

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



MONDAY, NOVEMBER 19, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 19, 2012 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Invocation
 - Led by Pastor Richard Jennings, River of Praise
- 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 Presentations:

- ***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

- **December 7-9, 2012 – 2012 Tomball German Christmas Market**
- **December 10, 2012 – Christmas on Commerce – 2nd Saturday** – 10:00 a.m.- 6:00 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:
 - Mike Baxter - ***Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do***
 - Glenn Windsor – Quarterly Investment Report for Period Ending September 30, 2012 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2012, the City had total cash equivalents and investments totaling \$40,442,678. A copy of the report is attached for review.

7.0 Approve the Minutes of the November 5, 2012 Regular City Council Meeting

8.0 Old Business:

8.1 Second Public Hearing to Consider the Annexation of the Following Tracts of Land:

- **TRACT ONE(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 ONE:** 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 TWO:** 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 THREE:** 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 FOUR:** 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.

8.2 Adopt, on Second Reading, Ordinance No. 2012-47, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Chapter 27. Establishing Emergency Medical Services and Ambulance Regulations; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability

8.3 Adopt, on Second Reading, Ordinance No. 2012-49, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 14-293, Special Provisions, of Division 4, Permits and Inspections, of Article IV, Electricity, of Chapter 14, Buildings and Building Regulations, to Allow Aluminum Conductors to be Installed Underground from Pole to Pole or from Pole to Outside Electrical Box Not Attached to a Structure; Providing a Penalty of Up to \$2,000.00 for Each Violation of Any Provision Hereof; Providing for Severability; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto

9.0 New Business:

9.1 Approve Request by City of Tomball to Harris County Toll Road Authority for the Removal of the Direct Connector over Holderrieth Road at SH 249 Business and Authorize City Manager to Issue Letter

9.2 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

9.3 Approve Recommended Fees for Ambulance Permitting and Inspection Processes

9.4 Approve Purchase of Kubota 4WD Cab Tractor with Terrain King 5' Slope Mower for the Street Department, from Kubota Tractor Corporation in the Amount of \$78,655.20.

9.5 Consideration to Approve **VALLEY TREE SUBDIVISION FINAL PLAT**: A 16.9782-Acre Tract of Land Situated in the John S. Smith Survey, Abstract No. 730, in Harris County, Texas, Being out of a Certain 21.9206 Acre Tract; Being Part of a 52.0-Acre Tract described in Volume 1720, Page 43 of the Harris County Deed Records, Harris County, Texas.

9.6 Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with Attorney regarding Potential Litigation
- Sec. 551.072 – Deliberations regarding Real Property

10.0 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 15th day of November 2012 by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer

City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

Topic:

- Led by Pastor Richard Jennings, River of Praise

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: November 19, 2012

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

Topic:

- *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

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: November 19, 2012

Topic:

- **December 7-9, 2012 – 2012 Tomball German Christmas Market**
- **December 10, 2012 – Christmas on Commerce – 2nd Saturday** – 10:00 a.m.-6:00 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:
 - Mike Baxter - ***Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do***
 - Glenn Windsor – Quarterly Investment Report for Period Ending September 30, 2012 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2012, the City had total cash equivalents and investments totaling \$40,442,678. A copy of the report is attached for review.

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:

Christmas on Commerce – 2nd Saturday

Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do

Quarterly Investment Report for Period Ending September 30, 2012

Christmas On Commerce

2nd Saturday Event

December 8th from 10:00 a.m. to 6:00 p.m.

**Great Eats and Gift Ideas
at Commerce Street
Restaurants and Shops**

**Visit Santa & Mrs. Claus
At Quilters Crossing**

from 3 – 5 p.m. presented

by Louetta Foot & Ankle Specialists



Fun Family Activities . . .

- Free Pony Rides and Petting Zoo
- Free Train Ride Sponsored by *Element Dental*
- Free Holiday crafts at Santa's Workshop from by *Wigs with Style*
- Bounce House, Games and the movie "Arthur Christmas" at dark
- Eats by Cisco Salsa Company, The Whistle Stop Tea Room and Original Rib Tickler

Christmas Performances by . . .

- 11:00 a.m. Timber Creek Elementary Choir
- 12 noon TBA
- 1:00 p.m. Tomball Elementary Cougar Cub Choir
- 2:00 p.m. Tomball Junior High School Orchestra
- 3:00 p.m. Salem Lutheran School Children's Choir
- 4:00 p.m. Tomball High School Orchestra

**FREE ADMISSION AND
FREE PARKING**

**Shop the Commerce
Street merchants and
holiday street vendors
for holiday gifts!**

****Enter the "Ugliest" Christmas Sweater Contest at 2:30, too, for prizes!***

Be sure to visit the "German Christmas Market" December 7TH, 8th and 9th.

TOMBALL, TEXAS

NOVEMBER 10TH

2012

- Classic VW car show
- Performances by Unfortunate Sons and The Bottle Rockers
- Craft Brew from a dozen Texas Breweries
- BBQ from The Original Rib Tickler, Dickey's Barbecue Pit and more
- Kid's Zone and Vendors
- Free Admission and Parking
- New Location: Main & South Walnut Streets near the Depot

9A.M. - 6P.M.



**BUGS, BREW
AND BARBECUE
RE-DO**

VWS, TEXAS CRAFT BEER, BARBECUE & BANDS

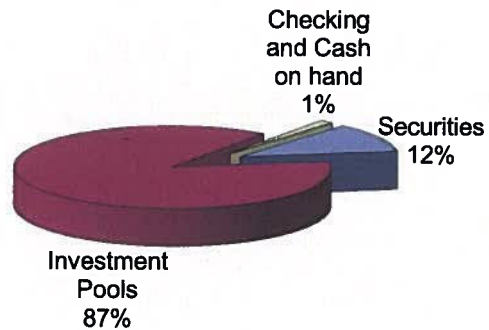
Call 281-351-5484 or visit [facebook.com/TomballTexanForFun](https://www.facebook.com/TomballTexanForFun)

CITY OF TOMBALL PORTFOLIO DIVERSIFICATION September 30, 2012

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 4,633,380	11.46%
Investment Pools	35,254,235	87.17%
Checking and Cash on hand	555,063	1.37%
Total Portfolio	<u>\$ 40,442,678</u>	

Diversification By Type

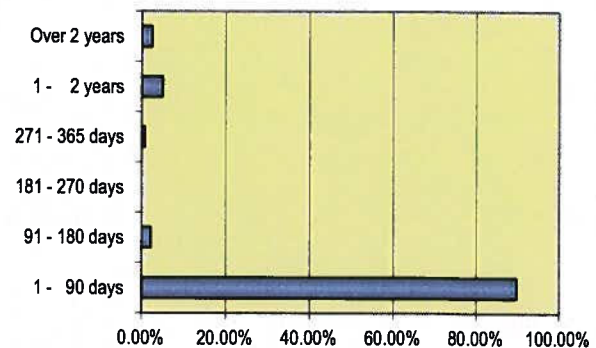


Safety of principal is the first priority of any Public investing portfolio. The City of Tomball currently invests in Securities of the United States and Texas Cities, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a AA- or higher ratings and pools with Standard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

By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 36,310,903	89.78%
91 - 180 days	866,484	2.14%
181 - 270 days	-	-
271 - 365 days	263,546	0.65%
1 - 2 years	2,001,287	4.95%
Over 2 years	1,000,458	2.47%
Total Portfolio	<u>\$ 40,442,678</u>	

Diversification by Maturity



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

**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
September 30, 2012**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	3,747,285	3,643,091	0.9722	0.984%	0.21%
Purchases	2,000,000	2,000,000			
Maturities	1,097,200	1,000,000			
Change in value	-	9,711			
Sales					
End of period	4,650,085	4,633,380	0.9964	0.727%	0.17%

Total Accrued Interest at end of period: \$ 8,986

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 579 days.

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



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF SEPTEMBER 30, 2012**

SECURITY DESCRIPTION	CUSIP NUMBER	S&P RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 09/30/12	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Federal Home Loan Bank- 1.75%	3133XVNT4	AA+	12/14/2012	1.245%	501,605	75	10.826%	8.12
2) Sugar Land 4B CO- 2%	864857CP0	AA-	2/15/2013	0.351%	714,580	138	15.422%	21.28
3) Abilene TX CO- 3.75%	003446Z95	AA+	2/15/2013	1.000%	151,904	138	3.278%	4.52
4) Brenham TX- 2%	107115JW8	AA-	8/15/2013	1.000%	263,546	319	5.688%	18.14
5) Fannie Mae- .55%	3135G0FN8	AA+	11/21/2013	0.560%	1,000,532	417	21.594%	90.05
6) Federal Home Loan Bank- 0.34%	313380NA1	AA+	9/11/2014	0.340%	1,000,755	711	21.599%	153.57
7) Federal Farm Credit Bank- .59%	3133EAB56	AA+	5/2/2016	0.590%	1,000,458	1310	21.592%	282.86
TOTALS				0.727%	4,633,380	444	100.000%	578.55

CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
September 30, 2012

FUND	CASH AND CASH EQUIVALENTS				INVESTMENTS				TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	CERTIFICATE OF DEPOSIT	INVESTMENT SECURITIES	TOTAL INVESTMENTS	
MAJOR FUNDS									
General	\$ 2,265,553	\$ 4,807,263	\$ 122,841	\$ 2,200	\$ 7,197,857	\$ -	\$ 1,917,513	\$ 1,917,513	\$ 9,115,370
Debt Service	\$ 503,456	\$ 959,875	\$ 13,153	\$ -	\$ 1,476,484	\$ -	\$ -	\$ -	\$ 1,476,484
Enterprise	\$ 2,013,825	\$ 4,998,988	\$ 81,584	\$ 600	\$ 7,094,997	\$ -	\$ 1,000,532	\$ 1,000,532	\$ 8,095,529
OTHER FUNDS									
Special Revenue	\$ 75,518	\$ 54,520	\$ 924	\$ -	\$ 130,962	\$ -	\$ -	\$ -	\$ 130,962
Housing Trust	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Municipal Court Building Security	\$ 100,691	\$ 81,444	\$ 3,166	\$ -	\$ 185,301	\$ -	\$ -	\$ -	\$ 185,301
Municipal Court Technology	\$ 60,415	\$ 164,564	\$ 4,411	\$ -	\$ 229,390	\$ -	\$ -	\$ -	\$ 229,390
Hotel Occupancy Tax	\$ 100,691	\$ 196,281	\$ 260	\$ -	\$ 297,232	\$ -	\$ -	\$ -	\$ 297,232
Red Light Camera Program	\$ 251,728	\$ 534,581	\$ 47,780	\$ -	\$ 834,089	\$ -	\$ -	\$ -	\$ 834,089
PD District Attorney Grant	\$ -	\$ -	\$ 440	\$ -	\$ 440	\$ -	\$ -	\$ -	\$ 440
Department of Justice Grant	\$ -	\$ -	\$ 41	\$ -	\$ 41	\$ -	\$ -	\$ -	\$ 41
Disaster Preparedness	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Tomball "Fun Runs"	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Capital Projects	\$ 50,346	\$ 14,677,171	\$ 3,280	\$ -	\$ 3,280	\$ -	\$ -	\$ -	\$ 3,280
Fleet Replacement	\$ 453,111	\$ 732,644	\$ 238,423	\$ -	\$ 14,965,940	\$ -	\$ 1,715,335	\$ 1,715,335	\$ 16,681,275
Water Capital Recovery	\$ 100,691	\$ 680,508	\$ 361	\$ -	\$ 1,186,116	\$ -	\$ -	\$ -	\$ 1,186,116
Sewer Capital Recovery	\$ 151,037	\$ 776,300	\$ 1,510	\$ -	\$ 782,709	\$ -	\$ -	\$ -	\$ 782,709
Health Insurance Trust	\$ -	\$ 463,034	\$ 1,678	\$ -	\$ 929,015	\$ -	\$ -	\$ -	\$ 929,015
TOTALS	\$ 6,127,062	\$ 29,127,173	\$ 552,263	\$ 2,800	\$ 35,809,298	\$ -	\$ 4,633,380	\$ 4,633,380	\$ 40,442,678

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

Topic:

Approve the Minutes of the November 5, 2012 Regular City Council Meeting

Background:**Origination:**

City Secretary

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

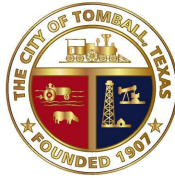
City Secretary

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

ATTACHMENTS:

Draft Minutes - November 5, 2012 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, NOVEMBER 5, 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
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
Chief-NWEMS – Brian Petrilla

2.0 Invocation

- Led by Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

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

4.0 The following public comments were received:

Marlene Kovacs 27650 Tomball Parkway, 77375	-	Extended invitation to Woodforest Bank's 4 th Annual Tomball Bash and 5K Run, to be held on Saturday, November 10, 2012 at the Depot.
Tommy Lyles 621 N. Magnolia, 77375	-	Expressed his opposition to the banner signs section of Ordinance No. 2012-22, Item 8.2, regarding the 14-day restriction for banner signs.
N. T. Breaux 1502 Rudolph, 77375	-	Requested Council consideration regarding changes to zoning ordinance that are currently restricting his ability to develop his property.
Laura Wilson 209 Commerce, 77375	-	Expressed her desire to be appointed to the Tomball Tourism Advisory Committee.
Sherrie Meicher 222 Southmore, 77375	-	Expressed the Spring Creek Historical Society and Museum Center's appreciation for the City grant to maintain and improve the museum complex.

5.0 Randy Parr presented the following new employees:

- ***New City of Tomball Fire Department Employees***
 - *Firefighters:*
 - Joshua Brookshire
 - Christopher Camp
 - Ethan Grossman
 - David Hill
 - Steven McHenry
 - Kye Rymer
 - Gary Simpson
 - *Driver/Operator:*
 - Brian Holasek
 - *Lieutenant:*
 - Hubert (Joe) Sykora
 - Justin Martinets

6.0 Reports and Announcements:

- November 5, 2012 – **Mayor's Coffee** - 5:00 p.m.-7:00 p.m. at *Sol de Luna*
- November 10, 2012 – **Woodforest Run at the Depot** – 8:00 a.m.
- November 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- November 10, 2012 – **Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do** – 9:00 a.m.-6:00 p.m.
- November 17, 2012 – **47th Annual Tomball Holiday Parade – “Candy Canes and Christmas Carols”** – 10:00 a.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:
 - Mike Baxter provided a report on the success of the City's **Tomball Art Walk**
 - Mike Baxter provided a report on the success of the City's **Tomball Bluegrass Festival**
 - David Kauffman provided an update on meetings with TxDOT regarding the possibility of left-turn lanes at traffic signals on FM 2920 through Downtown Tomball.
 - George Shackelford announced that the City Secretary's Office had earned the **Exemplary Five Star Service Award for Excellence in Vital Registration**.

7.0 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Minutes of the October 15, 2012 Regular City Council Meeting

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, 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. Vote was as follows:

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

Councilman Stoll

Aye

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-22, 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. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Appointment of Blair Bruce as Alternate Municipal Court Judge for Term Expiring August 15, 2014, as required by Government Code, Section 29.005.

Motion carried unanimously.

- 9.2 Glenn Windsor, Joe Morrow, First Southwest, and Jonathan Frels, Bracewell & Giuliani, presented information regarding Refunding (Refinancing) of Series 2002 and Series 2003 Certificates of Obligation. No action necessary.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-46 by caption only on First Reading and Only Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading and Only Reading, Ordinance No. 2012-46, an Ordinance Authorizing the Issuance of City of Tomball, Texas General Obligation Refunding Bonds, Series 2013; Levying a Tax in Payment Thereof; Setting Certain Parameters for the Bonds; Authorizing the Authorized Officer to Approve the Amount, the Interest Rate, Price and Certain Other Terms Thereof; Authorizing the Redemption prior to Maturity of Certain Outstanding Obligations; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement Relating to Such Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting Other Provisions Relating Thereto. 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.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Dodson, to reappoint Mary Harvey and Prakash Patel to their respective positions on the Tourism Advisory Committee and to appoint Laura Wilson to Position 5 on the Tourism Advisory Committee for Terms Expiring December 5, 2012.

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing at 7:00 p.m. to consider the annexation of the following tracts of land:

- **TRACT ONE(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 ONE:** 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 TWO:** 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 THREE:** 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
- **TRACT FOUR:** 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 7:00 p.m.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Memorandum of Understanding between the City of Tomball and the Gulf Coast Chapter of the National Railway Historical Society regarding the Relocation of the Chapter's Houston Railroad Museum Collection to the City of Tomball.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-47 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-47, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Chapter 27. Establishing Emergency Medical Services and Ambulance Regulations; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-49 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2012-49, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 14-293, Special Provisions, of Division 4, Permits and Inspections, of Article IV, Electricity, of Chapter 14, Buildings and Building Regulations, to Allow Aluminum Conductors to be Installed Underground from Pole to Pole or from Pole to Outside Electrical Box Not Attached to a Structure; Providing a Penalty of Up to \$2,000.00 for Each Violation of Any Provision Hereof; Providing for Severability; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried unanimously.

- 9.9 Motion was made by Councilman Dodson, second by Councilman Brown, to approve **GRAND THREE FINAL PLAT**: Being a Subdivision of 0.4686 Acre of land situated in the Joseph House Survey, Abstract Number 34, of Harris

County, Texas, and being the same land called 0.4689 Acre as described in deed recorded in Clerk's File Number K893680 of the Real Property Records of Harris County, Texas.

Motion carried unanimously.

9.10 No Executive Session was held 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

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of November 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Second Public Hearing to Consider the Annexation of the Following Tracts of Land:

- **TRACT ONE(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 ONE:** 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 TWO:** 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 THREE:** 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 FOUR:** 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.

Background:

This public hearing is the second of two public hearings required by the Local Government Code, Section 43.063. Hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (21-39 day timeframe). Because of publication time constraints and our meeting schedule, Council set the hearing dates for the regular Council meetings on November 5, 2012 (35 days) and November 19, 2012 (21 days) at 6:00 p.m.

Water, sewer and gas utilities have been extended along FM 2978 and FM 2920; sewer is available on the east side of FM 2978 and north of FM 2920, and water and gas are available on the west side of FM 2978 and north of FM 2920 in anticipation of future development.

The first readings of each annexation ordinance will be held at a special Council meeting on December 10, 2012 and the second readings of each ordinance will be held at the regular Council meeting on December 17, 2012.

Origination:

Engineering and Planning Department (Tract 1B), Mary Criner Blake, Trustee (Tract One), Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, Trustees (Tract 2), Cypressbrook 2920, LP (Tract 3), and ABCO Land Corporation (Tract 4)

Recommendation:

N/A; Public Hearing Only

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:

Notice of Public Hearings - November 5 and November 19, 2012

Map - Tracts 1B, 1, 2, 3, and 4

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



**MONDAY, NOVEMBER 5, 2012
AND
MONDAY, NOVEMBER 19, 2012**

6:00 P.M.

Notice is hereby given that **PUBLIC HEARINGS** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at Regularly Scheduled Council Meetings on Monday, November 5, 2012 at 6:00 p.m., and Monday, November 19, 2012 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Five (5) Annexations:

ANNEXATION – TRACT ONE(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, said 0.610 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TERRA" found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith-Kohrville Road (a variable width right-of-way) with the north line of said 30 foot wide unnamed road, said 5/8 inch iron rod with cap stamped "TERRA" being the most westerly southwest corner of 49.547 acre tract of land (by deed) deeded 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, a/k/a Adell G. Johlke Dietz, deceased, as recorded in Cause No. 407636 of the Probate Records of Harris County, Texas;

THENCE North 87 degrees 23 minutes 55 seconds East, with the north right-of-way line of said 30 foot wide unnamed road, with the south line of said Lot 459, with the south line of said Lot 460, with the south line of said Lot 461, with an interior line of said Lot 462, and with an interior line of said 49.547 acre tract of land, a distance of 883.14 feet to a 5/8 inch iron rod found for the northeast corner of said 30 foot wide unnamed road and being an interior corner of said Lot 462, said 5/8 inch iron rod also being an interior corner of said 49.547 acre tract of land;

THENCE South 02 degrees 31 minutes 47 seconds East, with the east end of said 30 foot wide unnamed road, with an interior line of said Lot 462, and with an interior line of said 49.547 acre tract of land, a distance of 30.00 feet to a 5/8 inch iron rod found for the southeast corner of said 30 foot wide unnamed road and for the northeast corner of said Lot 466, said 5/8 inch iron rod also being an interior corner of said 49.547 acre tract of land;

THENCE South 87 degrees 23 minutes 55 seconds West, with the south right-of-way line of said 30 foot wide unnamed road, with the north line of said Lot 466, with the north line of said Lot 465, with the north line of said Lot 464, with the north line of said Lot 463, and with an interior line of said 49.547 acre tract of land, a distance of 889.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found at the intersection of the south right-of-way line of said 30 foot wide unnamed road with the east right-of-

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way line of said F. M. Highway No. 2978;

THENCE North 09 degrees 36 minutes 44 seconds East, a distance of 30.69 feet to the **POINT OF BEGINNING**, and containing 0.610 acre of land, more or less;

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

ANNEXATION - TRACT ONE: 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, said 3.143 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a Texas Department of Transportation (TxDOT) concrete monument found for the southwest corner of said 3.1378 acre tract of land and at the intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way), for the beginning of a non-tangent curve to the right, having a radius of 5669.65 feet, a central angle of 07 degrees 05 minutes 30 seconds, and whose chord bears North 06 degrees 03 minutes 59 seconds East, a distance of 701.29 feet;

THENCE, with said curve to the right, with the west line of said 3.1378 acre tract of land, and with the east right-of-way line of F. M. Highway No. 2978, passing at an arc length of 568.08 feet, a TxDOT concrete monument with brass disk, continuing with said curve to the right, with the west line of said 3.1378 acre tract of land, and with the east right-of-way line of F. M. Highway No. 2978, in all, an arc length of 701.74 feet to a 5/8 inch iron rod with cap stamped "TERRA";

THENCE, North 09 degrees 36 minutes 44 seconds East, with the west line of said 3.1378 acre tract of land and with the east right-of-way line of F. M. Highway No. 2978, a distance of **COUNTY, TEXAS** 59.49 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northwest corner of said 3.1378 acre tract of land and also being in the north line of said Lot 463 and in the south line of an 30 foot wide unnamed road as shown on said plat of Tomball Townsite;

THENCE, North 87 degrees 23 minutes 55 seconds East, with the north line of said 3.1378 acre tract of land, with the north line of said Lot 463, and with the south line of said 30 foot wide unnamed road, a distance of 114.65 feet to a 1 inch iron pipe found for the northeast corner of said 3.1378 acre tract of land and for an exterior ell corner of a 49.547 acre tract of land (by probate) 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, a/k/a Adell G. Johlke Dietz, deceased, as recorded in Cause No. 407636 of the Probate Records of Harris County, Texas, said 1 inch iron pipe being the northeast corner of said Lot 463 and the northwest corner of Lot 464, of said Tomball Townsite;

THENCE, South 02 degrees 35 minutes 43 seconds East, with the east line of said 3.1378 acre tract of land, with an interior line of said 49.547 acre tract of land, with the east line of said Lot 463, and with the west line of said Lot 464, a distance of 751.36 feet to a 1 inch iron pipe found in the north right-of-way line of F. M. Highway No. 2920, for the southeast corner of said 3.1378 acre tract of land and the most southerly southwest corner of said 49.547 acre tract of land;

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THENCE, South 87 degrees 22 minutes 55 seconds West, with the south line of said 3.1378 acre tract of land and with the north right-of-way line of F. M. Highway No. 2920, a distance of 232.84 feet to the **POINT OF BEGINNING**, and containing 3.143 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

ANNEXATION - TRACT TWO: 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, said 49.544 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TERRA" found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north line of an 30 foot wide unnamed road as shown on said Tomball Townsite plat, said 5/8 inch iron rod with cap stamped "TERRA" being the most westerly southwest corner of said 49.547 acre tract of land;

THENCE North 09 degrees 36 minutes 44 seconds East, with the east right-of-way line of F. M. Highway No. 2978 and with the west line of said 49.547 acre tract of land, a distance of 1238.24 feet to a broken Texas Department of Transportation (TxDOT) concrete monument found for the beginning of a curve to the left, having a radius of 3879.77 feet, a central angle of 06 degrees 48 minutes 43 seconds, and whose chord bears North 06 degrees 12 minutes 23 seconds East, a distance of 461.00 feet;

THENCE with the east right-of-way line of F. M. Highway No. 2978, with the west line of said 49.547 acre tract of land, and with said curve to the left an arc length of 461.27 feet to a TxDOT concrete monument with brass disk found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, with the south right-of-way line of Dement Lane (a 30 foot wide right-of-way), said TxDOT concrete monument with brass disk also being the northwest corner of said 49.547 acre tract of land and being in the north line of said Lot 447;

THENCE North 87 degrees 01 minute 05 seconds East, with the south right-of-way line of Dement Lane, with the north line of said 49.547 acre tract of land, with the north line of said Lot 447, with the north line of said Lot 448, and with the north line of said Lot 449, a distance of 722.72 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northeast corner of said 49.547 acre tract of land and for the northeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" also being the northwest corner of Lot 450, of said Tomball Townsite;

THENCE South 02 degrees 12 minutes 58 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 449, and with the west line of said Lot 450, a distance of 849.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an exterior ell corner of said 49.547 acre tract of land and for the southeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" being the southwest corner of said Lot 450 and being the southwest corner of a 1.681 acre tract of land (by deed) deeded to Jim K. Seber and Kelli A. Seber, as recorded in Document No.

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20080008347 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "TERRA" also being in the north line of a 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;

THENCE South 87 degrees 15 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land, with the south line of said Lot 449, and with the north line of said 23.5935 acre tract of land, a distance of 5.31 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an interior ell corner of said 49.547 acre tract of land and for the northwest corner of said 23.5935 acre tract of land, said 5/8 inch iron rod with cap stamped "TERRA" also being the northeast corner of said Lot 462;

THENCE South 02 degrees 31 minutes 00 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 462, and with the west line of said 23.5935 acre tract of land, a distance of 1602.09 feet to a 5/8 inch iron rod found in the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way) for the southeast corner of said 49.547 acre tract of land and for the southwest corner of said 23.5935 acre tract of land;

THENCE South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 49.547 acre tract of land, a distance of 933.70 feet to a 1 inch iron pipe found for the most southerly southwest corner of said 49.547 acre tract of land and for the southeast corner of a 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;

THENCE North 02 degrees 35 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land and with the east line of said 3.1378 acre tract of land, a distance of 751.36 feet to a 1 inch iron pipe found in the south right-of-way line of said 30 foot wide unnamed road, for an exterior ell corner of said 49.547 acre tract of land and for the northeast corner of said 3.1378 acre tract of land;

THENCE North 87 degrees 23 minutes 55 seconds East, with the south right-of-way line of said 30 foot wide unnamed road, with the north line of said Lot 464, with the north line of said Lot 465, with the north line of said Lot 466, and with an interior line of said 49.547 acre tract of land, a distance of 774.86 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the southeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being the northeast corner of said Lot 466 and being in an interior line of said Lot 462;

THENCE North 02 degrees 31 minutes 47 seconds West, with an interior line of said 49.547 acre tract of land, with an interior line of said Lot 462, and with the east end of said 30 foot wide unnamed road, a distance of 30.00 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the northeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being an interior ell corner of said Lot 462;

THENCE South 87 degrees 23 minutes 55 seconds West, with an interior line of said 49.547 acre tract of land and with the north right-of-way line of said 30 foot wide unnamed road, a distance of 883.14 feet to the **POINT OF BEGINNING**, and containing 49.544 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

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ANNEXATION – TRACT THREE: 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:

BEGINNING at a 5/8 inch iron rod found in the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way), for the southwest corner of said 23.5935 acre tract of land and for the southeast corner of a 49.547 acre tract of land (by probate) 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, a/k/a Adell G. Johlke Dietz, deceased, as recorded in Cause No. 407636 of the Probate Records of Harris County, Texas, said 5/8 inch iron rod also being in the east line of Lot 462, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

THENCE North 02 degrees 31 minutes 00 seconds West, with the west line of said 23.5935 acre tract of land, with an easterly line of said 49.547 acre tract of land, and with the east line of said Lot 462, a distance of 1602.09 feet to a 5/8 inch iron rod with cap stamped “TERRA” found for the northwest corner of said 23.5935 acre tract of land and for an interior corner of said 49.547 acre tract of land, said 5/8 inch iron rod with cap stamped “TERRA” being the northeast corner of said Lot 462 and also being in the south line of Lot 449, of said Tomball Townsite;

THENCE North 87 degrees 15 minutes 43 seconds East, with the north line of said 23.5935 acre tract of land, with an interior line of said 49.547 acre tract of land, and with the south line of said Lot 449, passing at a distance of 5.31 feet, a 5/8 inch iron rod with cap stamped “TERRA” found for an exterior ell corner of said 49.547 acre tract of land and the southeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped “TERRA” being the southwest corner of Lot 450, of said Tomball Townsite and for the southwest corner of a 1.681 acre tract of land (by deed) deeded to Jim K. Seber and Kelli A. Seber, as recorded in Document No. 20080008347 of the Official Public Records of Real Property of Harris County, Texas, continuing with the north line of said 23.5935 acre tract of land, with the south line of said 1.681 acre tract of land, and with the south line of said Lot 450, passing at a distance of 214.10, a 1/2 inch iron rod found, continuing with the north line of said 23.5935 acre tract of land, with the south line of said 1.681 acre tract of land, with the south line of said Lot 450, with the south line of Lot 451, of said Tomball Townsite, and with the south line of Lot 452, of said Tomball Townsite, in all, a distance of 640.16 feet to a 5/8 inch iron rod with cap stamped “GORRONDONA” set for the northeast corner of said 23.5935 acre tract of land and for the northwest corner 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;

THENCE South 02 degrees 39 minutes 05 seconds East, with the east line of said 23.5935 acre tract of land and with the west line of said 23.6963 acre tract of land, a distance of 1603.43 feet to a 1/2 inch iron rod found in the north right-of-way line of F. M. Highway No. 2920, for the southeast corner of said 23.5935 acre tract of land and for the southwest corner of the remainder of said 23.6963 acre tract of land;

THENCE South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 23.5935 acre tract of land, passing at a distance of 429.22 feet, a 5/8 inch iron rod found, continuing in all, a distance of 643.93 feet to the **POINT OF BEGINNING**, and containing 23.624 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

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All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

ANNEXATION – TRACT FOUR: 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, said 20.021 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northeast corner of said 23.6963 acre tract of land and for the northwest corner of a 10.70836 acre tract of land (by deed) deeded to ABCO Land Corporation, as recorded in Clerk's File No. W000422 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod being the common south corner of Lots 454 and 455, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 5/8 inch iron rod being in the east line of said Jesse Pruitt Survey and also being in the west line of the John S. Smith Survey, Abstract No. 730 in Harris County, Texas;

THENCE South 02 degrees 37 minutes 44 seconds East, with the east line of said 23.6963 acre tract of land, with the west line of said 10.70836 acre tract of land, with the west line of a 1.31 acre tract of land (by deed) deeded to ABCO Land Corporation, as recorded in Clerk's File No. W409549 of the Official Public Records of Real Property of Harris County, Texas, with the east line of said Jesse Pruitt Survey, and with the west line of John S. Smith Survey, a distance of 1110.53 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner, from which a mag nail found in the north right-of-way line of F. M. Highway No. 2920, for the southeast corner of said 23.6963 acre tract of land and for the southwest corner of said 1.31 acre tract of land, bears, South 02 degrees 37 minutes 44 seconds East, a distance of 499.35 feet;

THENCE South 87 degrees 22 minutes 16 seconds West, a distance of 324.85 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner;

THENCE South 02 degrees 37 minutes 44 seconds East, a distance of 494.19 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set in the north right-of-way line of F. M. Highway No. 2920 and in the south line of said 23.6963 acre tract of land, for corner;

THENCE South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 23.6963 acre tract of land, a distance of 318.60 feet to a 1/2 inch iron rod found for the southwest corner of said 23.6963 acre tract of land and for the southeast corner of a 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;

THENCE North 02 degrees 39 minutes 05 seconds West, with the west line of said 23.6963 acre tract of land and with the east line of said 23.5935 acre tract of land, a distance of 1603.43 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for the northwest corner of said 23.6963 acre tract of land and for the northeast corner of said 23.5935 acre tract of land, said 5/8 inch iron rod with cap stamped "GORRONDONA" also being in the south line of Lot 452, of said Tomball Townsite;

THENCE North 87 degrees 15 minutes 43 seconds East, with the north line of said 23.6963 acre tract of land, with the south line of said Lot 452, with the south line of Lot 453, of said Tomball Townsite, and with the south line of said Lot 454, a distance of 644.08 feet to the **POINT OF BEGINNING**, and containing 20.021 acres of land, more or less;

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This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

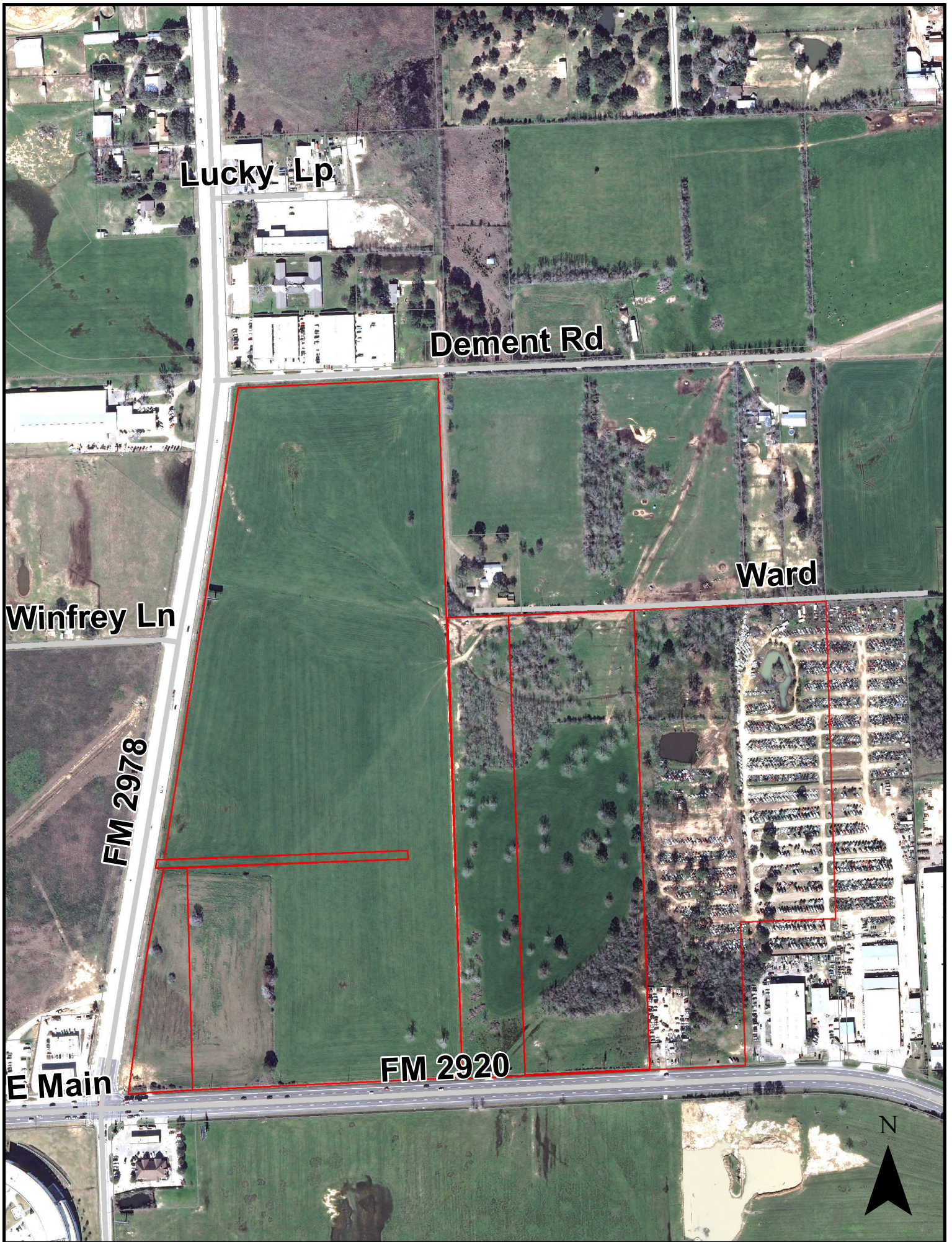
C E R T I F I C A T I O N

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 9th day of October 2012 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.



Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-47, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Chapter 27. Establishing Emergency Medical Services and Ambulance Regulations; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability

Background:

The City currently regulates tow companies, solicitors, and taxi cab companies, as a means of enhancing quality of life and safety throughout our community, yet there is no ordinance governing the operation of ambulance service companies. As a result a number of issues have been identified, such as:

- Loitering ambulances (e.g. found operators sleeping in area parking lots in the back of ambulances);
- Code 3 (lights and sirens) driving in the COT without emergent need (e.g. late for doctor's appointment);
- Marketing as emergency service provider when they are not. (only ESD 8 can be provider);
- No insurance requirements;
- No training requirements;
- No back ground requirements;
- No vehicle inspection/safety standards;
- No Code 3 (lights and siren) usage standards;
- No quality control to ensure the safety of Tomball community members, who believe that all ambulances are the same;
- COT/ESD 8 have no enforcement mechanism unless COT ordinance is enacted.

On November 5, 2012, Council adopted Ordinance No. 2012-47 on First Reading.

Under new business tonight, Staff will request Council's approval of suggested fees for the annual permitting and inspections processes; upon approval, the fees will be included in the City's Master Fees ordinance.

Origination:

Robert S. Hauck, Chief of Police; Randy Parr, Fire Chief; Brian Petrilla, EMS Chief

Recommendation:

Adopt Ordinance No. 2012-47 on Second Reading.

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Ordinance No. 2012-47

ORDINANCE NO. 2012-47

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING A NEW CHAPTER 27. ESTABLISHING EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding a new Chapter 27, Emergency Medical Services and Ambulance Regulations, to read as follows:

“CHAPTER 27 EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS

ARTICLE I. IN GENERAL

Sec. 27-1. Definitions.

For the purposes of this chapter, certain words and phrases are defined as follows:

Ambulance shall mean any privately or publicly-owned motor vehicle used, designed or redesigned and equipped for the primary purpose of the transportation of the sick or injured persons, whether functioning as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

City shall mean the “City of Tomball, Texas.”

City Limits shall mean the area in the City within the corporate City limits.

Department shall mean the designated Emergency Medical Service for the City of Tomball, as authorized by Harris County Emergency Services District 8.

DSHS shall mean the Texas Department of State Health Services as presently constituted, or a successor agency.

Direct Call shall mean a request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.

EMS Chief shall mean the Department Head of the Emergency Medical Service, as authorized by Harris County Emergency Services District 8.

Emergency Ambulance shall mean an ambulance used, designed, redesigned or equipped for the purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid.

Emergency Circumstance shall mean the existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both, at the place of emergency, may be essential to the health or life of such person.

ETJ shall mean the City's extra-territorial jurisdiction.

Non-Emergency Transfer Services shall mean a pre-scheduled response made by an ambulance for the transportation of individuals to or from a medical facility, a nursing home, an assisted living facility, dialysis center, or residence under circumstances, which do not constitute an emergency.

Non-Emergency Transfer Service Permit shall mean a certificate of authorization issued by the City to the owner allowing such owner to operate an ambulance for Non-Emergency medical transfer services within the City limits.

Non-Emergency Transfer Service Provider shall mean a person providing Non-Emergency medical transfer services and holding a valid Non-Emergency Transfer Service Permit.

Sec. 27-2. Interference with Department personnel, equipment.

It shall be unlawful for any person to intentionally or knowingly physically obstruct any Department personnel proceeding to the scene or reported scene of any accident or emergency call, or to physically obstruct any Department personnel in the course of treating the sick or injured at any such scene. It shall be unlawful for any person to intentionally or knowingly fail or refuse to surrender any sick or injured person to the care of any Department personnel at the scene of any accident or emergency call. It shall be unlawful for any person to intentionally or knowingly damage, destroy or deface any attached or unattached apparatus or equipment belonging to the Department or any structure used to house or protect such apparatus or equipment.

Sec. 27-3. Penalty.

Any person, firm or corporation who violates or fails to comply with the requirements or provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by assessment of a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each instance such a violation or failure to comply is allowed to exist shall constitute a separate and distinct offense. In addition, the City Attorney is authorized to file suit in any court of competent jurisdiction to enjoin any person from violating or causing to be violated any of the sections of this article.

Sec. 27-4 – 27.10 reserved.

ARTICLE II. AMBULANCES

Sec. 27-11. Personnel required during operation of an ambulance.

It shall be unlawful to operate or drive or cause to be operated or driven an ambulance on a public street of the City when furnishing ambulance service, including emergency ambulances operated by the emergency medical service Department of the City, unless such ambulance on each trip meets the minimum staffing requirements as set out in Section 157.11 (a) of Emergency Medical Services rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.

Sec. 27.12. Licensing and operating condition requirements for ambulances.

No ambulance shall be operated upon the streets of the City for the purpose of furnishing ambulance service unless and until such ambulance has a valid license issued by the DSHS.

Sec. 27.13. Safety and first-aid equipment required.

No ambulance shall be operated upon the streets of the City for the purpose of furnishing ambulance service unless such ambulance is equipped as set out in Section 157.11 of Emergency Medical Services Rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773. Additionally, ambulances shall also meet the minimum requirements as outlined, in writing, by the physician medical director of record for the licensed ambulance service provider and as outlined by the city as required equipment.

Sec. 27.14. Operation of emergency ambulances, generally.

The operation of any emergency ambulance or emergency ambulance service within the territorial limits of the City is hereby declared to be a governmental function of the City, to be performed in accordance with the terms and provisions of this chapter.

Sec. 27.15. Certain operations unlawful; exceptions.

It shall be unlawful for any person, other than a member of the Department, while driving an ambulance as defined herein, to furnish or attempt to furnish emergency ambulance service, or to drive or operate, or to cause to be driven or operated, any ambulance within the territorial limits of the City for the purpose of furnishing emergency ambulance service, except as otherwise provided herein.

- (a) A person may operate an ambulance in emergency ambulance service to a hospital when such person at the time has an established place of business at a permanent address outside the City and when:

(1) The place of emergency at which the sick or injured patient was picked up by such ambulance is outside the City; and

(2) The ambulance performing such emergency ambulance service is, at the time of such performance, duly licensed and being operated in accordance with the Texas Emergency Services Act, V.T.C.A., Health and Safety Code, ch. 773.

(b) A person may operate an ambulance in emergency ambulance service when, by reason of Department ambulances not being available, the Department calls upon such person to furnish standby or backup emergency ambulance service within the City.

(c) A person may operate an ambulance in emergency ambulance service when, in the course of a non-emergency transport allowed in (a) above, a medical emergency arises in which the individual being transported requires emergency medical service after the transportation of the individual has begun.

In each instance set out in subsections (a) through (c) above, the driver or operator of such ambulance shall notify the Tomball EMS/Fire dispatcher of the conditions requiring the operation of his vehicle in emergency ambulance service, the location from which he is proceeding and the location to which he is proceeding under emergency ambulance service. Each ambulance being operated under the provisions of this section shall comply with all general requirements of this chapter regarding emergency ambulances of every nature. Upon arriving at his destination, the ambulance driver or ambulance operator will again notify the Tomball EMS/Fire that he has arrived and is no longer in emergency ambulance service. When the driver or operator of an ambulance is responding to a direct call for ambulance service, either under emergency conditions or otherwise, he shall inform the Tomball EMS/Fire dispatcher of the location of such call and such information as he may have concerning the circumstances surrounding the request for service, and if the Tomball EMS/Fire dispatcher reports that a City designated ambulance is either en route to the same location, has arrived there or is closer and instructs such ambulance driver or operator not to respond to such call, it shall be unlawful for such driver or operator to so respond when instructed not to do so by the Tomball EMS/Fire dispatcher.

Sec. 27.16. Duty to render aid.

It shall be the duty of the driver or the attendant of any ambulance to render first aid and assistance to the sick or injured at the place of emergency. It shall further be the duty of the driver or attendant of any ambulance to notify the Tomball EMS/Fire dispatcher and to remain on the scene until relieved by the designated provider.

Sec. 27.17. Solicitation unlawful.

It shall be unlawful for any person, other than a member, officer or employee of the Department, while operating or accompanying an ambulance within the territorial limits of the

City, to solicit the business of providing emergency or non-emergency medical service or transporting the sick or injured.

Sec. 27.18 – 27.20 reserved.

ARTICLE III. NON-EMERGENCY TRANSFER SERVICES

Sec. 27.21. Permit required; exception.

- (a) *Required.* No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a transfer services permit.
- (b) *Exception.* A transfer services permit shall not be required for:
 - (1) Emergency Medical Service vehicles or ambulances owned or operated by or designated by a governmental entity; or
 - (2) Emergency Medical Service vehicles or ambulances operating at the request of the City or the designated Emergency Medical Service provider for the City or in cases of a mutual aid, disaster, or system overload; or
 - (3) Emergency Medical Service vehicles or ambulances operating from a location outside the city limits and who are transporting patients from a location outside the limits of the city to a location within the city or through the city to some other location.

An application for license to operate an ambulance on the public streets of the City for the purpose of providing ordinary and/or non-emergency ambulance service within the City shall be made by the owner thereof for each ambulance so used or to be so used, or an agent authorized in writing by such owner to make such application, on forms obtained from the City Secretary, which shall contain at minimum the following:

- a. the name, address and telephone number of the owner;
- b. any trade or other fictitious name used or to be used by the owner when providing ambulance service;
- c. the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- d. the length of time each ambulance has been in service;
- e. the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate such ambulance together with an accurate photograph of each ambulance to be permitted;
- f. A list of all current employees of the ambulance service including name and date of birth for each employee; and

- g. Each application for a permit required by the City shall be accompanied by a non-refundable permit fee, payable to the City Of Tomball, as established by resolution of City Council.

Sec. 27.22. Insurance Requirements.

(a) Any applicant for a permit under this division shall, before the permit can be issued, procure, maintain, and furnish proof of financial responsibility as required by law and as prescribed in this section. The applicant shall keep in full force and effect during the entire term of this permit, the required insurance coverage for commercial general liability, automobile liability and professional liability in the minimum limits listed:

(1) Automobile liability insurance in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident for personal injuries, and one hundred thousand dollars (\$100,000.00) for property damage. This automobile liability insurance shall not contain passenger liability exclusion. A written statement from an authorized agent of the ambulance operator's insurance carrier shall provide for a thirty day cancellation notice to the City of Tomball.

(2) Commercial general liability insurance with a minimum aggregate of three million dollars (\$3,000,000.00) and a minimum per occurrence of one million dollars (\$1,000,000.00).

(3) Professional liability insurance in an amount of not less than one million dollars (\$1,000,000).

(4) Workers' Compensation Insurance.

(5) Applicant must agree to indemnify, defend, and hold harmless the City, its officers, employees and agents, and Department, for any and all claims arising from applicant's acts or omissions. Additionally, the City shall be added as an additional insured on the policies, and the coverage shall contain no special limitation on the scope of protection afforded to the City.

(b) The insurance company shall be of sufficient assets, with an agent in the State of Texas upon whom service of the process may be made, and shall be approved by the City Attorney. Every insurance policy and certificate of insurance must contain a provision or an endorsement requiring that the policy will not be cancelled, suspended, voided, or reduced until at least thirty days (30) days prior written notice has been given to the City via certified mail, return receipt requested. If the policy does not provide coverage for "any auto" then a schedule of the covered autos is required to be submitted and filed with the City Secretary. Only those covered autos will be permitted to operate within the City.

(c) If the City Attorney determines that the insurance coverage required in subsection (a) of this section become so impaired as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may feel is

necessary to ensure faithful performance by the operator of ambulances, his agents, servants, and employees.

(d) If the insurance policy is cancelled and no insurance policy is filed by the owner or ambulance operators before the cancellation, the permit to operate ambulances granted to such person shall be immediately and automatically revoked.

Sec. 27.23. Inspection.

(a) The Tomball Fire Chief or designee, or the police department, shall have the right to inspect, at any time, all ambulances permitted or to be permitted under this division to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped according to the Texas DSHS equipment standards, and as determined by the ambulance service Medical Director, and as identified by the City as required equipment;
- (2) Each vehicle shall be free from dirt or rubbish and shall be otherwise clean and sanitary;
- (3) Each vehicle shall meet the general standards and requirements of this article;
- (4) Each vehicle shall have the company name displayed on each side of the vehicle and on the rear;
- (5) Each vehicle shall be inspected each year by a person authorized to conduct vehicle safety inspections by the State of Texas; and
- (6) No vehicle shall display the identification "Emergency Ambulance", "Emergency", "911", or similar marking.

(b) At no time shall any ambulance that is found to be unsafe by the Tomball Fire Chief or designee, or the police department be operated on the streets of the City. Nothing in this section however shall prevent the Tomball Fire Chief or designee, or the police department from inspecting any ambulance at any time. If the inspector finds that any ambulance is out of compliance, the Tomball Fire Chief or designee, shall order the use of the ambulance discontinued until the ambulance is re-inspected and approved.

(c) At no time shall a person operating a permitted transfer ambulance in the City, respond to or from a direct call for a medical transfer service, operate such ambulance under emergency conditions, using emergency equipment, until notifying Tomball EMS/Fire Dispatcher. The operator of the ambulance shall notify dispatch of the reason for emergency traffic, where responding from and destination.

Sec. 27.24. Payment of Ad valorem taxes.

It shall be the duty of every medical transfer services provider to pay all ad valorem taxes assessed by the City against such vehicle and all other personal and real property used in such business and to provide to the City a certificate demonstrating that ad valorem taxes have been

paid. The failure to pay such ad valorem taxes before they become ninety (90) days delinquent shall result in revocation of the permit issued in accordance with this chapter.

Sec. 27.25. Special requirements for transfer ambulances.

(a) *Staffing.* No transfer ambulance vehicle shall ever be operated upon the streets, highways or other public places of the city unless such vehicle is operated by at least two validly permitted ambulance attendants, each of whom must possess a current emergency medical technician basic certificate.

(b) *Posting of fee schedule.* All transfer ambulance vehicles shall have a current fee schedule conspicuously posted in the patient's compartment.

Sec. 27.26. Issuance of permits.

(a) The City Secretary, or designee, shall issue to each applicant a permit for each vehicle upon the applicant's filing of written proof of insurance as required in this division, upon ensuring that all City taxes on each vehicle and all other personal and real property used in such business have been paid and upon determination that all requirements of this chapter and all applicable state and federal statutes and regulations have been satisfied.

(b) Permits shall be issued for a twelve-month period. Such period shall run from January 1 to December 31 of each year. Any new permit issued during the year shall begin on the date of issuance and shall end on December 31 of that year. The permit shall state the period for which the permit is issued, the name of the owner, the make of the vehicle(s), the vehicle identification number(s), and the current license number(s).

Sec. 27.27. Renewal.

(a) An application for renewal of an existing permit shall be filed on or before November 15 for the renewal period covering the following calendar year. The application process shall be the same as specified in this chapter for initial permits.

(b) The City Secretary shall issue a Non-Emergency Transfer Service Permit for each ambulance for which it has received a renewal application upon the applicant's filing of written proof of insurance as required in this chapter, upon ensuring that all City taxes on each vehicle and on all other personal and real property used in such business have been paid, upon each vehicle passing the inspection required by this Chapter, and upon determination that all requirements of this chapter and all applicable state and federal statutes and regulations have been satisfied.

(c) If a permit has been suspended during the permit year, re-issuance of such permit will be reviewed by the Tomball Fire Chief, or designee, during December of the same year. The re-issuance of such permit shall be denied if the Fire Chief or designee determines that the provisions of this ordinance have not been met.

Sec. 27.28. Transferability.

A permit issued under this chapter shall be specific to both the permittee as well as the permitted vehicle, and shall not be transferable.

Sec. 27.29. Alterations of terms by City Council.

The City Council expressly reserves the right to modify, amend, change, or eliminate any of the provisions of any permit issued under this chapter, during the life of the permit, to:

- (a) Eliminate or delegate any conditions that might prove obsolete or impractical; or
- (b) Impose any additional conditions upon any owner as may be just and reasonable, and which are deemed necessary for the purpose of promoting adequate, efficient, and safe ambulance to the public.

Sec. 27.30. Requirements for business location.

If the business location of the ambulance service, firm or organization is located within the City limits, the building must be in compliance with all City ordinances, state and federal laws. Pursuant to this specific chapter, no such ambulance service, firm or organization can operate as its main place of business or a storage supply facility in a private residence. The Tomball Fire Chief or designee, or police department, has the right to inspect such locations as often as deemed necessary to ensure compliance with all provisions of this chapter. The refusal of any ambulance operator, with a business office located within the City limits, to allow the Tomball Fire Chief or designee, or police department, to inspect such premises shall be considered a violation of this chapter and may be subject to forfeiture of the Non-Emergency ambulance permits.

Sec. 27.31. Revocation.

- (a) In addition to the penalties as provided in the Code for violations of this article, a non-emergency transfer service provider or any of its officers, agents and/or employees who violate any section of this chapter, including allowing drivers to operate or drive any vehicle while not properly licensed or while intoxicated/incapacitated, is subject to immediate suspension of its medical non-emergency transfer service permit to operate within the City limits by the Tomball Fire Chief designee. Any violation of this chapter may subject the transfer service provider to suspension or revocation of its Non-Emergency Transfer Service Permit. However, not less than ten (10) days before any revocation or suspension for other than operating a vehicle while not properly licensed or while intoxicated/incapacitated, the owner shall be given written notice, by either personal delivery or certified mail to the permittee's address as shown on the permit application, and an opportunity to be heard before the Tomball Fire Chief or designee as to why the permit should not be revoked or suspended. No such notice or hearing shall be deemed necessary prior to the revocation of a permit for failure to maintain proper insurance as required. Additionally, the permittee shall notify the City of any state or

federal investigation, or conviction of violation of any state or federal law within ten (10) days of such investigation or conviction.

(b) If the Tomball Fire Chief or designee's decision is not acceptable to applicant or permittee he may, within ten (10) days of that decision, file an appeal in writing with the City Manager. During the pendency of the appeal, the permit shall be suspended. Such a written appeal shall set forth the specific grounds therefore. The City Manager shall notify the appellant within ten (10) days after the receipt of appeal as to the time and place of the hearing, which shall be within thirty (30) days of receipt of such appeal. The determination of the City Manager on any appeal pursuant to this chapter shall be final.

(c) Upon suspension or revocation of an ambulance permit, such medical transfer service shall cease operations in the City and no person shall permit such medical transfer service to continue such operations."

Section 2. **Penalty.** Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each violation occurrence shall constitute a separate offense.

Section 3. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. **Severability.** 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 5TH DAY OF NOVEMBER 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 19TH DAY OF NOVEMBER 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-49, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 14-293, Special Provisions, of Division 4, Permits and Inspections, of Article IV, Electricity, of Chapter 14, Buildings and Building Regulations, to Allow Aluminum Conductors to be Installed Underground from Pole to Pole or from Pole to Outside Electrical Box Not Attached to a Structure; Providing a Penalty of Up to \$2,000.00 for Each Violation of Any Provision Hereof; Providing for Severability; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

Corral RV Park requests that the City of Tomball amend the electrical code to allow aluminum conductors underground installation between poles or between poles and an outside electrical box that is not attached to a building or structure. The Building Official has reviewed the request and does not have any issues with the aluminum conductors being used for these circumstances.

On November 5, Council adopted Ordinance No. 2012-49 on First Reading.

Origination:

Corral RV Park, Mike O'Brien

Recommendation:

Adopt Ordinance No. 2012-49 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. 2012-49

ORDINANCE NO. 2012-49

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL TEXAS BY AMENDING SECTION 14-293, SPECIAL PROVISIONS, OF DIVISION 4, PERMITS AND INSPECTIONS, OF ARTICLE IV, ELECTRICITY, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, TO ALLOW ALUMINUM CONDUCTORS TO BE INSTALLED UNDERGROUND FROM POLE TO POLE OR FROM POLE TO OUTSIDE ELECTRICAL BOX NOT ATTACHED TO A STRUCTURE; PROVIDING A PENALTY OF UP TO \$2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, the City Council of the City of Tomball finds it to be in the best interest of the health, safety and welfare of its citizens to modify the City's electrical regulations to allow for aluminum conductors underground from pole to pole or from pole to outside electrical box that is not attached to a building or structure; now, therefore:

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

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding the language underscored below to Section 14-293, Special Provisions, of Division 4, Permits and Inspections, of Article IV, Electricity, of Chapter 14, Buildings and Building Regulations, Section 14-293 to be amended as follows:

“Sec. 14-293. Special Provisions.

- (a) Temporary power poles shall have a minimum of two 120-volt duplex receptacles and one 240-volt receptacle.

- (b) Electrical metallic tubing (EMT) shall not be buried in ground nor embedded in concrete.
- (c) Aluminum conductors are only permitted to be installed in the following circumstances;
 - (i) overhead between poles, and
 - (ii) for new commercial buildings, 5,000 square feet or larger, on all service entrance conductors and feeder conductors, both interior and exterior, sized 4/0 and larger; and
 - (iii) underground from pole to pole or from pole to outside electrical box that is not attached to a building or structure.”

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

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, 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 5TH DAY OF NOVEMBER 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 19TH DAY OF NOVEMBER 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Approve Request by City of Tomball to Harris County Toll Road Authority for the Removal of the Direct Connector over Holderrieth Road at SH 249 Business and Authorize City Manager to Issue Letter

Background:

The current TxDOT schematic for the SH 249 and Holderrieth Rd intersection shows a proposed direct connector for northbound traffic to exit SH 249 main lanes over Holderrieth Rd onto SH 249 Business/Tomball Parkway (per the attached map), which was apparently added previously at the request of the Greater Tomball Area Chamber of Commerce to provide better access to hospital facilities on Medical Complex Drive. I understand that TxDOT advised GTACC that, once the intersection at Holderrieth exceeded capacity, the connector would be added.

The construction of this proposed direct connector would hinder the overall mobility for the businesses located along SH249 Business; however, access to Medical Complex is already available from the existing SH 249 frontage road. Bruce Hillegeist at the Greater Tomball Area Chamber of Commerce concurs that the direct connector really will not enhance the area nor provide additional access to the Tomball Regional Medical Complex.

City staff wishes to issue a request to HCTRA for the removal of direct connector, over Holderrieth Rd, as noted in the attached drawing, as it will not be beneficial to the overall transportation and mobility efforts on the SH249 project.

Origination:

George Shackelford, City Manager

Recommendation:

Approve request and authorize City Manager to issue letter

Funding:

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

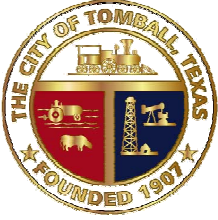
City Secretary

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

ATTACHMENTS:

Draft Letter to HCTRA

Map - SH 249-Holderieth-tomball Parkway



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

November 20, 2012

John C. Tyler, P.E.
Assistant Director, Engineering
Harris County Toll Road Authority
7701 Wilshire Place Drive
Houston TX 77040-5326

RE: SH249, Holderrieth Rd, Tomball Parkway

Dear Mr. Tyler:

The current TxDOT schematic for the SH 249 and Holderrieth Rd intersection shows a proposed direct connector for northbound traffic to exit SH 249 main lanes over Holderrieth Road onto SH 249 Business (per the attached map). This apparently was added, in the past, at the request of the Greater Tomball Area Chamber of Commerce to provide better access to a future hospital on Medical Complex Drive. Access to Medical Complex is currently available from the existing SH 249 frontage road. I understand that TxDOT has advised that once the intersection at Holderrieth Road exceeds capacity, the connector would be added.

The construction of this proposed direct connector would hinder the overall mobility for the businesses located along SH 249 Business. We have contacted Mr. Bruce Hillegeist at the Greater Tomball Area Chamber of Commerce and he concurs that the direct connector will not enhance the area nor provides additional access to the Tomball Regional Medical Complex.

The City of Tomball respectfully requests that HCTRA remove the direct connector over Holderrieth Road, as noted in the attached drawing, as it will not be beneficial to the overall transportation and mobility efforts on the SH249 project.

Respectfully submitted,

George T. Shackelford
City Manager

cc: Jack Cagle, Commissioner, Precinct 4

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

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.

Origination:

Various

Recommendation:

Approve Zoning Case P12-510.

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Ordinance No. 2012-51
Notice of Public Hearing
P12-510 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 in a residential district shall exceed eight (8) feet in height. Residential fences shall be constructed of materials and colors in character with the area.

B. 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.

C. 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.

D. 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 19TH DAY OF
NOVEMBER 2012.

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 3RD DAY OF
DECEMBER.

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

ATTEST:

Gretchen Fagan, Mayor

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").

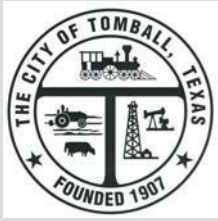
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more 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

Planning & Zoning Commission Hearing Date: November 12, 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.

ANALYSIS

Section 42.4.A

The first sentence is being amended to make it easier to understand; the maximum residential fence height of 8 feet is not being amended. Property owners wanting to construct a fence taller than 8 feet may submit a Special Exception request to the Tomball Board of Adjustments. The second sentence is being added to ensure residential fences are constructed of materials and colors in character with the area.

Section 42.4.B

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.C

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. 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 increase the developable area and front yard area of a residential lot.

The second sentence is being added to ensure fence openings are equipped with gates equal in height and characteristics to the fence. This amendment attempts to maintain visual compatibility between the fence and the gate.

Section 42.4.D

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

Section 42.4.E

City Staff is proposing to remove this section because “special purpose fencing” is too broad a category to be left with no other design standards. If the property owner would like a special purpose fence not allowed for in Sections 42.4.A-D they may submit a Special Exception request to the Tomball Board of Adjustments.

If Staff’s recommended changes to Section 42.4 are implemented it would likely increase 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 in a residential district shall exceed eight (8) feet in height. Residential fences shall be constructed of materials and colors in character with the area.

B. 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.

C. 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.

D. 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

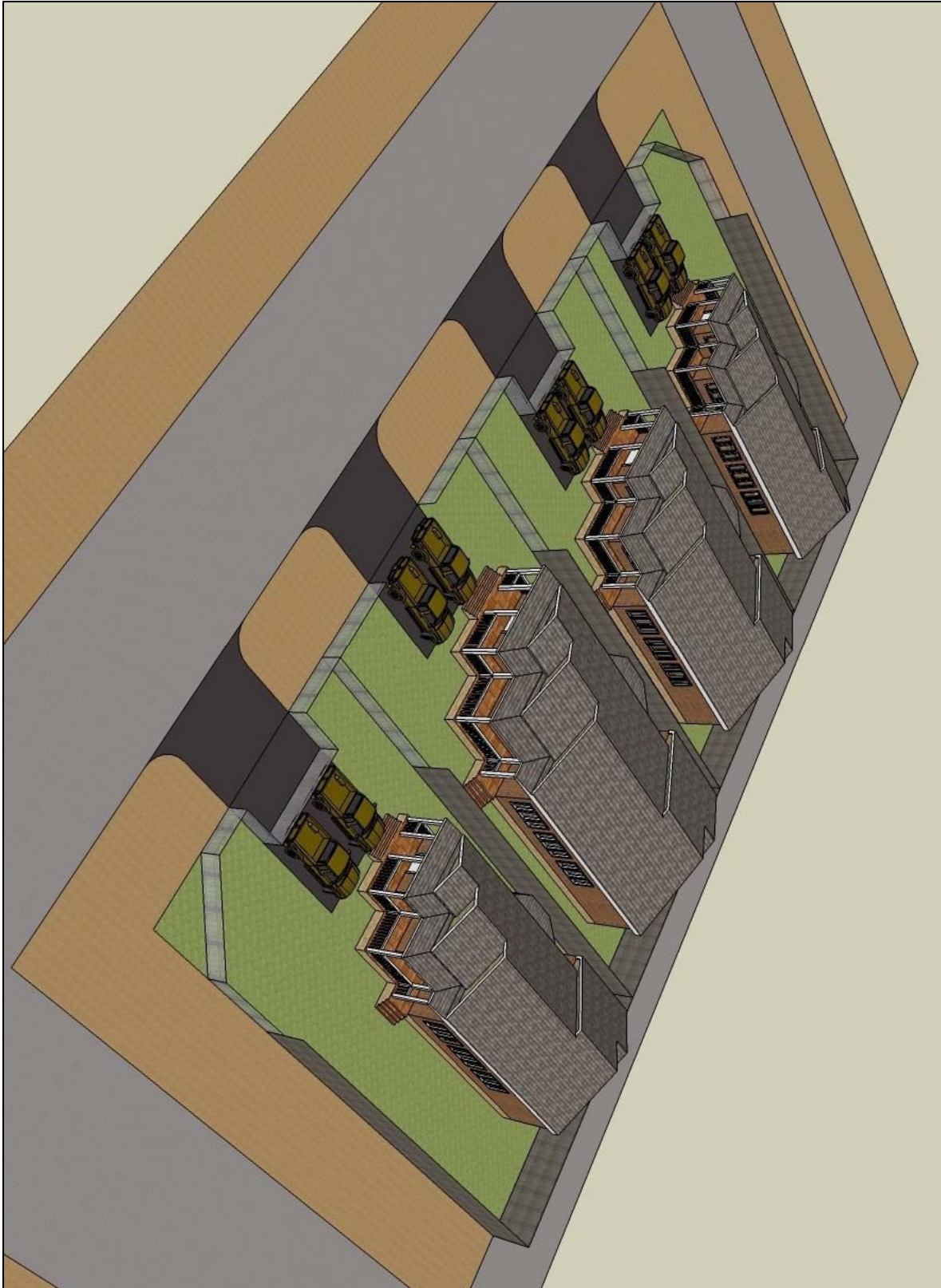


Exhibit "B"
Existing Requirements for Small Lots – Elevations

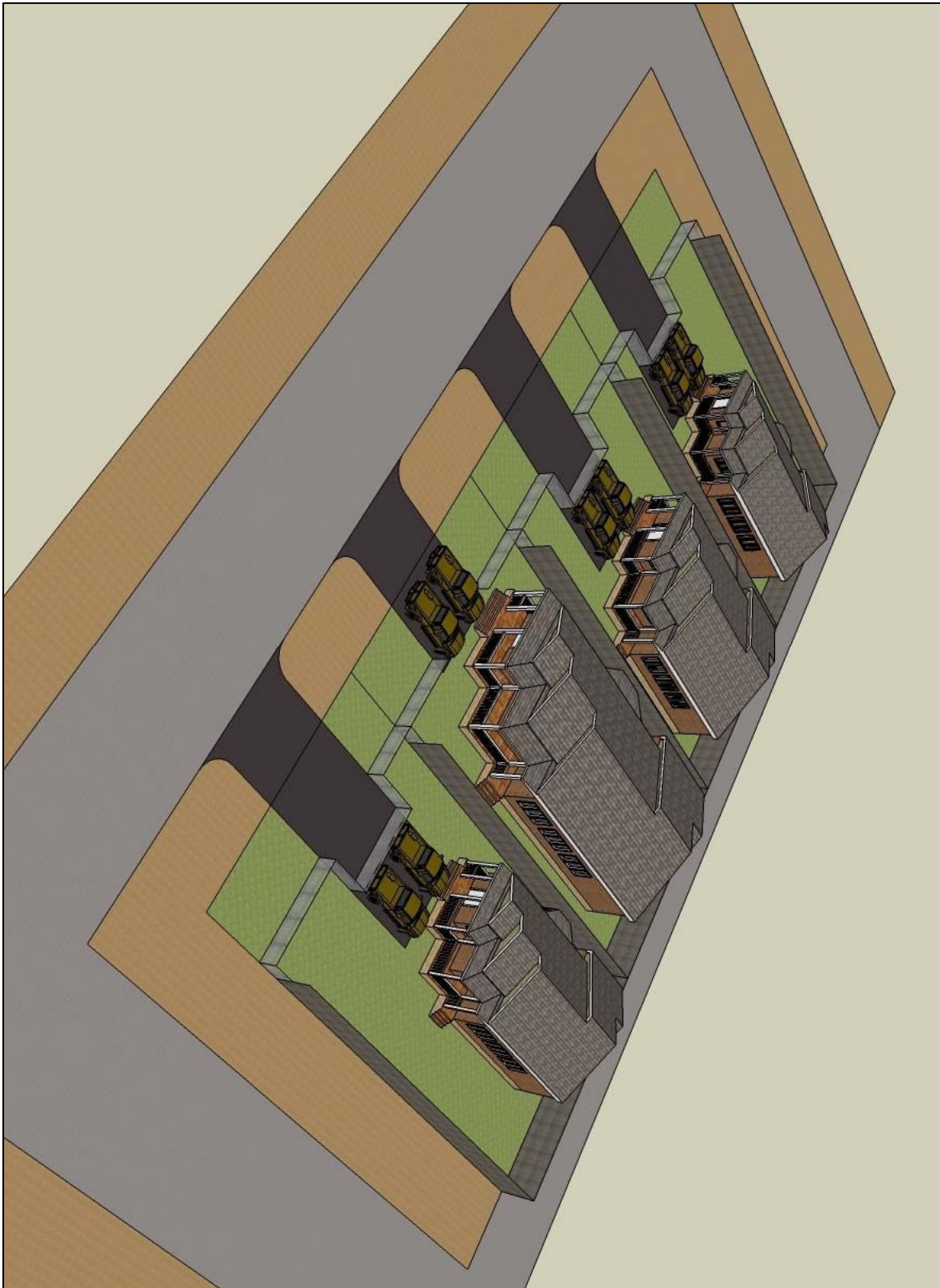


Exhibit “C”
Proposed Requirements for Large Lots – Elevations

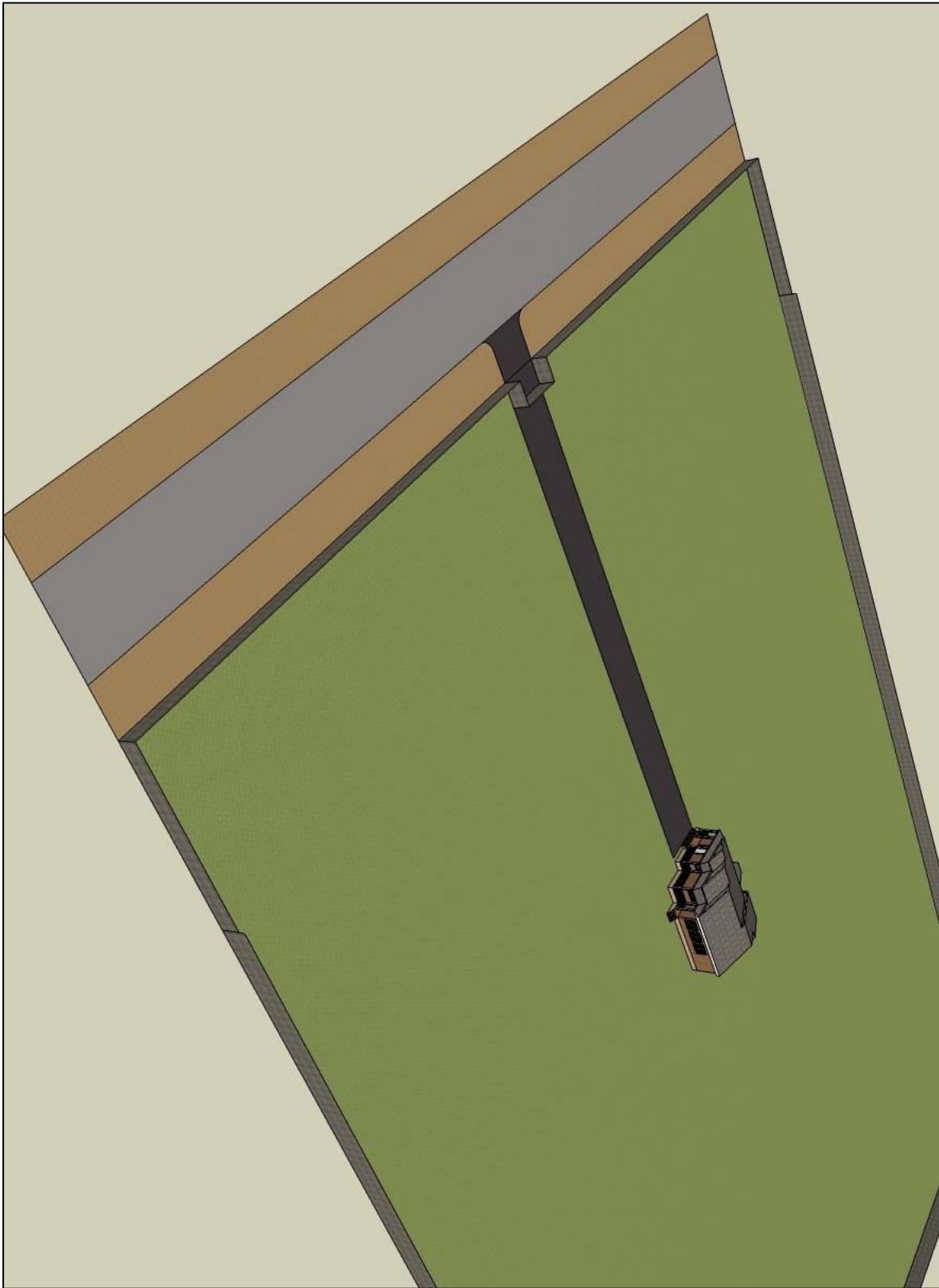


Exhibit "D"
Existing Requirements for Large Lots – Elevations

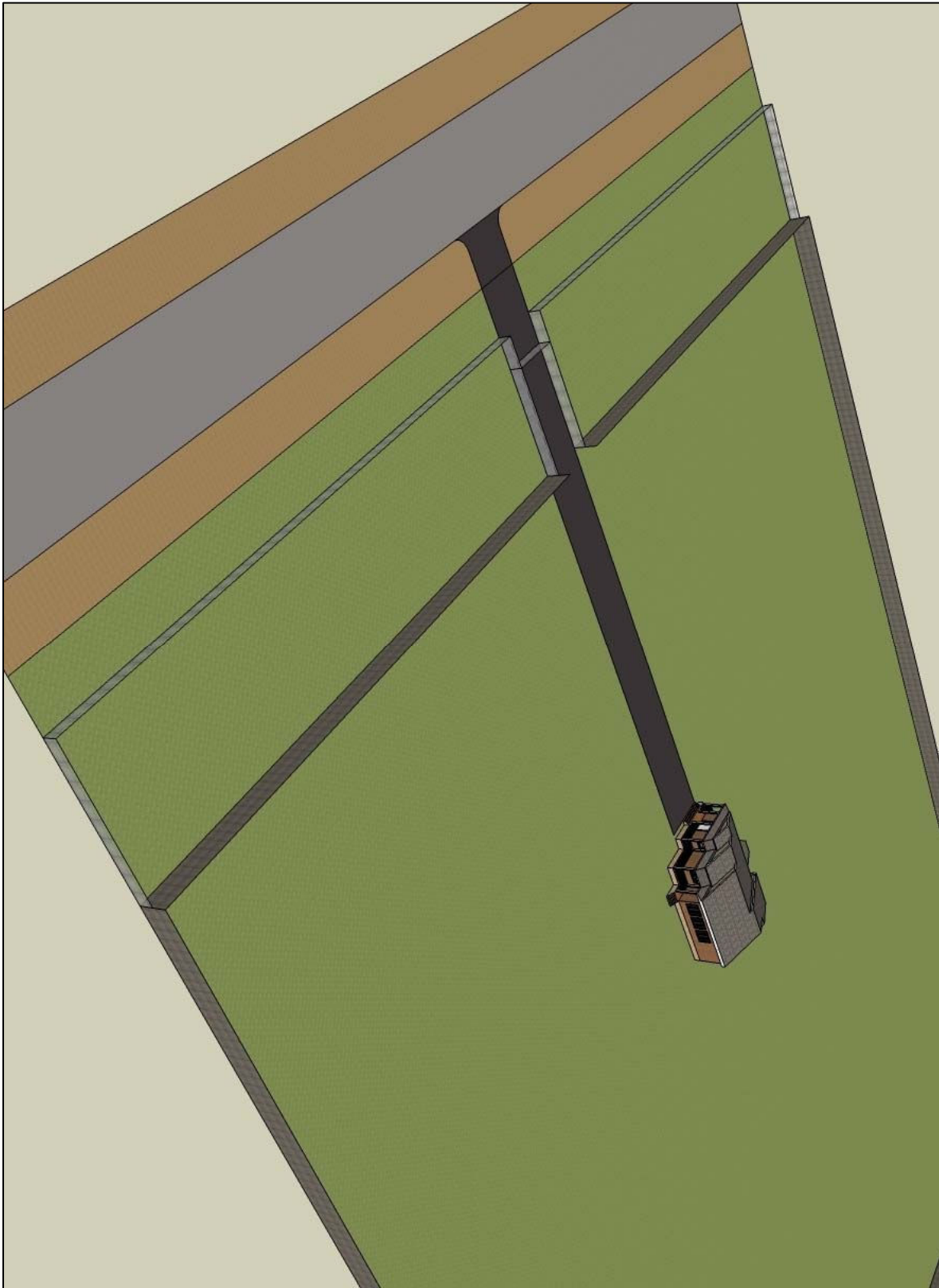


Exhibit "E"
Existing Requirements - Developable Area

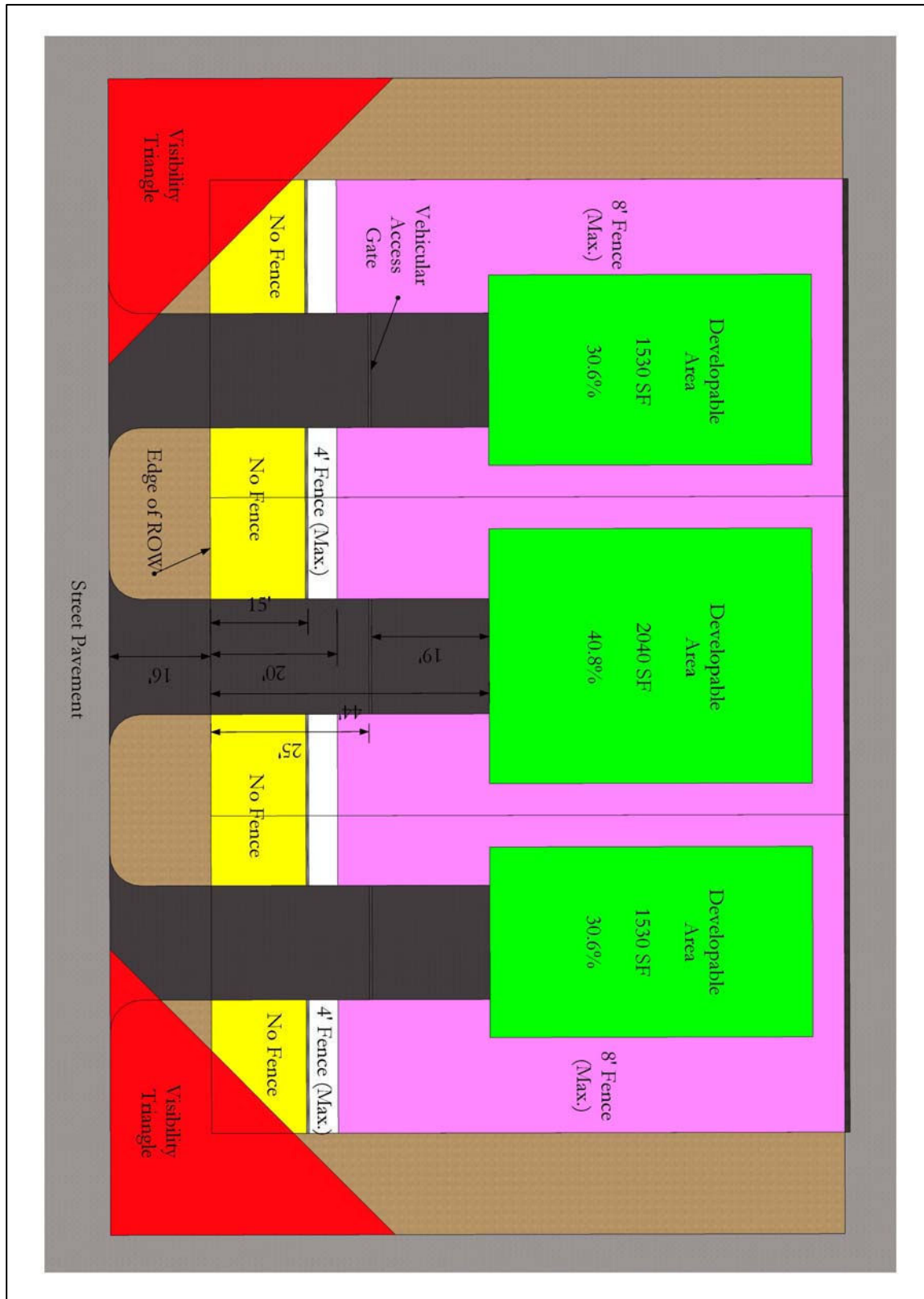
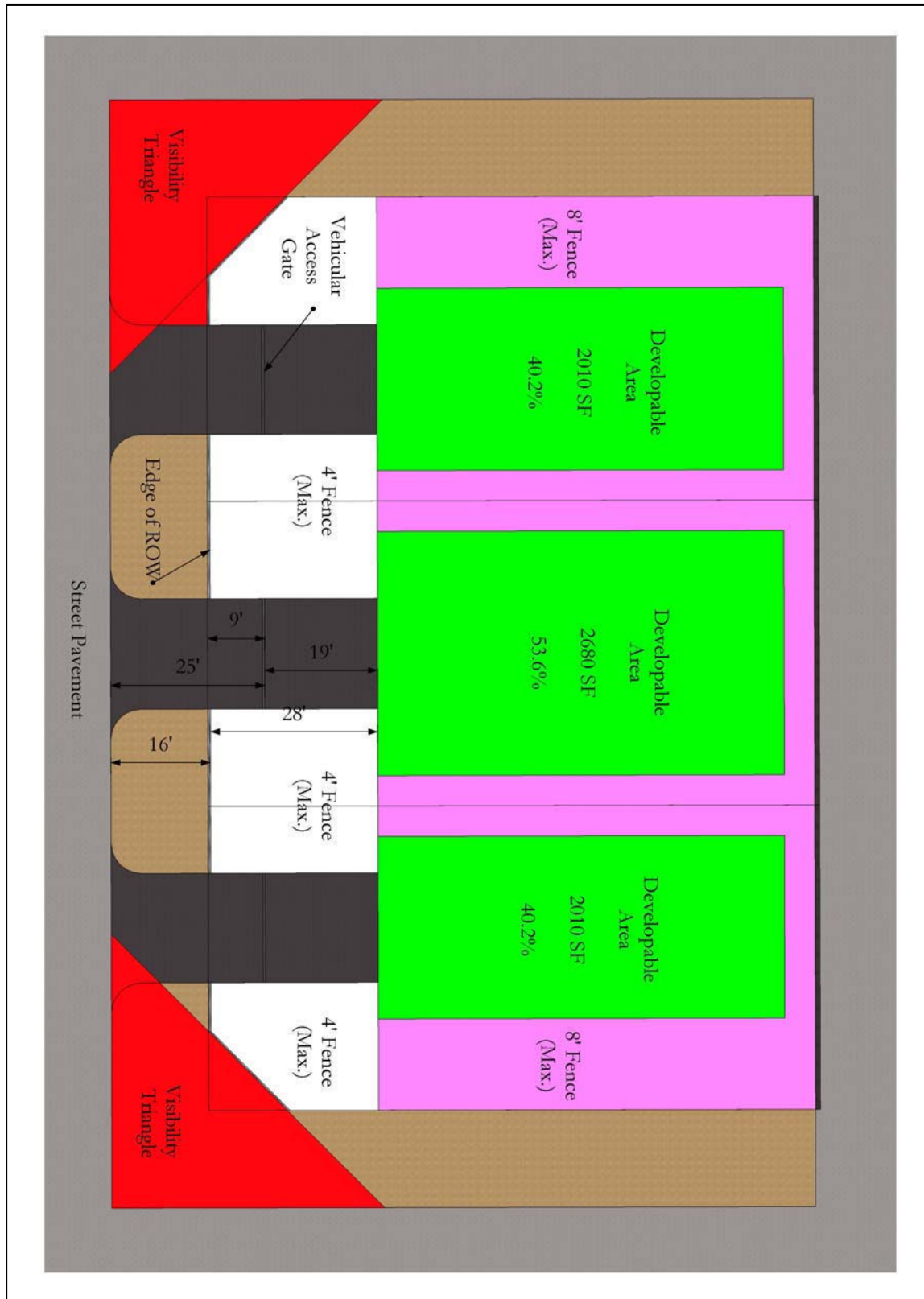


Exhibit "F"
Proposed Requirements - Developable Area



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

Topic:

Approve Recommended Fees for Ambulance Permitting and Inspection Processes

Background:

Ordinance No. 2012-49 adopted a permitting and inspection process for ambulances. The recommended fee for the annual permit is \$500.00 and the recommended fee for inspection and/or re-inspection of each ambulance is \$100.00 per vehicle.

Attached for Council consideration are the permit application form, the ambulance inspection report, application check list, EMS vehicle form, and personnel form, which will be used in the permitting process.

The approved fees will be included in the City's Master Fees ordinance.

Origination:

Robert S. Hauck, Chief of Police; Randy Parr, Fire Chief; Brian Petrilla, EMS Chief

Recommendation:

Approval of the recommended fees for ambulance permitting and inspection.

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:

Permit Application Form
Ambulance Inspection Report
Application Checklist
EMS Vehicle Form
Personnel Form

City of Tomball
Non-Emergency Transfer Service Permit
Application

This application, fee, and required documents shall be submitted to the City Secretary prior to scheduling an inspection

Type of Permit being requested: _____ Initial Permit _____ Renewal Permit

Provider Name:			
Other Names used by this Provider:			
Street Address:		Mailing Address:	
City, State, Zip:		City, State, Zip:	
County:		County:	
Administration Telephone:	()	Dispatch Telephone:	()
Administrative Fax:	()	Dispatch Fax:	()
Owner Name:		Telephone:	()
E-mail Address:		Fax:	()
Operations Director Name:		Telephone:	()
E-mail Address:		Fax:	()
Medical Director Name:		Telephone:	()
E-mail Address:		Fax:	()
Mailing Address:			

PERMIT FEES

Application Fee: \$xxx per application, Vehicle Inspection Fees: \$xxx.xx

Make Payment to: THE CITY OF TOMBALL Total Amount: \$

Total Number of Vehicles:	Total Authorizations Requested At Each Level:			
	BLS:		ALS:	
	BLS with ALS Capability:		ALS with MICU Capability:	
	BLS with MICU Capability:		MICU:	

I, _____, submit this application on behalf of the above named entity, to the City of Tomball, Texas. I hereby affirm and declare that all information submitted on this form is true and correct. I further affirm and declare that neither I, nor any employee of my organization, have been convicted of a crime greater than a Class C misdemeanor. Additionally, I have provided, as a part of this application, copies of any claims, pending lawsuits or judgments against the above named entity. It is understood that false statements of information on this application may be considered as sufficient cause for revocation or denial of permit. I shall also notify the City of addition(s) or substitution(s) of vehicle(s), a change in provider name, ownership, change in medical director, permanent or long-term change in level of service, and any other responsibility.

Signature of Applicant: _____ Date: _____

DO NOT WRITE BELOW THIS AREA - FOR CITY OF TOMBALL USE ONLY

DSHS Provider #:	Permit #:	Complete Application Received Date:	Permit Effective Date:	Permit Expiration Date :
Inspector		Application Approval Date:	Approved By:	
Receipt #:		Total Authorizations Issued		
Fee Postmark Date:		BLS:	ALS:	
Fee Received Date:		BLS/A:	ALS/M:	
Fee Deposit Date:		BLS/M:	MICU:	

The permit may be revoked if it is procured by fraudulent conduct or false statement of material fact in this application; or the permit holder violates, within the City Limits, any applicable provision of this Code, State Law or City Ordinance, rule or regulation.

Ambulance Service Name		Inspector		☐ Initial ☐ Unannounced		☐ Re-inspection ☐ Renewal	
Vehicle Identification Number	Year	Make	License Plate	Unit #	Odometer	DSHS License #	
Crew Member 1		Level	Crew Member 2		Level	☐ BLS ☐ ALS	
						☐ MICU Combined	

Item	OK	NO	Item	OK	NO
Vehicle Inspection			Patient care compartment		
Headlights High Low all working			DSHS license certificate visible		
Parking Lights front rear operational			Current fee schedule visible		
Turn signals operate properly front and rear			The vehicle shall have a signed and dated list, approved by the medical director and fully supportive of and consistent with the protocols, of all medical equipment, supplies, medical devices, parenteral solutions and pharmaceuticals to be carried. This list shall specify the quantities of each item to be carried and shall specify the sizes and types of each item necessary to provide appropriate care of all age ranges appropriate to the needs of their patients. The quantities listed shall be appropriate to the applicants call volume, transport times and restocking capabilities.		
Clearance lights front and rear functioning					
Side marker lights operate properly					
Brake lights operate properly					
Backup lights operate properly					
Backup alarm operates properly					
License plate lights operates properly					
License plate front and rear and match					
Windshield intact no cracks					
Windshield wipers operate properly					
Inspection sticker within date			Vehicle is stocked per the Medical Directors list of equip & supplies		
Vehicle registration within date			All medications within date and stored properly		
All windows close properly			Unit checkout and inventory forms completed by assigned crew		
No significant exterior damage (dangerous)			Fire extinguisher		
Door seals all intact seal properly			No smoking signs, Cab and Patient Compartment		
All external compartments seal closed			Signed and dated protocols		
Emergency equipment functions properly			Battery operated devices must have spare batteries or alt. power		
Emergency equipment meets DOT requirements			The following equipment and supplies shall be present in addition to the medical directors list		
All emergency lights functional			BLS:		
Rear step intact no damage			Oropharyngeal airways; Adult, Child, Infant sizes		
Heat A/C functions properly both front and back			Portable and vehicle mounted suction with tubing and adjuncts		
Horn/Siren			Bag valve mask units, oxygen capable; Adult, Child, Infant		
Mirrors Right, Left, Rear			Portable and vehicle mounted oxygen; Min 800psi		
Dome Light Cab functions properly			Oxygen delivery devices; Adult, Child, Infant		
Instrument panel is illuminated			Dressing and bandaging materials		
Open Door Indicators for both cab and back			Rigid cervical immobilization devices; Adult, Child, Infant		
Emergency Response Guide Book			Spinal immobilization devices		
Two-way radio with the FCC Designated Public Safety			Extremity splints		
Interoperability Channels (UHF or VHF)			Equipment to meet special patient needs, Child car seat, etc...		
All equipment mounted and secured properly			Equipment for determining and monitoring patient vital signs, condition or response to treatment per protocols		
Seatbelts for all seating positions			Automatic External Defibrillator (AED) or equivalent		
Valid Insurance card			Patient transport device capable of being secured to the vehicle.		
Minimum 1 working flashlight			ALS or BLS with ALS capability:		
Emergency flares or triangles			All required BLS equipment		
Company name Right, Left and Rear of vehicle			Advanced airway equipment		
Texas DSHS identification number Right and Left			IV equipment and supplies		
Cab area clean free of clutter, and trash			MICU, BLS with MICU capability, ALS with MICU capability:		
Exterior reasonable clean			All required BLS and ALS equipment		
Patient care area clean, free of clutter and trash			Cardiac monitor/defibrillator (in lieu of AED).		
No significant exterior damage (dangerous)			In addition to medical supplies and equipment:		
Exhaust systems must be secured, free of damage, leaks and extend beyond doors and the edge of the vehicle body; All lifts or ramps must be completely functional.			Personal protective equipment for the crew to include at least:		
Interior door handles shall be accessible and not obstructed			Protective, non-porous gloves		
Sufficient cleaning and disinfecting supplies			Medical eye protection		
At least 1 set of spare sheets for stretcher			Medical respiratory protection		
At least 1 blanket			Medical protective gowns or equivalent		
			Personal cleansing supplies		
			Sharps container		
			Biohazard bags		

Inspector: Any items that are missing or unacceptable shall constitute a fail and will result in a re-inspection. Items may not be shared between vehicles for the perpose of this inspection.

City of Tomball

Non-Emergency Transfer Service Permit

Application Check List

Please review this form when completing the permit application packet. Completed application packets should contain each of the items listed below. Incomplete packets will not be accepted. Should you have any questions, you may contact the Tomball City Secretary at 281-290-1002.

1. Completed Application
2. Application fee - \$500.00 per application
3. Inspection fee - \$100.00 per vehicle; re-inspection fee - \$100.00 per vehicle.
4. Address, phone number, email address for the following:
 - a. All stations where ambulance and crews are housed
 - b. Dispatch Center
5. Declaration of Ownership – submit on letterhead with a signature of the appropriate authority. This must be a notarized document. Documents indicating the name of the organization and identifying specific owners include articles of incorporation or formation as well as a notarized document indicating who the current shareholders are and who is currently serving on the board of directors.
6. Declaration of Medical Director
 - a. A copy of the signed medical director contract or agreement.
 - b. Documentation that the physician is in good standing with the Texas Medical Board (TMB) and in compliance with Texas Medical Board Rules (particularly 22 TAC, Section 197) and with Title 3 of the Texas Occupations Code.
7. Declaration of Administrator – submit on letterhead with a signature of the appropriate authority. This must be a notarized document. The administrator must be declared by submitting a notarized document declaring the full name of the chief administrator, his/her mailing address and telephone number to whom the department shall address all official communications in regard to the Permit.
8. Copy of Doing Business Under Assumed Name Certificates (DBA) – This/these certificates is/are required if the “Name of Person(s) or Organization Responsible for License” is different than the “Provider/Operating Name”. The “Provider/Operating Name” is the name you present to the public, i.e. have on the side of your ambulance(s).
9. Completed City of Tomball EMS Vehicle Form

City of Tomball

Non-Emergency Transfer Service Permit

Application Check List

10. City of Tomball EMS Personnel Form with copies of background investigations, including criminal history for all employees.
11. Two (2) copies of:
 - a. Current DSHS EMS Provider License,
 - b. Certificate of Insurance,
 - c. DEA and DPS Controlled Substance License, as applicable
12. Two (2) copies of current approved clinical protocols containing:
 - a. An original physician's signature.
 - b. Effective/expiration and last reviewed dates which correspond with the Provider's DSHS license;
 - c. Addresses status of personnel;
 - d. Identifies procedures for each EMS certification or license level utilized by the Provider;
 - e. Addresses the use of all required, additional and specialized medical equipment carried in any EMS vehicle in the Provider's fleet
13. Two (2) copies of current approved "Minimum Equipment List" with an original physician's signature.
14. Copy of the company's current Policy and Procedure manual
15. Copy of the company's Quality Assurance Plan which shall contain:
 - a. Pharmaceutical storage;
 - b. Readiness inspections;
 - c. Preventive maintenance;
 - d. Complaint management;
 - e. Patient care reporting and documentation.
16. Photos of each ambulance to be permitted. (Photo's should include all four (4) sides with licenses plates readable)
17. Current usual and customary fee schedule.

City of Tomball EMS Vehicle Form

[illegible]

I, _____, submit this application on behalf of the above named legal entity, to the City of Tomball Texas. I hereby affirm and declare that all information submitted on this form and attached supplemental documents are true and correct. It is understood that any false information given or misrepresentation made in this application or other requested documents may result in revocation or denial of permit. I have read, understand, and agree to abide by Chapter 773 of the Texas Health and Safety Code and Title 25 of the Texas Administrative Code, Chapter 157 and Title 22 of the Texas Health and safety Code, Chapter 197.

Signature of Administrator : _____ Date: _____

City of Tomball
Non-Emergency Transfer Service Permit
Personnel Form

Page ____ of ____

Company Name _____ DSHS License # _____

Submitted forms must be accompanied by a Criminal History report for each listed employee

TDSHS EMS Personnel Certification/ License Identification #	Last Name, First Name <i>In Alphabetical Order</i>	Certification Level	Date of Birth

Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Approve Purchase of Kubota 4WD Cab Tractor with Terrain King 5' Slope Mower for the Street Department, from Kubota Tractor Corporation in the Amount of \$78,655.20.

Background:

This purchase will replace an existing 1999 New Holland tractor and slope mower, and a 2002 John Deere tractor and slope mower. Both existing units are included as trade-ins towards this purchase, with trade-in allowances of \$9,850.00 and \$19,500.00 respectively, with a total trade-in allowance of \$29,350.00.

Both units have been flagged by the COT Fleet Replacement Program, and the need for replacement has been substantiated by Public Works and Fleet Management Personnel based upon actual condition and use.

The H-GAC purchase contract indicates that the net amount of the purchase is \$78,655.20, which includes the trade-in allowances credited upfront. Funds, in the amount of \$85,697, were budgeted in the approved COT Fleet Replacement Program; after the trade-ins, the City will actually be under budget on the purchase of the slope mower. A copy of the H-GAC Contract Pricing Sheet is attached for your review.

Origination:

Public Works

Recommendation:

Staff recommends approval of the purchase of a Kubota 4WD Cab Tractor with Terrain King 5' Slope Mower for the Street Department, from Kubota Tractor Corporation in the amount of \$78,655.20.

Funding: Yes

Account Number: 650-651-6403

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

Director of Public Works

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

ATTACHMENTS:

HGAC Contract Pricing

HGACBuy		KUBOTA TRACTOR CORPORATION				GR01-12	
Contract Pricing Worksheet		NATIONAL ACCOUNT PRODUCT QUOTATION					
		PHONE: 310-370-3370 EXT. 1813 FAX: 310-370-3846 EMAIL: CBENNETT@KUBOTA.COM				Quote # HGAC48- 12 R1	
Purchasing Party:		City of Tomball		REMIT TO:		Kubota Tractor Corporation	
Contact:				ADDRESS:		3401 DEL AMO BLVD	
Phone #:				CITY:		TORRANCE STATE: CA 90503	
Fax #:				DLR #		39385 PHONE 281-303-9145	
Email:				CONTACT		Richard Holcomb FAX:	
COMMENTS: Prices for product quoted are good for 60 days from quote date. IMPORTANT - This WORKSHEET MUST BE VERIFIED BY KUBOTA NATIONAL ACCOUNTS before a PO is issued. Please fax to Cynthia Bennett (310) 370-3846 or email the worksheet to cbennett@kubota.com. PO's without verified quote may be subject to change. PO Must Be Issued To Kubota Tractor Corporation							
General Description of Product		B, BX, L, M Series (20%)		RTV Series (17%)		Z & F Series (20%)	
Discounts from MSRP						T/G Series (18%)	
ORDERING INFORMATION				FOR KUBOTA USE ONLY			
QTY.	Product Code	MODEL CODE	Assembly Fees Apply	UNIT LIST PRICE	NATIONAL ACCT. DISCOUNT PRICE	TOTAL LIST PRICE	TOTAL NATIONAL ACCOUNT PRICE
A. Catalog / Price Sheet Items being purchased - Itemize Below							
1	M	M108SDSC	(4WD Cab Tractor)	\$ 56,292.00	\$ 45,033.60	\$ 56,292.00	\$ 45,033.60
2		AMR8559	Front 13.6R24 Radial	In Base Price	In Base Price	In Base Price	In Base Price
2		AMR9279TK	Rear 18.4R34	In Base Price	In Base Price	In Base Price	In Base Price
1		30004832200	KB2200 Terrain King Mower	\$ 43,755.00	\$ 40,254.60	\$ 43,755.00	\$ 40,254.60
1		34815986190	5' Rotary w/Ctr Blade Bar & Head Swivel	\$ 14,125.00	\$ 12,995.00	\$ 14,125.00	\$ 12,995.00
1		E9276B	AM/FM radio w/7 chl wrth band CD	\$ 440.00	\$ 352.00	\$ 440.00	\$ 352.00
Subtotal A:				\$ 114,612.00	\$ 98,635.20	\$ 114,612.00	\$ 98,635.20
B. Unpublished Options, Accessory or Service Items- Itemize Below							
1		Custom Bumper		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Subtotal B:				\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges							
1		Standard Kubota inbound freight charges		\$ 420.00	\$ 420.00	\$ 420.00	\$ 420.00
1		TK Freight		\$ 1,088.00	\$ 1,088.00	\$ 1,088.00	\$ 1,088.00
1		Kubota Assembly Fee		\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
1		TK Assembly Fee		\$ 5,260.00	\$ 5,260.00	\$ 5,260.00	\$ 5,260.00
1		300002988458 Rotary Head Wear Kit		\$ 902.00	\$ 902.00	\$ 902.00	\$ 902.00
1		PDI Predelivery and Inspection		\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
1		1999 New Holland w Slope Mower Trade In		\$ (9,850.00)	\$ (9,850.00)	\$ (9,850.00)	\$ (9,850.00)
1		2002 John Deere 6405 w Tiger Boom Trade In		\$ (19,500.00)	\$ (19,500.00)	\$ (19,500.00)	\$ (19,500.00)
Price is Contingent on Established Membership							
Subtotal C:				\$ (21,180.00)	\$ (21,180.00)	\$ (21,180.00)	\$ (21,180.00)
Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B)				For this transaction the percentage is:	1%		
TOTAL= (A+B+C)				\$94,632.00	\$78,655.20	\$94,632.00	\$78,655.20
AUTHORIZED SIGNATURE: X							
DATE							
HGAC order processing charge of 1.5% on Section B items is the responsibility of the delivering dealer. Kubota will reimburse HGAC for the entire order processing charge and deduct the amount applicable to Section B from internal Kubota bid discount						\$ 18.00	
All orders are subject to the terms and conditions as outlined in the National Purchase Agreement. The Standard Kubota Warranty Applies, which does not include pick up or delivery.						Payment Terms = Net 45 Days	
FOR KTC INTERNAL USE-		Quote #: HGAC48 -12 R2		Quote Date: 3-28-12@ 10/11/2012 @ 10/16/11		Verified By: PFW @ crb	

Regular City Council

Agenda Item

Meeting Date: November 19, 2012

Data Sheet

Topic:

Consideration to Approve **VALLEY TREE SUBDIVISION FINAL PLAT**: A 16.9782-Acre Tract of Land Situated in the John S. Smith Survey, Abstract No. 730, in Harris County, Texas, Being out of a Certain 21.9206 Acre Tract; Being Part of a 52.0-Acre Tract described in Volume 1720, Page 43 of the Harris County Deed Records, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the Preliminary Plat of Valley Tree Subdivision with contingencies on October 8, 2012. Comments have been addressed, the Preliminary Plat has been accepted and the Final was approved by the Planning and Zoning Commission on November 12, 2012. The Final Plat is now being presented to City Council for approval consideration.

Origination:

Humberto Diaz, Manuel and Teresa Diaz, Owners

Recommendation:

Approve Final Plat of Valley Tree Subdivision

Funding:

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

Brandy Pate and Lori Lakatos, Engineering and Planning

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

ATTACHMENTS:

Valley Tree Subdivision Final Plat

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2012

Topic:

Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with Attorney regarding Potential Litigation
- 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	