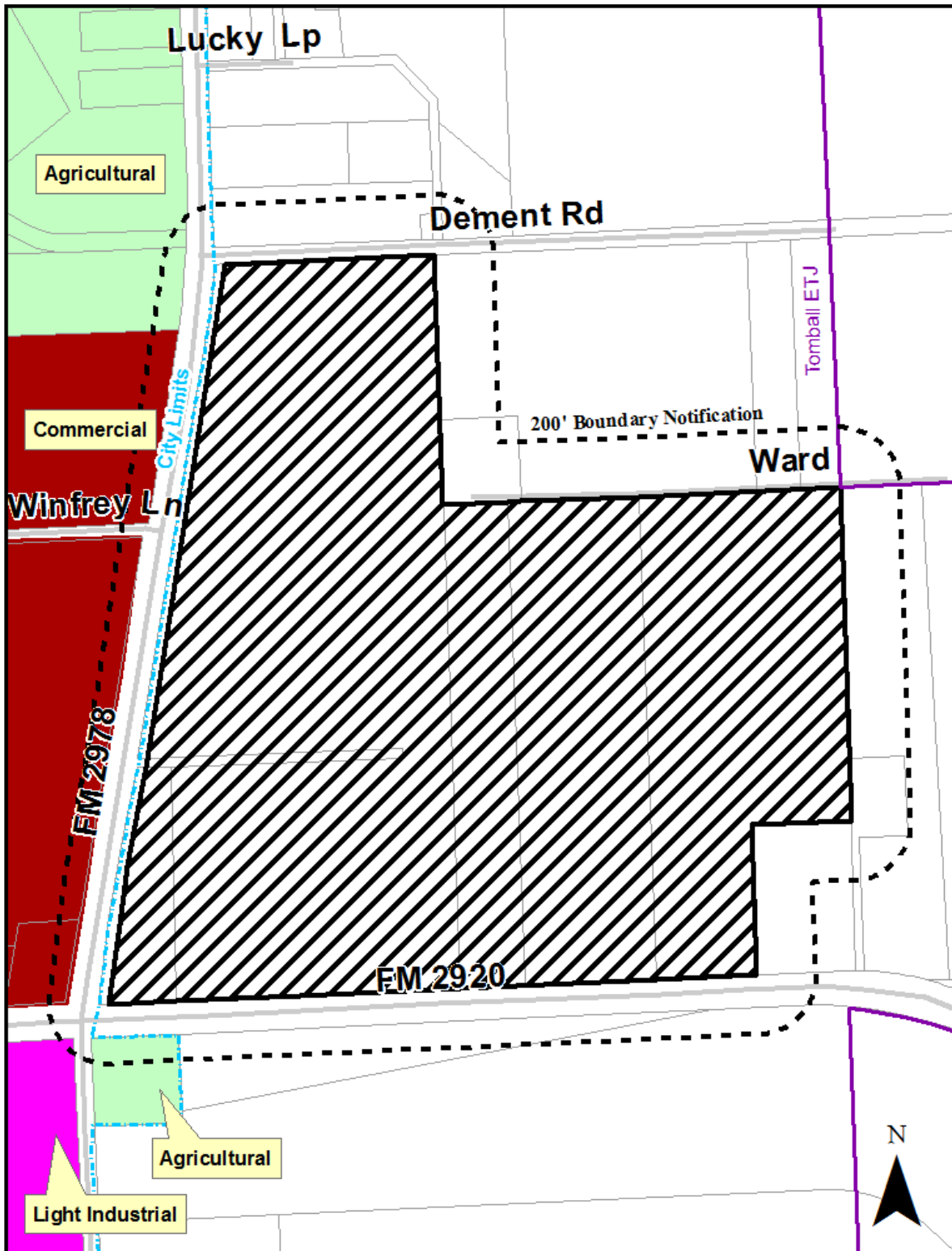
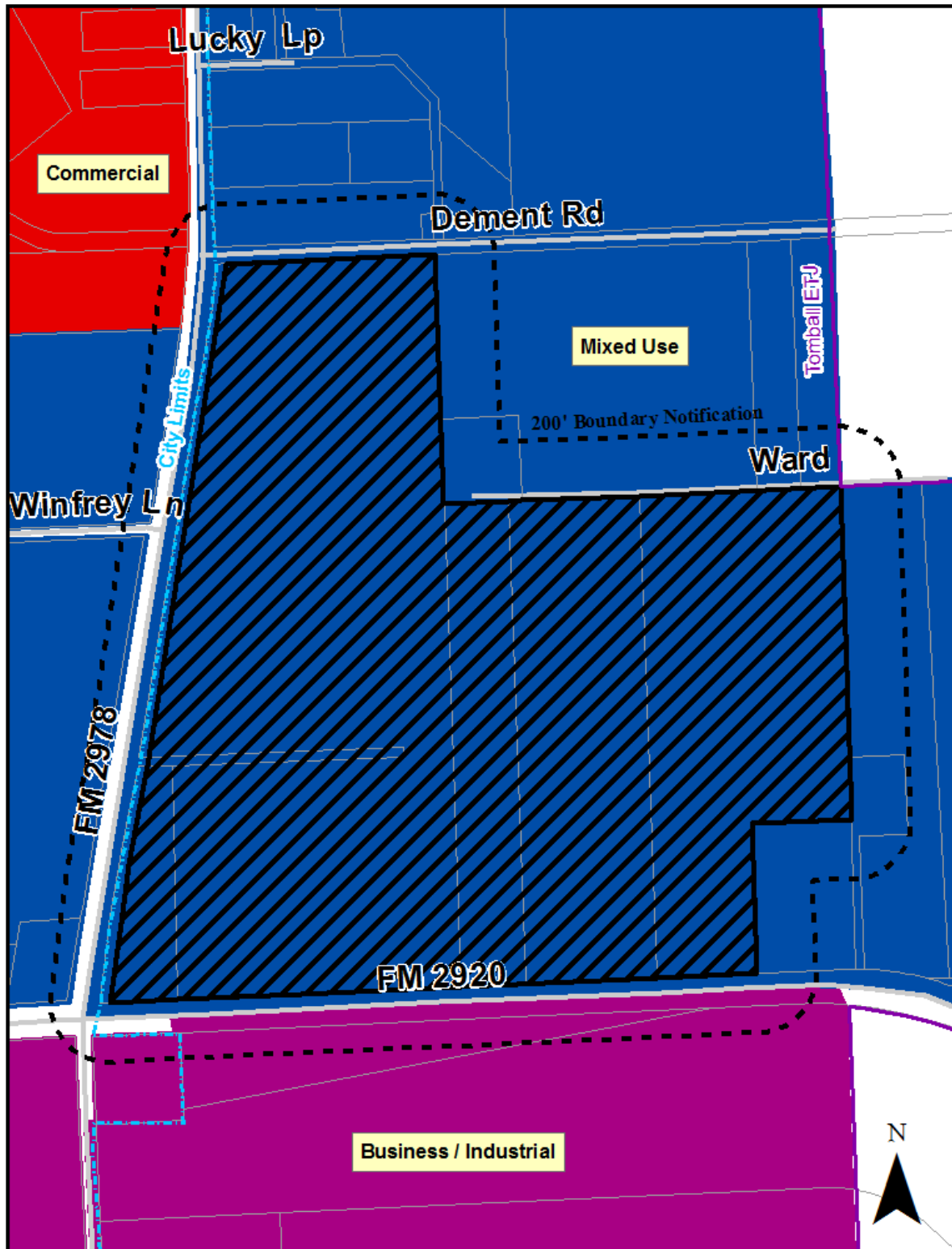


Exhibit "C"
Comprehensive Plan Future Land Use Map



**Exhibit “D”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: North of subject site.



Figure 4: North of subject site.



Figure 5: South of subject site.



Figure 6: West of subject site.



Figure 7: West of subject site.



Figure 8: East of subject site.

Exhibit “E”
TEDC Baker Hughes Oilfield Operations, Inc. Agreement



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: September 4, 2012

SUBJECT: Baker Hughes Oilfield Operations, Inc. Agreement

On August 8, 2012, the Tomball Economic Development Corporation (TEDC) received a request from George Bernhardt, Managing Counsel – Global Real Estate, Baker Hughes Oilfield Operations, Inc., for grant funding assistance related to infrastructure improvements associated with a new Western Hemisphere Education Center proposed for a 50 acre site located at the northeast corner of FM 2920 and FM 2978 in the City’s Extraterritorial Jurisdiction (ETJ).

The proposed project involves the development of a 72,445 square foot 3-story education building, a 36,000 square foot workshop, a 16,730 square foot canteen, lab & auditorium, and a 156,000 square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year.

The estimated capital investment for this project is \$54 million. Baker Hughes is currently negotiating the purchase of the site, which is located outside the City limits, and will submit a request for annexation upon completion of the property acquisition. Baker Hughes has also indicated that it will request a ten-year tax abatement from the City of Tomball.

Baker Hughes is requesting grant funding assistance from the TEDC for infrastructure costs associated with the development of this site. The eligible infrastructure and site improvements for this project total \$3,635,406.

The attached agreement proposes grant funding in an amount not to exceed \$912,889, to be paid annually in increments of \$182,578 for a period of five years. The incentive was calculated based upon 30 percent of the project’s net benefit to the City (over a five year term. The estimated annual rate of return on the incentive is 86% with a payback period

of 1.3 years. This grant amount is consistent with economic development incentives offered by regional organizations for this scale of project.

An economic impact analysis was prepared, on behalf of the Tomball Economic Development Corporation, by Impact DataSource and is attached for review.

Exhibit "F"
Comp Plan Amendment Application

Revised 1/26/10



**COMPREHENSIVE PLAN
AMENDMENT APPLICATION**
Engineering & Planning Department



APPLICATION SUBMITTAL

The Comprehensive Plan serves as the City's long-range development guide. Local Government Code Section 213.003 authorizes and specifies procedures for amendments and modifications to the City's Comprehensive Plan. The process requires a public hearing and review by the City's Planning and Zoning Commission and final review and approval by the City Council.

Plan amendments for parcels of real property within Tomball may be initiated by property owners or by agents of property owners by written consent. Plan amendment(s) involving textual changes may be initiated by any interested party including the Tomball City Council, Planning & Zoning Commission, staff, or private citizens. It shall be the burden of the party requesting the amendment, not the City of Tomball, to prove that the change constitutes an improvement to the Tomball Comprehensive Plan.

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

CONTACT INFORMATION:

Applicant SWIRE HUGHES OUTFIELD OPERATIONS, INC

Name: GEORGE P. BERNHARDT

Title: REAL ESTATE COUNSEL

Mailing Address: 2129 ALLEN POINT DRIVE 200

City: HOUSTON State: TX

Zip: 77019

Phone: (713) 437-8061 Fax: () N/A

Email: GEORGE.BERNHARDT@SWIREHUGHES.COM

Owner

Name: SEE ATTACHMENT 1

Title: _____

Mailing Address: _____

City: _____ State: _____

Zip: _____

Phone: () Fax: ()

Email: _____

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

www.ci.tomball.tx.us

COMPREHENSIVE PLAN AMENDMENT REQUEST:

Amendment Type (check all that apply): Text _____ Map ☒

Text Amendment(s)

Text to be modified:

N/A

Proposed Text Amendment (exact wording):

N/A

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: MIXED USE

Proposed Comprehensive Plan Designation: BUSINESS/INDUSTRIAL

Proposed Use of Property: EDUCATION CENTER, TRAINING WELL SITE, LIGHT MANUFACTURING

Physical Location of Property: N/E CORNER FM 2978 & FM 2970
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: SEE ATTACHED SURVEY & METES & BOUNDS ATTACHMENT 2 & 3
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: UNZONED

Current Use of Property: AGRICULTURAL

HCAD Identification Number: SEE ATTACHMENT 4

Property Acreage: 96.742

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?
- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?
- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

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  10/29/12
Signature of Applicant Date

X SEE ATTACHED SIGNATURE PAGE
Signature of Owner Date

CURRENT OWNER SIGNATURES:

Mary McGill Criner Adickes

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
Title: _____

CURRENT OWNER SIGNATURES:

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

 *Trustee*

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
Title: _____

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MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

Mark C. Johlke for Ronald J. Collins
RONALD J. COLLINS

Mark C. Johlke for Donald Claude Childress
DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Mark C. Johlke
MARK C. JOHLKE Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
Title: _____

CURRENT OWNER SIGNATURES:

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

Susan D. Varsel
SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

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CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: *Charles L. Gilmore*
Name: Charles L. Gilmore
Title: Pres



Baker Hughes Incorporated

George P. Bernhardt
Managing Counsel – Global Real Estate

October 23, 2012

City of Tomball, Texas
Planning & Zoning Department
401 Market Street
Tomball, Texas 77375

Re: Comprehensive Plan Amendment Request Letter for Proposed Baker Hughes Oilfield Operations, Inc. Training Center Site at FM 2920 and Hufsmith-Kohrville Road, Tomball

Dear Ladies & Gentlemen:

This letter is in support of Baker Hughes Oilfield Operations, Inc.'s request for a map amendment of the City of Tomball Comprehensive Plan with respect to approximately 100 acres of land at the northeast corner of FM 2920 and Hufsmith-Kohrville Road. The property is currently located outside of the City of Tomball city limits and is being considered by the city for annexation. The current comprehensive plan shows this property as Mixed Use and Baker Hughes Oilfield Operations, Inc. ("Baker Hughes") has proposed designating the property as Business/Industrial Use. The specific use of the property will be a training center including a classroom building, training workshop and training well site. Eventually light manufacturing use may be added to the property.

This change in comprehensive plan is essential to permit the use of this property for the proposed new Baker Hughes Education Center. This will be a state of the art training facility that will add employment, visibility and property tax revenues to the city. The proposed new facility will greatly enhance the city aesthetically as we expect the classroom building to be one of the most attractive, if not the most attractive, building in the city.

Based on numerous discussions with city leadership we believe that the proposed text amendment will be consistent with the city's goals, objectives and actions. The property is currently planned as mixed use and the change will permit a far

Baker Hughes Incorporated
2929 Allen Parkway, Suite 2100, Houston, Texas 77019
Telephone 713/439-8061; Facsimile 713/439-8558
Internet: george.bernhardt@bakerhughes.com

BH\GPBY\Texas\Tomball\Training Center\Incentives\Ltr to Tomball re BHOO Comprehensive Plan Amendmt 10.23.12.docx 10/23/12

City of Tomball, Texas

October 23, 2012

Page 2

more intense and desirable use of the property than is currently permitted. The surrounding area is principally agricultural and the development that will be made as a result of the proposed text amendment will have a positive impact on the surrounding residences. Due to the size of the property, the industrial areas will be reasonably removed from residential areas and the proposed offices will be an attractive addition to the area.

The proposed amendment will not have a significant impact on vehicular and pedestrian access, roadway capacity, ingress, egress or traffic. A mixed use development under the current plan would have as higher or higher an impact on traffic as the proposed industrial use. The proposed amendment will also complement the existing Baker Hughes facility located across the street. By significantly increasing the taxable value of the property, the new facility that would be built following approval of the text amendment will provide added revenues to the city that the city could use to benefit public health, safety and welfare. The change in land use under the text amendment; however, does not have a significant impact, positive or negative, on the public health, safety and welfare.

For the foregoing reasons we believe that the City of Tomball should grant the requested comprehensive plan amendment.

Very truly yours,

A handwritten signature in blue ink that reads "George P. Bernhardt". The signature is fluid and cursive, with the first name "George" and last name "Bernhardt" clearly legible.

George P. Bernhardt
Managing Counsel – Global Real Estate

An Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas

August 18, 2012

Prepared for:

Tomball Economic Development Corporation
P.O. Box 820
Tomball, TX 77377

Prepared by:

Impact DataSource
4709 Cap Rock Drive
Austin, Texas 78735
(512) 892-0205
Fax (512) 892-2569
www.impactdatasource.com



An Executive Summary of the Projected Economic Impact from Baker Hughes

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that a Baker Hughes expansion in Tomball, Texas, will have on the economy of the Tomball area and the costs and benefits for local taxing districts over the first ten years.

Description of the Facility

Baker Hughes plans an education center on a 50 acre site for its Tomball facility.

The firm will invest about \$43 million in the center: \$3.3 million for land, \$28 million for buildings and other real property improvements, and \$11.7 million in business personal property.

The facility expects to have numerous out-of-town visitors -- about 50,000 annual visitor days.

The facility expects to have up to 50 workers with average annual salaries of \$40,000 for support personnel and \$80,000 for trainers.

The Estimated Economic Impact of the Facility over the Next Ten Years

The facility will have the following economic impact on the Tomball area over the next ten years:

Economic Impact over the Next Ten Years	
Total number of permanent direct and indirect jobs to be created	79
Number of direct and indirect workers who move to the city	18
Number of residents that the facility will bring to the city	54
Number of new residential properties to be built in the city	4
Number of new students for Tomball ISD	12
Salaries to be created for direct and indirect workers	\$49,267,970
Taxable sales and purchases created in the City	\$100,285,018
The value of residential property to be built for direct and indirect workers who move to the city	\$716,450
The facility's assets that will be added to local tax rolls	\$43,250,000

Costs and Benefits for Local Taxing Districts over the Next Ten Years

Local taxing districts can expect costs and benefits over the next ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

Additional Revenues for Local Taxing Districts

Local taxing districts can expect to receive the following revenues over the next 10 years from the facility, its employees and workers in indirect jobs created in the community.

Additional Revenues For Local Taxing Districts Over the Next Ten Years of the Facility's Operation					
	Sales Taxes	Property Taxes	Utilities	Utility Franchise Fees	Building Permits and Fees
City of Tomball	\$2,005,700	\$145,796	\$576,831	\$91,152	\$50,000
Harris County	\$0	\$167,023			
Tomball ISD		\$5,467,371			
Lone Star College System		\$486,435			
Total	\$2,005,700	\$6,266,625	\$576,831	\$91,152	\$50,000

	Hotel Occupancy Taxes	Other Taxes and User Fees	Additional State and Federal School Funding	Total Additional Revenues
City of Tomball	\$5,560,282	\$11,826		\$8,441,587
Harris County		\$9,855		\$176,878
Tomball ISD			\$603,573	\$6,070,944
Lone Star College System				\$486,435
Total	\$5,560,282	\$21,680	\$603,573	\$15,175,844

Additional Costs for Local Taxing Districts

Local taxing districts will incur the following costs over the next 10 years, as a result of the facility and direct and indirect employees.

Costs for Local Taxing Districts Over the Next 10 Years of the Facility's Operation					
	Costs of Services to New Residents	Costs of Providing Monthly Utility Services	Costs of Educating New Students	Reduction in State School Funding as a Result of Property being Added to Local Tax Rolls	Total
City of Tomball	\$59,128	\$547,990			\$607,118
Harris County	\$19,709				\$19,709
Tomball ISD			\$570,041	\$4,060,327	\$4,630,368
Lone Star College System					\$0
Total	\$78,838	\$547,990	\$570,041	\$4,060,327	\$5,257,196

Additional Net Benefits

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the next ten years of the facility's operation:

Net Benefits for Local Taxing Districts Over the Next 10 Years of the Facility's Operation			
	Benefits	Costs	Net Benefits
City of Tomball	\$8,441,587	\$607,118	\$7,834,469
Harris County	\$176,878	\$19,709	\$157,168
Tomball ISD	\$6,070,944	\$4,630,368	\$1,440,576
Lone Star College System	\$486,435	\$0	\$486,435
Total	\$15,175,844	\$5,257,196	\$9,918,648

Exhibit “H”
Public Comment Form(s)

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

COMPREHENSIVE PLAN CASE P12-515: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

ZONING CASE P12-516: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

COMPREHENSIVE PLAN CASE P12-517: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

ZONING CASE P12-518: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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

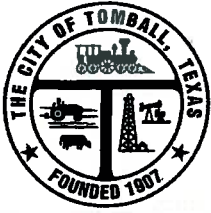
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the 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@ci.tomball.tx.us

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 6th day of December 2012 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

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.



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:

Landmark Industries
11355 2920 Tomball TX 77375
Corp. Office: 1111 Wilcrest Green Ste 100 Houston 77042

Signature:

Date:

[Signature]
12-4-12

✓

I am **FOR** the requested Comprehensive Plan amendment as explained on the attached public notice for **Comprehensive Plan Case P12-515**. (Please state reasons below)

I am **AGAINST** the requested Comprehensive Plan amendment as explained on the attached public notice for **Comprehensive Plan Case P12-515**. (Please state reasons below)

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

Monday, December 10, 2012, 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, December 17, 2012, 6:00 PM

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

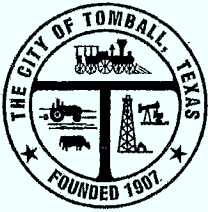
COMMENTS:

Bring more business & people to
Tomball — Oil & Gas Business

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:

Keith Jennings - Crow Corporation

(please print)

Address:

23715 FM 2978 Rd.

Tomball TX 77375

Signature:

Keith Jennings

Date:

12/10/12

☒ I am **FOR** the requested Comprehensive Plan amendment as explained on the attached public notice for **Comprehensive Plan Case P12-515**. (Please state reasons below)

☐ I am **AGAINST** the requested Comprehensive Plan amendment as explained on the attached public notice for **Comprehensive Plan Case P12-515**. (Please state reasons below)

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

Monday, December 10, 2012, 6:00 PM

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

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Monday, December 17, 2012, 6:00 PM

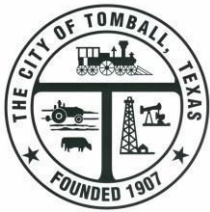
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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.



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: P12-515

APPLICANT: Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

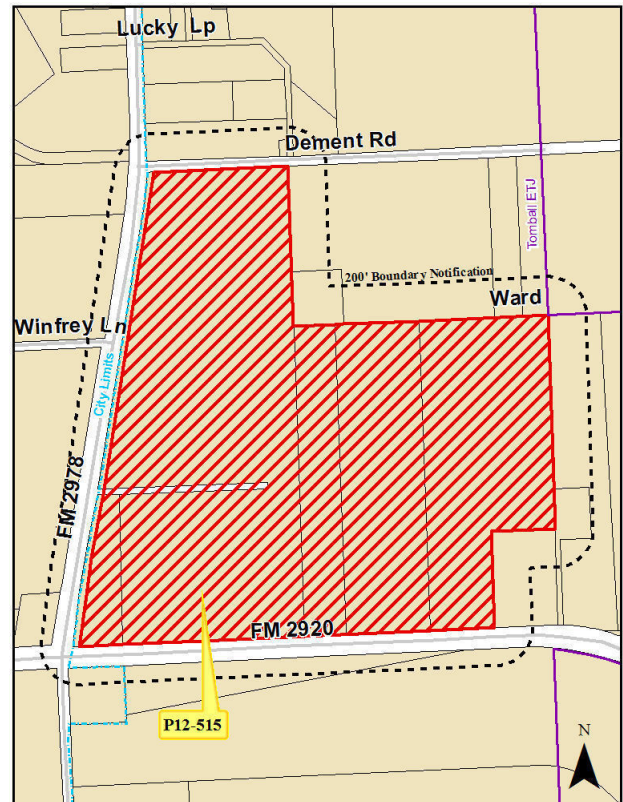
LOCATION: Northeast corner of F.M. 2920 and F.M. 2978

PROPOSAL: See Attached

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.

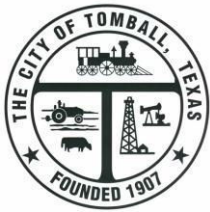


**Planning & Zoning Commission
Public Hearing:
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2012, 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.



Notice of Public Hearing

CASE NUMBER: P12-515

PROPOSAL: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

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Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-54, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 96.94 Acres of Land, generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610-Acre Tract of Land being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas; 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:

Baker Hughes Oilfield Operations is developing a 96.94-acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility. The City completed the annexation of the subject site on December 17, 2012.

Following annexation, the subject site will be assigned a zoning classification of "Agricultural District" per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned "Light Industrial District" to operate as they intend, they have submitted a Rezoning application requesting the property be zoned "Light Industrial District." They have additionally requested a change in the Comprehensive Plan's Future Land Use (FLU) designation of the property from "Mixed Use" to "Business/Industrial" (to be heard as part of Zoning Case P12-515).

On December 17, 2012, Council adopted Ordinance No. 2012-54 on first reading.

Origination:

Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

Recommendation:

Adopt Ordinance No. 2012-54 on second reading.

Funding:

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

City Secretary

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

ATTACHMENTS:

- Ordinance No. 2012-54
- P12-514 Staff Report
- Notice of Public Hearing
- Public Comment Form - Crow Corporation
- Property Owner Notification Letter

ORDINANCE NO. 2012-54

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 96.94 ACRES OF LAND, GENERALLY LOCATED ON THE NORTHEAST CORNER OF F.M. 2920 AND F.M. 2978, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAME BEING A 3.143 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 3.143 ACRE TRACT OF LAND BEING ALL OF THAT 3.1378 ACRE TRACT OF LAND (BY DEED) DEEDED TO MARY MCGILL CRINER ADICKES, TRUSTEE, AS RECORDED IN CLERK'S FILE NO. H271449 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 3.143 ACRE TRACT OF LAND ALSO BEING A PORTION OF LOT 463, TOMBALL TOWNSITE AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 0.610 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 0.610 ACRE TRACT OF LAND BEING ALL OF THE REMAINDER OF THAT 30 FOOT WIDE UNNAMED ROAD LYING BETWEEN LOT 459, LOT 460, LOT 461, LOT 462, LOT 463, LOT 464, LOT 465, AND LOT 466, AS SHOWN ON SAID TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 49.544 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 49.544 ACRE TRACT OF LAND BEING ALL OF THAT 49.547 ACRE TRACT OF LAND (BY PROBATE) CONVEYED TO RONALD J. COLLINS, DONALD CLAUDE CHILDRESS, ROY A. JOHLKE, AND SUSAN LORRAINE DIETZ VARSEL, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ADELL G. DIETZ, ALSO KNOWN AS ADELL G. JOHLKE DIETZ, DECEASED, BY CAUSE NO. 407636 OF THE PROBATE RECORDS OF HARRIS COUNTY, TEXAS, SAID 49.544 ACRE TRACT OF LAND ALSO BEING A PORTION OF LOT 448, LOT 449, LOT 460, LOT 461, THE REMAINDER OF LOT 447, THE REMAINDER OF LOT 459, THE REMAINDER OF LOT 462, THE REMAINDER OF LOT 464, THE REMAINDER OF LOT 465, AND THE REMAINDER OF LOT 466, TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; BEING A 23.624 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 23.624 ACRE TRACT OF LAND BEING ALL OF THAT 23.5935 ACRE TRACT OF LAND (BY DEED) DEEDED TO CYPRESSBOOK 2920, LP, AS RECORDED IN DOCUMENT NO. 20070522269 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 23.624 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; AND BEING A 20.021 ACRE TRACT OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NO. 629 IN HARRIS COUNTY, TEXAS, SAID 20.021 ACRE TRACT OF LAND BEING A PORTION OF THE REMAINDER OF A 23.6963 ACRE TRACT OF LAND (BY DEED) DEEDED TO ABCO LAND CORPORATION AS RECORDED IN DOCUMENT NO. 200265255 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY,

TEXAS; 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 96.94 acres of land, being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas, generally located on the northeast corner of F.M. 2920 and F.M. 2978, 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 Agricultural District to the Light Industrial 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 Agricultural District to the Light Industrial District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from Agricultural District to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of the Property as Light Industrial 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 of the Property to the Light Industrial 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 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2012

Rezoning Case: P12-514

Property Owner(s): Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

Applicant: Baker Hughes Oilfield Operations, Inc.

Legal Description: Tract 1
Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 1 (B)
Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 2
Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the

remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Tract 3

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Tract 4

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

Location: Northeast corner of F.M. 2920 and F.M. 2978 (Exhibit “A”)

Area: 96.94 acres

Present Zoning and Use: Unzoned Extraterritorial Jurisdiction (Exhibit “B”) /
Agricultural, Collision Center, and Salvage Yard

**Comprehensive
Plan Designation:** Mixed Use (Exhibit “C”)
**** A Comprehensive Plan Amendment to
“Business/Industrial” is proposed as part of Zoning
Case P12-515 ****

Proposed Zoning and Use: Light Industrial District / Education Center, Training Well
Site, and Light Manufacturing Facility

**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:** Unzoned Extraterritorial Jurisdiction / Commercial, single-family residences, & agricultural
- South:** Agricultural District and Unzoned Extraterritorial Jurisdiction / F.M. 2920 right-of-way, convenience store, & agricultural
- West:** Commercial & Agricultural Districts / F.M. 2978 right-of-way, convenience store, undeveloped land, & commercial
- East:** Unzoned Extraterritorial Jurisdiction / Automotive shop & salvage yard

BACKGROUND

Baker Hughes Oilfield Operations is in the process of developing a 96.94 acre site at the northeast corner of F.M. 2920 and F.M. 2978 to be used as an education center, Training Well Site, and light manufacturing facility (Exhibit “D”). The City is currently in the process of annexing the subject site. On October 1 and October 8, 2012, City Council approved resolutions declaring the intent of the City to annex the subject site and on November 5 and November 19, 2012, public hearings for the annexation were held. The annexation ordinances for the subject site are anticipated to be heard by City Council on December 10th for a first reading and December 17th for a second reading.

Upon possible annexation on December 17th, the subject site will be assigned a zoning classification of “Agricultural District” per Section 6.1 of the Zoning Ordinance. Because Baker Hughes will require the site to be zoned “Light Industrial District” to operate as they intend, they have submitted a Rezoning application requesting the property be zoned “Light Industrial District” (Exhibit “E”). They have additionally requested a change in the Comprehensive Plan’s Future Land Use (FLU) designation of the property from “Mixed Use” to “Business/Industrial” (to be heard as part of Zoning Case P12-515).

ANALYSIS

There are several land uses in the area. To the north of the subject site are commercial, single-family residential, and agricultural land uses in the City’s unzoned Extraterritorial Jurisdiction; to the south is F.M. 2920, a Shell convenience store, and agricultural land in the City’s unzoned Extraterritorial Jurisdiction and Agricultural District; to the west is F.M. 2978, a Stripes convenience store, undeveloped land, and the Crow Corporation in the Commercial and Agricultural Districts; and to the east is Charlie’s Auto & Truck Salvage in the City’s unzoned Extraterritorial Jurisdiction (Exhibit “F”).

The proposed zoning classification of Light Industrial “is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” Although City Staff does have concerns about the impact that the Light Industrial District may have on the single-family residences to the north, the Light Industrial District and the proposed use of the site are not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and are not anticipated to be any more incompatible than the highest uses permitted on this now unzoned property. Further, some agricultural land uses and a salvage yard land use are only permitted with a conditional use permit in the

Light Industrial District leading staff to surmise that the Light Industrial District may serve to eschew incompatible land uses more than the its current unzoned and unregulated status.

The Comprehensive Plan's FLU map identifies the site as "Mixed Use." The Comprehensive Plan (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." The proposed Rezoning to the Light Industrial District does not appear to be consistent with the CP. However, if case P12-515 is approved and the Comprehensive Plan's FLU designation for the property is changed from "Mixed Use" to "Business/Industrial," the Rezoning request to Light Industrial would then appear to be consistent with the CP.

The future development of this site will require the applicant to comply with the City's platting requirements as well as the use and area regulations outlined in the Zoning Ordinance. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

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.

Although City Staff does have concerns about the impact that the Light Industrial District may have on the single-family residences to the north, the Light Industrial District and the proposed use of the site are not anticipated to be any more incompatible with the area than the existing agricultural and salvage yard land uses and are not anticipated to be any more incompatible than the highest uses permitted on this now unzoned property. Further, some agricultural land uses and a salvage yard land use are only permitted with a conditional use permit in the Light Industrial District leading staff to surmise that the Light Industrial District may serve to eschew incompatible land uses more than the its current unzoned and unregulated status.

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

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

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

There are numerous vacant tracts in the vicinity and elsewhere in the City zoned Light Industrial 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.**

There has been steady development City-wide and within the vicinity in the Light Industrial. Baker Hughes has recently constructed several improvements to their existing site at the southwest corner of F.M. 2920 and F.M. 2978 in the Light Industrial 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, there should be few if any affects on other areas designated for similar developments.

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

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

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

According to the CP, Rezoning is “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.”

On its face, the proposed Rezoning to the Light Industrial does not appear to be consistent with the CP. However, if case P12-515 is approved and the Comprehensive Plan’s FLU designation for the property is changed from “Mixed Use” to “Business/Industrial,” the Rezoning request to Light Industrial would appear to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

RECOMMENDATION

1. **APPROVAL** of Zoning Case P12-514 based on the following:

- a. If P12-515 is approved, the proposed zoning of Light Industrial District would appear to be generally compatible with the Comprehensive Plan;
 - b. The proposed zoning of Light Industrial District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - c. There is sufficient utility capacity to service a light industrial use on this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Conceptual Site Plan
- E. Rezoning Application
- F. Site Photos

Exhibit "A"
Aerial Photo

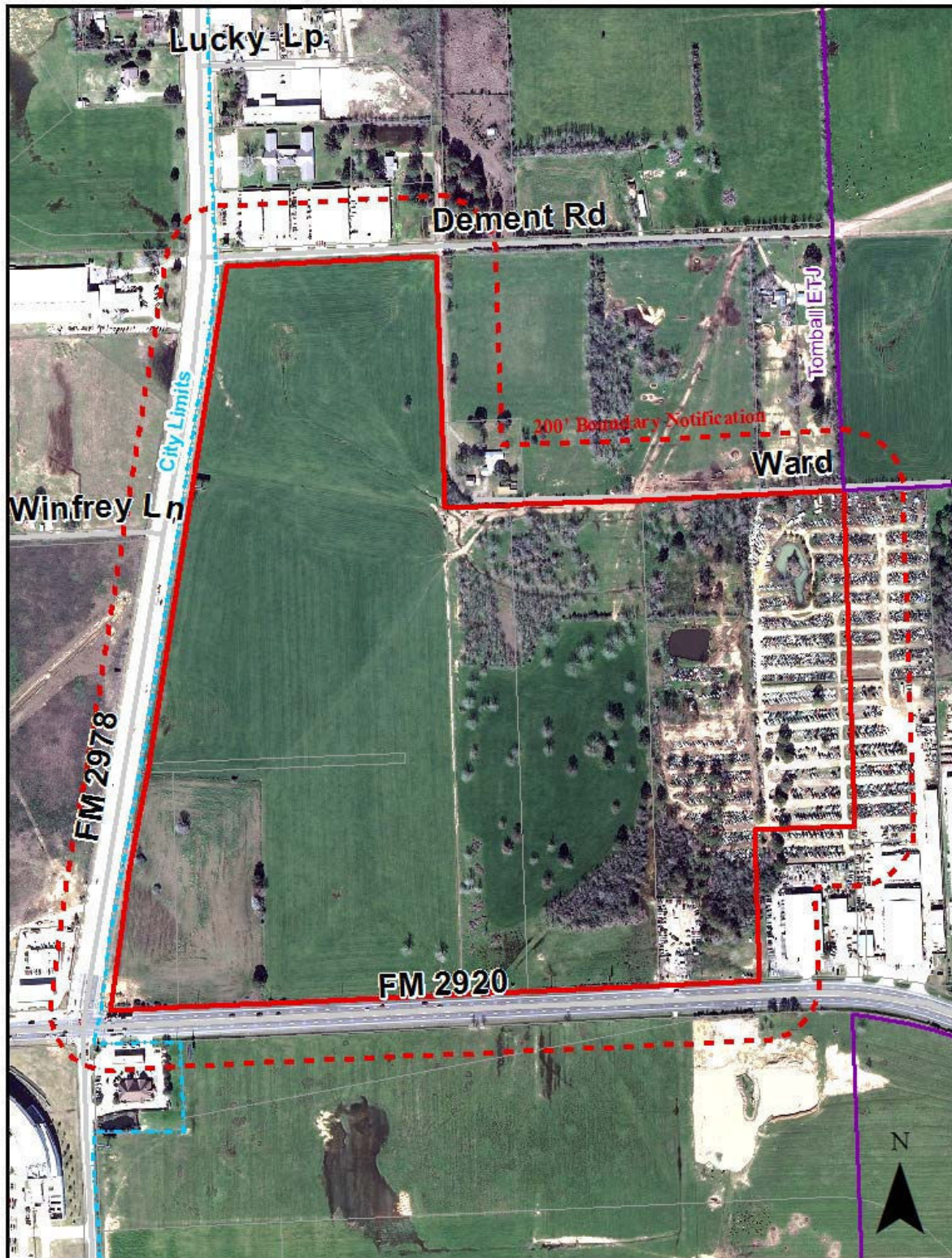


Exhibit "B"
Zoning Map

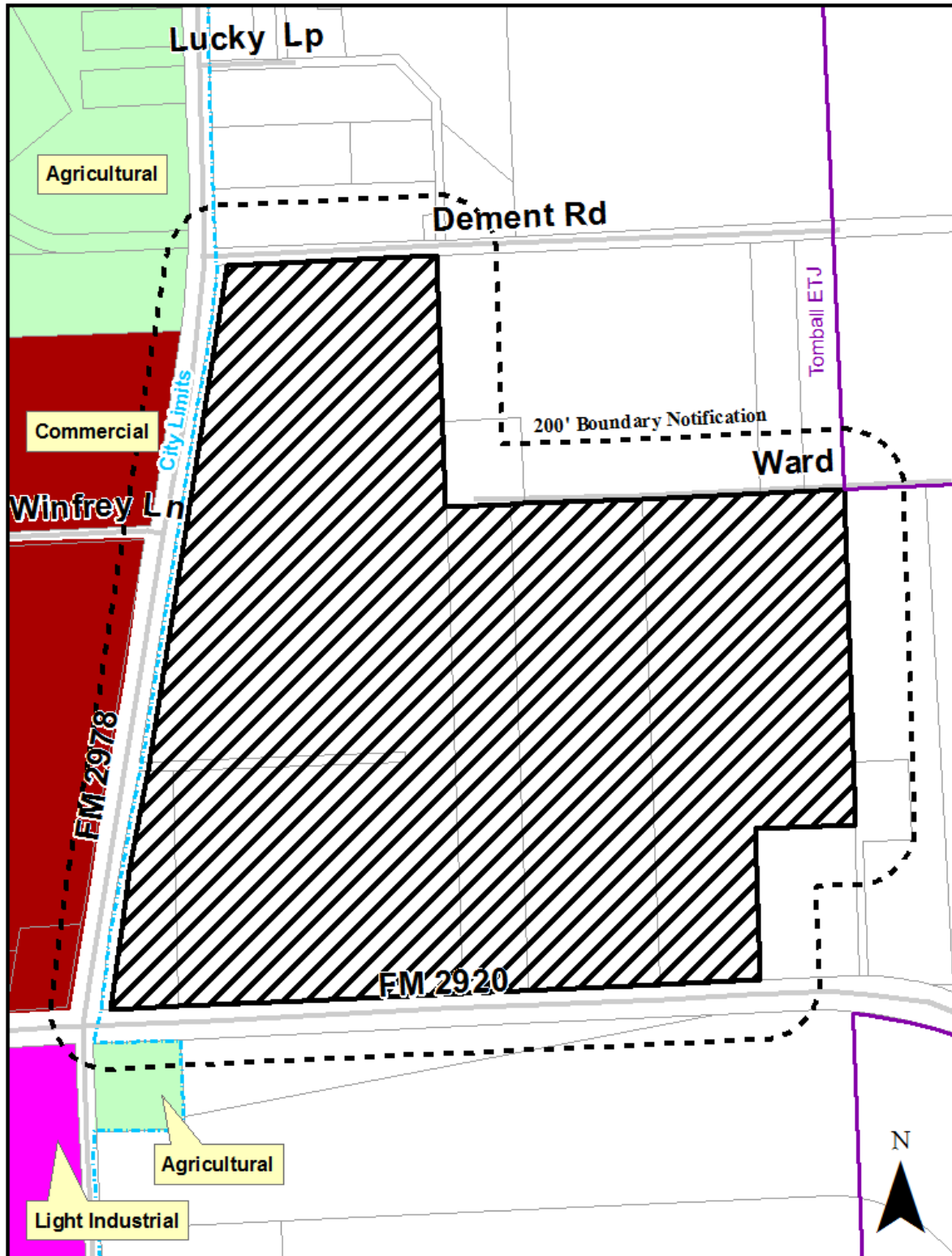


Exhibit "C"
Comprehensive Plan Future Land Use Map

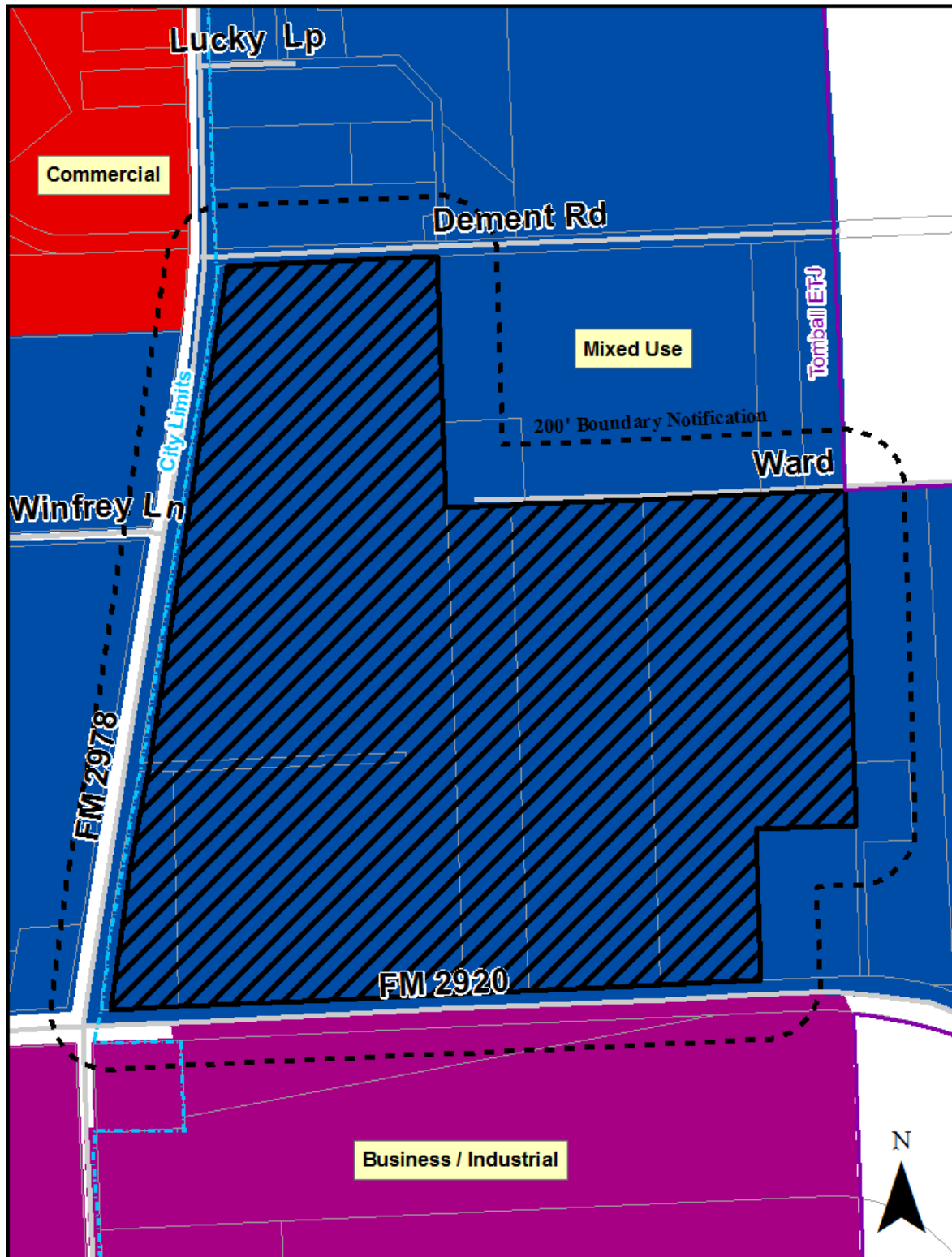


Exhibit "E"
Rezoning Application

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 GEORGE P. BERNHARDT
Name: BAKER HUGHES OILFIELD OPERATIONS, INC. Title: REAL ESTATE COUNSEL
Mailing Address: 2727 ALLEN PKWY SUITE 2100 City: HOUSTON State: TX
Zip: 77019
Phone: (713) 439-8061 Fax: () Email: GEORGE.BERNHARDT@BAKERHUGHES.COM

Owner
Name: SEE ATTACHMENT 1 Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: CLASSROOM BLDG, TRAINING WORKSHOP, TRAINING WELL-SITE

Physical Location of Property: N/E CORNER FM 2978 & FM 2920
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: SEE ATTACHED SURVEY & METES & BOUNDS - ATTACHMENTS 2 & 3
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: UNZONED

Current Use of Property: AGRICULTURAL

Proposed Zoning District: LIGHT INDUSTRIAL

Proposed Use of Property: EDUCATION CENTER, TRAINING WELL-SITE, LIGHT MANUFACTURING

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

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 Lee P. Behlt 10/29/12
Signature of Applicant Date

X SEE ATTACHED SIGNATURE PAGE
Signature of Owner Date

CURRENT OWNER SIGNATURES:

Mary McGill Criner Adickes

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
Title: _____

CURRENT OWNER SIGNATURES:

MARY MCGILL CRINER ADICKES, Individually, as Trustee, and as Successor in interest to the Joint Venture Agreement as recorded under Clerk's File No. G-572577 of the real property records of Harris County, Texas

 *Trustee*

BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

RONALD J. COLLINS

DONALD CLAUDE CHILDRESS

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BILL PATTERSON, Trustee of the Thomas Walter Blake Trust

Mark C. Johlke for Ronald J. Collins
RONALD J. COLLINS

Mark C. Johlke for Donald Claude Childress
DONALD CLAUDE CHILDRESS

SUSAN D. VARSEL

Mark C. Johlke
MARK C. JOHLKE Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

By: _____
Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
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Susan D. Varsel
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SUSAN D. VARSEL

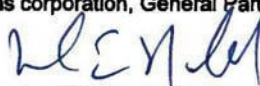
Independent Executor of the Estate of Roy A Johlke

CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY**,
a Texas corporation, General Partner

AN

By:



Michael E. Novelli
President

ABCO LAND CORPORATION

By: _____
Name: _____
Title: _____

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CYPRESSBROOK 2920, L.P.

By: **THE ESTERBROOK COMPANY,**
a Texas corporation, General Partner

By: Michael E. Novelli
President

ABCO LAND CORPORATION

By: Charles L. Gilmore
Name: Charles L. Gilmore
Title: Pres



Baker Hughes Incorporated

George P. Bernhardt
Managing Counsel – Global Real Estate

October 23, 2012

City of Tomball, Texas
Planning & Zoning Department
401 Market Street
Tomball, Texas 77375

Re: Zoning Application for Baker Hughes Oilfield Operations, Inc. Training Center Site
at FM 2920 and Hufsmith Kohrville Road, Tomball

Dear Ladies & Gentlemen:

This letter is in support of Baker Hughes Oilfield Operations, Inc.'s request to rezone approximately 100 acres of land at the northeast corner of FM 2920 and Hufsmith-Kohrville Road. The property is currently located outside of the City of Tomball city limits and is being considered by the city for annexation. It is our understanding that upon annexation the property will automatically be zoned agricultural and that we will need to rezone the property if we want to use it for any other purpose.

The property will initially be used as the site for an oilfield services training center. The training center will include a classroom building and a workshop building to provide both academic and hands-on training to Baker Hughes employees and customers from throughout the Western Hemisphere. The property will also include one or more training wells and wireline training wells together with associated support buildings and storage yard. The complex will be used for training all manner of oilfield services activities from theoretical training of engineers to basic well services, including, without limitation, training related to drilling, directional drilling, pressure pumping, hydraulic fracturing, well logging, and other downhole measurement and analysis. In the future we may add light manufacturing to the property.

Baker Hughes Incorporated
2929 Allen Parkway, Suite 2100, Houston, Texas 77019
Telephone 713/439-8061; Facsimile 713/439-8558
Internet: george.bernhardt@bakerhughes.com

BH\GPBY:\Texas\Tomball\Training Center\Incentives\Ltr to Tomball re BHOO Rezoning 10.18.12.docx 10/23/12

City of Tomball, Texas
October 23, 2012
Page 2

In light of the proposed use of the property, we request that the land be rezoned upon completion of annexation to light industrial to accommodate the development of our proposed Western Hemisphere Education Center.

Very truly yours,

A handwritten signature in blue ink that reads "George P. Bernhardt". The signature is fluid and cursive, with the first name "George" and last name "Bernhardt" clearly legible.

George P. Bernhardt
Managing Counsel – Global Real Estate

**Exhibit “F”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: North of subject site.



Figure 4: North of subject site.



Figure 5: South of subject site.



Figure 6: West of subject site.



Figure 7: West of subject site.



Figure 8: East of subject site.

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

COMPREHENSIVE PLAN CASE P12-515: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

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Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

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ZONING CASE P12-516: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

COMPREHENSIVE PLAN CASE P12-517: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

ZONING CASE P12-518: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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

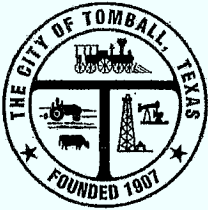
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the 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@ci.tomball.tx.us

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 6th day of December 2012 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

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.



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:

Keith Jennings - Crow Corporation

23715 FM 2978 Rd.

Tomball TX 77375

Signature:

Date:

Keith Jennings

12/10/12

☒

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-514**. (Please state reasons below)

☐

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-514**. (Please state reasons below)

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

Monday, December 10, 2012, 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, December 17, 2012, 6:00 PM

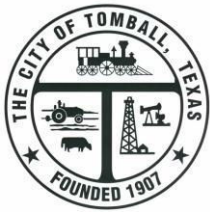
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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.



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: P12-514

APPLICANT: Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation

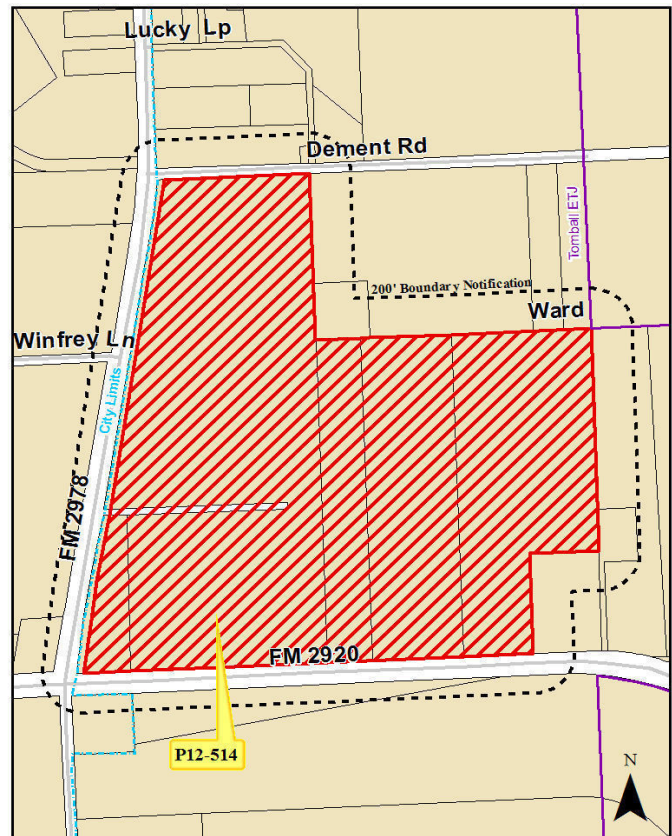
LOCATION: Northeast corner of F.M. 2920 and F.M. 2978

PROPOSAL: See Attached

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.

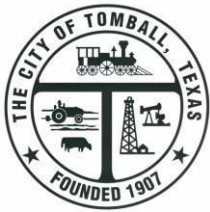


**Planning & Zoning Commission
Public Hearing:
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2012, 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.



Notice of Public Hearing

CASE NUMBER: P12-514

PROPOSAL: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

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Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-55, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial; Said Property being generally Located Easterly of South Chestnut Street, Southerly of Timkin Road; Providing for the Amendment of the Comprehensive Plan 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:

Chestnut Business Park is a 16.1-acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park's 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park's first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project."

Vesting gives a project certain rights to develop according to the standards that were applicable to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, 2011 and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was advised that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of "Medium Density Residential" which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a CP amendment and rezoning application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from "Medium Density Residential" to "Business/Industrial."

On December 17, 2012, Council adopted Ordinance No. 2012-55 on first reading.

Origination:

Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

Recommendation:

Adopt Ordinance No. 2012-55 on second reading

Funding:

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

City Secretary

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

ATTACHMENTS:

- Ordinance No. 2012-55
- P12-517 Staff Report
- Notice of Public Hearing
- Property Owner Notification Letter

ORDINANCE NO. 2012-55

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CLASSIFICATION OF APPROXIMATELY 16.1 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 1 AND LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 2, CHESTNUT BUSINESS PARK, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM MEDIUM DENSITY RESIDENTIAL TO BUSINESS/INDUSTRIAL; SAID PROPERTY BEING GENERALLY LOCATED EASTERLY OF SOUTH CHESTNUT STREET, SOUTHERLY OF TIMKIN ROAD; PROVIDING FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN 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 owners of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, generally located easterly of South Chestnut Street, southerly of Timkin Road, in the City of Tomball, Harris County, Texas, (the "Property"), has requested that the Property have its Comprehensive Plan future land use classification changed;

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 Comprehensive Plan future land use classification for the Property from Medium Density Residential to Business/Industrial;

WHEREAS, the public hearing was held at least forty (40) calendar days after the City's receipt of the request to change the Comprehensive Plan future land use classification for the Property;

WHEREAS, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change to the Comprehensive Plan future land use classification for the Property;

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 Comprehensive Plan future land use classification for the Property from Medium Density Residential to Business/Industrial, the City Council held the public hearing on the proposal to change the Comprehensive Plan future land use classification for the Property and the City Council considered the final report of the

Planning & Zoning Commission regarding the change of Comprehensive Plan future land use classification; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the Comprehensive Plan future land use classification for 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 Comprehensive Plan future land use classification of the Property is hereby changed from Medium Density Residential to Business/Industrial subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Comprehensive Plan of the City of Tomball, Texas-Ordinance 2009-33, ("Tomball Comprehensive Plan – Vision 2030"), shall be revised and amended to show the designation of the Property as Business/Industrial.

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 Comprehensive Plan future land use classification of the Property to Business/Industrial.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

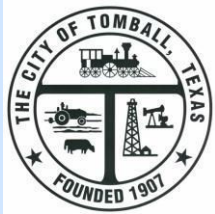
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Comprehensive Plan Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2012

Comp Plan Amend Case: P12-517

Property Owner(s): Albers Properties, L.P. and 5 B Ventures, L.L.C.

Applicant(s): Dan Schaub

Legal Description: Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park

Location: Easterly of South Chestnut Street, southerly of Timkin Road (Exhibit "A")

Area: 16.1 acres

Present Zoning & Usage: Single-Family Residential-6 (SF-6) District (Exhibit "B") / Chestnut Business Park

FLU Designation: Medium Density Residential (Exhibit "C")

Proposed FLU: Business/Industrial

Adjacent Future Land Use Designation & Land Usage:

- North:** Employment/Office / Timkin Road and Concordia Lutheran High School
- South:** Medium Density Residential and Mixed Use / Undeveloped land
- East:** Medium Density Residential / South Chestnut Street, residences, and undeveloped land
- West:** Medium Density Residential, High Density Residential, and Mixed Use / Concordia Lutheran High School athletic facilities and mini-warehouse (Exhibit "D")

BACKGROUND

Chestnut Business Park is a 16.1 acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park's 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park's first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011.

On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of “Medium Density Residential” which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a CP amendment (Exhibit “E”) and rezoning application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from “Medium Density Residential” to “Business/Industrial.”

ANALYSIS

The Comprehensive Plan’s FLU map identifies the subject site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The applicant is requesting the property be given a CF FLU designation of “Business/Industrial.” The CP states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.”

There are several CP FLU designations in the vicinity of the subject site. To the north is Employment/Office; to the south are Medium Density Residential and Mixed Use; to the west are Medium Density Residential, High Density Residential, and Mixed Use; and to the east is Medium Density Residential. The proposed Business/Industrial CP FLU appears to be compatible and complimentary with the Employment/Office CP FLU designation to the north. On the surface, the proximity of the proposed Business/Industrial CP FLU to the nearby residences may cause land use compatibility concerns. However, the business park has existed for several years without any known filed complaints from its neighbors siting incompatibility concerns.

The CP allows for amendments to the FLU map if relevant information affecting the use of a parcel is presented. The proposed CP amendment may facilitate the accomplishment of the following CP goals, objectives, and actions:

Action LUD 1.1.2

Discourage the development of land that cannot demonstrate the existing or planned adequacy of public facilities and services and/or logical extension of public infrastructure improvements.

Chestnut Business Park already has public facilities (streets, water, sewer, and gas) extended to it.

Action LUD 1.2.1

Maintain and strengthen effective buffering policies between land uses to ensure compatibility.

The applicant is proposing the following controls to minimize land use incompatibility:

- All new structures will be built with a rear setback requirement of 5 feet in horizontal setback distance for every 3 feet of building height or 60 feet, whichever is greater. This is the same standard applied in the Light Industrial District for new developments adjacent to residences.
- All applicable land uses and outdoor storage will be screened and buffered per Section 42 (“Screening, Buffering and Fencing Requirements”) of the Zoning Ordinance.
- There will be no outdoor displays.
- There will be no outdoor sales.
- The operations of all businesses will be conducted indoors with the exception of outdoor storage.

Goal LUD 7

Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.

The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

RECOMMENDATION

That the Planning & Zoning Commission recommend:

1. APPROVAL of Comprehensive Plan Amendment Case P12-517 based on the following:
 - a. Consistency with Comprehensive Plan Action LUD 1.1.2
 - b. Consistency with Comprehensive Plan Action LUD 1.2.1; and
 - c. Consistency with Comprehensive Plan Goal LUD 7.
2. APPROVAL of the Staff Report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. Comp Plan Amendment Application
- F. Public Comment Form(s)

Exhibit "A"
Aerial Photo

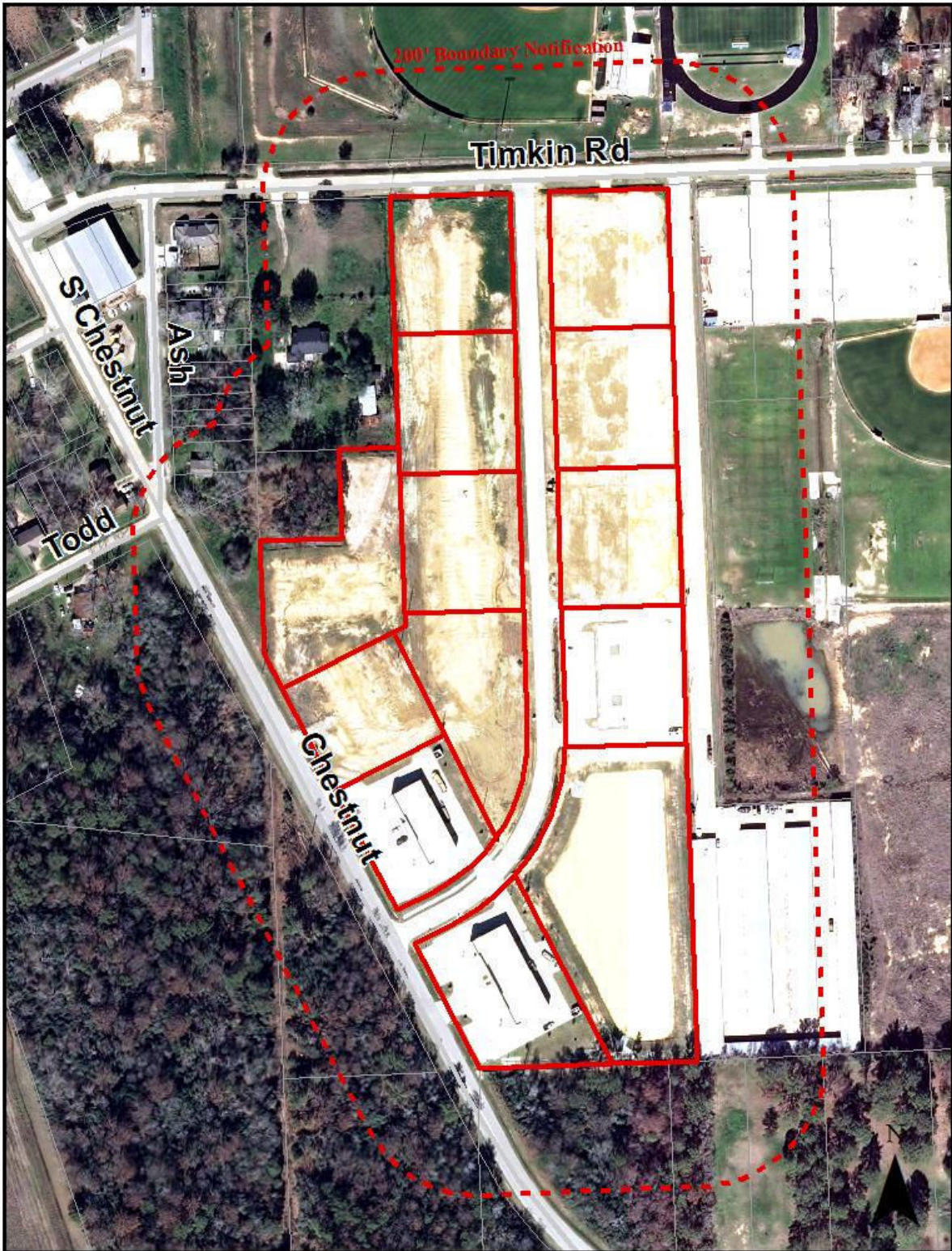


Exhibit "B"
Zoning Map

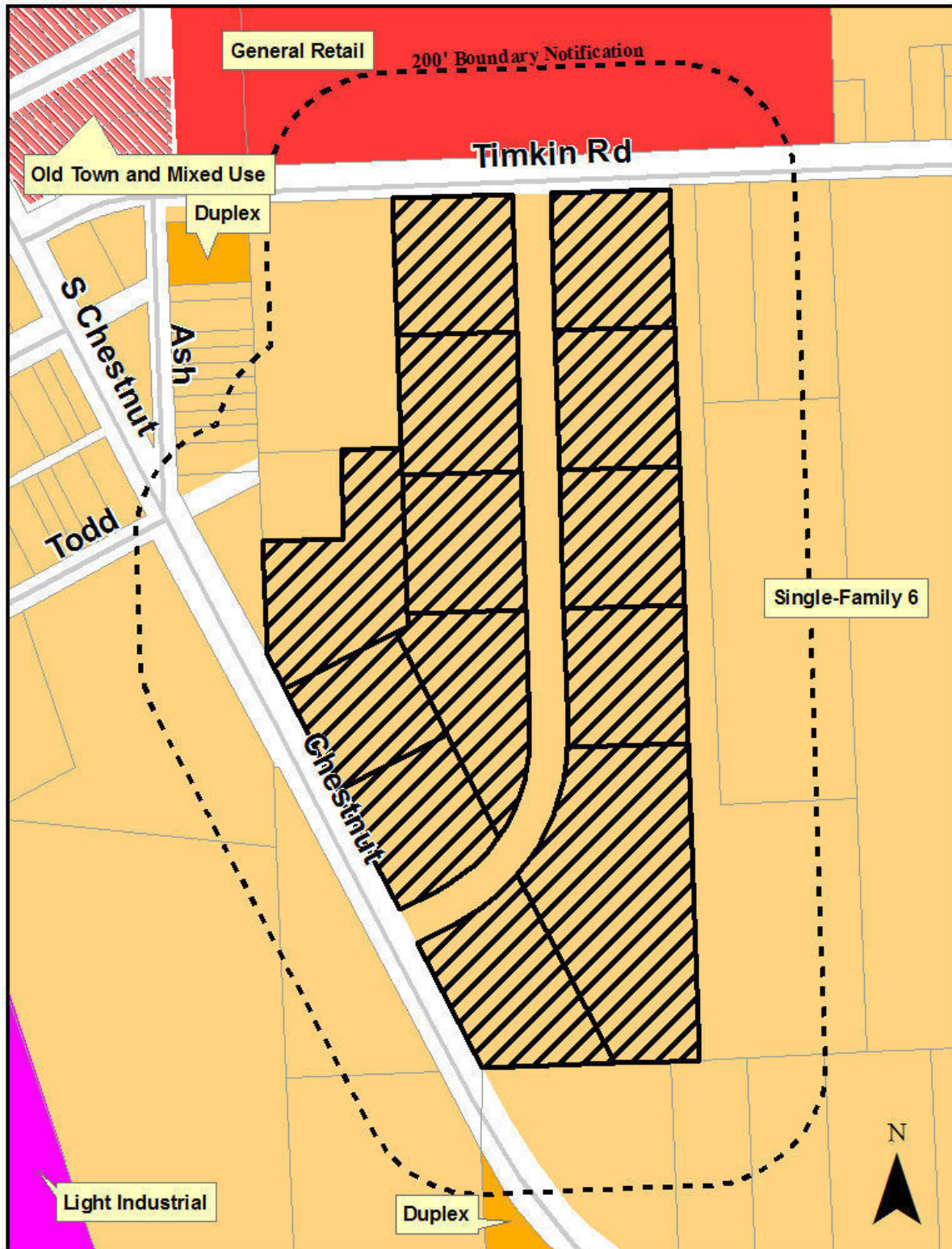
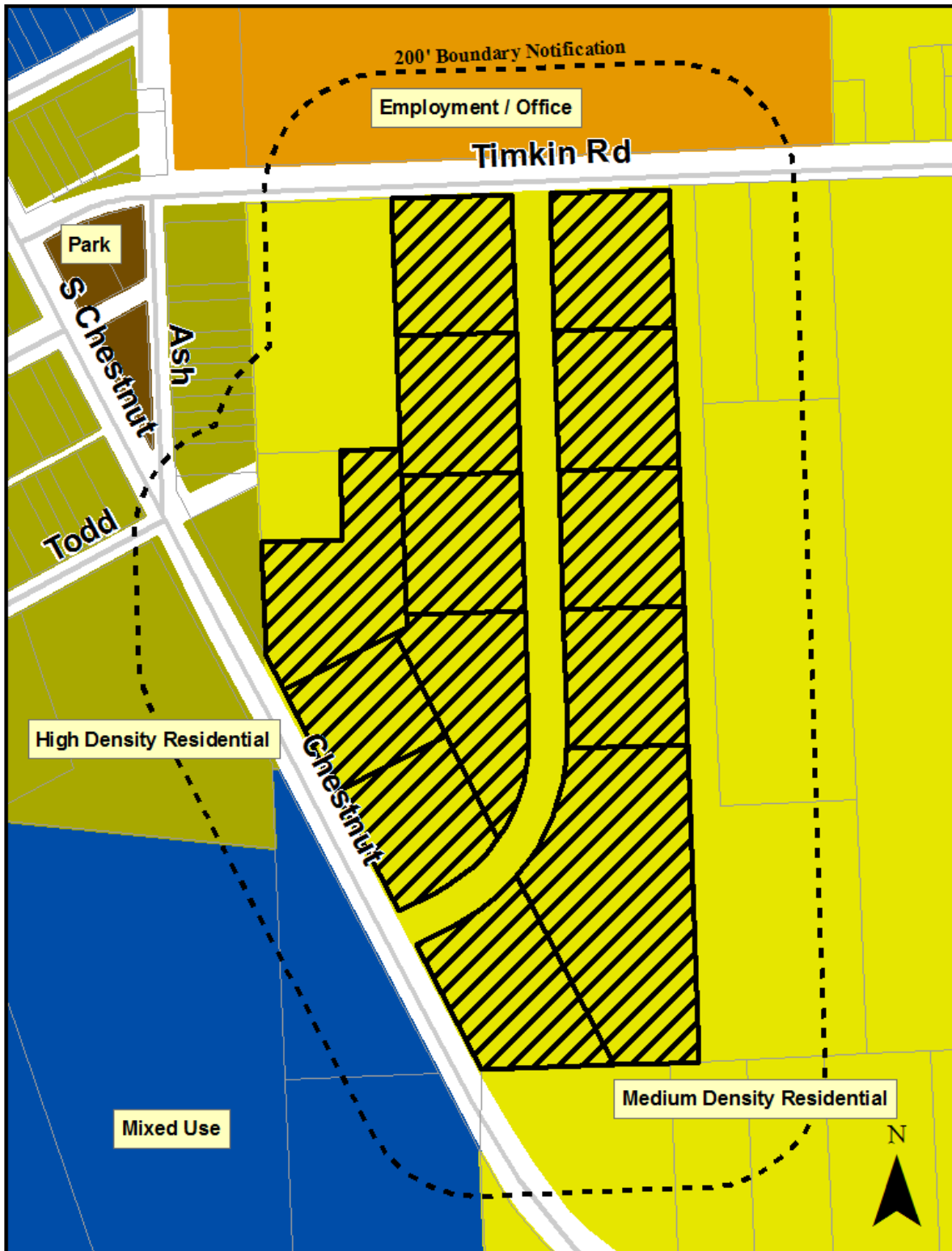


Exhibit "C"
Comprehensive Plan Future Land Use Map



**Exhibit “D”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Subject site.



Figure 4: Subject site.



Figure 5: North of subject site.



Figure 6: South of subject site.



Figure 7: West of subject site.



Figure 8: West of subject site.



Figure 9: East of subject site.

Exhibit "E"
Comp Plan Amendment Application

Revised 1/26/10



**COMPREHENSIVE PLAN
AMENDMENT APPLICATION**
Engineering & Planning Department

APPLICATION SUBMITTAL

The Comprehensive Plan serves as the City's long-range development guide. Local Government Code Section 213.003 authorizes and specifies procedures for amendments and modifications to the City's Comprehensive Plan. The process requires a public hearing and review by the City's Planning and Zoning Commission and final review and approval by the City Council.

Plan amendments for parcels of real property within Tomball may be initiated by property owners or by agents of property owners by written consent. Plan amendment(s) involving textual changes may be initiated by any interested party including the Tomball City Council, Planning & Zoning Commission, staff, or private citizens. It shall be the burden of the party requesting the amendment, not the City of Tomball, to prove that the change constitutes an improvement to the Tomball Comprehensive Plan.

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

CONTACT INFORMATION:

Applicant

Name: DAN SCHAUER Title: Project Manager
Mailing Address: 21514 FOWES RD. City: TOMBALL State: TX
Zip: 77377
Phone: (713) 822-8095 Fax: ()
Email: DKSCHAUER@ATT.NET

Owner

Name: Albers Properties LP Title: Owner
Mailing Address: P.O. Box 2563 City: Alpine State: CA
Zip: 91903
Phone: (619) 884-2276 Fax: ()
Email: ALBERSPROPERTIES@cox.net

OWNER OF 711 S. Chestnut
M. Bladon Title 10/25/12
Address: 711 S. Chestnut, Tomball TX 77375

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

www.ci.tomball.tx.us

Phone: 713-775-1835 Email: MAURICE@TAMMARECOMPANIES.COM

Map Amendment(s)

Current Comprehensive Plan Designation: Medium Density Residential

Proposed Comprehensive Plan Designation: Business / Industrial

Proposed Use of Property: PD Planned Development / OFF. Warehouse

Physical Location of Property: South side of Timken Rd, east side of Chestnut St.
[General Location – approximate distance to nearest existing street corner] KM 288-H

Legal Description of Property: Chestnut Business Park
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF6 - Single Family Zoning District

Current Use of Property: ~~Office District~~ OFFICE WAREHOUSE

HCAD Identification Number: 2137

Property Acreage: App. 16 acres

Questions to be answered in Comprehensive Plan Amendment Request Letter:

Letter for questions

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?
- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?
- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

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 *Alan Schaub* 9-11-12
Signature of Applicant Date

x *Alan Schaub by Alan Schaub* 9-11-12
Signature of Owner Date

M. Blase Jr. DATE 10/25/12
OWNER - 711 S. CHESTNUT ST.
TOMBALL, TX 77375

Albers Properties, L.P.

October 25, 2012

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

**Reference: The Rezoning of Chestnut Business Park, Comprehensive Plan
Admendment Request Letter, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area. This project will not have negative effects on either traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers
Albers Properties LP
P.O. Box 2563
Alpine California 91903

Maurice Bledsoe
711 S. Chestnut St
Tomball, Texas 77375

Exhibit “F”
Public Comment Form(s)

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

COMPREHENSIVE PLAN CASE P12-515: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

ZONING CASE P12-516: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

COMPREHENSIVE PLAN CASE P12-517: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

ZONING CASE P12-518: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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

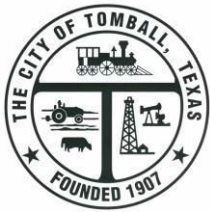
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the 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@ci.tomball.tx.us

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 6th day of December 2012 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

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.



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: P12-517

APPLICANT: Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

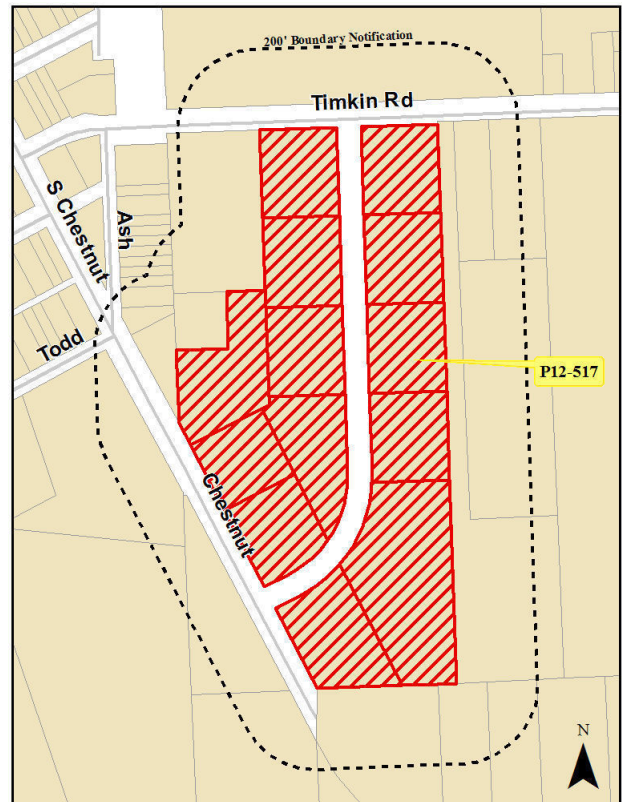
LOCATION: Easterly of South Chestnut Street, southerly of Timkin Road

PROPOSAL: Request to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial.

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, December 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2012, 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.

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-56, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance, by Approving a Planned Development District (“PDD”) of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #3 (PD-3); Adopting a Concept Plan and Regulations Applicable to PD-3; 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:

Chestnut Business Park is a 16.1-acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park’s 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park’s first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a “vested project.”

Vesting gives a project certain rights to develop according to the standards that were applicable to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions, even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, 2011 and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was advised that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of “Medium Density Residential” which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a rezoning and CP amendment application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to the Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from “Medium Density Residential” to “Business/Industrial.”

On December 17, 2012, Council adopted Ordinance No. 2012-56 on first reading.

Origination:

Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

Recommendation:

Adopt Ordinance No. 2012-56 on second reading.

Funding:

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

City Secretary

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

ATTACHMENTS:

- Ordinance No. 2012-56
- P12-516 Staff Report
- Notice of Public Hearing
- Property Owner Notification Letter

ORDINANCE NO. 2012-56

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT (“PDD”) OF APPROXIMATELY 16.1 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 1 AND LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 2, CHESTNUT BUSINESS PARK, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PD TO BE KNOWN AS PLANNED DEVELOPMENT DISTRICT #3 (PD-3); ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-3; 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 owners of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, generally located easterly of South Chestnut Street, southerly of Timkin Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

WHEREAS, the owners have presented an application to the City for a PDD to allow the construction, operation, and use of a master planned business park; and

WHEREAS, the PDD application consists of an application for PDD (Exhibit “A”); two request letters (Exhibits “B” and “C”); and concept plan (Exhibit “D”) attached to and made a part of this Ordinance; 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 PD-3; 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 PD-3, the City Council held the

public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family Residential-6 District to PD-3 subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of the Property as PD-3, 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 of the Property, to PD-3 as described above.

Section 5. The business park authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions and covenants:

- A. Compliance with Application and Site Plans. The granting of the PD shall be, and is hereby, conditioned upon the proposed improvements being located, constructed, and conducted upon the Property in substantial compliance with the application for PDD (Exhibit "A"); two request letters (Exhibits "B" and "C"); concept plan (Exhibit "D") made a part hereof for all purposes.
- B. Height Regulations:
 - a. Maximum Height:
 - i. Main Building/House: 70'
 - ii. Accessory Building(s): One story
- C. Area Regulations:

- a. Size of Lots:
 - i. Minimum Lot Area: 22,500 square feet
 - ii. Minimum Lot Width: 150'
 - iii. Minimum Lot Depth: 150'
 - b. Size of Yards:
 - i. Minimum Front Yard: 25'; 35' when adjacent to arterial
 - ii. Minimum Side Yard:
 - 1. Interior Side: 5'
 - 2. Street Side: 15'; 25' when adjacent to arterial
 - iii. Minimum Rear Yard: 5' in horizontal setback distance for every 3 feet of building height or 60', whichever is greater.
 - c. Maximum Lot Coverage: 50%
 - d. Maximum Impervious Coverage: 90%
- D. PD-3 shall be limited to only the following land uses:
- a. Office
 - i. Office Showroom/Warehouse
 - ii. Clinic, Emergency Care
 - iii. Clinic, Medical and/or Dental
 - iv. Office, Professional and General Business
 - v. Security Monitoring Company (No Outside Storage)
 - vi. Telemarketing Agency
 - vii. Telephone Exchange/Switching Station

b. Personal & Business

- i. Ambulance Service
- ii. Automobile Driving School (including Defensive Driving)
- iii. Dance/Drama/Music Schools (Performing Arts, Martial Arts)
- iv. Health Club (Indoor)

c. Retail

- i. Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)
- ii. Upholstery Shop Non-Auto
- iii. Artist or Photography Studio
- iv. Bakery (Wholesale)
- v. Carpenter Shop
- vi. Catering Service
- vii. Copy Shop
- viii. Electronic Goods (Retail Only)
- ix. Furniture Store (New and Used)
- x. Painting and Refinishing Shop
- xi. Trophy Engraving

d. Transportation & Auto Services

- i. Auto Interior Shop/Upholstery
- ii. Auto Glass Repair/Tinting
- iii. Auto Muffler Shop
- iv. Auto Repair (Major)

- v. Auto Repair (Minor)
- vi. Auto Accessories (Retail Sales Only)
- vii. Auto Body Repair/Painting
- viii. Auto Dealer, Primarily Used Auto Sales w/ outdoor sales
- ix. Auto Paint Shop
- x. Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)
- xi. Automobile Assembly
- xii. Automobile Wash (Full Service/Detail Shop)
- e. Amusement & Recreation
 - i. Amusement, Commercial (Indoor)
 - ii. Playfield or Stadium (Private)
- f. Institutional/Governmental
 - i. Child Day Care Center (Business)
 - ii. Church/Temple/Place of Worship
 - iii. Governmental Building or Use (County, State or Federal)
 - iv. School - College or University
 - v. School - Commercial Trade (Vocational)
 - vi. School - Other Than Public or Denominational
 - vii. Studio for Radio and/or Television (No Tower[s])
- g. Commercial & Wholesale Trade
 - i. Appliance Repair
 - ii. Electronic Assembly

- iii. Fix-it-Shops - Small Engine, Saw Filing, Mower Sharpening
- iv. Heating & Air-Conditioning Sales/Services
- v. Lawnmower Repair and/or Sales
- vi. Locksmith
- vii. Maintenance & Repair Service for Buildings/Janitorial
- viii. Moving and Storage Company
- ix. News Printing
- x. Pawn Shop
- xi. Plumbing Shop
- xii. Printing Equipment, Supplies and Repairs
- xiii. Quick Lube/Oil Change/Minor Inspection
- xiv. Scientific and Industrial Research Laboratories (Non-Hazardous)
- xv. Security Systems Installation Company
- xvi. Sheet Metal Shop
- xvii. Tool and Machinery Rental (Indoor Storage only)
- xviii. Vacuum Cleaner Sales and Repair
- xix. Veterinarian Clinic (Indoor Kennels)
- xx. Contractor's Office/Sales, No Outside Storage including Vehicles
- xxi. Communication Equipment Sales/Service (Installation and/or Repair — No outdoor sales or storage or towers/antennae)
- xxii. Distribution Center
- xxiii. Electric Repair - (Domestic Equipment and Autos)
- xxiv. Exterminator Service/Company (No Outdoor Sales or Storage)

- xxv. Iron Works (Ornamental)
- xxvi. Machine Shop
- xxvii. Pet and Animal Grooming Shop (No Outside Kennels)
- xxviii. Publishing and Printing Company
- xxix. Warehouse (*Defined Under Storage or Wholesale Warehouse*)
- xxx. Welding Shop
- xxxi. Wholesale Trade - Nondurable Goods
- xxxii. Wood Working Shops
- xxxiii. Carpet and Rug Cleaning Plant
- xxxiv. Electro-plating / Electro-typing
- xxxv. Mattress - Making and Renovating
- xxxvi. Taxidermist
- h. Light & Heavy Manufacturing/Industrial
 - i. Artificial Flower Manufacture
 - ii. Awning Manufacture - Cloth, Metal and Wood
 - iii. Bag Manufacturing
 - iv. Bottling Works
 - v. Broom Manufacture
 - vi. Candy and Other Confectionary Products Manufacture
 - vii. Canvas and Related Products Manufacture
 - viii. Ceramic Products Manufacture
 - ix. Cutlery, Handtools and General Hardware Manufacture
 - x. Electric Lamp Manufacture

- xi. Elevator Manufacture
- xii. Enameling and Painting
- xiii. Engraving Plant
- xiv. Envelope Manufacture
- xv. Farm/Garden Machinery and Equipment Manufacture
- xvi. Fixtures Manufacture
- xvii. Food Processing
- xviii. Footwear Manufacture
- xix. Furnace Manufacture
- xx. Furniture Manufacture
- xxi. Hair Products Factory (Other Than Human)
- xxii. Ice Cream/Ice Manufacture
- xxiii. Laboratory Equipment Manufacturing
- xxiv. Leather Products Manufacture
- xxv. Marble Working and Finishing
- xxvi. Metal Products, Stamping and Manufacture
- xxvii. Mirror Resilvering
- xxviii. Office Equipment Manufacture
- xxix. Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture
- xxx. Paper Products and Paper Box Manufacture
- xxxi. Plastic Products - Molding, Casting and Shaping
- xxxii. Sign Manufacturing (No Outside Storage)

xxxiii. Stone Cutting or Crushing

xxxiv. Textile Products Manufacture

xxxv. Wood Products Manufacture

E. PD-3 shall adhere to Articles I, II, IV, V, and VI of the Zoning Ordinance.

F. Other Requirements

- a. No outside displays shall be permitted.
- b. No outside sales shall be permitted.
- c. All businesses operations shall be conducted indoors with the exception of outdoor storage.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. 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 8. 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 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit “A”

PDD Application



Revised 1/20/09

Application for Planned Development Engineering & Planning Department



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: DAN SCHAUER Title: PROJECT MANAGER
Mailing Address: 21514 FOWLER Rd. City: TOMBALL State: TX
Zip: 77377
Phone: (281) 822-5025 Fax: () Email: D.SCHAUER@ATT.NET

Owner

Name: ALBORS PROPERTIES LP Title: OWNER
Mailing Address: P.O. Box 2563 City: ALPINE State: CA
Zip: 91903
Phone: (619) 884-2276 Fax: () Email: ALBORS PROPERTIES@GMAIL.COM

Engineer/Surveyor (if applicable)

Name: DAVID KELLY/DPK Engineering LLC Title: ENGINEER
Mailing Address: 32719 WINDSOR TERRACE City: FULBEAR State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: () SAME Email: DAVID.KELLY@DPKENGINEERING.COM

Description of Proposed Project: 16.1 ACRES - CHESTNUT BUSINESS PARK

Physical Location of Property: SOUTH SIDE OF TIMKIN RD, EAST SIDE OF SOUTH CHESTNUT ST. KM 2884

[General Location - approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

OWNER OF TILS, CHESTNUT/NAME: M. Bodroeg
Address: 7113 CHESTNUT, Tomball, TX 77375
Phone: 713-775-1835 Email: MAURICEB@TANMARCOMPANIES.COM

Legal Description of Property: CHESTNUT BUSINESS PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: 16.1 Acres

Current Use of Property: OFFICE DISTRICT

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

X [Signature] 9-11-12
Signature of Applicant Date

X [Signature] 9-11-12
Signature of Owner Date

X M. Bradshaw DATE 10/22/12
OWNER 711 S. CHESTNUT ST.
TOMBALL, TX 77375

Exhibit “B”
PDD Request Letter #1

Albers Properties, L.P.

October 25, 2012

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

**Reference: The Rezoning of Chestnut Business Park, Comprehensive Plan
Admendment Request Letter, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area. This project will not have negative effects on either traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers
Albers Properties LP
P.O. Box 2563
Alpine California 91903

Maurice Bledsoe
711 S. Chestnut St

NORTHWEST HOUSTON HEART CENTER

11/12/2012

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Tomball, Texas 77375

Exhibit "C"
PDD Request Letter #2

Albers Properties, L.P.

October 25, 2012

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

**Reference: The Rezoning of Chestnut Business Park, Planned Development, in
Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City.

We look to have more flexibility for our future tenants in a manner which still adheres to the City of Tomball's Comprehensive Plan. In difficult economic times it is important to be able to offer a variety of products for the clients that look to establish businesses in Tomball. We are requesting that we are allowed to offer these types of businesses an opportunity to relocate their interests to the City.

This proposed Planned Development, will accommodate will provide much needed integral land use units such as office parks, retail/commercial or service centers, by its combination of owners. This Planned Development will allow for the adjustment of changing demands to meet the current needs of the community by (1) Provide for a superior design on lots or buildings; (2) Provide amenities or features that would be of special benefit to the property users or to the overall community such as the regional detention/amenity pond and quality assurance (3) Provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services with the newly constructed infrastructure along Chestnut Business park drive; and (4) Will meet and exceed the standards of this Ordinance.

Chestnut Business Park Rezoning

11/12/2012

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Proposed Uses for Chestnut Business Park, Tomball, Texas

Sign Shop retail
Upholstery Shop Non-Auto
Auto Interior Shop/Upholstery
Auto Glass Repair/Tinting
Auto Muffler Shop
Auto Repair (Major)
Auto Repair (Minor)
Appliance Repair
Electronic Assembly
Fix it Shops
Heating and Air Conditioning
Lawnmower Repair and Sales
Locksmith
Maintenance and Repair Service
Moving and Storage
News Printing
Pawn Shop
Plumbing Shop
Printing Equipment, Supplies, Repairs
Quick Lube/oil-change/inspection
Scientific Research Lab
Security System Installation
Sheet Metal Shop
Tool and Machinery Rental Inside
Vacuum Cleaner Sales Repair
Vet Clinic
Contractor Office/ Sales
Office Showroom/Warehouse
Assembly of finished products or parts
Commercial & Wholesale Trade:
 Communication Equipment sales/Service (Installation and/or Repair)
 Distribution Center
 Electric Repair (Domestic Equipment and Autos)
 Exterminator Service
 Iron Works (Ornamental)
 Machine Shop
 Pet and Animal Grooming Shop
 Publishing and Printing Company
 Warehouse (defined under storage or wholesale warehouse)
 Welding Shop

Chestnut Business Park Rezoning

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Wholesale Trade-Nondurable Goods

Woodworking Shop

Amusement & Recreation

Amusement,commercial (indoor)

Playfield or stadium (private)

Office

Clinic,Emergency Care

Clinic,Medical and/or Dental

Office, Professional and General Business

Office Showroom/Warehouse

Security Monitoring Company (No Outside Storage)

Telemarketing Agency

Telephone Exchange/Switching Station

Personal & Business

Ambulance Service

Automobile Driving School (Including Defensive Driving)

Dance/Drama/Music Schools (Performing Arts,Martial Arts)

Health Club (Indoor)

Retail

Artist or Photography Studio

Bakery (Wholesale)

Carpenter Shop

Catering Service

Copy Shop

Electronic Goods (Retail Only)

Furniture Store (New and Used)

Painting and Refinishing Shop

Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)

Trophy Engraving

Upholstery Shop (Non-Auto)

Transportation & Auto Services

Auto Accessories (Retail Sales Only)

Auto Body Repair/Painting

Auto Dealer, Primarily Used Auto Sales w/ outdoor sales (no outdoor display)

Auto Interior Shop/Upholstery

Chestnut Business Park Rezoning

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Auto Paint Shop

Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)

Automobile Assembly

Automobile Wash (Full service/detail Shop)

Institutional/Governmental

Child Day Care Center (Business)

Church/Temple/Place of Worship

Governmental Building or Use (County, State or Federal)

School- College or University

School-Commercial Trade (Vocational)

School- Other than Public or Denominational

Studio for Radio and/or Television (No Towers)

Commercial & Wholesale Trade

Appliance Repair

Carpet and Rug Cleaning Plant

Cleaning Plant (Commercial Laundry)

Communication Equipment Sales/Service (Installation and/or Repair- No outdoor sales or storage or towers/antennae)

Contractor's Office/Sales, No Outside Storage including Vehicles

Distribution Center

Electric Repair- (Domestic Equipment and Autos)

Electronic Assembly

Electro-plating/Electro-typing

Exterminator Service/Company (No Outdoor Sales or Storage)

Fix-it-Shops- Small Engine, Saw Filing, Mower Sharpening

Heating & Air-Conditioning Sales/Services

Iron Works (Ornamental)

Lawnmower Repair and/or Sales

Locksmith

Machine Shop

Maintenance & Repair Service for Buildings/Janitorial

Mattress- making and renovating

Moving and Storage Company

News Printing

Plumbing Shop

Printing Equipment, Supplies and Repairs

Publishing and Printing Company

Scientific and Industrial Research Laboratories (Non-Hazardous)

Security Systems Installation Company

Sheet Metal Shop

Taxidermist

Chestnut Business Park Rezoning

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Tool and Machinery Rental (Indoor Storage only)

Warehouse (Defined under storage or wholesale warehouse)

Welding Shop

Wholesale Trade- Nondurable Goods

Wood Working Shops

Light & Heavy Manufacturing/Industrial

Artificial Flower Manufacture

Awning Manufacture-Cloth, Metal and Wood

Bag Manufacturing

Bottling Works

Broom Manufacture

Candy and Other Confectionary Products Manufacture

Canvas and related products manufacture

Ceramic Products Manufacture

Cutlery, Handtools and General Hardware Manufacture

Electric lamp manufacture

Elevator manufacture

Enameling and Painting

Engraving Plant

Envelope Manufacture

Farm/garden machinery equipment manufacture

Fixtures Manufacture

Food Processing

Footwear manufacture

Furnace manufacture

Furniture Manufacture

Hair Products Factory {Other than Human}

Ice cream/ ice manufacture

Laboratory Equipment Manufacturing

Leather Products Manufacture

Marble Working and Finishing

Metal Products, Stamping and Manufacture

Mirror resilvering

Office equipment manufacture

Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture

Paper Products and Paper Box Manufacture

Plastic Products- Molding,Casting,and Shaping

Sign Manufacturing (No Outside Storage)

Stone Cutting or Crushing

Textile Products Manufacture

Wood Products Manufacture

Chestnut Business Park Rezoning

11/12/2012

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Many of these businesses are currently allowed by the vested rights which are in place for this development, but ensuring the long term security has been difficult. Many potential tenants have expressed concern over the limitations placed on the properties. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

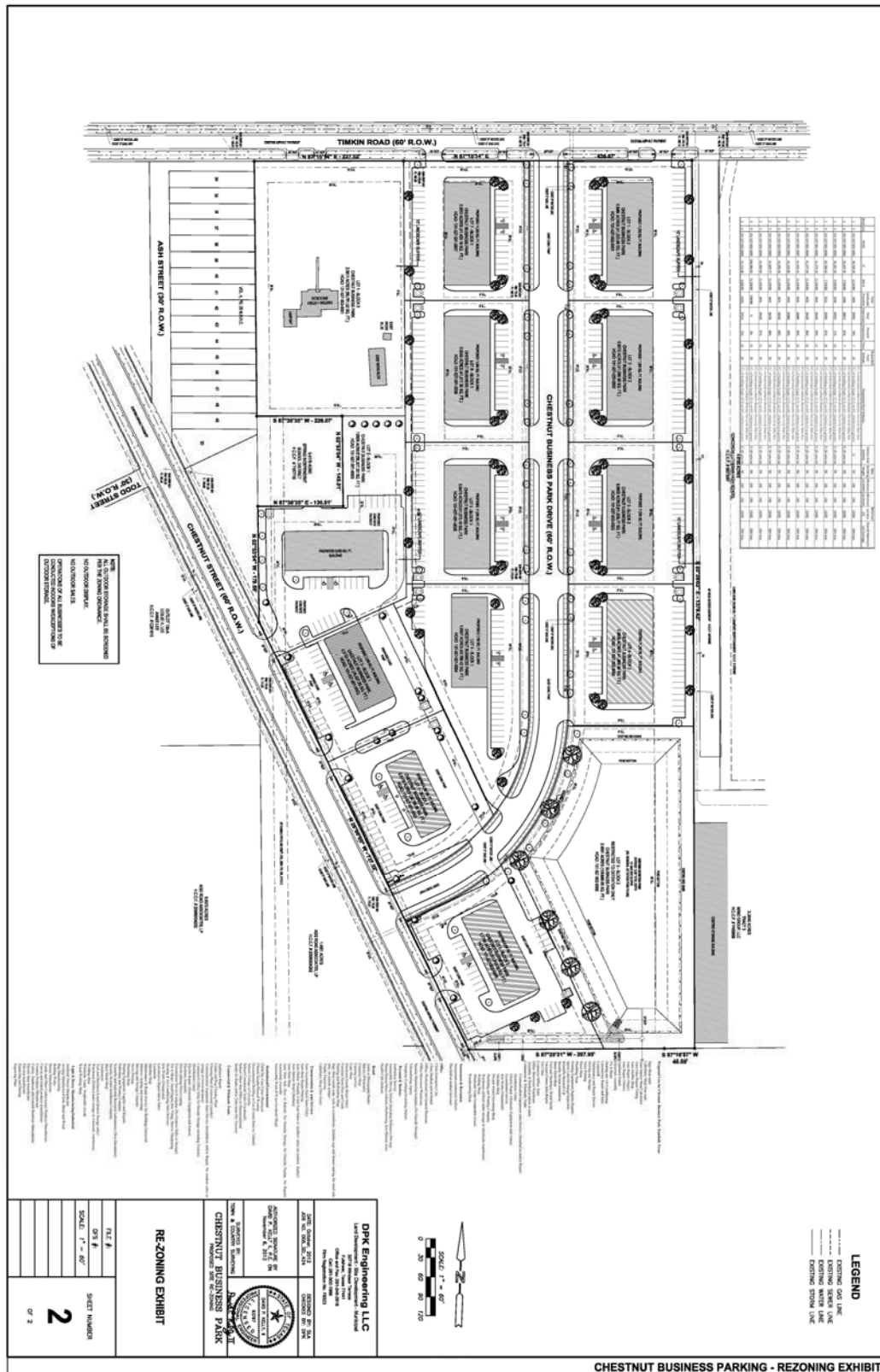
Respectfully,

Dean Albers
Albers Properties LP
P.O. Box 2563
Alpine California 91903

Maurice Bledsoe
711 S. Chestnut St
Tomball, Texas 77375

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Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2012

Rezoning Case:	P12-516
Property Owner(s):	Albers Properties, L.P. and 5 B Ventures, L.L.C.
Applicant:	Dan Schaub
Legal Description:	Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park
Location:	Easterly of South Chestnut Street, southerly of Timkin Road (Exhibit "A")
Area:	16.1 acres
Present Zoning and Use:	Single-Family Residential-6 (SF-6) District (Exhibit "B") / Chestnut Business Park
Comp Plan Designation:	Medium Density Residential (Exhibit "C") ** A Comprehensive Plan Amendment to "Business/Industrial" is proposed as part of Zoning Case P12-517 **
Proposed Zoning and Use:	Planned Development District #3 / Chestnut Business Park 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:	General Retail District / Timkin Road and Concordia Lutheran High School
South:	SF-6 & Duplex Districts / Undeveloped land
West:	SF-6 District / South Chestnut Street, residences, and undeveloped land
East:	SF-6 District / Concordia Lutheran High School athletic facilities and mini-warehouse

BACKGROUND

Chestnut Business Park is a 16.1-acre development located easterly of South Chestnut Street, southerly of Timkin Road. Four of the business park's 13 tracts are currently developed; three with buildings and one with a storm-water detention facility. Chestnut Business Park's first permit was pulled on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project

certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter given to Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District.

Over time, the City has been approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD) and request all the proposed uses in the PDD application which could eliminate the need for his Vested Rights Letter.

City staff explained to Mr. Schaub that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of “Medium Density Residential” which does not appear to be compatible with a business park. Mr. Schaub was informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his rezoning request.

On October 30, 2012, the City of Tomball received a rezoning (Exhibit “D”) and CP amendment application from Mr. Schaub for the subject site. Case P12-516 is the request to change the zoning of the property from SF-6 to the Planned Development District; case P12-517 is the request to change the CP FLU designation of the property from “Medium Density Residential” to “Business/Industrial.”

ANALYSIS

There are several land uses in the area. To the north of the subject site are Timkin Road and Concordia Lutheran High School; to the south is undeveloped land; to the west is South Chestnut Street, residences, and undeveloped land; and to the east are Concordia Lutheran High School athletic facilities and a mini-warehouse (Exhibit “E”). The business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the business park has existed for several years now without any known filed complaints from its neighbors citing incompatibility concerns. Additionally, the Planned Development District is proposing the following controls to minimize land use incompatibility (Exhibit “F”):

- All new structures will be built with a rear setback requirement of five feet in horizontal setback distance for every three feet of building height or 60 feet, whichever is greater. This is the same standard applied in the Light Industrial District for new developments adjacent to residences.
- All applicable land uses and outdoor storage will be screened and buffered per Section 42 (“Screening, Buffering and Fencing Requirements”) of the Zoning Ordinance.
- There will be no outdoor displays.

- There will be no outdoor sales.
- The operations of all businesses will be conducted indoors with the exception of outdoor storage.

There are three zoning districts in the area. To the north of the subject site is the General Retail District; to the south are the SF-6 and Duplex Districts; and to the west and east is the SF-6 District. A Planned Development District “is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” Although there are residential districts to the south, west, and east, the proposed land use controls and development standards listed above may minimize land use incompatibilities.

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning to the Planned Development District #3 (Chestnut Business Park) does not appear to be consistent with the CP. However, if case P12-517 is approved and the Comprehensive Plan’s FLU designation for the property is changed from Medium Density Residential to Business/Industrial as requested, the rezoning request would appear to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s platting requirements as well as the use and area regulations outlined in the Zoning Ordinance. A site plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

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 business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the Planned Development District is proposing numerous land use and development standards to minimize incompatibility with its neighbors. Additionally, the business park has existed for several years now without any known filed complaints from its neighbors citing incompatibility concerns.

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

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

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

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned Planned Development District intended for the same purpose as proposed by the applicant.

- 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.**

There has been no development City-wide or within the vicinity in a Planned Development 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, there should be few if any affects on other areas designated for similar developments.

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

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

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

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.”

Without a CP Amendment, the proposed rezoning to Planned Development District #3 does not appear to be consistent with the CP. However, if case P12-517 is approved and the Comprehensive Plan’s FLU designation for the property is

changed from “Medium Density Residential” to “Business/Industrial,” the rezoning request would appear to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comments have been received.

RECOMMENDATION

1. **APPROVAL** of Zoning Case P12-516 based on the following:
 - a. If P12-517 is approved, the proposed zoning of Planned Development District would appear to be generally compatible with the Comprehensive Plan;
 - b. The proposed zoning of Planned Development District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - c. There is sufficient utility capacity to service a business park use on this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Rezoning Application
- E. Site Photos
- F. Concept Plan

Exhibit "A"
Aerial Photo

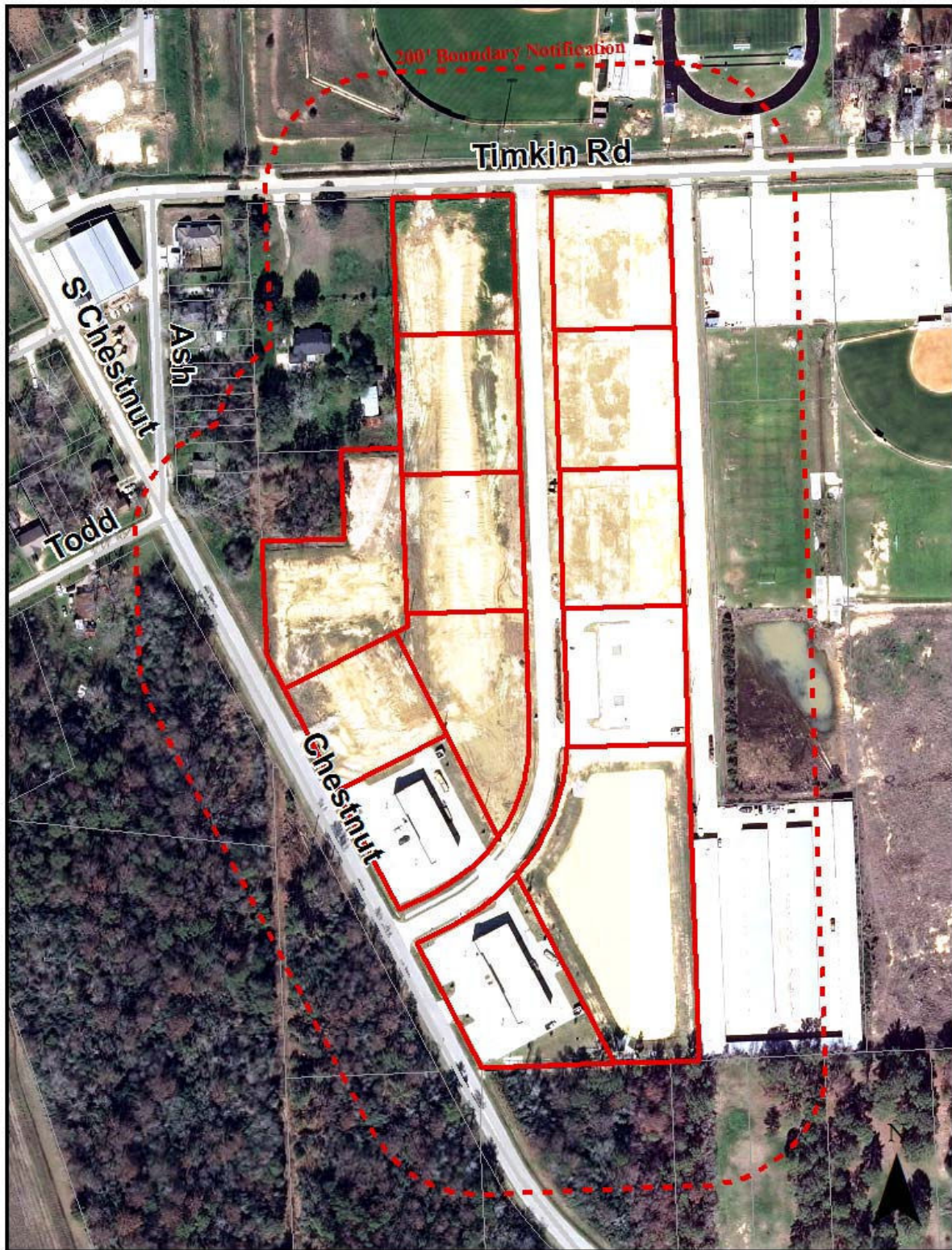


Exhibit "B"
Zoning Map

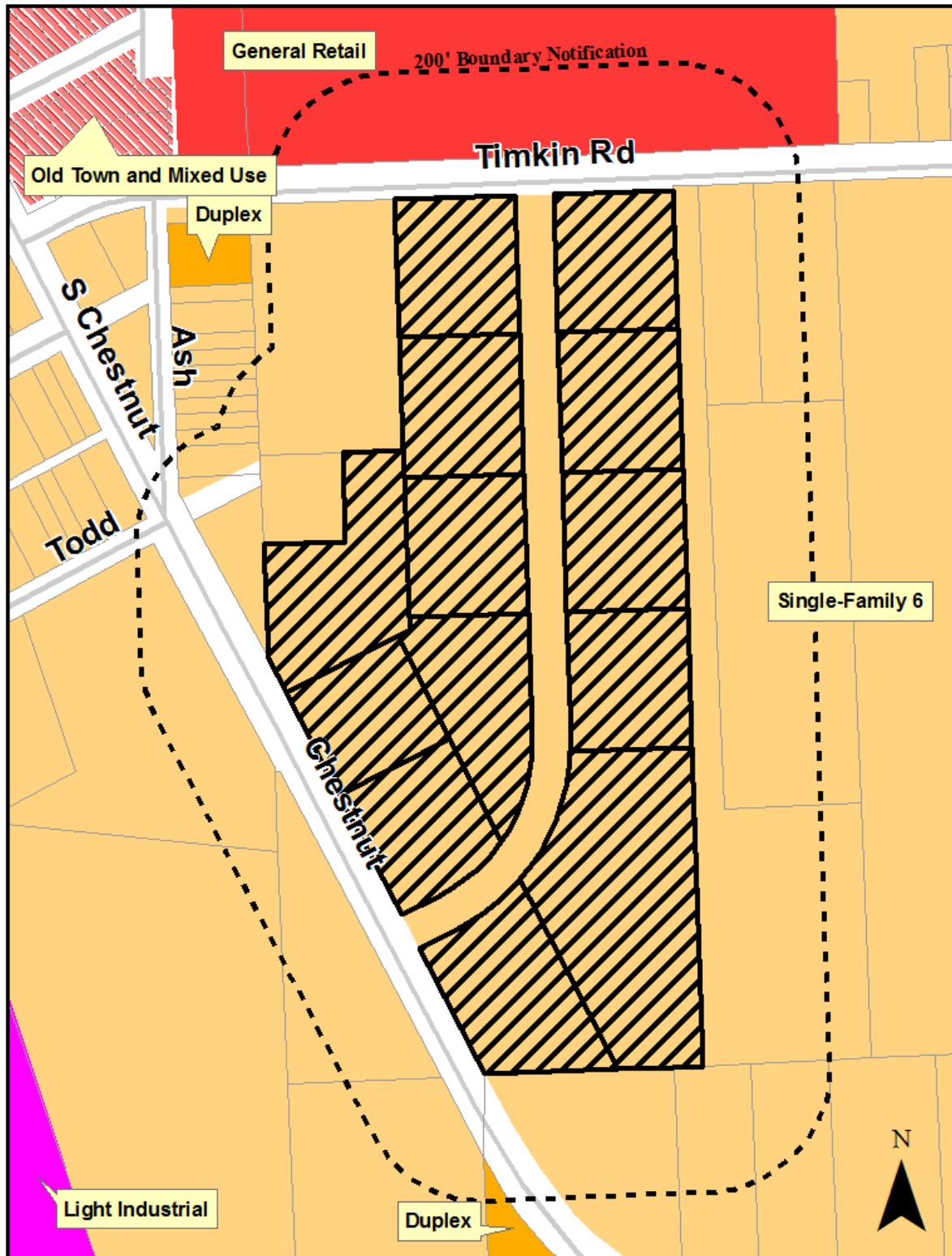


Exhibit "C"
Comprehensive Plan Future Land Use Map

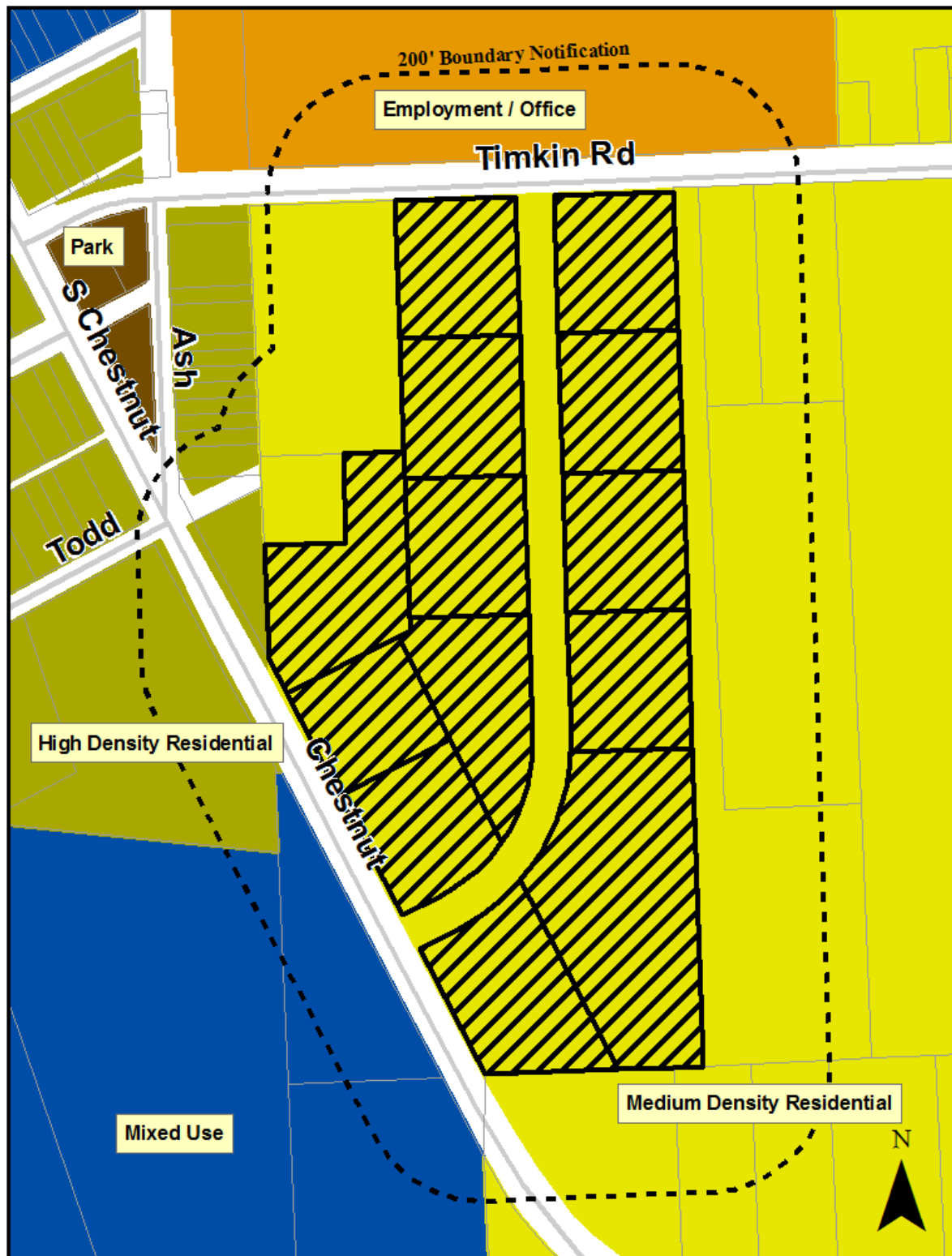


Exhibit "D"
Rezoning Application



Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: DAN SCHAUER Title: PROJECT MANAGER
Mailing Address: 21514 FOWLER Rd. City: TOMBALL State: TX
Zip: 77377
Phone: (281) 822-5025 Fax: () Email: DSCHAUER@ATT.NET

Owner

Name: ALBORS PROPERTIES LP Title: OWNER
Mailing Address: P.O. Box 2563 City: ALPINE State: CA
Zip: 91903
Phone: (619) 884-2276 Fax: () Email: ALBORS PROPERTIES@GMAIL.COM

Engineer/Surveyor (if applicable)

Name: DAVID KELLY/DK Engineering LLC Title: ENGINEER
Mailing Address: 32719 WINDSOR TERRACE City: FULBEAR State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: () SAME Email: DAVID.KELLY@DKENGINEERINGLLC.COM

Description of Proposed Project: 16.1 ACRES - CHESTNUT BUSINESS PARK

Physical Location of Property: SOUTH SIDE OF TIMKIN RD, EAST SIDE OF SOUTH CHESTNUT ST. KM 2884

[General Location - approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

OWNER OF 711 S. CHESTNUT NAME: M. Bodroeg
Address: 711 S. CHESTNUT, Tomball, TX 77375
Phone: 713-775-1835 **Email:** MAURICEB@TANMARCOMPANIES.COM

Legal Description of Property: CHESTNUT BUSINESS PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: 16.1 Acres

Current Use of Property: OFFICE DISTRICT

Proposed Use of Property: PLANNED DEVELOPMENT

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 Alvin Schaub 9-11-12
Signature of Applicant Date

X Alvin Schaub by Alvin Schaub 9-11-12
Signature of Owner Date

X M. Badros J. DATE 10/25/12
OWNER 711 S. CHOSTNUT ST.
TOMBALL, TX 77375

Albers Properties, L.P.

October 25, 2012

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

**Reference: The Rezoning of Chestnut Business Park, Comprehensive Plan
Admendment Request Letter, in Tomball Texas**

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area. This project will not have negative effects on either traffic or the adjacent properties in the area. The rezoning only looks to encourage growth in a manner which reflects the growing needs of the City in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers
Albers Properties LP
P.O. Box 2563
Alpine California 91903

Maurice Bledsoe
711 S. Chestnut St

NORTHWEST HOUSTON HEART CENTER
11/12/2012
Page 2
Tomball, Texas 77375

Albers Properties, L.P.

October 25, 2012

City of Tomball Planning and Zoning
501 James Street
Tomball, TX 77375

Reference: The Rezoning of Chestnut Business Park, Planned Development, in Tomball Texas

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning the 16.1 acre development known as Chestnut Business Park from its current Single Family 6 with vested rights for Office District to a Planned Development District. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat was prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and the third lot. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City.

We look to have more flexibility for our future tenants in a manner which still adheres to the City of Tomball's Comprehensive Plan. In difficult economic times it is important to be able to offer a variety of products for the clients that look to establish businesses in Tomball. We are requesting that we are allowed to offer these types of businesses an opportunity to relocate their interests to the City.

This proposed Planned Development, will accommodate will provide much needed integral land use units such as office parks, retail/commercial or service centers, by its combination of owners. This Planned Development will allow for the adjustment of changing demands to meet the current needs of the community by (1) Provide for a superior design on lots or buildings; (2) Provide amenities or features that would be of special benefit to the property users or to the overall community such as the regional detention/amenity pond and quality assurance (3) Provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services with the newly constructed infrastructure along Chestnut Business park drive; and (4) Will meet and exceed the standards of this Ordinance.

Proposed Uses for Chestnut Business Park, Tomball, Texas

Sign Shop retail
Upholstery Shop Non-Auto
Auto Interior Shop/Upholstery
Auto Glass Repair/Tinting
Auto Muffler Shop
Auto Repair (Major)
Auto Repair (Minor)
Appliance Repair
Electronic Assembly
Fix it Shops
Heating and Air Conditioning
Lawnmower Repair and Sales
Locksmith
Maintenance and Repair Service
Moving and Storage
News Printing
Pawn Shop
Plumbing Shop
Printing Equipment, Supplies, Repairs
Quick Lube/oil-change/inspection
Scientific Research Lab
Security System Installation
Sheet Metal Shop
Tool and Machinery Rental Inside
Vacuum Cleaner Sales Repair
Vet Clinic
Contractor Office/ Sales
Office Showroom/Warehouse
Assembly of finished products or parts
Commercial & Wholesale Trade:
 Communication Equipment sales/Service (Installation and/or Repair)
 Distribution Center
 Electric Repair (Domestic Equipment and Autos)
 Exterminator Service
 Iron Works (Ornamental)
 Machine Shop
 Pet and Animal Grooming Shop
 Publishing and Printing Company
 Warehouse (defined under storage or wholesale warehouse)
 Welding Shop

Chestnut Business Park Rezoning

11/12/2012

Page 3

Wholesale Trade-Nondurable Goods

Woodworking Shop

Amusement & Recreation

Amusement,commercial (indoor)

Playfield or stadium (private)

Office

Clinic,Emergency Care

Clinic,Medical and/or Dental

Office, Professional and General Business

Office Showroom/Warehouse

Security Monitoring Company (No Outside Storage)

Telemarketing Agency

Telephone Exchange/Switching Station

Personal & Business

Ambulance Service

Automobile Driving School (Including Defensive Driving)

Dance/Drama/Music Schools (Performing Arts,Martial Arts)

Health Club (Indoor)

Retail

Artist or Photography Studio

Bakery (Wholesale)

Carpenter Shop

Catering Service

Copy Shop

Electronic Goods (Retail Only)

Furniture Store (New and Used)

Painting and Refinishing Shop

Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)

Trophy Engraving

Upholstery Shop (Non-Auto)

Transportation & Auto Services

Auto Accessories (Retail Sales Only)

Auto Body Repair/Painting

Auto Dealer, Primarily Used Auto Sales w/ outdoor sales (no outdoor display)

Auto Interior Shop/Upholstery

Chestnut Business Park Rezoning

11/12/2012

Page 4

Auto Paint Shop

Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)

Automobile Assembly

Automobile Wash (Full service/detail Shop)

Institutional/Governmental

Child Day Care Center (Business)

Church/Temple/Place of Worship

Governmental Building or Use (County, State or Federal)

School- College or University

School-Commercial Trade (Vocational)

School- Other than Public or Denominational

Studio for Radio and/or Television (No Towers)

Commercial & Wholesale Trade

Appliance Repair

Carpet and Rug Cleaning Plant

Cleaning Plant (Commercial Laundry)

Communication Equipment Sales/Service (Installation and/or Repair- No outdoor sales or storage or towers/antennae)

Contractor's Office/Sales, No Outside Storage including Vehicles

Distribution Center

Electric Repair- (Domestic Equipment and Autos)

Electronic Assembly

Electro-plating/Electro-typing

Exterminator Service/Company (No Outdoor Sales or Storage)

Fix-it-Shops- Small Engine, Saw Filing, Mower Sharpening

Heating & Air-Conditioning Sales/Services

Iron Works (Ornamental)

Lawnmower Repair and/or Sales

Locksmith

Machine Shop

Maintenance & Repair Service for Buildings/Janitorial

Mattress- making and renovating

Moving and Storage Company

News Printing

Plumbing Shop

Printing Equipment, Supplies and Repairs

Publishing and Printing Company

Scientific and Industrial Research Laboratories (Non-Hazardous)

Security Systems Installation Company

Sheet Metal Shop

Taxidermist

Chestnut Business Park Rezoning

11/12/2012

Page 5

Tool and Machinery Rental (Indoor Storage only)

Warehouse (Defined under storage or wholesale warehouse)

Welding Shop

Wholesale Trade- Nondurable Goods

Wood Working Shops

Light & Heavy Manufacturing/Industrial

Artificial Flower Manufacture

Awning Manufacture-Cloth, Metal and Wood

Bag Manufacturing

Bottling Works

Broom Manufacture

Candy and Other Confectionary Products Manufacture

Canvas and related products manufacture

Ceramic Products Manufacture

Cutlery, Handtools and General Hardware Manufacture

Electric lamp manufacture

Elevator manufacture

Enameling and Painting

Engraving Plant

Envelope Manufacture

Farm/garden machinery equipment manufacture

Fixtures Manufacture

Food Processing

Footwear manufacture

Furnace manufacture

Furniture Manufacture

Hair Products Factory {Other than Human}

Ice cream/ ice manufacture

Laboratory Equipment Manufacturing

Leather Products Manufacture

Marble Working and Finishing

Metal Products, Stamping and Manufacture

Mirror resilvering

Office equipment manufacture

Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture

Paper Products and Paper Box Manufacture

Plastic Products- Molding,Casting,and Shaping

Sign Manufacturing (No Outside Storage)

Stone Cutting or Crushing

Textile Products Manufacture

Wood Products Manufacture

Chestnut Business Park Rezoning

11/12/2012

Page 6

Many of these businesses are currently allowed by the vested rights which are in place for this development, but ensuring the long term security has been difficult. Many potential tenants have expressed concern over the limitations placed on the properties. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers
Albers Properties LP
P.O. Box 2563
Alpine California 91903

Maurice Bledsoe
711 S. Chestnut St
Tomball, Texas 77375

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Subject site.



Figure 4: Subject site.



Figure 5: North of subject site.



Figure 6: South of subject site.



Figure 7: West of subject site.

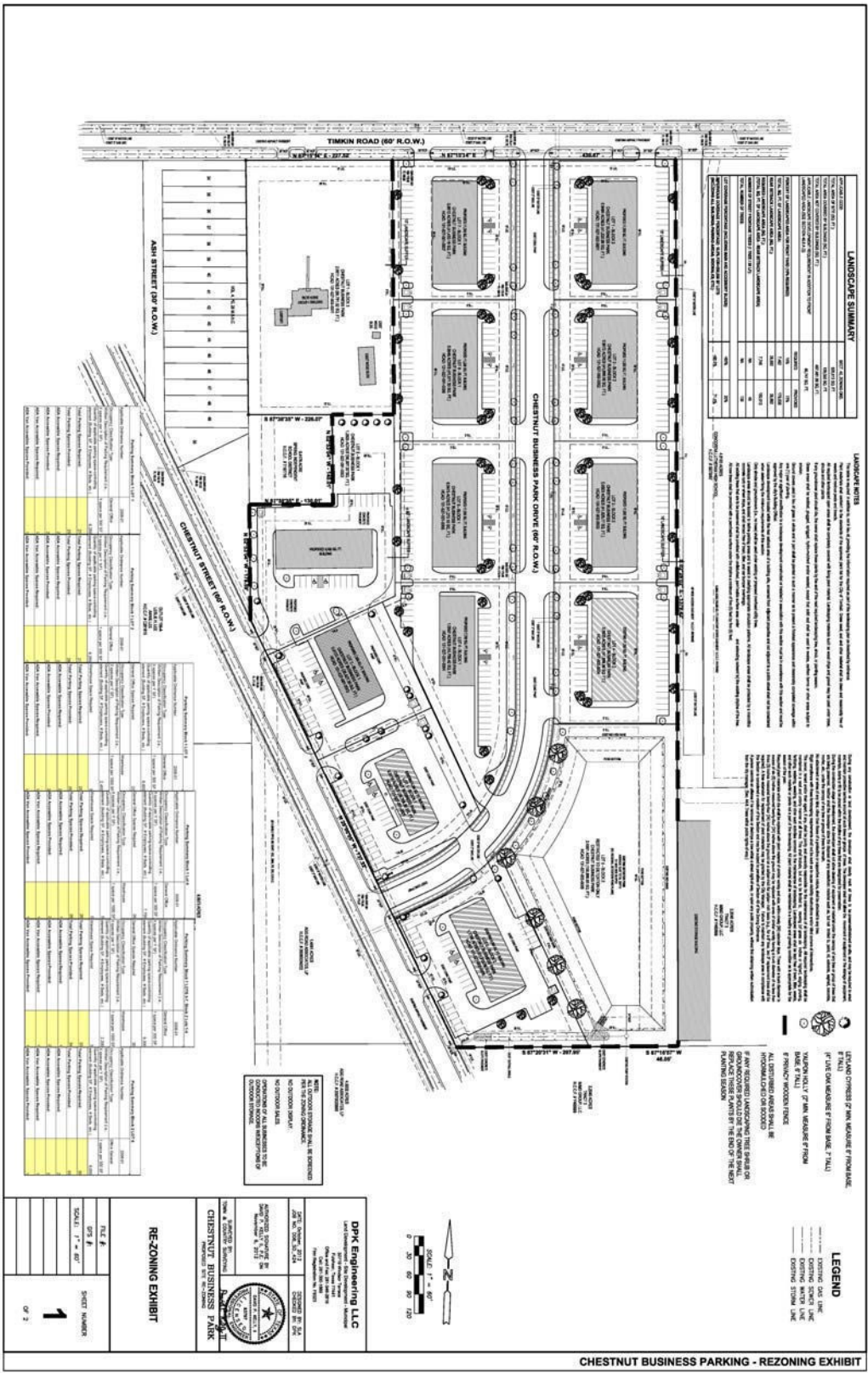


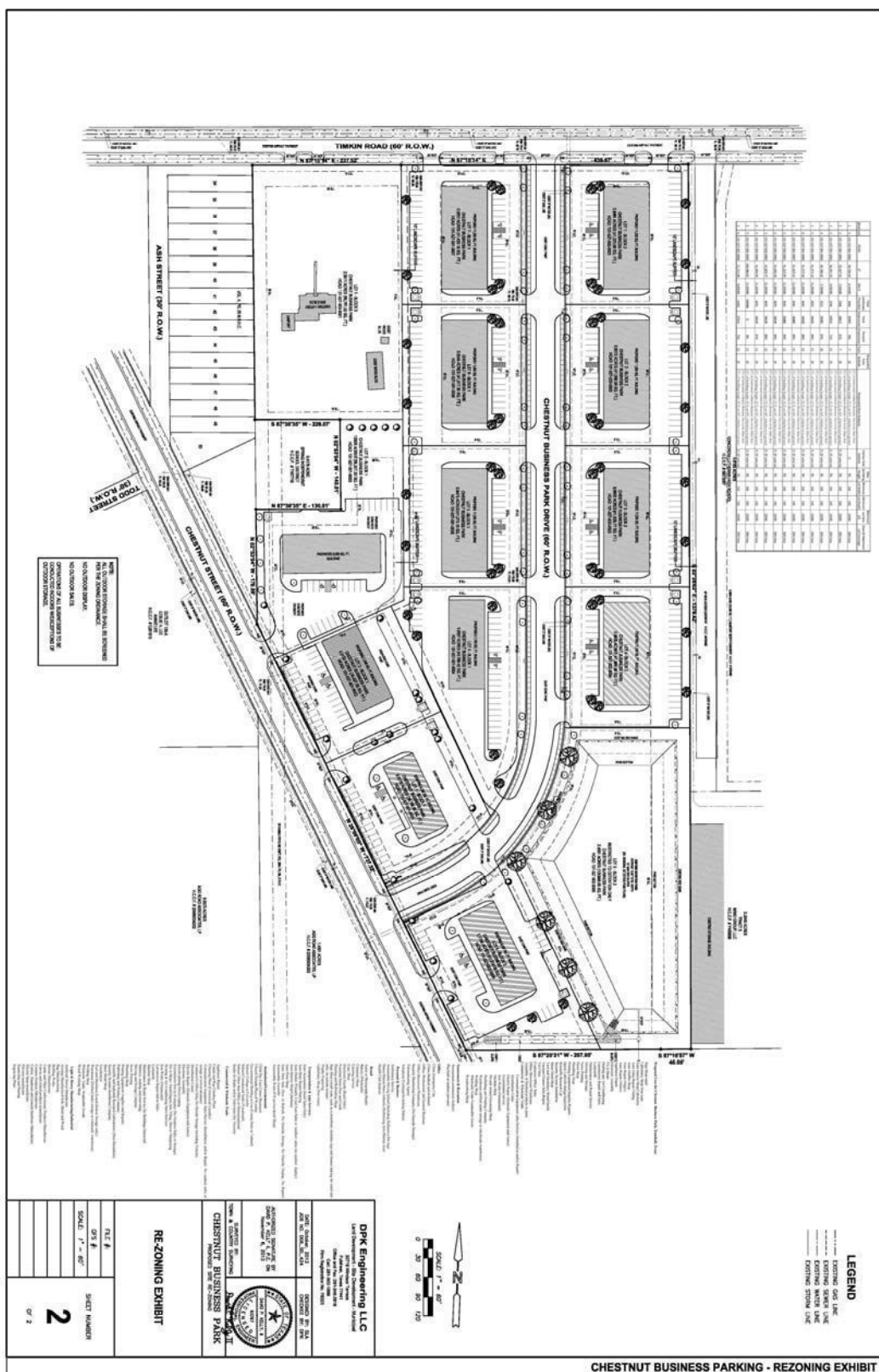
Figure 8: West of subject site.



Figure 9: East of subject site.

Exhibit "F"
Concept Plan





**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

COMPREHENSIVE PLAN CASE P12-515: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

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Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

ZONING CASE P12-516: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

COMPREHENSIVE PLAN CASE P12-517: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

ZONING CASE P12-518: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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

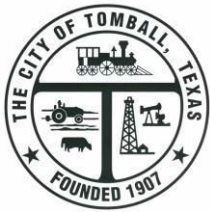
a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the 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@ci.tomball.tx.us

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 6th day of December 2012 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

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.



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: P12-516

APPLICANT: Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C.

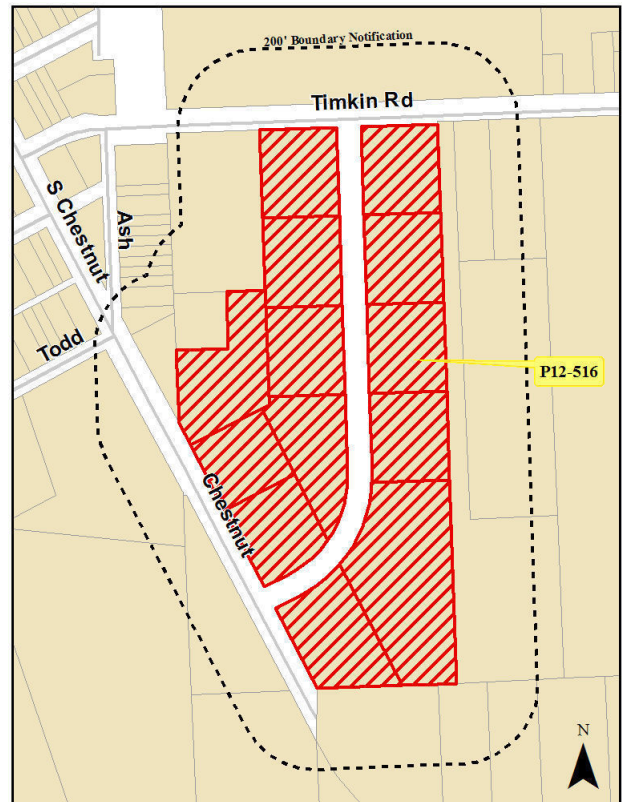
LOCATION: Easterly of South Chestnut Street, southerly of Timkin Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

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, December 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2012, 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.

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-57, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Ordinance No. 2012-21 (Conditional Use Permit #8) by Removing the Condition that “Outside Storage shall be Limited to a Maximum of Five (5) Percent of the Total Lot Area, or 1,546 Square Feet;” Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability.

Background:

On July 9, 2012, E.L. Chapman brought a Conditional Use Permit (CUP) before the Planning & Zoning Commission requesting a “Feed & Grain Store” be permitted at 13918 Hirschfield Road. The Planning & Zoning Commission recommended approval of the request, subject to the following conditions:

- The “Feed & Grain Store” use shall not be enlarged or extended beyond what is shown on the approved Concept Plan without the approval of the City of Tomball of a revised Concept Plan or new CUP.
- The subject site shall not be utilized by the “Feed & Grain Store” until all the proposed site improvements are completed as shown on the Concept Plan.
- The six (6) trees proposed on the Concept Plan shall be four (4) inches in caliper and seven (7) feet tall at the time of planting per Section 40 of the Zoning Ordinance.
- Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.

City Council adopted Ordinance No. 2012-21 on August 6, 2012, approving the CUP with the conditions listed above. On August 28, 2012, a Site Plan was submitted to the City to modify the site per the approved concept plan of the CUP. Several iterations of the plans were submitted between August 28 and November 9, with staff commenting that the overall outside storage area exceeded five percent of the total lot area or 1,546 square feet per the approved CUP. The applicant indicated that it was their intention to request a greater amount of outside storage area than permitted under the Zoning Ordinance and the CUP. Staff informed the applicant the only way to increase the outside storage area would be to have the Condition of Approval removed from the CUP and then successfully receive a Variance from the Board of Adjustments (BOA).

Because the nature of this request is an administrative procedure to allow the applicant the right to due process before the BOA, this item is being presented as City-initiated. On December 17, 2012, Council adopted Ordinance No. 2012-57 on first reading.

Origination:

City of Tomball, Engineering and Planning Department

Recommendation:

Adopt Ordinance No. 2012-57 on second reading.

Funding:

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

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

ATTACHMENTS:

Ordinance No. 2012-57 - Zoning Case P12-518
Notice of Public Hearing
P12-518 Staff Report
Property Owner Notification Letter

ORDINANCE NO. 2012-57

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING ORDINANCE 2012-21 (CONDITIONAL USE PERMIT #8) BY REMOVING THE CONDITION THAT “OUTSIDE STORAGE SHALL BE LIMITED TO A MAXIMUM OF FIVE (5) PERCENT OF THE TOTAL LOT AREA OR 1,546 SQUARE FEET;” CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Tomball has requested that Conditional Use Permit #8 (Ordinance 2012-21) be amended by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet;”

WHEREAS, the Property owner will be requesting a variance from the Board of Adjustments increasing the permitted outside storage area;

WHEREAS, the Property presently has a zoning classification of General Retail District and Conditional Use Permit #8, pursuant to the Comprehensive Zoning Ordinance of the City;

WHEREAS, the Planning & Zoning Commission of the City, after notice and hearing as required by law, has recommended that the City Council grant the Conditional Use Permit amendment;

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such Conditional Use Permit amendment should be granted;

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

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

Section 2. Ordinance 2012-21 is hereby amended by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

Section 3. 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 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
DECEMBER 10, 2012
&
CITY COUNCIL
DECEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, December 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2012, 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 P12-513: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

ZONING CASE P12-514: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk’s File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464,

Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

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Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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

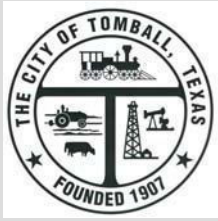
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CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of December 2012 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

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.



Conditional Use Permit Staff Report

Planning & Zoning Commission Hearing Date: December 10, 2012

Rezoning Case: P12-518
Property Owner(s): E.L. Chapman
Applicant(s): City of Tomball
Legal Description: Tract 4, Block 3, Hirschfield Farms, Section 1 (Unrecorded)
Location: 13918 Hirschfield Road (Generally located on the easterly side of State Highway 249 Expressway, northerly of Hirschfield Road) (Exhibit "A")
Area: 0.71 acre
Present Zoning and Use: General Retail District and Conditional Use Permit #8 (Exhibit "B") / Auto Paint & Body Shop
Comp Plan Designation: Commercial (Exhibit "C")
Proposed Use: Feed & Grain Store
Request: Amending Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

Adjacent Zoning & Land Uses:

North: General Retail District / Machine Shop
South: General Retail District / Hirschfield Road & Warehouse
East: General Retail District / Machine Shop
West: General Retail and Agricultural Districts / Undeveloped & SH 249 Expressway (Exhibit "D")

BACKGROUND

On July 9, 2012, E.L. Chapman brought a Conditional Use Permit (CUP) before the Planning & Zoning Commission requesting a "Feed & Grain Store" be permitted at 13918 Hirschfield Road. The Planning & Zoning Commission recommended approval of the request, subject to the following conditions:

1. The "Feed & Grain Store" use shall not be enlarged or extended beyond what is shown on the approved Concept Plan without the approval of the City of Tomball of a revised Concept Plan or new CUP.

2. The subject site shall not be utilized by the “Feed & Grain Store” until all the proposed site improvements are completed as shown on the Concept Plan.
3. The six (6) trees proposed on the Concept Plan shall be four (4) inches in caliper and seven (7) feet tall at the time of planting per Section 40 of the Zoning Ordinance.
4. Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.

City Council voted on July 16 and August 6, 2012, to approve the CUP with the same conditions listed above.

On August 28, 2012, a Site Plan was submitted to the City to modify the site per the approved concept plan of the CUP. Several iterations of the plans were submitted between August 28th and November 9th with staff commenting that the overall outside storage area exceeded five percent of the total lot area or 1,546 square feet per the approved CUP. The applicant indicated that it was their intention to request a greater amount of outside storage area than permitted under the Zoning Ordinance and the CUP. Staff informed the applicant the only way to increase the outside storage area would be to have the Condition of Approval removed from the CUP and then successfully receive a Variance from the Board of Adjustments (BOA).

Because the nature of this request is an administrative procedure to allow the applicant the right to due process before the BOA, this item is being presented as City-initiated.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 29, 2012; no public comment forms have been received.

RECOMMENDATION

The action requested is to APPROVE Zoning Case P12-518 and modify Ordinance 2012-21 by removing condition of approval #4 (“Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”)

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. Approved Site Plan and Letter

Exhibit "A"
Zoning Map



Exhibit "B"
Aerial Photo

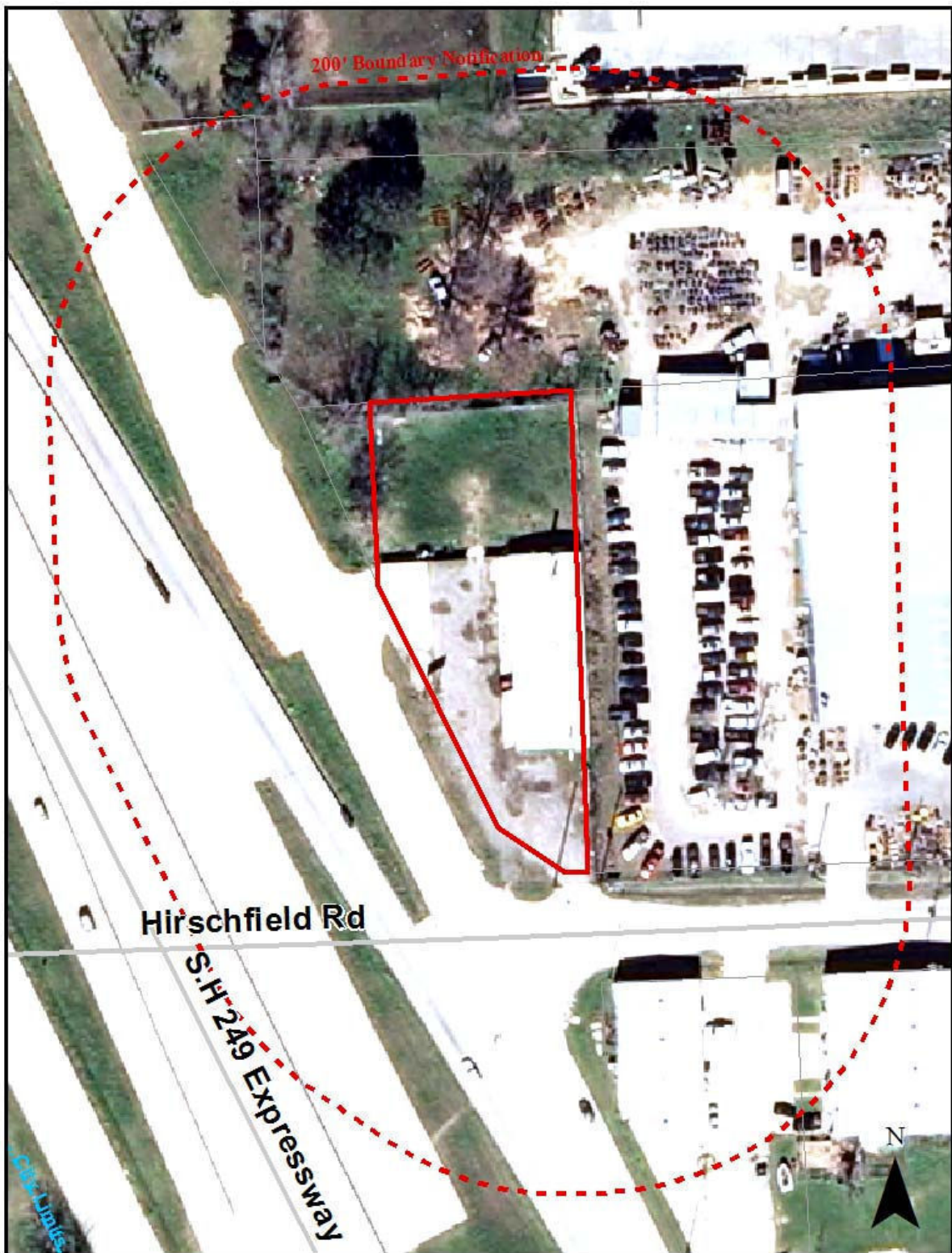
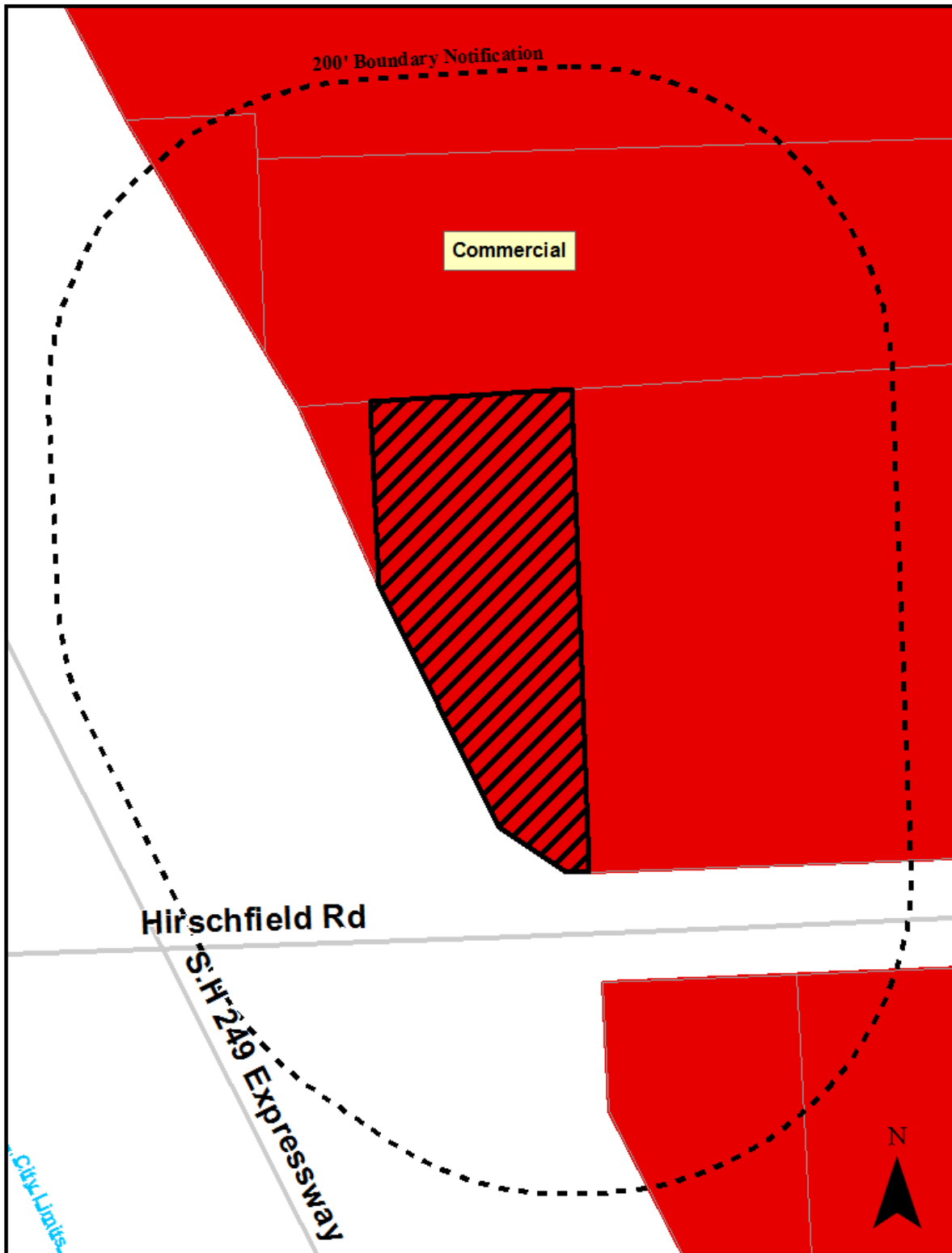


Exhibit "C"
Comprehensive Plan Future Land Use Map



**Exhibit “D”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Breaux Machine Works to the north and east.



Figure 4: Warehouse building to the south.

Page 266 of 384



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

November 9, 2012

Mr. E.L. Chapman
411 W. Rollingwood
Pinehurst, TX 77362

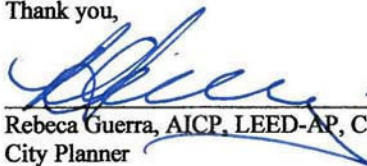
Re: Planning Case P12-490, Livengood, Feed & Grain Store

Dear Mr. Chapman,

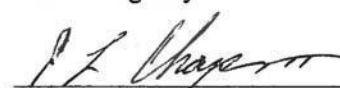
The Planning Division has reviewed the Site Plan for the proposed Feed & Grain Store (Livengood) located at 13918 Hirschfield Road and has no objections. However, the comments listed below shall be applicable to this project. By receipt of this document, the applicant and/or his designee understands and acknowledges the following requirements set forth:

- The outdoor storage area shall be limited to a maximum of 1,546 square feet total for the entire subject site unless a Variance is granted through the Board of Adjustment.
- If a dumpster is ever proposed to be located on the subject site, it shall be required to comply with Section 42 of the Zoning Ordinance for screening and buffering, as well as other applicable sections of the Ordinance.

Thank you,

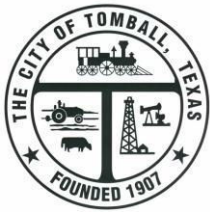

Rebeca Guerra, AICP, LEED-AP, CCP
City Planner

Acknowledged by:


Applicant / Designee
E.L. CHAPMAN
Print Name

Cc:

Christal Weber, Assistant City Manager
Planning Case File P12-490



Notice of Public Hearing

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

CASE NUMBER: P12-518

APPLICANT: City of Tomball

LOCATION: 13918 Hirschfield Road

PROPOSAL: Request to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that "Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet."

* * *

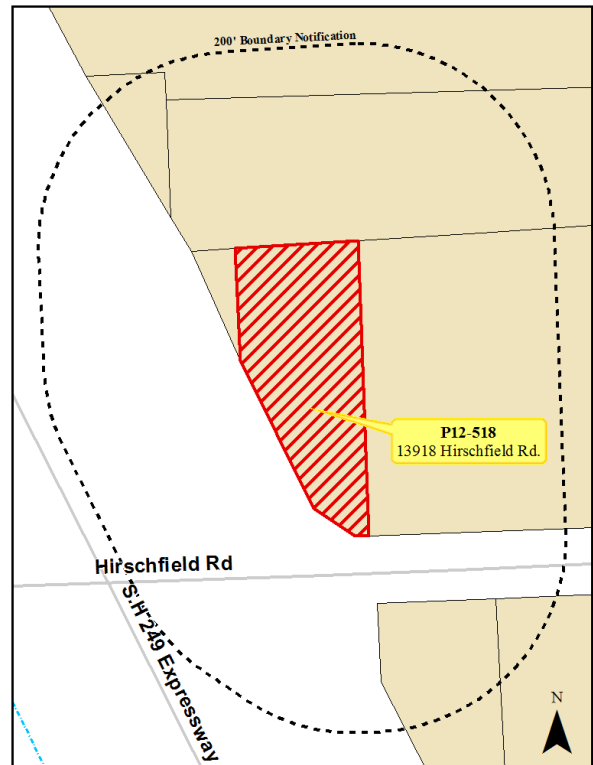
CONTACT PLANNER: Rodney Schmidt

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 in opposition to or support of the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning and Zoning Commission
Public Hearing:
Monday, December 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2012, 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 and Zoning Commission.

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-58, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Roadway Right-of-Way Containing 1.1794 Acres Tract of Land Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and Being out of Lot 171, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and Being out of a 1.145 Acre Tract as Conveyed to the City of Tomball by Deed Recorded in County Clerk's File Number J819958, Film Code Number 002-64-1847 of the Official Public Records of Real Property of Harris County Texas, within the City of Tomball, Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway Right-of-Way to Jacquelyn D. Marshall; Providing for Severability; and Containing Other Provisions Relating to the Subject

Background:

With the expansion of Medical Complex Segment 3, it has been determined that the portion of Michel Road from M121 West to Cherry Street will no longer be needed as a public right-of-way. The Michel Road right-of-way is being swapped for Medical Complex right-of-way. The right-of-way that is being abandoned at this time is only that portion adjacent to Jacquelyn Marshall's property. The rest of the Michel Road right-of-way will be abandoned in the future, with the purchase of the additional rights-of-way required from adjacent land owners.

Should the land purchase not be accomplished as planned, the Michel Road right-of-way will not be abandoned.

Origination:

Engineering and Planning

Recommendation:

Adopt Ordinance No. 2012-58 on second reading.

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2012-58

ORDINANCE NO. 2012-58

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A ROADWAY RIGHT-OF-WAY CONTAINING 1.1794 ACRES TRACT OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, AND BEING OUT OF LOT 171, TOMBALL TOWNSITE, A SUBDIVISION RECORDED IN VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING OUT OF A 1.145 ACRE TRACT AS CONVEYED TO THE CITY OF TOMBALL BY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER J819958, FILM CODE NUMBER 002-64-1847 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY TEXAS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID ROADWAY RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID ABANDONED ROADWAY RIGHT-OF-WAY TO JACQUELYN D. MARSHALL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

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

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

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

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

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

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway to Jacquelyn D. Marshall in consideration for the payment to the City of fair market value therefor.

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

Section 6. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF DECEMBER 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
JANUARY.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

PROPERTY DESCRIPTION FOR TRACT B

DESCRIPTION OF A TRACT OF LAND CONTAINING
1.1794 ACRES (51,373 SQUARE FEET) SITUATED IN
THE JESSE PRUITT SURVEY, A-629,
HARRIS COUNTY, TEXAS

Being a tract of land containing 1.1794 acres (51,373 square feet) situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and being out of Lot 171, Tomball Townsite a subdivision recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and being out of a 1.435-acre tract (Michel Road) as conveyed unto the City of Tomball by deed recorded in County Clerk's File No. J819958, Film Code No. 002-64-1847 of the Official Public Records of Real Property of Harris County, Texas. Said 1.1794-acre tract being more particularly described by metes and bounds as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

COMMENCING FOR REFERENCE at a point located in the east right-of-way line of a 30 foot wide unimproved public road as referenced by said subdivision plat, and for the southwest corner of said Lot 171;

THENCE North 02° 39' 02" West with the east right-of-way line of said unimproved public road, the west line of said Lot 171, and said 1.435 acre tract, a distance of 126.53 feet to a found 2-inch aluminum disk for the **POINT OF BEGINNING**, and the southwest corner of said 1.435 acre tract and the tract herein described;

THENCE North 02° 39' 02" West continuing with the east right-of-way line of said unimproved public road, the west line of said Lot 171, a distance of 80.38 feet to a found 2-inch aluminum cap for the northwest corner of said 1.435 acre tract and the tract herein described;

THENCE North 81° 44' 40" East, departing the east right-of-way line of said unimproved public road, with the north line of said 1.435 acre tract, a distance of 589.24 feet to a point located in the proposed south right-of-way line of Medical Complex Drive for the northeast corner of the tract herein described;

THENCE South 57° 47' 05" East, with the proposed south right-of-way line of Medical Complex Drive, a distance of 124.30 feet to a point of curvature of a non-tangent curve to the left, and for the southeast corner of the tract herein described;

THENCE in a southwesterly direction departing the proposed south right-of-way line of said Medical Complex Drive, along the south line of said 1.435 acre tract, with said curve to the left whose radius is 1100.00 feet and whose central angle is 01° 03' 20" (chord bears South 82° 18' 46" West, a distance of 20.45 feet) for a curve length of 20.45 feet to a point of tangency;

THENCE South 81° 47' 07" West, along the south line of said 1.435 acre tract, a distance of 671.20 feet to the **POINT OF BEGINNING** and containing 1.1794 acres (51,373 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated December 13, 2011, and titled "MEDICAL COMPLEX DRIVE EXPANSION PROJECT, SEGMENT 3, HARRIS COUNTY, TEXAS".

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 1116-008-01
TRACT B
December 13, 2011

EXHIBIT A

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 1:30 p.m. to 4:00 on Friday, March 8, 2013 and Friday, September 13, 2013 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 9, 2013 and Saturday, September 14, 2013 for the Juried Art Shows

Background:

The Tomball Art League (TAL) requests City sponsorship of its 2013 Juried Spring and Fall Art Shows, through the use of the Community Center including tables, chairs, and personnel from 1:30 p.m. to 4:00 on Friday, March 8, 2013 and Friday, September 13, 2013 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 9, 2013 and Saturday, September 14, 2013.

TAL also requests a waiver of the rental fee and possibly a portion of the personnel fees; TAL will reimburse the City's personnel costs to open and close the building, up to \$250 for each event.

Estimated cost of in-kind services and waiving of fees by the City is approximately \$1,125 per event:

\$ 250.00 - Personnel (maximum possible charge)
<u>875.00 - Waiver of Rental Fee - Room A</u>
\$ 1,125.00 - Subtotal
<u>- 250.00 - Less Reimbursement by TAL for Personnel</u>
\$ 875.00 - Total

These juried events are free and open to the public and promote Tomball; each event is scheduled in conjunction with the City's Second Saturday at the Depot events. These events bring visitors to Tomball, promoting the City's economic development through patronage of local restaurants and retail businesses.

Council has granted this request for several years. The Tomball Art League does not currently receive funds from the City of Tomball hotel/motel tax (HOT) revenues. Dan Adkisson will be available to answer questions and provide additional information.

Origination:

Dan Adkisson, Tomball Art League

Recommendation:

Staff recommends approval.

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:

Tomball Art League for City Support for 2013 Juried Art Shows

City of Tomball
Attn: City Council
401 W. Market Street

The Tomball Art League (TAL) is preparing for our annual Juried Spring & Fall Art Shows, Saturday March 9, 2013 and September 14, 2013 (2nd Saturday's). The project requires the same consideration that you have extended us in the past few years which are:

Your waiving the fee for the use of The Community Center and the use of the tables and chairs in order to display and judge art work March 9th & September 14th, 2013 7:30 a.m. - 5:00 p.m. (we close the show at approximately 4:00 p.m. and the extra hour allows us to clean and restore the room.) We will also need the Friday's (8th & 13th) prior to the Saturday shows from 2:00 - 4:00 p.m. for pre registration of art work.

Tomball Art League will pay \$ 250 for the labor cost for personnel to open and close the building.

The City of Tomball to partner with Tomball Art League for this event.

The Tomball Art League believes these Juried Art Shows will enhance our efforts of providing art education to the community, while at the same time supporting the City of Tomball's goal of expanding tourism in the historical/regional downtown area. Tomball Art League will accomplish both by advertising throughout the area, through local & regional news releases, communicating with other art leagues, local schools, art teachers and through internet marketing.

The Tomball Art League does not benefit from the City of Tomball hotel/motel tax, but we believe this event will return the investment back to the city through the following:

- Increase in sales tax from vendor (restaurants, service stations, etc) sales
- Increase in hotel/motel occupancy through
 - Overnight stays by participants
 - Tourist attending the show
- Return visits to local artist for follow-up sales, instructional workshops
 - And subsequent visits to the Tomball area.
- Create business for local restaurants and retail establishments

Tomball Art League is making this an annual event in Tomball and these dates are in conjunction with the City's monthly 2nd Saturday at the Depot events. This event is free admission and through opening this show to local schools, encouraging student artist to participate that it will become a family event as well.

Thank you for considering our request. Your earliest attention is greatly appreciated.

Sincerely

Dan Adkisson
Tomball Art League



Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-02, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 23, 2013

Background:

The Tomball Sports Association requests approval of Resolution No. 2013-02, expressing the City's support of the annual baseball parade, which will be held on Saturday, March 23, 2013. This Resolution is required for submission of TSA's Traffic Control Plan to the Texas Department of Transportation.

The parade will begin at the intersection of Buvinhausen and Main Streets (FM 2920), continue east on Main Street, turn north onto North Cherry Street, and finish at the Little League Park in the Wayne Stovall Sports Complex.

As information regarding the cost of City-provided support services, this is considered a short, simple event, using a 'rolling barricade', and costs are approximately 15% the cost of a normal parade event. The estimated cost for the Public Works Department is \$250 and for the Police Department is \$500 for personnel to manage the parade. In addition, the Fire Department removes one or two vehicles from service to use in the parade as the "rolling barricade," either the tanker and the tower or the tower and the old city pumper. A minimum of two firefighters accompany each vehicle; the estimated total cost of personnel and fuel is \$250.

Origination:

Tomball Sports Association

Recommendation:

Approve Resolution No. 2013-02

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-02

TSA Request Letter

RESOLUTION NO. 2013-02

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, SUPPORTING THE
ANNUAL BASEBALL PARADE, TO BE HELD IN
TOMBALL ON SATURDAY, MARCH 23, 2013.**

* * * * *

WHEREAS the Tomball Sports Association will undertake its Annual Baseball Parade to kick off the Spring 2013 baseball season, to be held in the City of Tomball at 9:00 a.m. on Saturday, March 23, 2013; and

WHEREAS the purpose of the Annual Baseball Parade is to celebrate the beginning of the baseball season and provide an event for our community and the children who enjoy sports; and

WHEREAS it is a chance for Tomball area merchants and business people to come out and encourage our young people by attending the Annual Baseball Parade; and

WHEREAS the Annual Baseball Parade will begin at the intersection of Buvinghausen and Main Street (FM 2920), will continue east on Main Street (FM 2920), turn north onto North Cherry Street, and finish at the Little League Park, located in the Wayne Stovall Sports Complex; and

WHEREAS the Tomball Sports Association desires and requests the support and endorsement of the City of Tomball in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Sports Association in promoting and undertaking the Annual Baseball Parade and pledge to encourage this effort to celebrate the beginning of baseball season;

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL
HELD ON THE 7TH DAY OF JANUARY 2013.**

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



TOMBALL SPORTS ASSOCIATION

Tomball Little League
PO BOX 1084
Tomball, TX 77377

December 5, 2012

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

Dear Mayor Fagan,

This letter is a request for the Tomball City Council to approve a resolution in favor of Tomball Sports Association's Annual Opening Day Parade, to kick off the Spring 2013 baseball season. The parade will be held in Tomball city limits, on Saturday, March 23, 2013, at 9:00am. The parade starts at the intersection of Buvinghausen and Main Street (FM2920) and will continue east on Main Street (FM2920) to turn north onto Cherry Street and finish at the Wayne Stovall Little League baseball park.

We appreciate the City of Tomball's past and ongoing support of our Little League Baseball program. Please contact me with any questions.

Sincerely,

Jennifer Longoria-Walker
Tomball Sports Association
Parent Auxiliary Director
Home: 281.290.6956

cc: Lt. Anthony Soloman, Tomball Police Department
David Kauffman, Director of Public Works

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election to be Held on Saturday, May 11, 2013; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of such Election

Aprobar la Resolución Nro. 2013-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 11 de mayo de 2013; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2013-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 11 tháng Năm, 2013; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

2013-01 Tomball 2013 5 11
Tomball

Background:

Resolution No. 2013-01 orders the Regular City Officer's Election, which will be held on Saturday, May 11, 2013 for Mayor and Council Position 3.

The first day to file an Application for Place on Ballot is Wednesday, January 30, 2013; the last day to file an Application for Place on Ballot is Friday, March 1, 2013 at 5:00 p.m. Early Voting will be held April 29-May 3 and May 6-7, 2013.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 30, and Tuesday, May 7, 2013.

The 2012 City general election cost \$16,929.79, which included additional expenses due to the new requirement for ballots, election materials, and notices to be translated into Mandarin (we are now required to conduct our elections in English, Spanish, Vietnamese, and Mandarin), and the purchase of a backup JBC for additional protection of City elections.

The contract between Hart Intercivic and the City includes personnel training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election. The anticipated expenses for the May 11, 2013 election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred if a runoff election is required; however, funds budgeted for elections in the FY 2012-2013 budget are sufficient to cover anticipated costs.

A provision has been included in Section 2 to authorize the City Secretary to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified pool of Election Clerks if either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties for whatever reason.

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2013-01

Funding: Yes

Account Number: 100-114-6371

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-01

RESOLUTION NO. 2013-01

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY, MAY 11, 2013; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 11th day of May, 2013, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**MAYOR
COUNCIL POSITION 3.**

Section 2: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

Mary Coats, Presiding Judge
Patsy Kinsey, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code. If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4: The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 30, 2013 and Tuesday, May 7, 2013.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used

for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8: Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 9: The first day to file an application for place on ballot is January 30, 2013. All candidates for election for the Office of City Mayor and City Councilman, Position 3, must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on March 1, 2013 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 22, 2013. Early voting for the Runoff Election will begin June 10, 2013 and end June 18, 2013. All terms, conditions, and provisions established for the May 11, 2013 Regular City Officers Election shall apply to the Runoff Election.

Section 11: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this 7 day of January 2013.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2013-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 11 DE MAYO DE 2013; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

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

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 11 de mayo de 2013, elección en la cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

**ALCALDE
CONCEJAL, POSICIÓN 3**

Sección 2: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Mary Coats, Juez Presidente
Patsy Kinsey, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas. Si el Juez Presidente o el Juez Presidente alterno no pueden desempeñar sus funciones asignadas, la secretaria de la ciudad está autorizada a seleccionar un Juez presidente Actuante o un Juez Alterno Actuante de entre los funcionarios electorales calificados, según sea necesario.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$12.00 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$11.00 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser hacerse conformidad con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente esta abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en

persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 30 de abril de 2013 y el martes 7 de mayo de 2013.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de papel y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

Sección 6: Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

Sección 7: Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierren las casillas de votación.

Sección 8: Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 30 de enero de 2013. Todos los candidatos para el cargo de Alcalde Municipal y Concejales Municipales, Posición 3, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 1 de marzo de 2013 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 22 de junio de 2013. La votación anticipada de la Elección de Desempate comenzará el 10 de junio de 2013 y terminará el 18 de junio de 2013. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 11 de mayo de 2013 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

PASADA, APROBADA y RESUELTA este día 7 de enero de 2013.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2013-01

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO
THỨ BẢY, NGÀY 11 THÁNG NĂM, 2013; CHỈ ĐỊNH CÁC ĐỊA
ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH
BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA
THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO
CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI
TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

* * * * *

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

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong
toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 11 tháng
Năm, 2013, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành
Phố Tomball nói trên, gồm có:

VỊ TRÍ

THỊ TRƯỞNG NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 3

Mục 2: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử,
phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00)
chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ
nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

Mary Coats, Trưởng Ban Điều Hành
Patsy Kinsey, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của
NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ

như đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas. Nếu Trưởng Ban Điều Hành Bầu Cử hoặc Trưởng Ban Điều Hành Dự Khuyết đều không thể thực hiện các nhiệm vụ được chỉ định, Thư Ký Thành Phố được phép chọn ra một Quyền Trưởng Ban hoặc Quyền Trưởng Ban Dự Khuyết từ các Thư Ký Phụ Trách Cuộc Bầu Cử hội đủ điều kiện, nếu cần.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban Điều Hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$12.25; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$11.25 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Thư Ký Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 30 tháng Tư, 2013 và Thứ Ba, ngày 7 tháng Năm, 2013.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và trong bất kỳ trường hợp nào

không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu bầu gửi bằng thư. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Tổng Thư Ký Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu giấy sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Tổng Thư Ký Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mướn các viên chức phụ trách bầu cử tại đây được cấp phép.

Mục 6: Thư Ký Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

Mục 7: Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố sau khi đóng cửa phòng phiếu.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp Tiểu Bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo Luật Về Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của Thành Phố Tomball sẽ được bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 30 tháng Giêng, 2013. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 2 và Vị Trí 4, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 1 tháng Ba, 2013 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 22 Tháng Sáu, 2013. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 10 Tháng Sáu, 2013 và kết thúc ngày 18 tháng Sáu, 2013. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 11 tháng Năm, 2013 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày 7 tháng Giêng, 2013.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHÚNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

決議案編號 2013-01

TOMBALL市市議會決議及指示將於2013年5月11日星期六召開市政府官員普選；指定該選舉之投票地點及委派選舉工作官員；指揮該選舉公告之發佈；指定如有需要的二次決選日期；以及提供舉行該選舉的相關細節

* * * * *

由德克薩斯州TOMBALL市議會決議的適用條款如下：

第一條： 特此指示德克薩斯州Tomball市在2013年5月11日，星期六舉行普選，在該項選舉中將由符合資格的選民選舉Tomball市下列官員，即是：

席位

市長
市議會席位3

第二條： 構成一個選舉區目前的市政區界限，下列投票所開放投票的時間將為上午七時(7:00)至下午七時(7:00)，在此指派於指定之投票所辦理投票事宜的官員如下：

投票所

Tomball市政廳
401 Market Street
Tomball, Texas 77375

執行選舉官員

Mary Coats, 主理法官
Patsy Kinsey, 替代主理法官

依照德克薩斯州選舉法32.009條規定，在此授權并指派市府秘書向法官們提交此**決議書**副本作為其任命之書面通知。如果主理法官或替代主理法官均無法執行其委派職責，在需要時授權市府秘書於符合資格的選舉書記中選擇一位代理主理或代理替代主理法官。

主理法官將有權委派不超過七名書記協助舉辦此項選舉，但在任何情況下主理法官不得委派兩名以下的書記。提述之選舉官員也將擔任此項選舉的提前投票選票委員會的工作；該選區的主理法官亦同時擔任提前投票選票委員會的主理法官。

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$12.00；提前投票書記及選舉書記之酬薪為每小時\$11.00。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工作是必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

第四條： 市府秘書在此委派提前投票之選舉書記；市府秘書應將依照德克薩斯州選舉條例第83.001條及該條款下列相關條款規定委派提前投票之代表書記或書記。此項選舉的提前投票地點在此指定於：

市政廳
德州Tomball市
401 Market Street
Tomball, Texas 77375

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45) 至下午五時(5:00)、週二上午七時四十五分(7:45) 至下午七時四十五分(7:45)、週五上午七時四十五分(7:45) 至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005 (d) 條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2013年4月30日，星期二及2013年5月7日，星期二開放每日12小時供個人出席的提前投票；

提述之書記不得允許任何人在書記辦公室非正常工作日內進行個人出席提前投票，在該辦公室未對外開放時，在任何情況之下絕不允許任何人進行個人出席提前投票。上述提前投票地點亦為辦理選票申請及郵寄選票書記辦公室的通訊地址。依據德州選舉條例規定，提前投票書記應保存每位進行個人出席提前投票和寄發郵寄選民的名冊。名冊應保持州務卿批核之格式。

第五條： 所有選票均依照的州選舉條例進行準備。郵寄提前投票將使用紙張選票，個人出席提前投票和選舉日投票將使用eSlate 直接記錄電子 (DRE)投票系統，兩者均為eSlate DRE 投票系統之部分。州務卿已核準市議會在此通過提前投票及選舉日使用eSlate直接記錄電子 (DRE) 投票系統。所有舉辦選舉、材料採購、以及選舉人員的僱聘之必要支出在此業經授權。

第六條： 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

第七條： 此項選舉公告的發佈依照德克薩斯州選舉條例之規章，公告回執亦應按上述條例進行。市長將開具所有有關此項選舉必要的命令及令狀，每項選舉回執在投票所關閉后應提交市府秘書。

第八條： 提述之選舉將依據德克薩斯州憲法第11章，第11條之規定辦理，德克薩斯州選舉條例及1965年聯邦投票權法案修正案規定市行政單位超過兩年的任期，必須在空缺發生的120日內填補該項空缺，唯有Tomball市正式合格的居民選民才能取得投票資格。

第九條： 開始申請參選選票席位的第一天為2013年1月30日。所有競選市長及市議員辦公室市議會第3席位之候選人必須在2013年3月1日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

第十條： 如果需要進行二次決選，二次決選定於2013年6月22日。二次決選的提前投票將於2012年6月10日開始并於2013年6月18日結束。2013年5月11日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

第十一條： 在此依法授權及指示市府秘書發佈上述選舉公告。

於2013年1月__7__日通過，核準并決議。

GRETCHEN FAGAN, 市長
Tomball市

此證：

DORIS SPEER, 市府秘書
Tomball市

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-03, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2012-2013

Background:

Resolution No. 2013-03 is presented for Council consideration and approval to adopt a Master Fee Schedule for Fiscal Year 2012-2013.

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

The City Attorney has reviewed the schedule and advises that the fees reflected in Exhibit "A", attached to Resolution No. 2013-03, are authorized either by separate ordinance or City policy adopted by Council.

Most of the fees have not increased; however, the Finance Department has included a \$2.00 increase for each 50-bag roll of the heavy-weight trash bags that the City makes available to residents after they have used the two free bundles provided by the City each year. The increase, from \$8.00 per roll to \$10.00 per roll, is necessary to mitigate more of the current \$12.00 that the City pays for each roll.

The Fire Marshal has requested the addition of new fees for the installation of fire suppression and fire detection systems, including kitchen hoods and paint booths, and for fire prevention permits, due to new areas of permitting, review and inspections that are now required; an explanation of the proposed changes to the fire prevention fee schedule is attached for your review.

In the future, it is staff's plan to review the Master Fee Schedule annually and submit requests for changes in the fee schedule to Council each year following the budget process.

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

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2013-03, adopting a Master Fee Schedule for FY 2012-2013.

Funding:

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

City Secretary

ACTION TAKEN

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

Resolution No. 2013-03

Fire Marshal - Proposed 2012-13 FMO Fee Schedule

RESOLUTION NO. 2013-03

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS,
ADOPTING A MASTER FEE SCHEDULE FOR FISCAL YEAR
2012-2013.**

* * * * *

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

WHEREAS, the Tomball City Council finds it advantageous to adopt a Master Fee Schedule for Fiscal Year 2012-2013, to provide easier access for Tomball residents and commercial interests; **NOW, THEREFORE**

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

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

Section 2. A Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2012-2013 is hereby adopted, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

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

PASSED, APPROVED, AND RESOLVED this 7th day of January, 2013.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

EXHIBIT “A”

**CITY OF TOMBALL
MASTER FEE SCHEDULE
FY 2012-2013**

AMBULANCE PERMIT FEES

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

10/2012

BANNER DISPLAY FEES

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

APPLICATION FEE

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

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

STORAGE FEE

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

Rev. 11-26-2012

BUILDING PERMIT FEES

TOTAL VALUATION

\$1,000.00 and less

FEE

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

\$1,001.00 to \$50,000.00

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

\$50,001.00 to \$100,000.00

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

\$100,001.00 to \$500,000.00

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

\$500,001.00 and up

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

MOVING FEE

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

DEMOLITION FEE

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

0 - 100,000 cu. ft.

\$60.00

100,000 cu. ft. and over

\$0.50/1,000 cu. ft.

PENALTIES

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

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

PLAN-CHECKING FEES

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

FEE FOR RE-INSPECTION

The reinspection fee shall be \$25.00.

MECHANICAL PERMIT FEES

INITIAL FEE

For issuing each permit..... \$15.00

ADDITIONAL FEES

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

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

Fee for inspecting boilers (based upon Btu input):

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

FEE FOR REINSPECTION

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

TEMPORARY OPERATION INSPECTION FEE

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

SELF-CONTAINED UNITS LESS THAN TWO TONS

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

PLUMBING PERMIT FEES

PERMIT FEES:

For issuing each permit..... \$15.00

PLUS THE FOLLOWING WHEN PROVIDED:

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

PERMITS/MISCELLANEOUS

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

FEE FOR PLUMBING RE-INSPECTION

The re-inspection fee shall be \$25.00.

IRRIGATION PERMIT FEES

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

DOMESTIC AND COMMERCIAL WATER TAP FEES

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

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

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

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

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

BULK WATER SALES

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

DOMESTIC AND COMMERCIAL SEWER TAP FEES

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

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

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

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

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

DOMESTIC AND COMMERCIAL GAS TAP FEES

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

<u>BTUs</u>	<u>TOTAL COST **</u>	<u>METER SIZE</u>
0 to 345,000	\$ 665.00	250-275
345,000 to 450,000	\$ 800.00	415-450
450,001 to 1,760,000*	\$1,460.00	750-880
2,420,001 to 5,500,000*	\$3,740.00	3,000
5,500,001 to 11,000,000*	\$4,945.00	5,000

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

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

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

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

Effective June 1, 2012 - May 31, 2013*

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

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

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

SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES*

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

Drainage effective June 1, 2009:

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

OIL AND GAS FEES

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

MANUFACTURED HOME FEES

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

PLATTING FEES

PRELIMINARY PLAT FEES

Base Fee is \$200.00 plus \$1.00 per lot, plus \$5.00 per acre outside the normal single family residential lots.

FINAL PLAT FEES

Base Fee is \$200.00 plus \$0.50 per lot, plus \$2.00 per acre outside the normal single family residential lots.

RECORDING, FILING & REPRODUCTION FEES

\$150.00 plus \$50.00 per sheet after the first sheet.

BOUNDARY LINE ADJUSTMENT APPLICATION FEE

Boundary Line Adjustment Fee is \$100.00

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

BUILDING INSPECTIONS

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

MOVING INSPECTIONS

1. FINAL
2. UTILITIES CUT OFF
3. SITE

PLUMBING INSPECTIONS

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

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

1. PUBLIC WORKS2. TOP OUT

IRRIGATION INSPECTIONS

1. SITE
2. FINAL

DRIVEWAY INSPECTIONS

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

POOL INSPECTIONS

1. STEEL
2. DECK
3. FINAL

ELECTRICAL INSPECTIONS

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

SIGN INSPECTIONS

1. SIGN INSTALLATION
2. FINAL

ROOF INSPECTIONS

1. COVER UP
2. FINAL

MECHANICAL INSPECTIONS

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

CHAUFFEUR'S DRIVER FEES

ANNUAL FEE:

City of Tomball Chauffeur's License Fee: None

10/2012

COMMUNITY CENTER FEES

Reservation Fee Guidelines

A. Meeting Room Fee Schedule (Based on availability)

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

B. Kitchen Fee Schedule

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

Special Notes

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

Waiver of Fees

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

EMERGENCY WRECKER DRIVER FEES

ANNUAL FEE:

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

Replacement Drivers License Fee: \$ 5.00

Rev. 11-7-2012

EMERGENCY WRECKER COMPANY FEES

ANNUAL FEE SCHEDULE:

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

FEES FOR TOWING:

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

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

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

VEHICLE STORAGE FEES:

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

False Alarm Program Fees

Registration of Alarm System

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

False Alarm Fee Schedule - Residential

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

False Alarm Fee Schedule - Commercial

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

Panic Alarm Transmission

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

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

Fire Marshal's Office Fees

Life Safety Plan Review

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

Fire Sprinkler Systems

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

Fire Alarm Systems

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

Paint Booth / Mixing Room

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Cooking Suppression System

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Fuel Storage Tank Removal / Installation

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

Installation Penalty - No Permit Fee

2 x the cost of total plan review fee	
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Special Services - *to be paid before 3:45pm*

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

Acceptance Testing / Fire Final Inspections

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

State Licensed Facility Inspection - Group I Occupancy

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

Life Safety Inspection - Annual

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

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

GARBAGE BAG FEES

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

For additional purchases of garbage bags, the fee is **\$10.00 per 50-bag roll**.

Rev. 11-7-2012

KENNEL LICENSE/PERMIT FEES

ANNUAL FEE: \$ 10.00

Rev. 11-5-2012

LIQUOR LICENSE/PERMIT FEES

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

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

Two-Year Fee Chart

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

Revised 11-7-2012

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

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

(COPY OF RECEIPT MUST BE ATTACHED TO APPLICATION)

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

NOTE: Operations License expire December 31, 2012

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

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

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

Example:

If Park has 20 spaces, the fee would be:

Base Fee	=	\$ 100.00
20 Spaces x \$3.00	=	<u>\$ 60.00</u>
Total Fee Due	=	\$ 160.00

MUNICIPAL COURT FINES/FEEES

(Judicial Order Concerning Standard Fines)

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

PENAL CODE OFFENSES

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

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

\$125.00

TRAFFIC CODE OFFENSES

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

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

INSUFFICIENT CHECK (NSF) CHARGE FEES

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

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

PARK RESERVATION FEES

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

Railroad Depot Plaza & Gazebo @ 201 S. Elm

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

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

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

.....

Juergens Park@ 1331 Ulrich

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

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

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

.....

Jerry Matheson Park @ 1240 Ulrich

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

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

.....

Theis Attaway Nature Park @ 13509 Theis Lane

- Catch and release grass carps.
-

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

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

.....
Rev 11-26-12

POLICE DEPARTMENT FEES

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

TENNIS COURT FEES
MATHESON PARK AT 1240 ULRICH

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

RENTAL FEES:

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

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

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

Rev. 11-28-2012

UTILITY FEES

UTILITY DEPOSIT COMPUTATION

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

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

WATER RATES

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

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

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

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

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

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

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

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

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

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

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

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

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

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

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

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

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

(3) Compactor/Equipment:

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

(4) Monthly Rate for Dumpsters:

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

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

(6) Exchange Charge - \$45.00

NATURAL GAS RATES

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

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

CONNECTION AND DISCONNECTION FEES

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

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

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

DAMAGES TO UTILITY FUNCTIONS/TAMPERING FEES

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

DELINQUENT ACCOUNT FEES

Delinquent Accounts.

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

DOMESTIC AND COMMERCIAL WATER TAP FEES

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

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

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

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

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

DOMESTIC AND COMMERCIAL SEWER TAP FEES

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

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

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

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

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

DOMESTIC AND COMMERCIAL GAS TAP FEES

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

BTUs	TOTAL COST **	METER SIZE
0 to 345,000	\$ 665.00	250-275
345,000 to 450,000	\$ 800.00	415-450
450,001 to 1,760,000*	\$1,460.00	750-880
2,420,001 to 5,500,000*	\$3,740.00	3,000
5,500,001 to 11,000,000*	\$4,945.00	5,000

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

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

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

VENDOR/PEDDLER PERMIT FEES

FEE SCHEDULE:

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

**VITAL STATISTICS RECORDS
(BIRTH AND DEATH) FEES**

BIRTH CERTIFICATES

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

DEATH CERTIFICATES

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

FEE FOR CERTIFIED MAIL SERVICE

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

Rev. 11-7-2012

PLANNING CASE TYPE FEES (RESOLUTION 2008-05)

ZONING FEES

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

PLATTING FEES

Preliminary Plat:

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

Final, Replat, & Minor Plats:

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

Recording & Filing Fees:

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

Joinder Lot

\$100.00	For Each Joinder Lot. (Resolution 2011-20)
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Floodplain Review Fee	\$25.00
Construction Permit Fee	2% of the Cost of Construction
Right-of-Way Abandonment	\$300.00 (Administrative Policy 65 March 11, 2011)
Impact Fees (Ordinance 2009-12)	

SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES

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

Drainage effective June 1, 2009:

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

Rev. 11-7-2012



CITY OF TOMBALL

Fire Marshal's Office

Doug Sanguedolce

Fire Marshal

www.ci.tomball.tx.us

firecode@ci.tomball.tx.us



501 James Street – Tomball, Texas – 77375 – 281.290.1440 office – 281.290.1439 fax

December 12, 2012

To: George Shackleford

Re: 2012 Proposed Fire Marshal Fee Schedule

Please see the attached fee schedule that is being proposed for the 2012-2013 FY. Based on the adoption of the Fire Code, there are two sections allowed for permitting. The first section is Construction Permits. These are used for the installation of fire suppression and fire detection systems, including kitchen hoods and paint booths. The second section relates to fire prevention permits. Fire Prevention permits are to allow different locations. There have been no modifications to the fee schedule since the adoption of the Code.

There are several new sections of permitting that have not been previously addressed. These sections include:

1. **Life Safety Plan Review** – *Review of construction plans for compliance of the fire and life safety codes, such as rated construction, egress components, lighting, smoke compartments, and other building features.*
2. **Installation Penalty** – *Establishes a written policy for the installation of a system or life safety feature without a permit or Fire Marshal approval.*
3. **Acceptance Testing / Fire Final Inspections** – *established a fee schedule for inspections that do not pass acceptance testing that result in future visits.*
4. **State Licensed Facility Inspections** – *Establishes a fee schedule for State Licensed facilities that require quarterly / annual life safety inspections.*
5. **Life Safety Inspections** – *establishes a fee schedule for business that fail to meet minimum life safety standards.*

I have attached a comparison chart that shows how we line up amongst other jurisdictions in the Houston area. There are other jurisdictions that do not offer the same type of full service permitting that we do, so not all areas were comparable.

There are no proposed changes to the Fire Prevention Fee Schedule. These are permits that are required to be applied for and renewed annually based on various activities conducted at commercial properties. The proposed changes to the fee schedule may help to supplement the addition to future staff positions.

If you have any questions or would like additional documentation, please let me know.

Thank you,

Doug Sanguedolce
Fire Marshal

Tomball Fire Marshal's Office - Fee Schedule

Life Safety Plan Review

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

Fire Sprinkler Systems

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

Fire Alarm Systems

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

Paint Booth / Mixing Room

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Cooking Suppression System

Review Fee	\$200.00
Nozzle	\$1.00 ea.

Fuel Storage Tank Removal / Installation

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

Installation Penalty - No Permit Fee

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

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

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

Acceptance Testing / Fire Final Inspections

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

State Licensed Facility Inspection - Group I Occupancy

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

Life Safety Inspection - Annual

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

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

	Tomball	Shenandoah	Webster	Galveston	Harris Co
Life Safety Plan Review					
1 - 2,500 sq.ft.	\$25.00	\$ -	\$ -	\$ -	\$ -
2,501 - 5,000 sq.ft.	\$50.00	\$ -	\$ -	\$ -	\$ -
5,001 - 10,000 sq.ft.	\$75.00	\$ -	\$ -	\$ -	\$ -
10,000 - more sq.ft.	\$100.00	\$ -	\$ -	\$ -	

Fire Sprinkler Systems					
Review Fee	\$200.00	\$ 60.00	50% of permit	\$ 100.00	\$ 200.00
Riser	\$10.00 ea.	\$ -	\$ 60.00	\$ -	\$ -
Fire Department Connection	\$10.00 ea.	\$10.00 first 5	\$ -	\$ -	\$ 200.00
Per Each Sprinkler Head	\$1.00 ea.	heads	\$ 2.00	\$ 5.00	\$ 0.50
		\$1.50 each add'l head			

Fire Alarm Systems					
Review Fee	\$200.00	\$ 90.00	50% of permit	\$ 100.00	\$ 200.00
Signal / Notification Device	\$2.00 ea.	\$ -	\$ 2.00	\$ 5.00	\$0.50 over 200 devices
				\$40.00 remote annunciator	

Paint Booth / Mixing Room					
Review Fee	\$200.00	\$ -	\$ -	\$ 100.00	\$ 200.00
Nozzle	\$1.00 ea.	\$ -	\$ -	\$ 5.00	\$ 0.50

Cooking Suppression System					
Review Fee	\$200.00	\$ -	\$ 110.00	\$ 100.00	\$ 200.00
Nozzle	\$1.00 ea.	\$ -	\$ -	\$ 5.00	\$ 0.50

Fuel Storage Tank Removal / Installation					
For 1 Tank per site	\$150.00	\$ -	25 per tank	\$ -	\$ -
For 2 Tanks per site	\$200.00	\$ -	\$ -	\$ -	\$ -
For 3 or more Tanks per site	\$250.00	\$ -	\$ -	\$ -	\$ -

Installation Penalty - No Permit Fee					
2 x the cost of total plan review fee	\$ -	\$ -	5 x total	\$ -	

Special Services - to be paid before 3:45pm					
Special Handling / Same Day Service - Plans	\$100.00	\$ -	\$ -	\$ -	\$ -
After Hours Inspection - up to 4 hours	\$275.00	\$ -	\$ -	\$ -	\$ -
Each additional hour - rounded up to the next hour	\$75.00	\$ -	\$ -	\$ -	\$ -

Acceptance Testing / Fire Final Inspections					
Inspection	No Fee	\$ -	\$ -	included	\$ -
1st Re-Inspection	\$25.00	\$ -	\$ -	\$ 125.00	\$ -
2nd Re-Inspection	\$50.00	\$ -	\$ -	\$ -	\$ -
3rd Re-Inspection	\$75.00	\$ -	\$ -	\$ -	\$ 260.00
4th Re-Inspection and Each After	\$100.00	\$ -	\$ -	\$ -	\$ -

State Licensed Facility Inspection - Group I Occupancy					
Inspection	\$50.00	\$ -	\$ -	\$ -	\$ -
1st Re-Inspection	\$25.00	\$ -	\$ -	\$ -	\$ -
2nd Re-Inspection	\$50.00	\$ -	\$ -	\$ -	\$ -
3rd Re-Inspection	\$75.00	\$ -	\$ -	\$ -	\$ -
4th Re-Inspection and Each After	\$100.00	\$ -	\$ -	\$ -	\$ -

Life Safety Inspection - Annual

Inspection	No Fee	\$ 200.00	\$ -	\$ -	\$ 100.00
1st Re-Inspection	No Fee	\$ -	\$ -	\$ -	\$ 100.00
2nd Re-Inspection	\$25.00	\$ -	\$ -	\$ -	\$ 125.00
3rd Re-Inspection	\$50.00	\$ -	\$ -	\$ -	\$ 200.00
4th Re-Inspection and Each After	\$75.00	\$ -	\$ -	\$ -	\$ 1,000.00

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2013 for Publication of Matters Pertaining to the City of Tomball

Background:

Section 3.06 of the Home Rule Charter requires the City Council to annually designate a public newspaper of general circulation in the City as the official newspaper for all legal notices—ordinances, public hearing notices, election notices, and other matters required to be published by the Charter, Tomball ordinances, the Constitution or state or federal laws.

The major portion of the City's official advertising involves legal notices, some of which are quarter-page ads required to run as display ads. Although the official newspaper must be used for the City's legal notices, staff members also run notices in both papers, depending on the type of advertisement or if it is necessary to meet state or charter deadlines. For example, HR may run employment ads in both papers, the Houston Chronicle, and trade magazines, depending on the market we are trying to reach, and the Marketing Department may run display ads in either the official newspaper or in both papers, depending on which paper has the best publication date for the event.

Each year, City staff solicits advertising rate proposals from the Potpourri (Houston Community Newspapers) and the Tomball-Magnolia Tribune for Council's consideration in designating the official newspaper. A tabulation of the proposals received is attached, along with proposals and additional information provided by each newspaper. Rates were solicited for legal notices (the major portion of Tomball's advertising expenditures) and for non-legal notices (display ads, Tax Rate and Budget Notices, i.e., large displays in the body of the paper instead of the classified/legals section). Rates were not solicited from the Houston Chronicle because the majority of our notices are legal notices and the Chronicle's Ultimate Tomball rates for legal notices are substantially higher than either the Potpourri or the Tribune.

The rates presented by each newspaper indicate that the cost of legal ads in the Potpourri may be less than similar notices in the Tribune, depending on the finished size and location requirement of the ad. Display/retails ads in the Potpourri may cost approximately 13 to 56% less than the same size ad in the Tribune, again depending on the size, color and location requirements.

Both the Tribune and the Potpourri have Internet sites and we have had few problems with service with either paper. The Tribune has a total circulation of 56,849 direct mail customers in the Tomball-Magnolia area. The Potpourri did not provide current circulation numbers, but last year stated a circulation of 20,061 home delivery customers in Tomball and a total circulation of 30,313 in the Tomball-Magnolia area, if the City pays additional charges to advertise in the Magnolia area. Both the Potpourri and the Tribune offer drop-off or countertop locations where papers can be picked up. The Tribune's publication date is on Monday and the Potpourri's publication date is on Wednesday.

In 2012, the Tribune was designated as the official city newspaper. During 2012, the City paid \$23,072.35 to the Tribune for legal notices and advertising and \$8,945.19 to the Potpourri, primarily for marketing/display advertising.

Designations of the official newspaper for the last fifteen years have been:

2012 - Tomball Magnolia Tribune
2011 - Tomball Magnolia Tribune
2010 - Tomball Magnolia Tribune, then The Potpourri

2009 - The Potpourri
 2008 - Tomball Magnolia Tribune
 2007 - The Potpourri
 2006 - The Potpourri
 2005 - The Potpourri
 2004 - The Potpourri
 2003 - The Potpourri
 2002 - The Potpourri
 2001 - Tomball Magnolia Tribune
 2000 - The Potpourri
 1999 - Tomball Magnolia Tribune
 1998 - The Potpourri.

Origination:

Home Rule Charter/City Secretary

Recommendation:

N/A

Funding: Yes

Account Number: Responsible Departments, Acct. 6335

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2013-04

Tabulation of Sample Advertisements

Sample Newspaper Notices for 2013 Rate Quotes

2012 Publication Expense - Tribune

2012 Publication Expense - Potpourri

RESOLUTION NO. 2013-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, DESIGNATING THE OFFICIAL
CITY NEWSPAPER FOR 2013 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

WHEREAS, the Home Rule Charter of the City of Tomball, Section 3.06 – Official Newspaper, states:

“The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas.”

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates the _____ to be named the official newspaper for 2013 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

PASSED AND APPROVED BY A VOTE OF ___ TO ___ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 7TH DAY OF JANUARY 2013:

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Sample Newspaper Ads for 2013		
	Tomball Magnolia Tribune	Houston Community Newspapers
1. Ordinance 2012-20	\$27.90	\$24.94
Actual Size (b&w)	4.75" X 2"	
2. Ordinance 2012-22	\$163.80	\$136.50
Actual Size (b&w)	13" X 3.75"	
3. TCEQ Water Permit Renewal	\$262.80	\$204.75
Actual Size (b&w)	13" X 5.50"	
4. Notice to Bidders-Project 2012-08	\$144.00	\$63.00
Actual Size (b&w)	6" X 3.75"	
5. Mayor's Coffee	\$302.00	\$207.48
Actual Size (color)	4.25" X 5.50"	
6. Honky Tonk Music Festival	\$499.50	\$319.20 b&w
Actual Size (Quarter Page requested) (b&w)	9" X 5.50"	\$414.96 color
7. Christmas on Commerce	\$610.50	\$319.20 b&w
Actual Size (b&w)	11.50" X 5.50"	\$414.96 color
8. Notice of Public Hearing, P&Z and City Council Meet	\$66.60	\$57.75
Actual Size (b&w)	5.50" X 3.75"	
*Legal Notices, required to be published in Official Newspaper; funded thru City Secretary's office.	NOTE: Distribution changed- Post Office gives reg updates Current quantity is 56,849	NOTE: Preferred rate of \$5.25 pci for ads 1,2,3,4, & 8. Rates in effect thru December 31, 2013.
*Display Notices, usually published in Official Newspaper, but may also be published in other newspapers; funded thru City Secretary's office.	delivered by Mail Carriers. Official Newspaper for City of Tomball for 2011 & 2012 \$18.50 pci for display ads/non profit rate & 1/2 price color,	
*Marketing or Event Notices, usually published in both the Tribune and the Potpourri; funded thru HOT funds.	line ads run 90 cents per line.	

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared, Tracy Herron who on her oath stated:

ORDINANCE NO. 2012-20

AN ORDINANCE DELETING ARTICLE IV, ELECTRICITY, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW ARTICLE IV, ELECTRICITY, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO. SECOND READING PASSED AND APPROVED NOVEMBER 5, 2012.

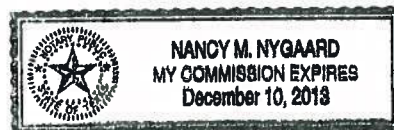
I am the Account Manager of the TOMBALL MAGNOLIA published in Harris County, Texas and know the facts stated. The attached matter is a true and correct copy of the publication of which it purports to be a copy, as the same appeared in its respective issues of:

11/12, 2012

_____, 2012

Tracy Herron
Tracy Herron, Account Manager

Subscribed and sworn to this 12 day of November, 2012



AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING AND/OR ADDING DEFINITIONS OF AIRCRAFT, AWNING SIGN, BANDIT SIGN, BANNER SIGN, BILLBOARD, FLAG SIGN, INFLATABLE SIGN, LIVING OR HUMAN SIGN, MARQUEE SIGN, MESSAGE BOARD, MONUMENT SIGN, POLE SIGN, PREMISES, TEMPORARY SIGN, WAYFINDING SIGN, AND WINDOW SIGN TO SECTION 60-1, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS; AMENDING SECTION 60-4, SIGN ADMINISTRATOR AND ENFORCEMENT, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO DELETE REFERENCE TO RULES AND REGULATIONS FOR APPEALS TO CITY COUNCIL; AMENDING SECTION 60-3, CLASSIFICATIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO ADD WINDOW SIGN AS A CLASSIFICATION OF SIGNAGE; DELETING SUBSECTION (b)(3), EXCEPTIONS, OTHER SIGNS, FROM SECTION 60-5, SIGN PERMITS AND FEES, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, AND ADDING A NEW SUBSECTION (b)(3), EXCEPTIONS, OTHER SIGNS, TO ADD TO THE EXCEPTIONS TO THE PERMITTING REQUIREMENTS; AMENDING SUBSECTION (c), APPLICATION PROCEDURE, OF SECTION 60-5, SIGN PERMITS AND FEES, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, BY ADDING MARQUEE AND PROJECTING SIGNS TO THE APPLICATION PROCEDURE; AMENDING SECTION 60-7, MISCELLANEOUS SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO LIMIT PROPERTIES TO ONE (1) ON-PREMISE TEMPORARY BANNER OR FLAG SIGN AND ADDING REGULATIONS FOR MESSAGE BOARD AND MARQUEE SIGNS; AMENDING SECTION 60-8, ON-PREMISES SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO PROVIDE THAT ON-PREMISE SIGNS SHALL ADHERE TO THE VISIBILITY TRIANGLE REQUIREMENTS OF CHAPTER 66 OF THE CODE OF ORDINANCES; AMENDING SECTION 60-9, OFF-PREMISES SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO LIMIT PROPERTIES TO NO MORE THAN TWO (2) OFF-PREMISE SIGNS; ADDING A NEW SECTION 60-12, ATTENTION-GETTING DEVICES, TO ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO PROHIBIT ATTENTION-GETTING DEVICES AS DEFINED HEREIN; ADDING A NEW SECTION 60-13, BILLBOARDS, TO ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, TO PROHIBIT NEW BILLBOARDS WITHIN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION AND PROVIDING REGULATIONS FOR THE REPLACEMENT OR RESTORATION OF EXISTING BILLBOARDS; ADDING A SECTION 60-14, PROHIBITED SIGNAGE, TO ARTICLE I, IN GENERAL, OF CHAPTER 60, SIGNS, PROHIBITING THE TYPES OF SIGNS DESCRIBED THEREIN; AMENDING SECTION 60-29, HEIGHT LIMITATIONS, OF ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS, OF CHAPTER 60, SIGNS, TO LIMIT ON-PREMISE SIGNS TO A HEIGHT NO GREATER THAN 42 FEET FROM THE NATURAL GRADE LEVEL OF THE GROUND SURFACE, REQUIRING THAT PROJECTING AND MARQUEE SIGNS SHALL NOT EXCEED EIGHT (8) FEET ABOVE THE ROOF LEVEL, AND REQUIRING THAT NO OFF-PREMISE SIGN SHALL EXCEED A HEIGHT OF 12 FEET FROM THE NATURAL GRADE LEVEL OF THE GROUND SURFACE; DELETING SECTION 60-30, SIZE LIMITATION, OF ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS, OF CHAPTER 60, SIGNS, AND ADDING A NEW SECTION 60-30, SIZE LIMITATION, TO LIMIT ON-PREMISE WALL SIGNS TO A FACE AREA OF 300 SQUARE FEET OR LESS PER BUILDING FACE, TO LIMIT CEVMS SIGNS TO A FACE AREA OF 32 SQUARE FEET FOR A SINGLE BUSINESS USE OR 50 SQUARE FEET FOR A MULTI-TENANT USE, AND LIMITING OFF-PREMISE SIGNS TO A FACE AREA NOT TO EXCEED 40 SQUARE FEET; DELETING FROM ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS OF CHAPTER 60, SIGNS, SECTION 30-33, PORTABLE SIGNS, IN ITS ENTIRETY; ADDING A NEW SECTION 60-33, WAYFINDING SIGNS, TO ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS, OF CHAPTER 60, SIGNS, TO LIMIT ON PREMISES WAYFINDING SIGNS TO A MAXIMUM SIGN FACE AREA OF 12 SQUARE FEET, TO LIMIT OFF PREMISES WAYFINDING SIGNS TO A MAXIMUM SIGN FACE AREA OF 40 SQUARE FEET, REQUIRING A WAYFINDING GUIDE SIGN PLAN TO BE APPROVED BY SIGN ADMINISTRATOR AND PROVIDING OTHER REGULATIONS REGARDING WAYFINDING SIGNS; ADDING A NEW SECTION 60-34, FLAGS AND FLAG SIGNS, TO ARTICLE II, DESIGN AND STRUCTURAL REQUIREMENTS, OF CHAPTER 60, SIGNS, TO LIMIT FLAG SIGNS TO A MAXIMUM OF THREE (3) FLAG SIGNS PER PREMISES, INCLUDING ONE (1) CORPORATE FLAG AND PROVIDING OTHER REGULATIONS FOR THE HEIGHT, LIGHTING AND OTHER MATTERS RELATED TO FLAG SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF UP TO \$2,000.00 FOR VIOLATIONS WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO. SECOND READING PASSED AND APPROVED NOVEMBER 5, 2012.

E ME, the undersigned authority, on this day personally appeared, Ierron who on her oath stated:

AFFIDAVIT OF PUBLICATION



**NOTICE OF RECEIPT OF APPLICATION AND
INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL**

PERMIT NO. WQ0010616001

APPLICATION. City of Tomball, 401 Market Street, Tomball, Texas 77375, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010616001 (EPA I.D. No. TX0022381) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 1,500,000 gallons per day. The domestic wastewater treatment facility is located approximately 1,400 feet north of the intersection of Neal Street and East Huffsmith Road in the City of Tomball in Harris County, Texas 77375. The discharge route is from the plant site to a Harris County Flood Control District ditch; thence to Bogs Gully; thence to Spring Creek. TCEQ received this application on August 9, 2012. The permit application is available for viewing and copying at City of Tomball Public Works - Front Reception Area, 501 James Street, Tomball, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.
<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.111471&lng=-95.61013&zoom=13&type=r>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.**

If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.state.tx.us/about/comments.html. If you need more information about this permit application or the permitting process, please call TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from City of Tomball at the address stated above or by calling Mr. David Kauffman at 281-351-5484.

Issuance Date: September 17, 2012

3.

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared, Tracy Herron who on her oath stated:

NOTICE TO BIDDERS Concrete Street Improvements

The City of Tomball, Texas shall accept sealed bids to perform Concrete Street improvements to various streets within the City of Tomball.

Sealed bids shall be addressed to Theresa Witt, Purchasing Agent, City of Tomball, Texas, 501 James Street, Tomball, Texas 77375 and shall be labeled "Project Number 2012-08: Do Not Open". Bids will be accepted until 2:00 P.M., Monday, July 2, 2012, at which time all bids shall be opened and read aloud. It is the sole responsibility of the bidder to insure that his bid is actually in the office of the Purchasing Agent of the City of Tomball prior to the expiration of the time and date stated above.

Upon consideration of the bids, the City of Tomball reserves the right to accept or to reject any and all bids, to waive technicalities and to make any investigation deemed necessary concerning the bidder's ability to provide the services as covered by the specifications, and to accept what in their judgment is the most advantageous bid.

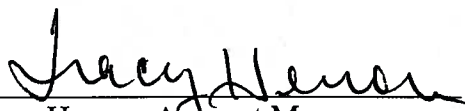
All proposals shall be accompanied by a cashier's check upon a national or state bank in the amount of 5% of the greatest bid amount, payable to City of Tomball or a Bid Bond in the same amount from a surety company licensed by the Texas Department of Insurance to do business in Texas and to issue said bonds. The bid bond shall serve as a guarantee that the bidder will enter into a contract and execute Payment and Performance bonds within fifteen (15) days after notice of contract award. Bids without check or Bid Bond will not be considered. All bid securities will be returned to the respective bidders within ten (10) days after bids are opened except those that the OWNER elects to hold until the successful bidder has executed the contract and furnished the required Performance and Payment Bonds. The successful bidder will be required to furnish performance and payment bonds in accordance with Tex. Rev. Civ. Stat. Ann. Art. 5160 (Vernon's), in the amount of 100% of the total contract price.

Information relative to this project and/or a complete bid package may be obtained from the Department of Public Works, 501 James Street, Tomball, Texas 77375.

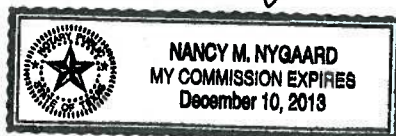
I am the Account Manager of the TOMBALL MAGNOLIA TRIBUNE published in Harris County, Texas and know the facts stated in this. The attached matter is a true and correct copy of the publication of which it purports to be a copy, as the same appeared in such newspaper respective issues of:

6/18, 2012

6/25, 2012

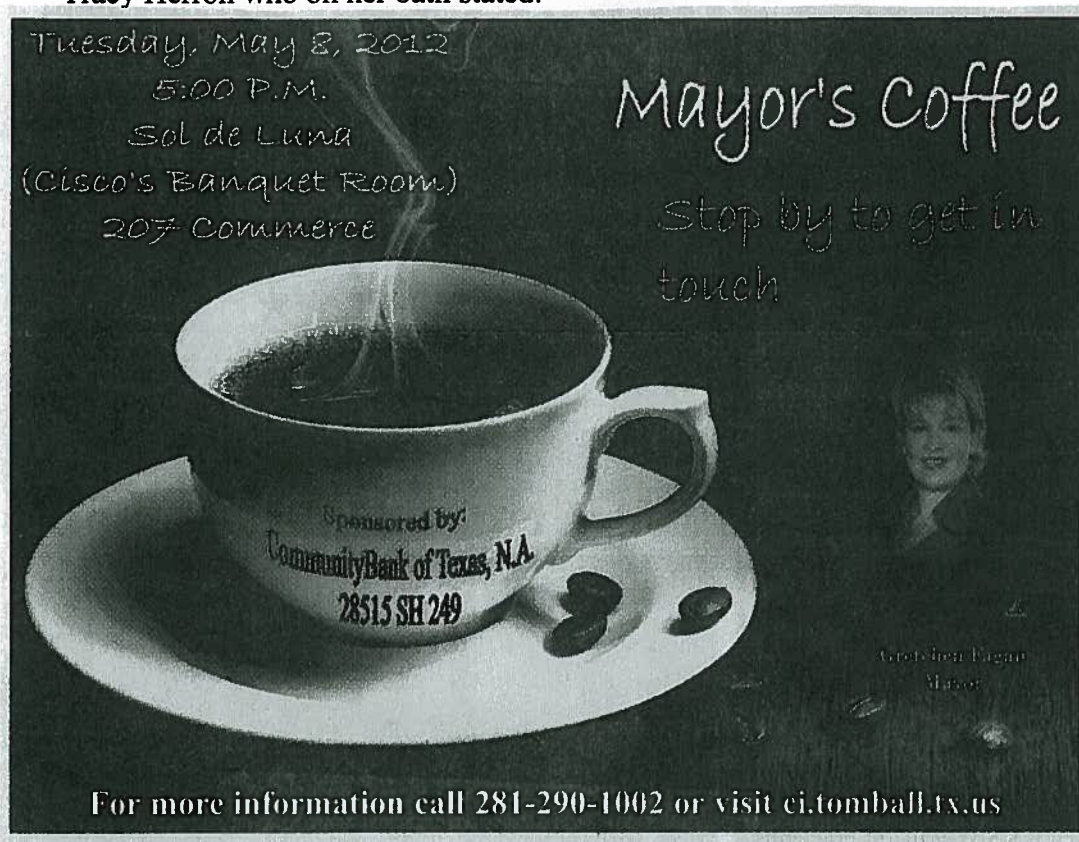

Tracy Herron, Account Manager

Subscribed and sworn to this 25th day of June, 2012



AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared,
Tracy Herron who on her oath stated:



I am the Account Manager of the TOMBALL MAGNOLIA TRIBUNE a newspaper published in Harris County, Texas and know the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issues of:

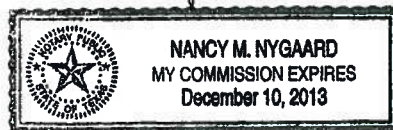
4/30, 2012

_____, 2012

Tracy Herron
Tracy Herron, Account Manager

5.

Subscribed and sworn to this 30 day of April, 2012



PAFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared,
Tracy Herron who on her oath stated:

★ Tomball's ★

Honky Tonk

★ Music Festival

Saturday, March 24th

11 a.m. to 6 p.m. at The Depot

Call 281-351-5484 or visit www.tomball.ci.tx.us

Honky Tonk Fiddles, Food and Family Fun!
Kid's Fun Zone

Eats from Cisco's Salsa Company, the Original Rib Tickler
and the Magnolia Tree House of Tea

FREE ADMISSION!

★ The Legendary Bama Band
★ Miss Leslie & Her Juke Jointers
★ Country Jim & the Country All-Stars
★ Jeff Woolsey & the Dance Hall Kings

facebook

6.

2nd Saturday Event **CHRISTMAS** on Commerce



Saturday, December 10th 'til 6 p.m.

Great eats and shopping at Commerce Street shops and restaurants throughout the day!

- FREE Pony Rides and Petting Zoo
- "Train Ride" courtesy of Texan Truck Sales and It's a Bling Thing
- Make holiday crafts at Santa's Workshop, enjoy the Bounce House and great games, too!
- Visit Santa and Mrs. Claus at Quilters Crossing from 2:30

Performances by :

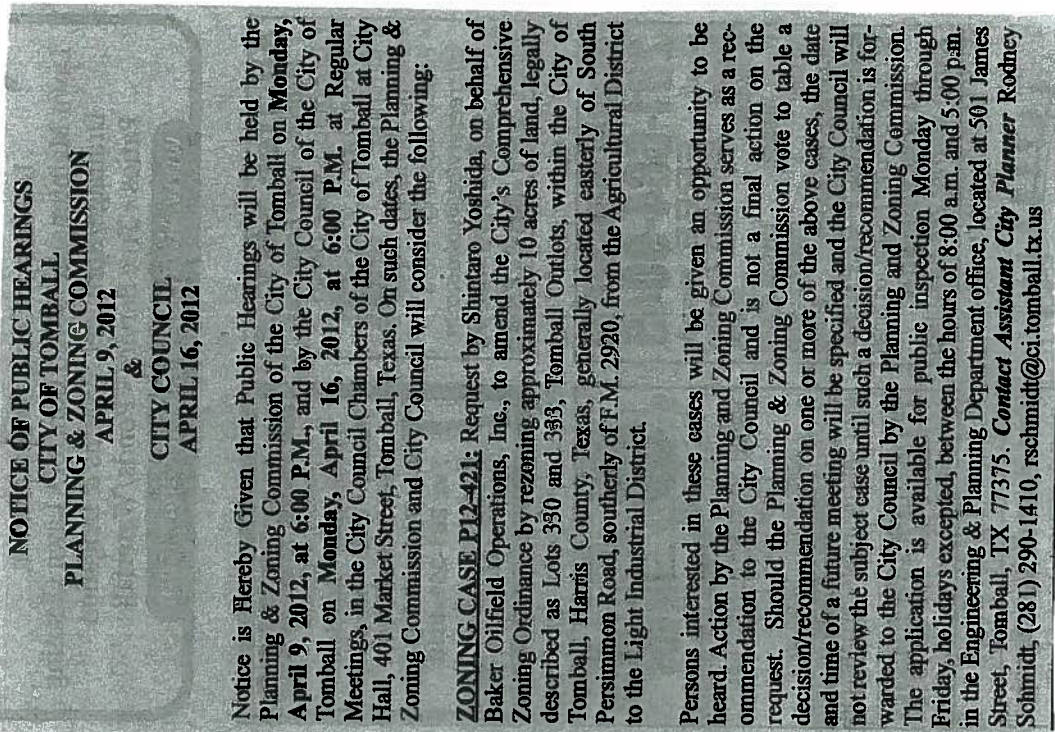
- First Baptist Church of Tomball Hand Bell Choir
- Decker Prairie Children's Choir
- Tomball Elementary Cougar Club Choir
- ChristBridge Band, Christian Youth Theater
- Salem Lutheran School Choir
- Rose Hill United Methodist Church Children's Ensemble

And, meet the new Miss Tomball 2012, Lacey Easley
Be sure to visit the "German Christmas Market"

December 9th, 10th and 11th

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared,
Tracy Herron who on her oath stated:



I am the Account Manager of the TOMBALL MAGNOLIA TRIBUNE a newspaper published in Harris County, Texas and know the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issues of:

3/26, 2012

 , 2012

Tracy Herron
Tracy Herron, Account Manager

Subscribed and sworn to this 26th day of March, 2012



VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54252	LEGAL NOTICE ORD 2011-32 12/26	R	1/04/2012	34.20		107842		
I-54253	NOTICE PUB HRNG P&Z 12/26	R	1/04/2012	66.60		107842		100.80
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54432	LEGAL NOTICE ORD 2011-32 1/06	R	1/25/2012	33.30		108028		33.30
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54459	AD;BOARDS OF COMMS 1/16 & 1/23	R	2/08/2012	715.00		108174		715.00
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54649	AD;MAYOR'S COFFEE 2/06/12	R	2/15/2012	302.00		108228		302.00
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54728	LEG NOTICE ORD. 2012-01 2/13	R	2/22/2012	79.20		108279		79.20
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54777	LEGAL NOTICE OF AVAIL.2/20	R	2/29/2012	61.20		108342		
I-54780	RETAIL AD:TRAILRIDERS2/20	R	2/29/2012	357.50		108342		418.70
904339	TOMBALL MAGNOLIA TRIBUNE							
I-54874	LEGAL NOTICES, ORD 2012-01&02	R	3/14/2012	76.50		108468		76.50
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55002	PW: DON'T DIG AD 3/12	R	3/22/2012	111.00		108539		111.00
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55004	LEG NOTICE, AUDIT PROPOSALS	R	3/28/2012	147.60		108618		147.60
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55010	AD;HONKY TONK FEST 3/19	R	4/05/2012	499.50		108685		499.50
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55101	LEG NOTICE RFP. 2012-05	R	4/11/2012	162.00		108780		
I-55133	LEG NOTICE, ORD. 2012-03	R	4/11/2012	22.50		108780		
I-55141	LEG NOTICE, BOA&P&Z HEARING	R	4/11/2012	115.20		108780		299.70
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55281	LEG NOTICE,ORD 2012-03&04 4/9	R	4/18/2012	43.20		108835		43.20
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55336	AD; ART WALK4/16	R	4/26/2012	610.50		108928		
I-55402	LEG NOTICE,TEST RUN 4/12	R	4/26/2012	60.30		108928		
I-55403	LEG NOTICE, ELECTION 4/12	R	4/26/2012	527.25		108928		1,198.05

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55435	ORD 2012-04,05,06,07 RUN 4/23	R	5/03/2012	97.20		109043		97.20
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55449	MAYOR'S COFFEE AD - COLOR 4/30	R	5/09/2012	302.00		109098		
I-55508	RAILS&TAILS AD, 4/30	R	5/09/2012	582.75		109098		
I-55527	CC & P&Z MEETING 4/30	R	5/09/2012	115.20		109098		
I-55547	NATIONAL DAY OF PRAYER, 4/30	R	5/09/2012	277.50		109098		
I-55556	NOTICE OF PUBLIC HEARING 4/30	R	5/09/2012	175.50		109098		1,452.95
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55655	2ND SAT AD, 5/7	R	5/24/2012	582.75		109251		
I-55694	LEGAL ORD 2012-05 THRU 08, 5/4	R	5/24/2012	98.10		109251		680.85
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55810	BID NOTICE 2012-02 5/21	R	6/07/2012	131.40		109354		
I-55839	CHILI CHALLENGE AD, 5/21	R	6/07/2012	582.75		109354		
I-55867	LEG NOT ORD 2012-08-11 5/28	R	6/07/2012	114.30		109354		
I-55875	LEG NOT, COUNCIL & P&Z MTG	R	6/07/2012	93.60		109354		922.05
904339	TOMBALL MAGNOLIA TRIBUNE							
I-55953	2ND SAT AD, 6/4	R	6/14/2012	582.75		109431		582.75
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56033	ORDS 2012-09,10,11,13,14 6/11	R	6/21/2012	140.40		109502		140.40
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56038	PROJ 2012-07 RFP 6/11 & 6/18	R	7/05/2012	64.80		109605		
I-56115	NOTICE TO BID, 12-08,6/18&6/25	R	7/05/2012	144.00		109605		
I-56150	PUB HEARING, 6/18	R	7/05/2012	113.40		109605		
I-56195	ORD 2012-13 THRU 16&18, 6/25	R	7/05/2012	108.90		109605		
I-56197	COUNCIL, P&Z 6/25	R	7/05/2012	66.60		109605		497.70
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56313	FIREWORKS AD, 7/2	R	7/26/2012	662.75		109776		
I-56331	ORD 2012-15,16,18,19 7/9	R	7/26/2012	80.10		109776		
I-56375	AD, "DON'T DIG" 7/16	R	7/26/2012	111.00		109776		853.85
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56437	NOPH-BOA, 7/23	R	8/02/2012	50.40		109915		
I-56448	ORD 2012-19 & 21, NOPH 7/23	R	8/02/2012	146.70		109915		197.10
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56506	NOTICE OF PUB HEARING, 7/30	R	8/09/2012	81.00		109967		
I-56512	MAYOR'S COFFEE AD, 7/30	R	8/09/2012	302.00		109967		383.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56690	PROJ 2012-03 NOTICE TO BID	R	8/30/2012	136.80		110174		
I-56692	ORD 2012-21,23,24 RUN 8/13	R	8/30/2012	75.60		110174		
I-56753	CC MTG & P&Z, 8/20	R	8/30/2012	175.50		110174		387.90
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56721	BID 2012-09, 8/20 & 8/27	R	9/07/2012	140.40		110223		
I-56742	BID 2012-10, 8/20 & 8/27	R	9/07/2012	158.40		110223		
I-56824	ORD 2013-23-26, 8/27	R	9/07/2012	107.10		110223		
I-56825	BOA, PUB HEAR, P&Z, 8/27	R	9/07/2012	183.60		110223		589.50
904339	TOMBALL MAGNOLIA TRIBUNE							
I-56817	RFQ PROJ #2012-11, 8/27&9/3	R	9/14/2012	133.20		110286		
I-56945	PROP TAX RATE, 9/10	R	9/14/2012	638.25		110286		
I-56947	PUB HEARING,TAX INCR 9/10	R	9/14/2012	582.75		110286		
I-56962	ORD 2012-25,26,30,31 - 9/10	R	9/14/2012	116.10		110286		1,470.30
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57051	2ND SAT AD W/COLOR, 9/24	R	10/05/2012	662.75		110495		
I-57053	P&Z, CC & BOA MTGS, 9/24	R	10/05/2012	129.60		110495		
I-57058	BB&B AD W/COLOR 9/24	R	10/05/2012	662.75		110495		
I-57074	ORD 2012-30-36, 9/24	R	10/05/2012	189.00		110495		1,644.10
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57137	TAX REV INCR, 10/1	R	10/11/2012	582.75		110557		
I-57168	TCEQ WTR PRMIT, 10/1	R	10/11/2012	262.80		110557		845.55
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57226	ORD 2012-32-37,41-42, 10/8	R	10/25/2012	289.80		110687		
I-57247	ZOMBALL IN TOMBALL AD, 10/8	R	10/25/2012	662.75		110687		
I-57283	ORD 2012-32, 10/15	R	10/25/2012	17.10		110687		969.65
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57369	ORD 2012-20,22,41,42, 10/22	R	11/01/2012	324.00		110738		
I-57387	BLUEGRASS FESTIVAL AD, 10/22	R	11/01/2012	680.00		110738		1,004.00
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57444	ART WALK AD,COLOR,10/29	R	11/09/2012	662.75		110822		
I-57454	CC&P&Z MEETING,10/29	R	11/09/2012	59.40		110822		
I-57473	MAYORS COFFEE,10/29	R	11/09/2012	302.00		110822		1,024.15
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57288	PUB HEAR,ANNEX-10/22, 11/5	R	11/15/2012	2,052.00		110878		
I-57505	BB&BRE-DO, 11/5	R	11/15/2012	662.75		110878		2,714.75

12/20/2012 1:59 PM
VENDOR SET: 00 CITY OF TOMBALL
BANK: BANK1 OPERATING ACCOUNT- WF
DATE RANGE: 1/01/2012 THRU 12/20/2012

A/P HISTORY CHECK REPORT

PAGE: 4

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57579	ORD 2012-20,22,46,47,49 11/12	R	11/20/2012	272.70		110929		272.70
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57658	CC/REINV ZONE, 11/26	R	12/06/2012	526.50		111067		
I-57686	ORD 2012-47 & 49, 11/26	R	12/06/2012	55.80		111067		
I-57713	P-12-512, CC MTG, BOA, 11/26	R	12/06/2012	396.90		111067		979.20
904339	TOMBALL MAGNOLIA TRIBUNE							
I-57773	WATER SYSTEM FLUSH, 12/3	R	12/13/2012	148.00		111153		
I-57774	CC MTG 12/10, 12/3	R	12/13/2012	527.40		111153		
I-57776	XMAS ON COMMERCE, 12/3	R	12/13/2012	662.75		111153		1,338.15

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	35	23,072.35	0.00	23,072.35
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS	0.00	
		VOID CREDITS	0.00	
		0.00	0.00	

TOTAL ERRORS: 0

VENDOR SET: 00	BANK: BANK1	TOTALS:	35	23,072.35	0.00	23,072.35
BANK: BANK1	TOTALS:		35	23,072.35	0.00	23,072.35
REPORT TOTALS:			35	23,072.35	0.00	23,072.35

SELECTION CRITERIA

VENDOR SET: 00-ACCOUNTS PAYABLE
VENDOR: 904339 - TOMBALL MAGNOLIA TRIB
BANK CODES: All
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 1/01/2012 THRU 12/20/2012
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

VENDOR SET: 00 CITY OF TOMBALL
 BANK: BANK1 OPERATING ACCOUNT- WF
 DATE RANGE: 1/01/2012 THRU 12/20/2012

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
405078	HOUSTON COMMUNITY NEWSPAPERS							
I-DEC 11	ADS;JOB POSTING 2ND SAT XMAS	R	1/18/2012	2,242.73		107935		
I-NOV 11	ADS;2ND SAT ARTWALK	R	1/18/2012	828.36		107935		
I-OCT 2011	ADS;2ND SAT, ORDINANCES	R	1/18/2012	1,049.58		107935		4,120.67
405078	HOUSTON COMMUNITY NEWSPAPERS							
I-192655	HONKY TONK AD, HZ5	R	5/24/2012	325.60		109214		
I-192656	HONKY TONK AD, HZ4	R	5/24/2012	325.60		109214		
I-204406	2ND SAT AD, PUB C11	R	5/24/2012	517.86		109214		
I-206650	ART WALK, PUB C11	R	5/24/2012	517.86		109214		1,686.92
405078	HOUSTON COMMUNITY NEWSPAPERS							
I-212348	CRAWFISH FESTIVAL ADS, 5/2	R	6/21/2012	651.20		109470		
I-224709	CHILI CHALLENGE ADS, 5/23	R	6/21/2012	396.00		109470		
I-224711	CHILI CHALLENGE ADS, 5/23	R	6/21/2012	255.20		109470		1,302.40
405078	HOUSTON COMMUNITY NEWSPAPERS							
I-243269	BUGS BREW & BBQ ADS	R	10/11/2012	651.20		110524		651.20
405078	HOUSTON COMMUNITY NEWSPAPERS							
I-247286	BLUE GRASS FESTIVAL, 10/24	R	11/15/2012	592.00		110859		
I-248805	ART FESTIVAL AD, 10/31	R	11/15/2012	592.00		110859		1,184.00

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	5	8,945.19	0.00	8,945.19
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0			
VOID DEBITS		0.00		
VOID CREDITS		0.00	0.00	

TOTAL ERRORS: 0

VENDOR SET: 00	BANK: BANK1	TOTALS:	5	8,945.19	0.00	8,945.19
BANK: BANK1	TOTALS:		5	8,945.19	0.00	8,945.19
REPORT TOTALS:			5	8,945.19	0.00	8,945.19

SELECTION CRITERIA

VENDOR SET: 00-ACCOUNTS PAYABLE
VENDOR: 405078 - HOUSTON COMMUNITY NEW
BANK CODES: All
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 1/01/2012 THRU 12/20/2012
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Appointment of Director by Ballot, Naming Nominee to Serve on the Board of Directors of the Lone Star Groundwater Conservation District for a Term Ending January 31, 2017 and Authorize the Mayor to Cast Appointment Ballot on Behalf of the City of Tomball

Background:

The Lone Star Groundwater Conservatin District (LSGCD) is governed by a nine-member board of directed; the mayors of all incorporated municipalities located in Montgomery County, in whole or in part, with the exception of the City of Conroe, are entitled to vote for a single appointment to the board of directors. The current representative for the eligible municipalities in Montgomery County is Scott Weisinger; a copy of his letter requesting reappointment and his résumé are attached for your consideration.

The LSGCD requests that the City of Tomball return the official appointment ballot no later than January 14, 2013. The City does have the right to nominate eith the current representative, Scott Weisinger, or another individual who meets the requirements to serve on the board of directors.

Origination:

Lone Star Groundwater Conservation District

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:

Request from LSGCD and Ballot

Scott Weisinger Letter and Résumé



655 Conroe Park North Drive • Conroe, Texas 77303
local 936/494-3436 • metro 936/441-3437 • fax 936/494-3438
e-mail: lsgcd@consolidated.net • www.lonestargcd.org

November 15, 2012

Kathy Turner Jones
General Manager

Board of
Directors

Richard J. Tramm
President

Sam W. Baker
Vice-President

James M. Stinson, PE
Treasurer

I. Scott Weisinger, PG
Secretary

John D. Bleyl, PE

Reed Eichelberger, PE

Boyd McCoy, Jr.

Nick J. Moffatt

J. B. Wood

CITY OF TOMBALL
The Honorable Gretchen Fagan
401 Market St.
Tomball, Texas 77375

Re: Appointment of Director by Ballot

Dear Mayor Fagan:

As set forth in the Lone Star Groundwater Conservation District's enabling legislation and Rules, the District is governed by a nine-member board of directors serving staggered four-year terms. The mayors of all incorporated municipalities located in whole or in part in Montgomery County, not including the City of Conroe, are jointly entitled to one appointment to the District's Board of Directors. Per the Rules and Bylaws of the District, this letter is to notify you that the current term of service for Scott Weisinger, appointed by the municipalities of Montgomery County, will expire January 31, 2013.

According to the Rules, you must submit a ballot to the District naming your desired appointment for Director; such **completed ballot must be received by the District on or before 5:00 pm, Monday, January 14, 2013.**

The Rules and Bylaws of the District do not provide for term limits for Directors, so it is within your right to nominate your current representative if you so choose. A person must be at least 18 years of age and a resident of the district to be qualified to serve as director, and there is no provision in law that would prohibit you from consulting with other incorporated municipalities to attempt to identify a consensus candidate.

The Lone Star Groundwater Conservation District was created to shape policy and regulate the withdrawal of groundwater within Montgomery County in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, as well as exercise its rights, powers, and duties to accomplish the purposes of the Act creating the District. With the continued growth of our area, there is no question that the District's importance is increasing constantly, and that the District is best served by a Board of Directors that understands and appreciates the far-reaching importance of proper management of our most precious natural resource.

In accordance with the policy and procedures for the CITY OF TOMBALL, please complete the enclosed official appointment ballot with the name of your nomination for Director. Please exercise your right and privilege of participating in this process of appointing the Board of Directors of the Lone Star Groundwater Conservation District by returning your completed ballot in the envelope provided by the deadline set forth above. Ballots that are not timely submitted shall not be included in the canvassing process. Please let me know if you have any questions related to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy Turner Jones", is written over a circular blue stamp.

Kathy Turner Jones
General Manager

Enclosures
cc: Scott Weisinger



Lone Star Groundwater Conservation District
655 Conroe Park North Drive
Conroe, Texas 77303
936.494.3436
www.lonestargcd.org

Official Appointment Ballot

By this ballot, the **CITY OF TOMBALL** does hereby cast this ballot for

_____ (name of nominee),

_____ (nominee's address)

to serve on the Board of Directors of the Lone Star Groundwater Conservation District for a term extending through January 31, 2017.

This ballot completed and submitted this _____ day of _____, _____.

CITY OF TOMBALL

Appointing Authority

By: _____

Name: The Honorable Gretchen Fagan

Title: Mayor

ATTEST:

City Secretary

Appointee must be at least 18 years of age and a resident of the Lone Star Groundwater Conservation District to be qualified to serve as a Director.

All appointment ballots must be received by the Lone Star Groundwater Conservation District by 5:00 p.m. on or before Monday, January 14, 2013. Appointment ballots received after this time are invalid. All appointment ballots timely received by the District in accordance with the procedures set forth in the District's Rules (Section 13) cannot be retracted, altered, or otherwise amended after 5:00 p.m. of the date ballots are due.

Michael Scott Weisinger, P.G.

2200 East Davis
Conroe, TX 77301
(936)756-7721
(936)756-7723 fax

November 30, 2012

City of Tomball
The Honorable Gretchen Fagan
401 Market St.
Tomball, Texas 77375

Dear Mayor Fagan:

I respectfully request that the City consider supporting my continued position as the City's representative on the Lone Star Groundwater Conservation District.

The District manages the strained groundwater supply due to population and economic growth. As our community continues to prosper, the need for water will increase. The 2007 Texas State Water Plan projected that demand for water in the county will exceed supply by 42,804 acre-feet per year by 2020 and 170,249 acre-feet per year by 2060 based upon resources used at the time that the plan was released.

As a member of the Lone Star Groundwater Conservation District over the past six years, I have taken a proactive role in researching groundwater supply alternatives. I was the largest advocate for reviewing the Catahoula Formation as an option to satisfy the growing demand. This option will save the county an estimated \$24.4 million annually in comparison with surface water alternatives.

I will continue to advocate for policies that sustainably maximize the potential of our precious groundwater resources. As an industry expert with over 30 years of experience, I will urge the District to research concepts including well field spacing, regulations by formation, and other creative alternatives.

I am a small business man, property owner, and lifelong resident of the county. My family settled here in the 1850s and has been in the local water well industry for four generations. As a licensed professional geoscientist, I have extensive knowledge of changes within aquifers across the state that affect our groundwater conditions and the subsequent issues that concern our community's future. My experience in the groundwater industry is an advantage for the City, the County and the District.

I am asking that the City confirm my re-appointment as the Director representing Tomball. I thank you for the opportunity to serve you and the City.

Sincerely,



Scott Weisinger, P.G.

Michael Scott Weisinger, P.G.

2200 East Davis
Conroe, TX 77301
(936)756-7721
(936)756-7723 fax

Professional Experience

Weisinger Incorporated – Conroe, TX President & CEO	1979-Present
--	--------------

Certifications and Licenses

Texas Water Well Driller's License	November 1, 1979 #1992
Texas Pump Installer License	November 9, 1992 #1992WI
Certified by NGWA	February 1994 #4630
Licensed Professional Geoscientist	#6819

Professional Memberships

American Water Works Association	Member since 2000
National Ground Water Association	Member since 1980
Texas Ground Water Association	Member since 1980
Gulf Coast Chapter Water Well Association	Vice President 1983 – 1985

Professional Education

Texas Water Well Drillers Geology School	1980
Baroid Drilling Technology	1983, 1987, 1991
Various Schools presented by Manufacturers	1980-Present
Continuing education classes required by TDLR to maintain license	

Community Involvement

Waverly Presbyterian Church	
Deacon	Since 2011
Friends of Conroe	Since 2006
Lone Star Groundwater Conservation District	Since 2003
Member of Board of Directors	
Texas Ground Water Association Board of Director	
Texas Ground Water Association Gulf Coast Chapter Director	
Montgomery County Fair Association	Lifetime member since 1992

Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Review Documentation and Accept Donation of a Type VI Engine (Brush Truck) from the Texas A&M Forest Service Texas Intrastate Fire Mutual Aid System (TIFMAS) Capacity Building Grant Program.

Background:

The Tomball Fire Department has long been a participant in TIFMAS deployments to large scale disasters in the state. From responding to Galveston County during Hurricane Ike to various large scale wildfires occurring over the past several years, TFD has supplied equipment and staffing for responses. TFD has maintained a fleet of three Type VI Engines but found that one of the unit's pumping systems had become irreparable. We made the determination to retire the system and convert the chassis to a utility/support truck. The opportunity to obtain a replacement booster from the Forest Service was discussed early in 2012 and the application was made November 15. TFD was subsequently awarded a unit on December 12. The unit will be titled to the City of Tomball and TFD will be responsible for maintenance and operating costs. The unit will be available to TFD for large local incidents as well as being the resource to be deployed under the TIFMAS program.

Origination:

Fire Department

Recommendation:

Staff recommends acceptance

Funding: Yes

Account Number:

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

Randy Parr, Fire Chief

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

ATTACHMENTS:

Grant Award and Terms

Pictures

Picture

Picture



5.4191

December 12, 2012

TOMBALL FD
1200 RUDEL ROAD
TOMBALL TEXAS 77375

Case: 1401

Dear Chief:

Your application for a grant for a **Type 6 Engine** under the TIFMAS Grant Assistance Program has been **APPROVED**. The grant will pay 100% of the cost of a fully equipped Type 6 Engine, including an installed radio package and loose equipment complement.

All Fire Trucks acquired under the TIFMAS Grant Assistance program are to be produced under one common statewide standard. This ensures that the vehicles will be consistent in type, design, markings, capability, and identification on assignments.

The Texas A&M Forest Service will order this completed truck on your behalf through the state or federal contract purchasing process. We will pay the selected vendors on your behalf via a third party vendor transaction. Your department will own the truck subject to the Supplemental Terms and Responsibilities Agreement.

Please indicate below whether you wish to accept or decline this grant and then return a signed copy to us within 14 days of receipt of this letter. **Also, if you are accepting the grant, please return to us a signed original copy of the Supplemental Terms and Responsibilities Agreement.**

Congratulations! Please contact us if you need additional information.

☒ Accept ☐ Decline

Signature and Title Date

Texas Forest Service

Attachment: 1) Supplemental Terms and Conditions Agreement

Texas A&M Forest Service Capacity Building Department
Rural Fire Defense Unit ★ P O Box 310 ★ Lufkin, Texas 75902-0310
TEL 936/639-8100 ★ FAX 936/639-8138
<http://texasforestservice.tamu.edu>



CASE# 1401

**SUPPLEMENTAL TERMS AND RESPONSIBILITIES AGREEMENT
TEXAS INTRASTATE FIRE MUTUAL AID SYSTEM
(TIFMAS) GRANT ASSISTANCE PROGRAM**

Mobilization of local resources to respond to statewide emergencies is of great concern. The 81st Texas State Legislature passed Senate Bill 1011 in 2009. The law amended portions of the statute governing the Texas Commission on Fire Protection ("TCFP"). One of the amendments changed the TCFP Fire Department Emergency Program (FDEP). By statute, the Fire Department Emergency Program was abolished effective January 1, 2010 and all funds and loan obligations of the former FDEP were transferred to the Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas ("Service"). The Service will use a portion of these funds to acquire fire and rescue apparatus to support the Texas Intrastate Fire Mutual Aid System ("TIFMAS").

Through the TIFMAS Grant Assistance Program (the "TIFMAS Grant Program"), the Service considers applications for participation in the TIFMAS Grant Program and will provide certain response apparatus ("TIFMAS Vehicle(s)") to cooperators in the TIFMAS Grant Program.

In consideration for the provision of TIFMAS Vehicle(s), TOMBALL FIRE DEPT of Harris County, Texas, ("Cooperator"), agrees to the terms and conditions set forth herein.

This agreement describes the Service's statutorily required administration and the terms and responsibilities of Cooperator related to TIFMAS Vehicle grants under the TIFMAS Grant Program. The terms and responsibilities of Cooperator outlined in this agreement will be in effect for the entire time Cooperator owns the TIFMAS Vehicle. Upon grant award, the following shall apply:

Service Authority and Responsibilities:

1. Service shall provide a standardized TIFMAS Vehicle titled in the name of Cooperator under the following conditions:
 - a. TIFMAS Vehicle will be provided under a one-hundred percent grant administered by the Service. The vehicle will be acquired on behalf of the Cooperator from a vendor selected by the Service.
 - b. Specifications for TIFMAS Vehicle will be developed by Service.
 - c. TIFMAS Vehicle will include loose equipment per Service specifications.

2. Service will perform an inspection after the TIFMAS Vehicle has been purchased and delivered and will document the vehicle on a TIFMAS Vehicle Equipment List, signed by both parties.
3. Service will perform occasional inspections of the TIFMAS Vehicle to ensure the Cooperator is fulfilling its obligations in accordance with this agreement.

Cooperator Responsibilities:

1. Cooperator shall take possession of TIFMAS Vehicle at a time and location mutually decided on by Service and Cooperator.
2. Cooperator shall facilitate an initial inspection of the TIFMAS Vehicle by the Service and sign the TIFMAS Equipment Vehicle List provided by Service.
3. Cooperator may add additional loose equipment to the TIFMAS Vehicle, but may not alter or change the original specification of the TIFMAS Vehicle. All additional loose equipment added by Cooperator shall remain the property and responsibility of the Cooperator.
4. Cooperator may use the TIFMAS Vehicle only for the following:
 - a. Local and Regional Mutual Aid Incidents.
 - b. Local/Regional Multiple Alarm Incidents.
 - c. Emergency events threatening properties vital to National Defense, Critical Infrastructure or Important Military Installations.
 - d. Local community events (parades, displays).
 - e. Training of firefighters.
 - f. Temporary standby for Cooperator's regular apparatus while out of service for repairs. Cooperator shall notify the Service if the standby period is expected to exceed 90 days.
5. Cooperator shall house, maintain, operate, and repair the TIFMAS Vehicle in order to ensure a high state of readiness at all times.
 - a. Cooperator shall house the TIFMAS Vehicle on the property of the Cooperator and Cooperator shall provide reasonable protection against weather, vandalism, theft, or damage.
 - b. Cooperator is responsible for all costs of operating, maintaining, and repairing the TIFMAS Vehicle.
6. Cooperator shall staff TIFMAS Vehicle with trained and qualified personnel when dispatched to any regional or statewide assignment, and shall provide for personnel rotation or replacement when the TIFMAS Vehicle is needed on assignments of extended duration.
7. Cooperator shall carry vehicle liability insurance for the TIFMAS Vehicle and provide proof of insurance coverage to the Service annually. The insurance

liability limits must be equal to or greater than the State of Texas minimum amounts.

8. Cooperator shall operate and maintain each TIFMAS Vehicle in a roadworthy and legal condition, with a current state inspection decal, and within the posted Gross Vehicle Weight Rating (GVWR) of the chassis as stated by the manufacturer.
9. Cooperator shall notify the Service if the TIFMAS Vehicle is not available and cannot respond to a TIFMAS authorized deployment.

General Provisions:

1. The TIFMAS Vehicle will be titled in the name of the Cooperator.
2. ***Service provides the TIFMAS Vehicle "as is" and disclaims any implied warranties, including any warranty of merchantability or fitness for a particular purpose.***
3. Cooperator grants the Service a first-priority security interest in the TIFMAS Vehicle and all equipment provided with the TIFMAS Vehicle and all related proceeds, including insurance payments.
4. If the Cooperator does not fulfill its obligations under the TIFMAS Grant Program, upon written demand from the Service, Cooperator shall immediately deliver the TIFMAS Vehicle and transfer its title to another fire department of the Service's choice. Cooperator shall promptly execute all title transfer documents and perform any other acts deemed necessary by the Service to transfer title to the TIFMAS Vehicle. If Cooperator fails to deliver the TIFMAS Vehicle as provided in this Agreement, the Service may, in addition to any other remedies provided by law, enter onto Cooperator's premises where the TIFMAS Vehicle is located and take possession of the TIFMAS Vehicle.
5. The Service shall have the right to inspect the TIFMAS Vehicle at any time.
6. Deployment and reimbursement for use of TIFMAS Vehicle under a TIFMAS deployment shall be in accordance with Appendix 6 – Annex F of the State of Texas Emergency Management Plan. There are no provisions for reimbursement from the Service to the Cooperator on any mutual aid assignment.
7. Cooperator may not assign, pledge, encumber, or hypothecate the TIFMAS Vehicle or grant any other security interest in the TIFMAS Vehicle.
8. If the Cooperator chooses to end its participation in the TIFMAS Grant Program, Cooperator shall give Service 14-days prior written notice. Upon termination of its participation, all TIFMAS Vehicles, equipment, and titles will be transferred to another fire department of the Service's choice. Cooperator shall not alter the TIFMAS Vehicle in any way prior to transferring the TIFMAS Vehicle. The Cooperator will be liable for all loss of or damage to the TIFMAS Vehicle, normal wear and tear excepted.

9. The primary points of contact for each party shall be as follows:

Cooperator	Service
TOMBALL FIRE DEPT 401 MARKET TOMBALL, TX 77375 281-351-5404 (28135) 1701 281-357-4714	Texas A&M Forest Service P.O. Box 310 Lufkin, TX 75901 Attn: Emergency Services Grants Unit Tel: (936) 639-8130 Fax: (936) 639-8138

Contracting parties shall notify each other of any changes in the above. Any notices regarding violations or termination shall be made in writing to the point of contact.

10. Performance by the Service under this agreement is dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature"). If the Legislature fails to appropriate or allot the necessary funds, the Service shall issue written notice to Cooperator and the Service may terminate this Agreement without further duty or obligation. Cooperator acknowledges that appropriation of funds is beyond the control of the Service.
11. Cooperator understands that pursuant to Section 51.9335(c) of the *Texas Education Code*, the state auditor may audit purchases of goods or services by an institution of higher education or by a component thereof that purchases goods and services. Cooperator shall cooperate with the state auditor in the conduct of an audit or investigation, including without limitation, providing all records requested.
12. Cooperator expressly acknowledges that the Service is an agency of the State of Texas and nothing in this Agreement waives or relinquishes by the Service of its right to claim such exemptions, privileges, and immunities as may be provided by law.
13. Cooperator shall use the dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260 to attempt to resolve any claim for breach of contract made by Cooperator that cannot be resolved in the ordinary course of business. Cooperator shall submit written notice of a claim of breach of contract under this Chapter to the Associate Director for Finance and Administration of the Service, who shall examine Cooperator's claim and any counterclaim and negotiate with Cooperator in an effort to resolve the claim.

Acceptance of Terms and Responsibilities

Cooperator



Signature

GEORGE SHACKELFORD - CITY MANAGER

Title (Please Print)

12/18/12

Date







Regular City Council

Agenda Item

Meeting Date: January 7, 2013

Data Sheet

Topic:

Approve Encroachment Agreement for Woodforest Boulevard at Tomball Marketplace Shopping Center and Authorize Mayor to Execute Agreement

Background:

Weingarten Investments, Inc. would like to install a center identification sign within the medium of Woodforest Blvd at Tomball Marketplace Shopping Center. Should the City have any public improvements along Woodforest Blvd. the City will not be required to replace any improvements that encroach within the right of way.

The request letter from Weingarten Investments, Inc. is attached along with the encroachment agreement.

Origination:

Gary Wankum, Divisional Vice President, Weingarten Realty

Recommendation:

Funding:

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

Lori Lakatos, Engineering and Planning

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

ATTACHMENTS:

Woodforest Blvd Encroachment Agreement

Weingarten Request Letter for Encroachment of Woodforest Blvd.

CONSENT TO ENCROACHMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement is made and entered into by and between the City of Tomball, Texas, a municipal corporation situated in Harris County, Texas (“City”), and Wachovia Bank, National Association, a national banking association (“Wachovia”).

WHEREAS, Wachovia owns a leasehold interest in the land and improvements located at 14094 FM 2920 Road, City of Tomball, Harris County, Texas, and more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, some of the “property” improvements located on the property encroach into a 10-foot gas distribution easement, herein called the “Easement,” as set forth in document recorded under File No. 571094, Map Records of Harris County, Texas, and being more particularly described in Exhibit “B” attached hereto and made a part hereof; and

WHEREAS, the City Council of City has determined that such encroachment does not adversely affect the Easement or create any hazardous condition thereon; and

WHEREAS, the City Council of City desires to authorize the encroachment; now, therefore, For and in consideration of the premises and the mutual covenants and promises herein contained, City and Wachovia agree as follows:

1. Subject to the terms and conditions of this Agreement, City consents to the encroachment into the Easement by Wachovia’s 1-story brick/masonry building, as more specifically described and attached hereto as Exhibit “B” and made a part hereof.

2. Wachovia, and its successors and assigns, agree to defend, indemnify, and hold harmless City and its officers, agents, and employees from any and all claims and liabilities for injury to or death of any person or for damages to property arising out of the execution of this Agreement or the use of the Easement encroached upon.

3. Based upon the recommendations of a Civil Engineer, licensed by the State of Texas

and acting as a consultant to the City, the City may, at the sole discretion of its City Council, require that any encroachment allowed by this Agreement be removed or altered. Wachovia or its successors and assigns, shall, at its sole expense, cause the removal or alteration of such encroachment within ninety (90) days following demand to do so. Should Wachovia, or its successors or assigns, fail or refuse to remove or alter such encroachment within the prescribed period following demand, City may cause such removal or alteration, and Wachovia, or its successors and assigns, shall be liable for all costs and expenses incurred by City. Wachovia for itself and its successors and assigns, hereby releases City from and against any and all liability for damage or loss caused to its property by any such removal or alteration regardless of whether City's negligence may contribute to such damage or loss.

EXECUTED this _____ day of _____, 2008.

Wachovia Bank, National Association, a national
banking association

c/o Wachovia Corporate Real Estate
Attn: Lease Admin (PID#611990)

201 N. Tryon St., 21st Floor, NC-0114
Charlotte, NC 28288-0114

Owner, _____[address or legal]

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Mark E. Pietruszewski, Vice President

CITY OF TOMBALL, TEXAS

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____, 2008, by Mark E. Pietruszewski, Vice President of Wachovia Bank National Association, a national banking association, on behalf of said association and in the capacity therein stated.

Notary Public In and For the State of Texas

My Commission Expires:_____

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____, 2008, by Gretchen Fagan, Mayor of the City of Tomball, Texas.

Notary Public In and For the State of Texas

My Commission Expires:_____

(SEAL)

CONSENT TO ENCROACHMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement is made and entered into by and between the City of Tomball, Texas, a municipal corporation situated in Harris County, Texas (“City”), and Weingarten/Investments, Inc., a Texas corporation (“WII”).

WHEREAS, WII owns land and proposed improvements located at the entrance to Tomball Marketplace shopping center, City of Tomball, Harris County, Texas, and more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, some of the proposed improvements to be located on such property encroach into the right-of-way of Woodforest Blvd., herein called the “ROW,” more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the City Council of City has determined that such encroachment does not adversely affect the ROW or create any hazardous condition thereon; and

WHEREAS, the City Council of City desires to authorize the encroachment; now, therefore,

For and in consideration of the premises and the mutual covenants and promises herein contained, City and WII agree as follows:

1. Subject to the terms and conditions of this Agreement, City consents to the encroachment into the ROW by WII’s improvements between the ingress and egress lanes for beautification and identity of Tomball Marketplace, concrete conduit/sleeves for installation of irrigation system and electricity for lighting, as more specifically described and attached hereto as Exhibit “B” and made a part hereof.

2. WII, and its successors and assigns agree to defend, indemnify, and hold harmless City and its officers, agents, and employees from any and all claims and liabilities for injury to or death of any person or for damages to property arising out of the execution of this Agreement or the use of the ROW encroached upon.

3. Based upon the recommendations of a Civil Engineer, licensed by the State of Texas and acting as a consultant to the City, the City may, at the sole discretion of its City Council, require that any encroachment allowed by this Agreement be removed or altered. WII or its successors and assigns, shall, at its sole expense, cause the removal or alteration of such encroachment within ninety (90) days following demand to do so. Should WII, or its successors or assigns, fail or refuse to remove or alter such encroachment within the prescribed period following demand, City may cause such removal or alteration and WII, or its successors and assigns, shall be liable for all costs and expenses incurred by City. WII for itself and its successors and assigns, hereby releases City from and against any and all liability for damage or loss caused to its property by any such removal or alteration regardless of whether City's negligence may contribute to such damage or loss.

EXECUTED this _____ day of _____, 2012.

WEINGARTEN/INVESTMENTS, INC.,
a Texas corporation



By: 
Name: Alan R. Korbed
Title: Sr. Vice President

Address: 2600 Citadel Plaza Drive, Suite 125
Houston, Texas 77008

ATTEST:

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on the ____ day of
_____, 2012, by _____,
of Weingarten/Investments, Inc., a Texas corporation on behalf of said corporation.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

CITY OF TOMBALL, TEXAS

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

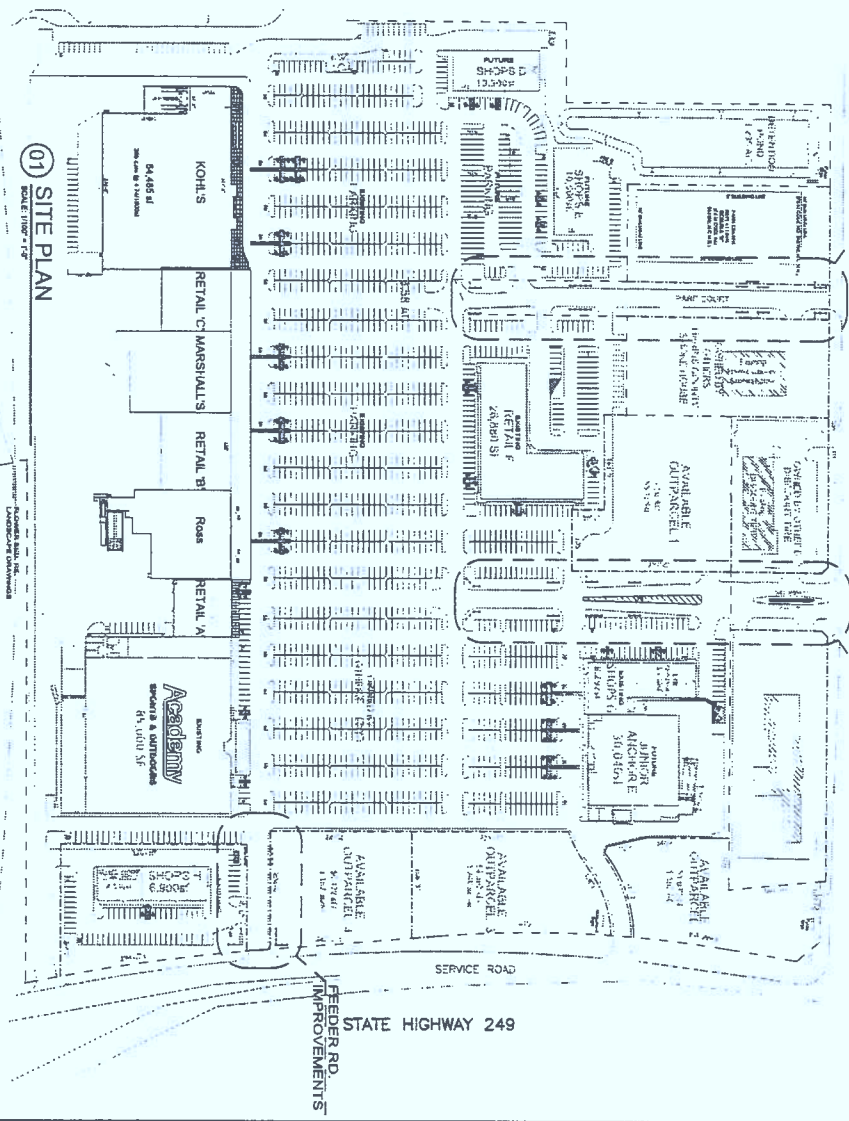
This instrument was acknowledged before me on the ____ day of _____, 2012, by Gretchen Fagan, Mayor of the City of Tomball, Texas.

Notary Public In and For the State of Texas

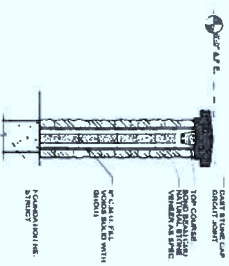
My Commission Expires: _____

(SEAL)

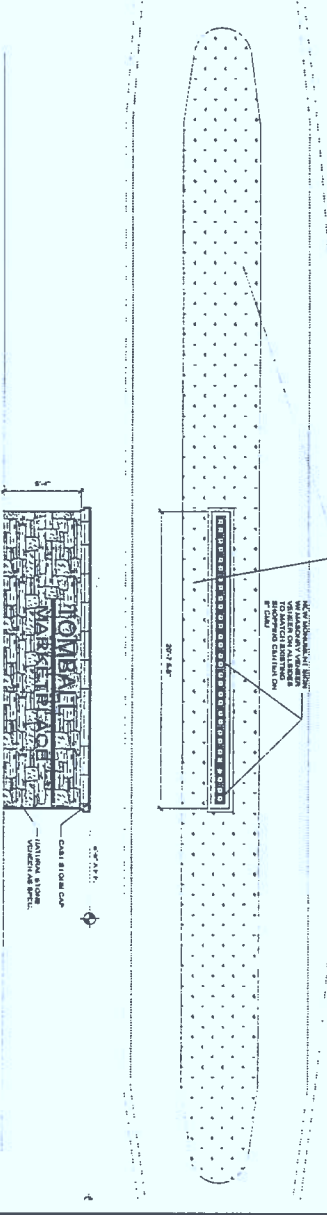
ENTRY IMPROVEMENTS
F.M. HIGHWAY 2920 MAIN ENTRY IMPROVEMENTS
(120' ROW)



01 SITE PLAN
SCALE: 1/16" = 1'-0"



03 SECTION THRU SIGN
SCALE: 1/2" = 1'-0"



02 PROPOSED ENTRANCE SIGN
SCALE: 1/4" = 1'-0"

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2013

Topic:

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

- Sec. 551.072 – Deliberations Regarding Real Property

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	