

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



MONDAY, JUNE 4, 2012

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 4, 2012 at 7:00 P.M., City Hall, 401 Market Street Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Chaplain Steve Allison, VFW Post #2427

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:

- Proclamation – *“The Sons of the Republic of Texas” Days* – June 8-9, 2012
- Proclamation – *“200th Anniversary of the Beginning of the War of 1812”* – June 18, 2012
- Recognition – *George Russell Lang, III, Eagle Scout*

6.0 Reports and Announcements

- June 9, 2012 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 4, 2012 – **City of Tomball Fourth of July Celebration** - 2:00 p.m. to 10:00 p.m.
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot (NEW time)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mike Baxter – Report on **Memorial Day Weekend Chili Challenge at the Depot and Oilfield Helping Hands Motorcycle Show and Rally**

7.0 Approve the Minutes of the May 21, 2012 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt on Second Reading, Ordinance No. 2012-09, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 10, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters
- 8.2 Adopt, on Second Reading, Ordinance No. 2012-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 11, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters
- 8.3 Adopt, on Second Reading, Ordinance No. 2012-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 7, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson

Road, northerly of Theiss Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

9.0 New Business:

- 9.1 Appoint/Reappoint Members to the Tomball Economic Development Board for Terms Expiring May 31, 2012
- 9.2 Receive the Tomball Economic Development Corporation (TEDC) 2011-2012 Annual Report
- 9.3 Approve the Tomball Economic Development Corporation (TEDC) 2012-2013 Strategic Work Plan
- 9.4 Adopt, on First Reading, Resolution No. 2012-17-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving a development and property exchange agreement between the Tomball Economic Development Corporation and 2978 Industrial Properties, LLC, (The “Company”) related to the development of the Tomball Business and Technology Park Project; containing other provisions relating to the subject; and providing for severability.
- 9.5 Approve Resolution No. 2012-15, a Resolution of the City Council of the City of Tomball, Texas, Approving Request by Iglesia de Dios Taller del Alfarero (Church of God Potter’s House) to Conduct a March/Walk on FM 2920/Main Street on Saturday, July 7, 2012
- 9.6 Approve Resolution No. 2012-16, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 4th Annual **5K Tomball Dash**, a Certified Run, Hosted by Woodforest National Bank, to be held in Tomball on Saturday, November 10, 2012
- 9.7 Approve **SHEPHERD CENTER FINAL PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- 9.8 Adopt, on First Reading, Ordinance No. 2012-13, an Ordinance of the City Council of the City of Tomball, Texas, amending Subsection (b)(1) of Section 30-159 of Article IV, Nuisances, of Chapter 30, Environment, of the City's Code of Ordinances relating to the Prohibition of Weeds; Providing a New Definition of “Weeds”; 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
- 9.9 Adopt, on First Reading, Ordinance No. 2012-14, an Ordinance of the City of Tomball, Texas, Providing that the Portion of That Road Currently Known as Brown-Hufsmith Road shall be Renamed to Brown Road; Providing for Notice

to Utility Companies and the United States Postal Service of Such Name
Change; Providing for Severability; and Repealing All Ordinances or Parts of
Ordinances Inconsistent or in Conflict Herewith

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 31st day of May 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: June 4, 2012

Topic:

- Led by Chaplain Steve Allison, VFW Post #2427

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: June 4, 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	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

- Proclamation – *“The Sons of the Republic of Texas” Days* – June 8-9, 2012
- Proclamation – *“200th Anniversary of the Beginning of the War of 1812”* – June 18, 2012
- Recognition – *George Russell Lang, III, Eagle Scout*

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

“The Sons of the Republic of Texas” Days – June 8-9, 2012

“200th Anniversary of the Beginning of the War of 1812” – June 18, 2012

George Russell Lang, III, Eagle Scout

Office of the Mayor
Tomball, Texas

Proclamation

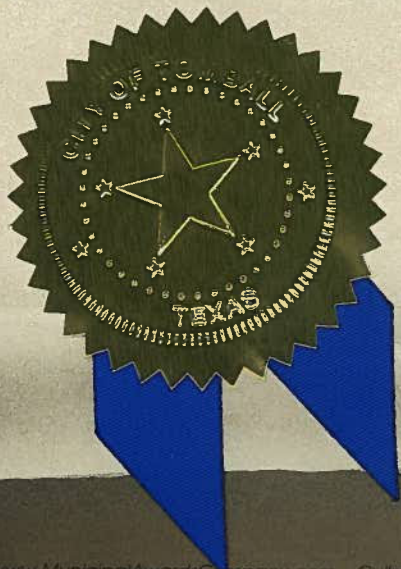


- WHEREAS,** the City of Tomball is pleased to welcome The Sons of the Republic of Texas for their Quarterly Business Meeting and we invite the members and their families to visit and enjoy the many historical sites, restaurants and shopping opportunities in Tomball this weekend; and
- WHEREAS,** The Sons of the Republic of Texas has entered the Tomball Annual Holiday Parade for the past 11 years and forms their parade unit at the Historic Tomball Museum, where your President General leads members and families in period dress and the Rolling Thunder Cannon brings excitement to the parade attendees and reminds us all to observe Texas holidays and proudly fly our Texas flags; and
- WHEREAS,** The Sons of the Republic of Texas sponsors the Texas History Lecture Series at Lone Star College-Tomball to educate our community about our rich and colorful Texas history and provides Texas history lectures to local school children and community organizations such as the Tomball Rotary Club and the Tomball Chamber of Commerce; and
- WHEREAS,** The Sons of the Republic of Texas and the City of Tomball share mutual interests in perpetuating the memory and spirit of the men and women who settled Texas, and works to obtain recognition, preservation and marking of places of historical significance as illustrated at the Tomball Historic Depot; and
- WHEREAS,** in 1836, the Texas Army, on its way to the Battle of San Jacinto, camped just a few miles west of downtown Tomball and the site is marked by Historical Markers, which you are invited to see and visit;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tomball, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim **June 8-9, 2012** as:

“THE SONS OF THE REPUBLIC OF TEXAS” DAYS

and invite The Sons of the Republic of Texas to return to Tomball, Texas for future meetings, extending our warm welcome to you and your families.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

[Signature]
ATTEST: *Louis Speer*
DATE: *April 23, 2012*

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, the Bicentennial of the War of 1812 sometimes referred to as "The Second War for American Independence" officially begins on June 18, 2012; and

WHEREAS, the sacrifices by those soldiers, citizens and their families that fought in the War of 1812, further defended the liberties previously won in the American Revolution; and

WHEREAS, those sacrifices included heroic efforts by Dolly Madison to save some of our National treasures from destruction during the burning of the White House by the British in 1814; and

WHEREAS, the conflict and bravery shown would inspire Francis Scott Key to write a poem describing the bombardment of Fort McHenry in Baltimore Harbor and the said writings would become our country's National Anthem, known as the Star Spangled Banner; and

WHEREAS, General Andrew Jackson helped win a stunning victory over the British in the Battle of New Orleans on January 8, 1815 that further solidified the United States independence from Great Britain; and

WHEREAS, descendants of some of the veterans of the War of 1812 in the state of Texas are members of the Thomas Bay Chapter #350 NSUSD of 1812; whose primary purpose is to promote a more general awareness of the history of said war throughout this state and among the citizens of this nation;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tomball, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim **Monday, June 18, 2012** as:

"200th Anniversary of the Beginning of the War of 1812"

and call this observance to the attention of all our citizens, encouraging all citizens of our city to observe a Moment of Remembrance on this anniversary and ask its citizens to fly their United States Flag on this day.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

[Signature]
ATTEST: *[Signature]*
DATE: *April 23, 2012*

Office of the Mayor

Tomball, Texas

Recognition



WHEREAS, the City of Tomball recognizes the valuable contributions of the Boy Scouts of America to our community and to our nation; and

WHEREAS, scouting provides a foundation, training and leadership skills that prepare our youth to be leaders of tomorrow; and

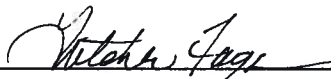
WHEREAS, the rank of Eagle Scout is the highest rank achievable in scouting and is an honor earned by only a small percentage of the youth involved in the organization; and

WHEREAS, George Russell Lang, III has fulfilled all the requirements to earn the rank of Eagle Scout;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tomball, on behalf of the Tomball City Council and all citizens hereof, do hereby recognize and commend George Russell Lang, III on Monday, June 4, 2012 for his achievement of the rank of Eagle Scout:

GEORGE RUSSELL LANG, III ***EAGLE SCOUT***

In witness whereof I have hereunto set my hand and caused this seal to be affixed.



ATTEST: 

DATE: May 30, 2012

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

- June 9, 2012 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 4, 2012 – *City of Tomball Fourth of July Celebration* - 2:00 p.m. to 10:00 p.m.
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot (NEW time)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mike Baxter – Report on *Memorial Day Weekend Chili Challenge at the Depot* and **Oilfield Helping Hands Motorcycle Show and Rally**

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

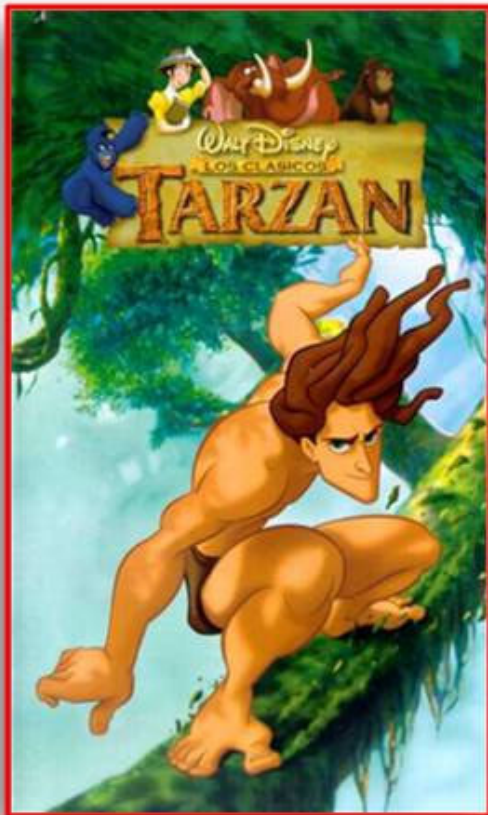
2nd Saturday at the Depot

Report on Memorial Day Weekend Chili Challenge

2nd Saturday

At the Depot in Tomball

June 9th starting at 6:30 p.m.



Rusty's Family Feature
Walt Disney's "Tarzan"

TOMBALL
TEXAN FOR FUN!®

Fun, fun, fun!

- There'll be a Tarzan "Yelling" Contest
- Music by SoulShine
- Make Dad a card (while supplies last)
- Games, concessions and more!
- And, the Splash Pad will be open, so bring your towel!

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



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

MDW Chili Challenge - CASI

Date: 05/31/2012

Re: Memorial Day Weekend Chili Challenge - 2012

EVENT: Memorial Day Weekend Chili Challenge presented by H-E-B

DATE: Saturday, May 26, 2012

HOURS: 10 a.m. – 4 p.m.

LOCATION: Depot Plaza

SANCTION: Chili Appreciation Society International - CASI

TEAMS: CHILI - 36 CASI/ 2Business-Restaurant (Community Bank and Cisco's)

MARGARITA – 18 CASI/2 Business-Restaurant (Community Bank and Cisco's)

ENTERTAINMENT: Mike Stroup & the Acoustic Crackerjacks

VENDORS: Six merchandise/ three food/beverage - HEB, Cisco's and Nonnies

ATTENDANCE: 1,376 (Actual clicker count plus cooks, volunteers, vendors, band, missed count)

DONATION: \$800.00 from entry fees– recipients: Tomball VFW and American Legion

JUDGES: Strong final table with celebs – State Senator and Representative, Judges, Council, Chiefs and more.

VOLUNTEERS: Tomball High School – National Honor Society

ADVERTISING:

1. Tribune
2. K-Star Radio
3. "Here Houston" tabloid – HCN

COSTS:

<i>Budget:</i>	\$7,500.00
<i>Actual Cost:</i>	\$6,000.00
<i>Sponsors:</i>	\$3,500.00 – HEB

COMMENTS: 1. "We sure enjoyed ourselves there today!"- M. Holloway

2. "We had a great time, thanks for having the event" – B. Allen

3. "Great event Tomball!" – M. Halbach

Regular City Council Agenda Item Data Sheet

Meeting Date: June 4, 2012

Topic:

Approve the Minutes of the May 21, 2012 Regular Tomball City Council Meeting

Background:

Origination:

Recommendation:

Funding:

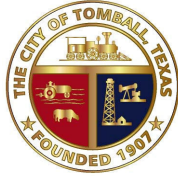
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes - May 21, 2012 City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 21, 2012
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Councilman Hudgens

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Sergeant – Danny Arriaga
Director of Public Works – David Kauffman
Director Community Development – Narciso Lira
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

draft

2.0 Invocation

- Led by Pastor Bryan Donahoo, Graceview Baptist Church

Draft

3.0 Pledges to U. S. and Texas Flags

- Led by Cooper Cason and Courtlynn Noack, Members of the Tomball High School Student Council

4.0 Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

The Canvass of the May 12, 2012 General City Election was presented by Mary Coats, Election Judge.

El escrutinio de la Elección General de la Ciudad del 12 de mayo de 2012 fue presentado por Mary Coats, Jueza electoral.

Việc Kiểm Phiếu của Cuộc Bầu Cử Tổng Quát Thành Phố ngày 12 tháng Năm 2012 đã được bà Mary Coats, Trưởng Ban Điều Hành Cuộc Bầu Cử đệ trình.

2012 5 12 Mary Coats

- 4.1 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt Resolution No. 2012-12, a Resolution and Order Canvassing the Returns and Declaring the Results of the General City Election Held on May 12, 2012.

El Concejal Dodson hizo la moción, secundada por el Concejal Brown, para adoptar la Resolución Nro. 2012-12, una Resolución y Orden de Escrutinio y Declaración de Resultados de la Elección General Celebrada el 12 de mayo de 2012.

Kiến Nghị được Nghị Viên Dodson đưa ra, có sự tán thành của Nghị Viên Brown, để Thông Qua Nghị Quyết Số 2012-12 và Yêu Cầu Kiểm Phiếu Bầu và Tuyên Bố các Kết Quả của Cuộc Bầu Cử Tổng Quát tổ chức ngày 12 tháng Năm, 2012.

Dodson Brown 2012-12

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

- 4.2 The Oath of Office was administered by Mayor Fagan to Mark Stoll as the newly elected Councilman, Position 2 and to Derek S. Townsend, Sr. as the newly elected Councilman, Position 4.

El Juramento al Cargo fue administrado por la Alcaldesa Fagan a Mark Stoll como nuevo Concejal, Posición 2 y a Derek S. Townsend, Sr. como nuevo Concejal, Posición 4.

Tuyên Thệ Nhậm Chức đã được tiến hành bởi Thị Trưởng Fagan cho Mark Stoll là Nghị Viên mới được bầu chọn, Vị Trí 2 và cho Derek S. Townsend, Sr. Nghị Viên mới được bầu chọn, Vị Trí 4.

Mayor Fagan Mark Stoll
Derek S. Townsend, Sr.

- 4.3 Councilman Dodson nominated Rick Brown as Mayor Pro-Tem and Councilman Stoll

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Barbara Tague
503 Inwood, 77375

- Item 10.2 - Expressed her wish to be reappointed to the Planning and Zoning Commission.

Mary Harvey
405 S. Walnut, 77375

- Item 10.15 - Expressed her support for the proposed purchase of property from the Tomball Independent School District at 217 and 221 West Main.

Latrell Shannon
823 Lizzie Lane, 77375

- Item 10.16 - Expressed her support for the proposed acceptance of donated property located at 0 Holiday Street, near MLK, Jr. Park.

Bruce Hillegeist, GTACC
29201 Quinn, 77375

- Extended invitation to attend visits by Congressman Brady on May 22, at 2:15 p.m. at the Chamber office and by Congressman McCaul on May 23, at Amegy Bank, from 1:00-2:00 p.m.

6.0 Presentations:

- Mayor Fagan presented Proclamations declaring the following:
 - *National Public Works Week* – May 20-26, 2012
 - *National EMS Week* – May 20-26, 2012
 - *Hurricane Preparedness Week* – May 27-June 2, 2012
 - *Mary W. Roach – Honoring a Life of Dedication* – June 3, 2012

Draft

7.0 Reports and Announcements:

- **Quarterly Investment Report** for the 3 months ending 3/31/2012 - 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. At March 31, 2012, the City had total cash equivalents and investments totaling \$ 41,747,411. A copy of the report is attached for review.
- May 26, 2012 – **Memorial Day Weekend Chili Challenge at the Depot** – 11:00 a.m. to 6:00 p.m.
- May 29, 2012 - **Harris County Primary Election**; Runoff Date is July 31, 2012
- June 1, 2012 – **Dedication of Brown-Hufsmith Road** – 1:30 p.m.
- July 4, 2012 – **City of Tomball Fourth of July Celebration – 12:00 Noon-10:00 p.m.**
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot (**NEW time**)
- Reports by City staff and members of council about items of community interest on which no action will be taken

8.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the

Minutes of the May 7, 2012 Regular City Council Meeting and May 14, 2012 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting.

Motion carried unanimously.

9.0 Old Business:

- 9.1 Motion was made by Councilman Stoll, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-08, an Ordinance Creating City of Tomball, Texas Reinvestment Zone No. 3; an Approximately 7.2854-Acre Tract of Land, Located at 915 Cherry Street within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

Draft

10.0 New Business:

- 10.1 Motion was made by Councilman Brown, second by Councilman Dodson, to Reappoint Evelyn Torres-Chervenak and Barbara Tague to their current positions on the City of Tomball Planning and Zoning Commission, with new terms expiring June 1, 2015.

Motion carried unanimously.

- 10.2 Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve Resolution No. 2012-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Fifth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, October 24, 2012.

Motion carried unanimously.

- 10.3 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-14, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be held in Tomball on Wednesday, July 4, 2012, and Closing a Portion of State Highway 249 Business from Hicks Street to the North Entrance to Krogers in Tomball Marketplace from 2:00 p.m. until 10:00 p.m., and Authorizing the City Manager to Issue a Letter to TXDOT Requesting the Closure of the Designated Portion of State Highway 249 Business.

Motion carried unanimously.

- 10.4 Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Tax Abatement Agreement between City of Tomball and American National Carbide for Improvements to be Constructed in Tax Abatement Reinvestment Zone No. 3.

Motion carried unanimously.

- 10.5 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Multi-Year (3-Year) Engagement Agreement Letter with the Firm of Weaver and Tidwell, LLP, to Conduct City of Tomball Financial Audits for Fiscal Years 2012, 2013, and 2014 (Independent Audit Services Proposal - RFP No. 2012-04).

Motion carried unanimously.

- 10.6 Rodney Schmidt presented the staff report on **ZONING CASE P12-427**: Public Hearing to consider a Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-427** at 6:45 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 6:45 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-09 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2012-09, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 10, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 10.7 Rodney Schmidt presented the staff report on **ZONING CASE P12-428**: Public Hearing to Consider a Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-428** at 6:54 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 6:54 p.m.
- Motion was made by Councilman Brown, second by Councilman Hudgens, to read Ordinance No. 2012-10 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt on First Reading, Ordinance No. 2012-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 11, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 10.8 Rodney Schmidt presented the staff report on **ZONING CASE P12-429**: Public Hearing to Consider a Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-429** at 6:58 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 6:58 p.m.
- Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-11 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Brown, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2012-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 7, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, northerly of Theiss Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 10.9 Rodney Schmidt presented the staff report on **ZONING CASE P12-430**: Public hearing to Consider a Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-430** at 7:09 p.m.; the following public comments were received:

Harry Byrd
602 N. Hickory, 77375

- Expressed his opposition to approval of the proposed Conditional Use Permit by City Council.

Earle Oldham
610 Inwood, 77375

- Expressed his opposition to approval of the proposed Conditional Use Permit by City Council.

David Tague
503 Inwood, 77375

- Expressed his opposition to approval of the proposed Conditional Use Permit by City Council.

Christine Roquemoire
614 N. Hickory, 77375

- Expressed his opposition to approval of the proposed Conditional Use Permit by City Council.

Dan Adkisson
500 Inwood, 77375

- Expressed his opposition to approval of the proposed Conditional Use Permit by City Council.

Hoyt Tolleson
523 N. Pecan, 77375

- Did not wish to speak; asked that his opposition to the proposed Conditional Use Permit be read into the record.

Mary Coats
422 N. Pecan, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

Gayle Odom
514 N. Pecan, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

Emily McClinton
407 S. Pecan, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

S. Virginia Scott
414 N. Pecan, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

James Robinson
515 S. Pecan, 77375

- Did not wish to speak; asked that his opposition to the proposed Conditional Use Permit be read into the record.

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Laura Hanks
502 N. Pecan, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

Brenda Snipes
408 Baker, 77375

- Did not wish to speak; asked that her opposition to the proposed Conditional Use Permit be read into the record.

Receiving no further public comments, Mayor Fagan closed the public hearing at 7:26 p.m.

Property owners, David and Lori Klein Quinn, and Tom Condon, Jr., Broker-Betz Commercial, presented information regarding proposed Conditional Use Permit request and proposed development of property.

- Motion was made by Councilman Stoll, second by Councilman Brown, to read Ordinance No. 2012-12 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Stoll to adopt, on First Reading, Ordinance No. 2012-12, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Tomball Tomahawk Properties, LLC, to operate a “Barber/Beauty Shop (no related School/College)”;
- Being an approximately 0.85 acre site, Being legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability.
- Vote was as follows:

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

Motion FAILED unanimously.

Mayor Fagan announced a short break at 8:16 p.m. Upon reconvening into regular session at 8:21 p.m., the following items were considered:

- 10.10 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the request by Russ Brown, Pine Country Estates, for an off-premise sign at the intersection of FM 2920 and Tomball Cemetery Road. Motion to Amend was made by Councilman Townsend, second by Councilman Brown, to deny the request by Russ Brown for an off-premise sign at the intersection of FM 2920 and Tomball Cemetery Road and to authorize City Staff to proceed with the development and installation of a kiosk sign to serve this location as quickly as possible.

Motion carried unanimously.

- 10.11 Consensus of Council was unanimous to hold a Sign Workshop on June 18, 2012, as part of the regular Council meeting. City Staff will provide redlined ordinance to Council by June 4, 2012.

No action necessary.

- 10.12 Motion was made by Councilman Stoll, second by Councilman Brown, to set June 4, 2012 at 5:00 p.m. for the Joint City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting, to Consider the Draft Tomball Downtown Specific Plan, and to move the starting time for the City Council Meeting on June 4, 2012 to 7:00 p.m.

Motion carried unanimously.

- 10.13 The City Council Recessed at 9:04 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 9:14 p.m., the following action was taken:

- 10.14 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the purchase of Lot 12, Block 6 and Lot 1, Block 26, located at 0 Tyler Street, from M. A. Garcia, in the Amount of \$25,200.00.

Motion carried unanimously.

- 10.15 Motion was made by Councilman Brown, second by Councilman Dodson, to approve the Agreement to Purchase and Sell between Tomball Independent School District and the City of Tomball to Purchase Property Located at 217 West Main and 221 West Main, in the Amount of \$299,900.00. Vote was as follows:

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

Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 3 votes Aye, 2 votes Nay.

- 10.16 Motion was made by Councilman Townsend, second by Councilman Dodson, to accept the donation of Lots 16 and 17, Block 69, Being 7,000 Square Feet, Located at 0 Holiday Street, to the City of Tomball by Cappadonna Electrical Management.

Motion carried unanimously.

- 11.0 Motion was made by Councilman Brown, second by Councilman Dodson, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Adopt on Second Reading, Ordinance No. 2012-09, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 10, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On April 3, 2012, the City of Tomball received a rezoning application and letter for the subject site from the applicant and property owner, Paula Rodriguez. According to her letter, "We are looking at changing the Zoning status of the land to reflect the surrounding area(s) on Johnson Road." The applicant's brother, Ronald Rodriguez, is also requesting his property directly to the north be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-428. There are no immediate plans to develop the site with a commercial use at this time.

A mixture of land uses exists in the vicinity. To the north of the subject site is a single-family residence in the Duplex Residential District; to the south is undeveloped land in the Commercial District; to the east is a manufacturing facility in the Light Industrial District; and to the west is Johnson Road, townhomes, and an assisted living facility in the Duplex Residential District.

On May 14, 2012, the Planning & Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-427. On May 21, 2012, Council adopted Ordinance No. 2012-09 on First Reading.

Origination:

Paula Rodriguez

Recommendation:

Adoption of Ordinance No. 2012-09 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. 2012-09

Notice of Public Hearing

Property Owner Notification Letter

P12-427 Staff Report

Forest Pace, Sr. - Public Comment

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.36 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 10, MEADOW LARK HILL (UNRECORDED), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE DUPLEX RESIDENTIAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EASTERLY OF JOHNSON ROAD, SOUTHERLY OF MICHEL ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, is hereby changed from the Duplex Residential District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, (“Zoning District Map”), shall be revised and amended to show the designation of 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, to the Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MAY 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF JUNE 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

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 **10th** day of **May** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P12-427

APPLICANT: Paula Rodriguez

LOCATION: Easterly of Johnson Road, southerly of Michel Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

* * *

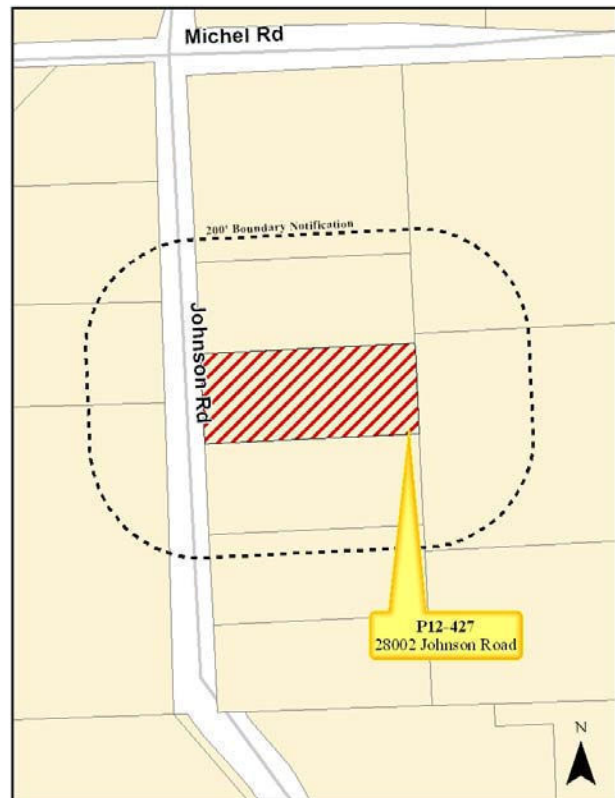
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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



**Planning and Zoning Commission
Public Hearing:**

Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-427
Property Owner(s): Paula Rodriguez
Applicant(s): Paula Rodriguez
Legal Description: Tract 10, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, southerly of Michel Road
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Single-Family Residence
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Commercial

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

Adjacent Zoning & Land Uses:

North: Duplex Residential District / Single-Family Residence
South: Commercial District / Undeveloped
East: Light Industrial District / Manufacturing
West: Duplex Residential District / Johnson Road, Townhomes, and Assisted Living Facility

BACKGROUND

The subject site is legally described as Tract 10, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, southerly of Michel Road, is developed with a single-family residence (Exhibit “A”), and is zoned Duplex Residential District (Exhibit “B”).

On April 3, 2012, the City of Tomball received a rezoning application and letter for the subject site (Exhibits “C” and “D”) from the applicant and property owner, Paula Rodriguez. According to her letter, “We are looking at changing the Zoning status of the land to reflect the surrounding area(s) on Johnson Road.”

Additionally, the applicant's brother, Ronald Rodriguez, is requesting his property directly to the north be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-428.

ANALYSIS

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a single-family residence in the Duplex Residential District; to the south is undeveloped land in the Commercial District; to the east is a manufacturing facility in the Light Industrial District; and to the west is Johnson Road, townhomes, and an assisted living facility in the Duplex Residential District.

The proposed zoning classification of Commercial District "is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration."

The Comprehensive Plan's future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a single-family residence in the Duplex Residential District; to the south is undeveloped land in the Commercial District; to the east is a manufacturing facility in the Light Industrial District; and to the west is Johnson Road, townhomes, and an assisted living facility in the Duplex Residential District. See the attached site photos (Exhibit "G").

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

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

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

There are three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

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

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

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

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

The Comprehensive Plan’s future land use map identifies the site as “Employment/Office” (Exhibit “F”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed

manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit “H”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-427 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Property Survey
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

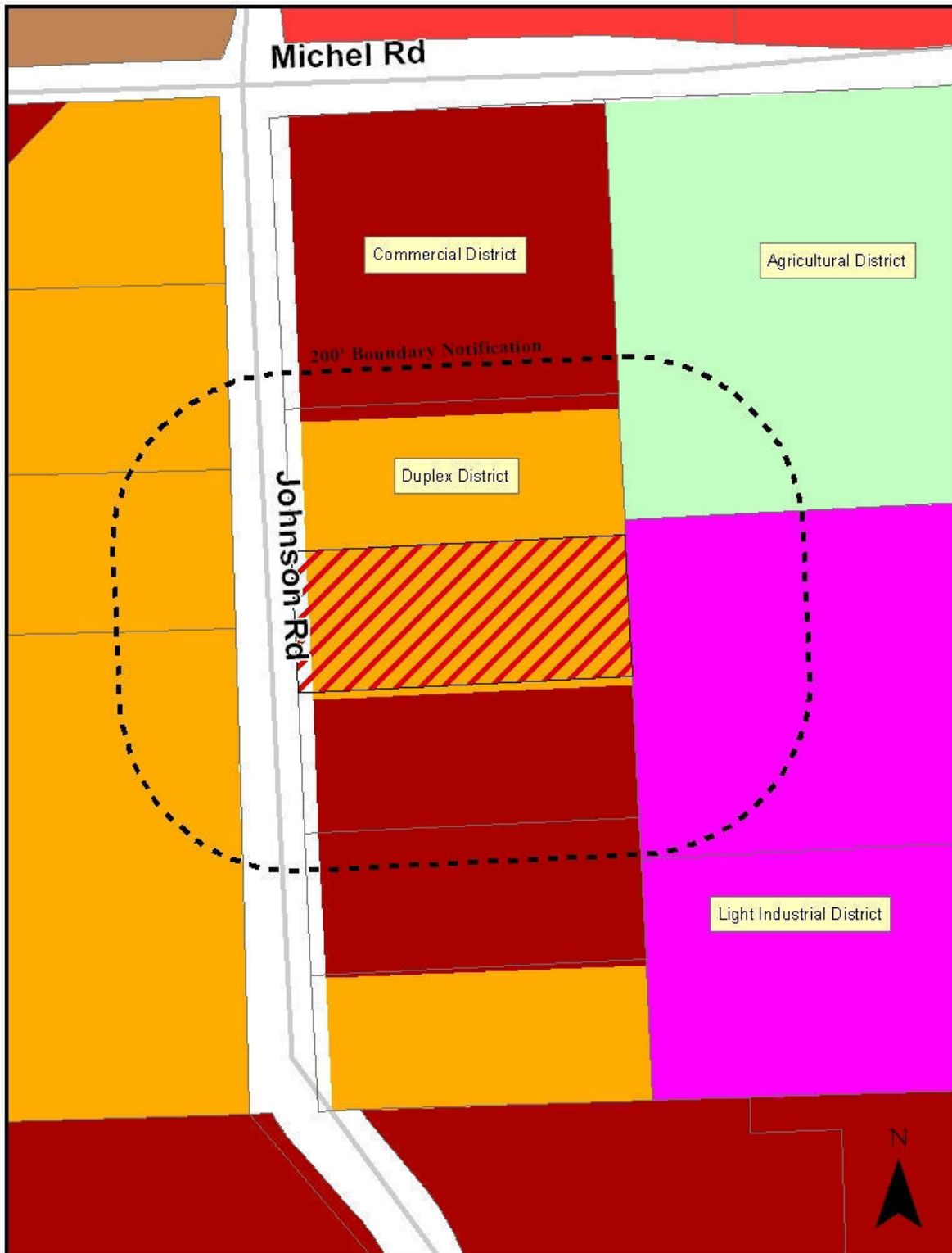


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Paula Rodriguez Title: _____
Mailing Address: 28002 Johnson City: Tomball State: Tx
Zip: 77375
Phone: (281) 546-0574 Fax: () _____ Email: Maxlover1961@gmail.com

Owner

Name: Paula Rodriguez Title: _____
Mailing Address: 28002 Johnson City: Tomball State: Tx
Zip: 77375
Phone: (281) 546-0574 Fax: () _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Commercial rezoning

Physical Location of Property: 28002 Johnson
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tract Lot 10 meadowlake Hill 4/R
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Duplex

Current Use of Property: Residential

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial

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

www.ci.tomball.tx.us

HCAD Identification Number: 104804 0000010 Acreage: 59,242 Sg. Pl.

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

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

x Paula Rodriguez 4-1-12
Signature of Applicant Date

x Paula Rodriguez 4-1-12
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

To Whom It May Concern,

We are looking at changing the Zoning status of the land to reflect the surrounding area (s) on Johnson Road.

Regards,

Paula Rodriguez



Exhibit "E" Property Survey

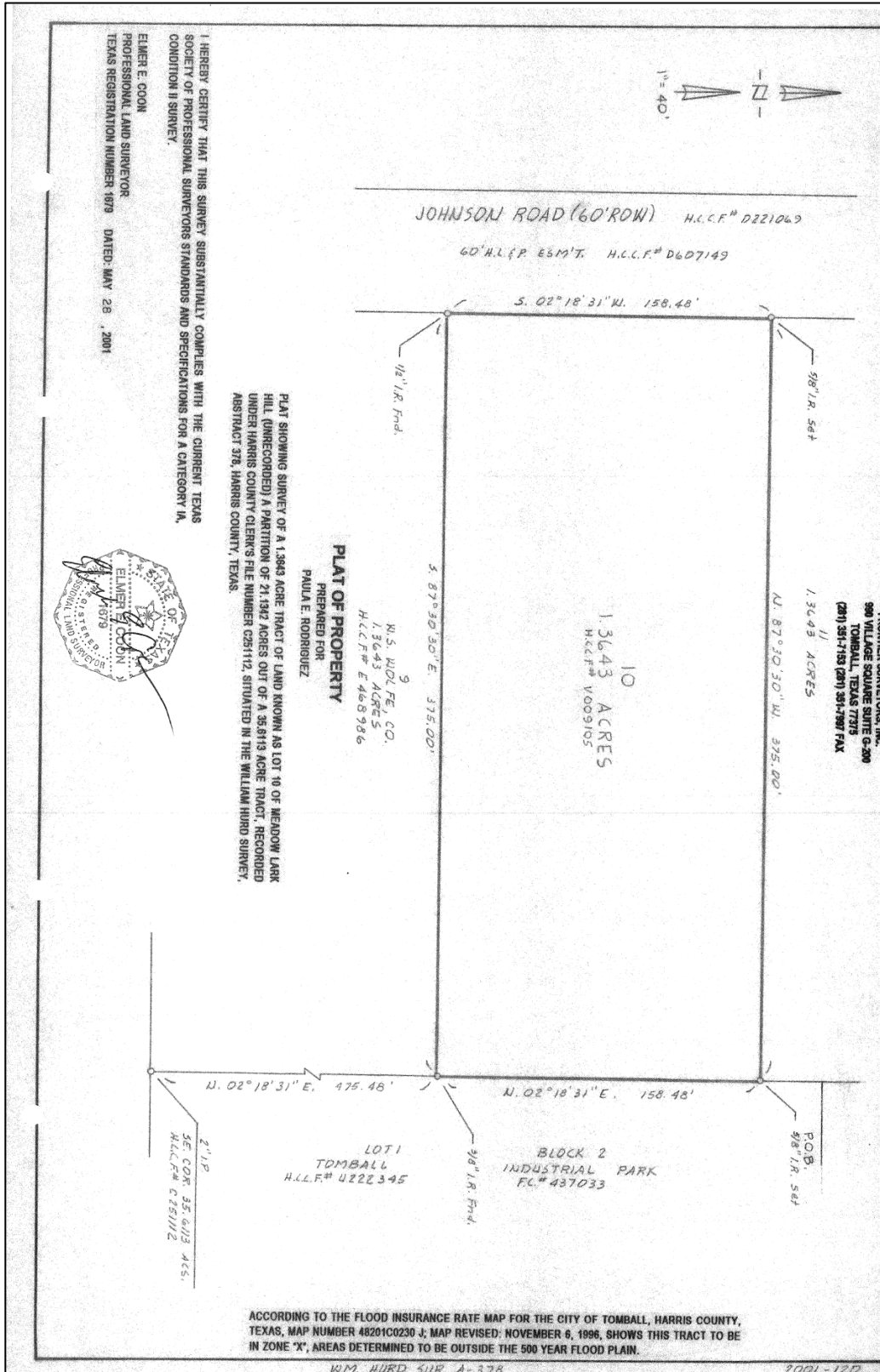
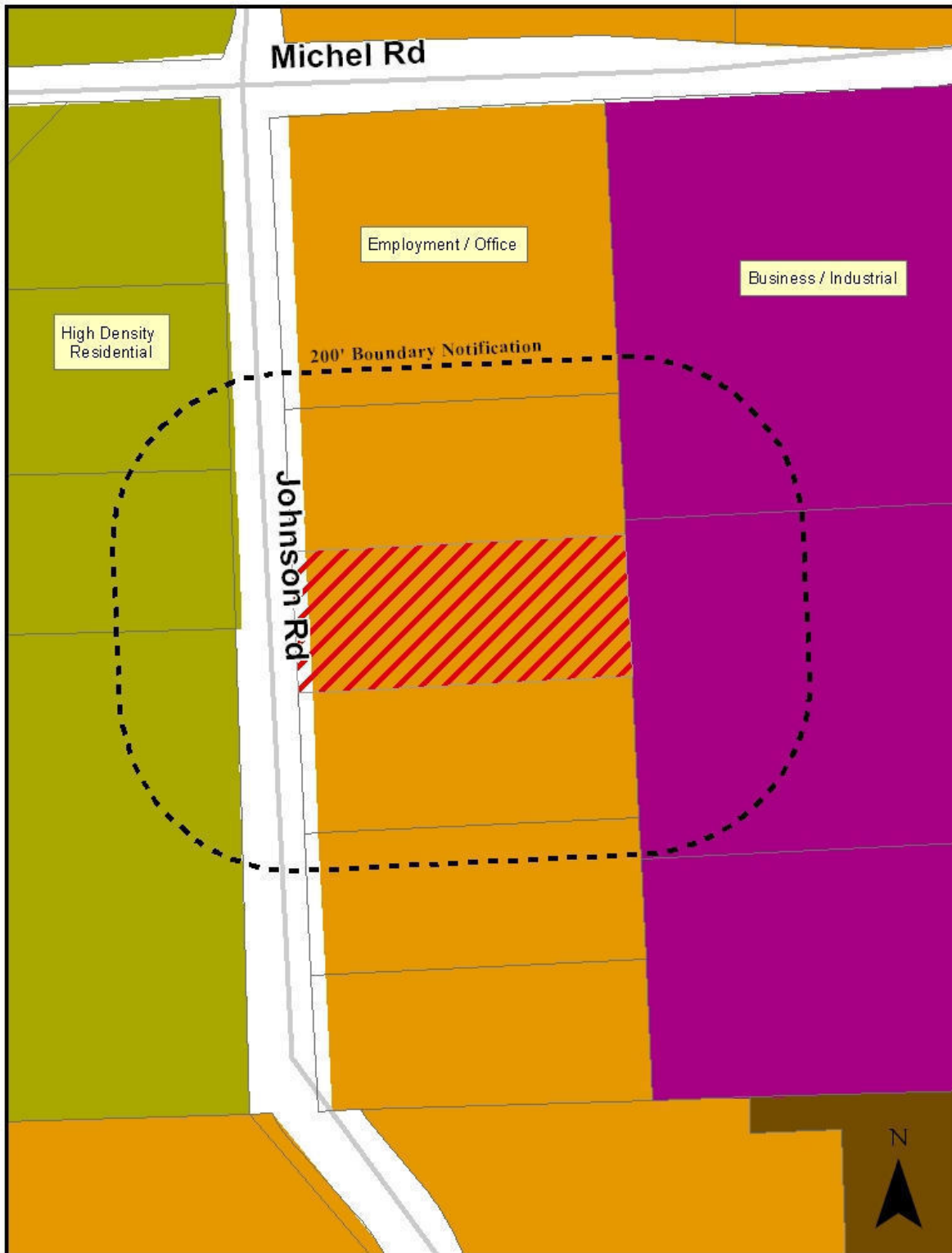


Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Subject site.



Figure 2: Single-family residence to the north.



Figure 3: Townhomes to the west.



Figure 4: Assisted living facility to the west.



Figure 5: Undeveloped land to the south.



Figure 6: Manufacturing facility to the east.

Exhibit "H"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
---	---

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

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Southern Knights, Inc.
(please print) Elizabeth L. Howe
Address: 27919 Johnson Road
Tomball
Signature: Elizabeth L. Howe, President
Date: 5-7-12

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

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

Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.
For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

MUHAMMAD A. SHAIKH

(please print)

Address:

82 MANOR LAKE ESTATES CIRCLE

SPRING, TX 77379

Signature:

Date:

 5/6/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427. (Please state reasons below)**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427. (Please state reasons below)**

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

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

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

Monday, May 21, 2012, 6:00 PM

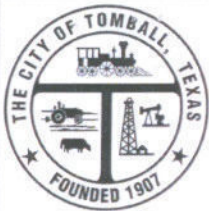
City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375

Name:

FORREST W. PACE, SR

(please print)

Address:

23511 RUTHERFORD COMETERY RD

TOMBALL TX 77377

Signature:

Forrest W. Pace, Sr

Date:

5/15/2012



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

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

Monday, May 14, 2012, 6:00 PM

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

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

Monday, May 21, 2012, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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

Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 11, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, southerly of Michel Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On April 3, 2012, the City of Tomball received a rezoning application and letter for the subject site from the property owner, Ronald Rodriguez. According to his letter, "We are looking at changing the Zoning status of the land to reflect the surrounding area(s) on Johnson Road." The property owner's sister, Paula Rodriguez, is requesting her property directly to the south be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-427. There are no immediate plans to develop the site with a commercial use at this time.

A mixture of land uses exists in the vicinity. To the north of the subject site is a medical office building currently being constructed in the Commercial District; to the south is a single-family residence in the Duplex Residential District; to the east is undeveloped land and a manufacturing facility in the Agricultural and Light Industrial Districts, respectively; and to the west is Johnson Road, townhomes, and an apartment complex in the Duplex Residential District.

On May 14, 2012, the Planning & Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-428. On May 21, 2012, Council adopted Ordinance No. 2012-10 on First Reading.

Origination:

Paula Rodriguez, on behalf of Ronald Rodriguez

Recommendation:

Adoption of Ordinance No. 2012-10 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. 2012-10

Notice of Public Hearing

Property Owner Notification Letter

P12-428 Staff Report

Public Comment - Forrest Pace, Sr.

ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.36 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 11, MEADOW LARK HILL (UNRECORDED), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE DUPLEX RESIDENTIAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EASTERLY OF JOHNSON ROAD, SOUTHERLY OF MICHEL ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, is hereby changed from the Duplex Residential District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, (“Zoning District Map”), shall be revised and amended to show the designation of 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, southerly of Michel Road, to the Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MAY 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF JUNE 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

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 **10th** day of **May** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P12-428

APPLICANT: Paula Rodriguez on behalf of Ronald Rodriguez

LOCATION: Easterly of Johnson Road, southerly of Michel Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

* * *

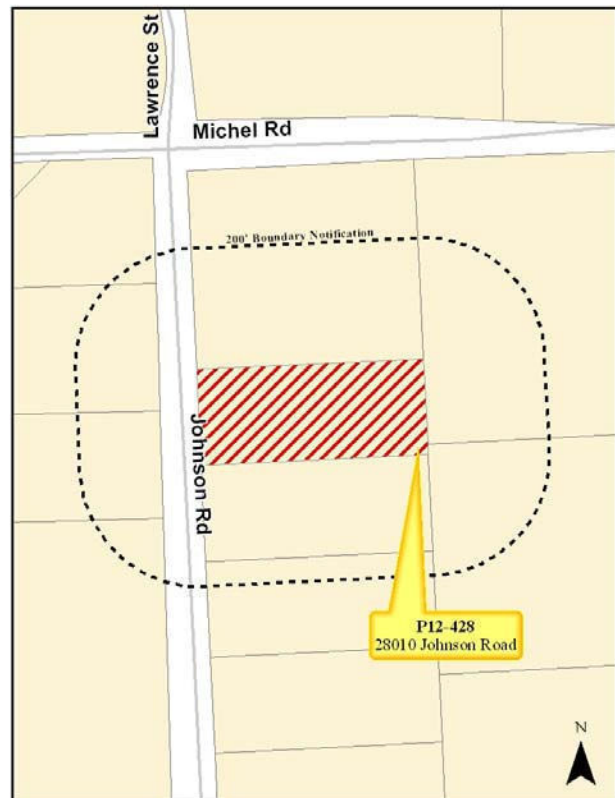
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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



**Planning and Zoning Commission
Public Hearing:**

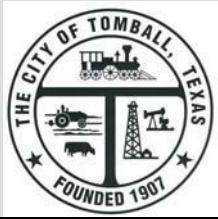
Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-428
Property Owner(s): Ronald Rodriguez
Applicant(s): Paula Rodriguez
Legal Description: Tract 11, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, southerly of Michel Road
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Single-Family Residence
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Commercial

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

Adjacent Zoning & Land Uses:

North: Commercial District / Medical Office (Under Construction)
South: Duplex Residential District / Single-Family Residence
East: Agricultural and Light Industrial Districts / Undeveloped and Manufacturing
West: Duplex Residential District / Johnson Road, Townhomes, and Apartments

BACKGROUND

The subject site is legally described as Tract 11, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, southerly of Michel Road, is developed with a single-family residence (Exhibit "A"), and is zoned Duplex Residential District (Exhibit "B").

On April 3, 2012, the City of Tomball received a rezoning application and letter for the subject site (Exhibits "C" and "D") from the property owner, Ronald Rodriguez. According to his letter, "We are looking at changing the Zoning status of the land to reflect the surrounding area(s) on Johnson Road."

Additionally, the property owner's sister, Paula Rodriguez, is requesting her property directly to the south be rezoned from the Duplex Residential District to the Commercial District in Zoning Case P12-427.

ANALYSIS

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a medical office building currently being constructed in the Commercial District; to the south is a single-family residence in the Duplex Residential District; to the east is undeveloped land and a manufacturing facility in the Agricultural and Light Industrial Districts, respectively; and to the west is Johnson Road, townhomes, and an apartment complex in the Duplex Residential District.

The proposed zoning classification of Commercial District "is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration."

The Comprehensive Plan's future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibits "A" and "B"). To the north of the subject site is a medical office building currently being constructed in the Commercial District; to the south is a single-family residence in the Duplex Residential District; to the east is undeveloped land and a manufacturing facility in the Agricultural and Light

Industrial Districts, respectively; and to the west is Johnson Road, townhomes, and an apartment complex in the Duplex Residential District. See the attached site photos (Exhibit “G”).

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

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

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

There are three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

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

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

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

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

The Comprehensive Plan's future land use map identifies the site as "Employment/Office" (Exhibit "F"). The Comp Plan states, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit "H").

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-428 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Property Metes & Bounds
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Form(s)

Exhibit “A”
Aerial Photo



**Exhibit “B”
Zoning Map**

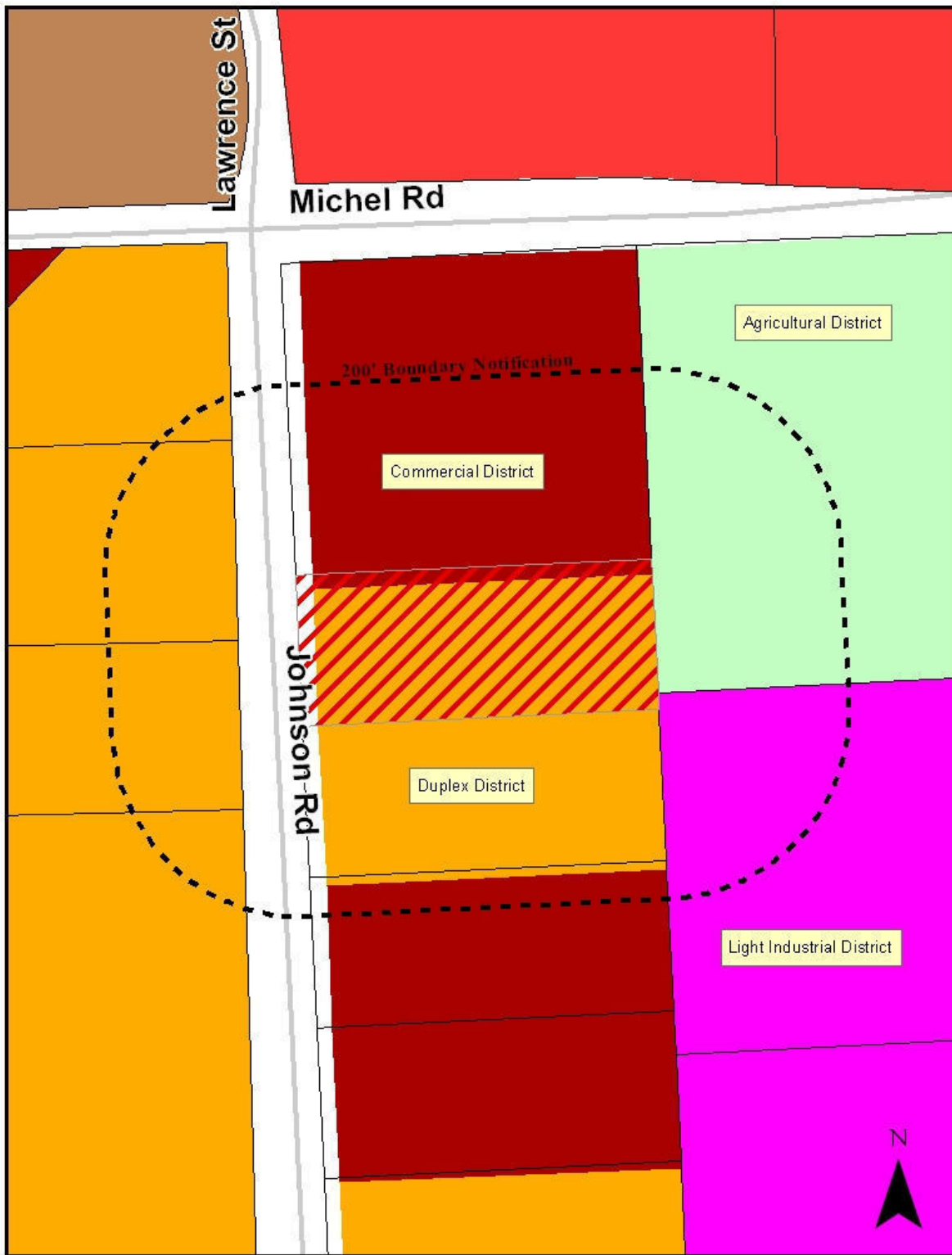


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Paula RODRIGUEZ Title: _____
Mailing Address: 28002 Johnson City: Tomball State: TX
Zip: 77375
Phone: (281) 546-0574 Fax: (____) _____ Email: _____

Owner

Name: Ron RODRIGUEZ Title: _____
Mailing Address: 28010 Johnson City: Tomball State: TX
Zip: 77375
Phone: (281) 794-1802 Fax: (____) _____ Email: ROR1488@CS.COM

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Commercial Rezoning

Physical Location of Property: 28010 Johnson

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

Legal Description of Property: Tract 11 meadow Lark Hill u/r

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Duplex

Current Use of Property: Residential

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial

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

www.ci.tomball.tx.us

HCAD Identification Number: 1048040000011 Acreage: 59,242 sq. ft.

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

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

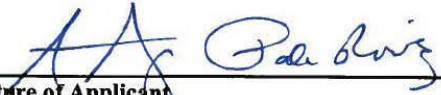
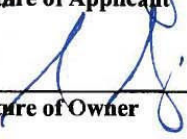
☒	<u></u>	<u>04/03/2012</u>
	Signature of Applicant	Date
☒	<u></u>	<u>04/03/2012</u>
	Signature of Owner	Date

Exhibit "D"
Rezoning Request Letter

To Whom It May Concern,

We are looking at changing the Zoning status of the land to reflect the surrounding area (s) on Johnson Road.

Regards,

Ron Rodriguez

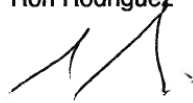
A handwritten signature in black ink, appearing to be 'Ron Rodriguez', written below the printed name.

Exhibit "E"
Property Metes & Bounds

CONTRACT FOR DEED

Date: *March 31, 1989*
Seller: ELIZA RODRIGUEZ
Seller's Mailing Address: 28002 Johnson
Tomball, Texas 77375
Buyer: RONALD O. RODRIGUEZ
Buyer's Mailing Address: 1100 Gatesden #1308
Tomball, Texas 77375
Property:

The surface only of a tract of land containing 1.3643 acres, more or less, and being part of and out of that 35.6113 acre tract, William Hurd Survey, Abstract 378, Harris County, Texas, conveyed by Lydia Michel and Wilbert D. Michel to D. R. Callender, Trustee, by General Warranty Deed filed for record in the Deed Records of Harris County, Texas, and said 1.3643 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron set for Northeasterly corner in the Easterly boundary of the said 35.6113 acre tract of land N. 02° 18' 31" E. a distance of 792.44 feet from a 2-inch iron pipe marking the Southeasterly corner of the said 35.6113 acre tract;

THENCE N. 87° 30' 30" W. a distance of 375.0 feet to a 5/8 inch iron rod set for Northwestern corner in the Easterly right of way line of Johnson Road, sixty feet wide;

THENCE S. 02° 18' 31" W. along the said Easterly right of way line a distance of 158.48 feet to a 5/8 inch iron rod set for Southwesterly corner;

THENCE S. 87° 30' 30" E. a distance of 375.0 feet to a 5/8 inch iron rod set in the said Easterly boundary line for Southeasterly corner;

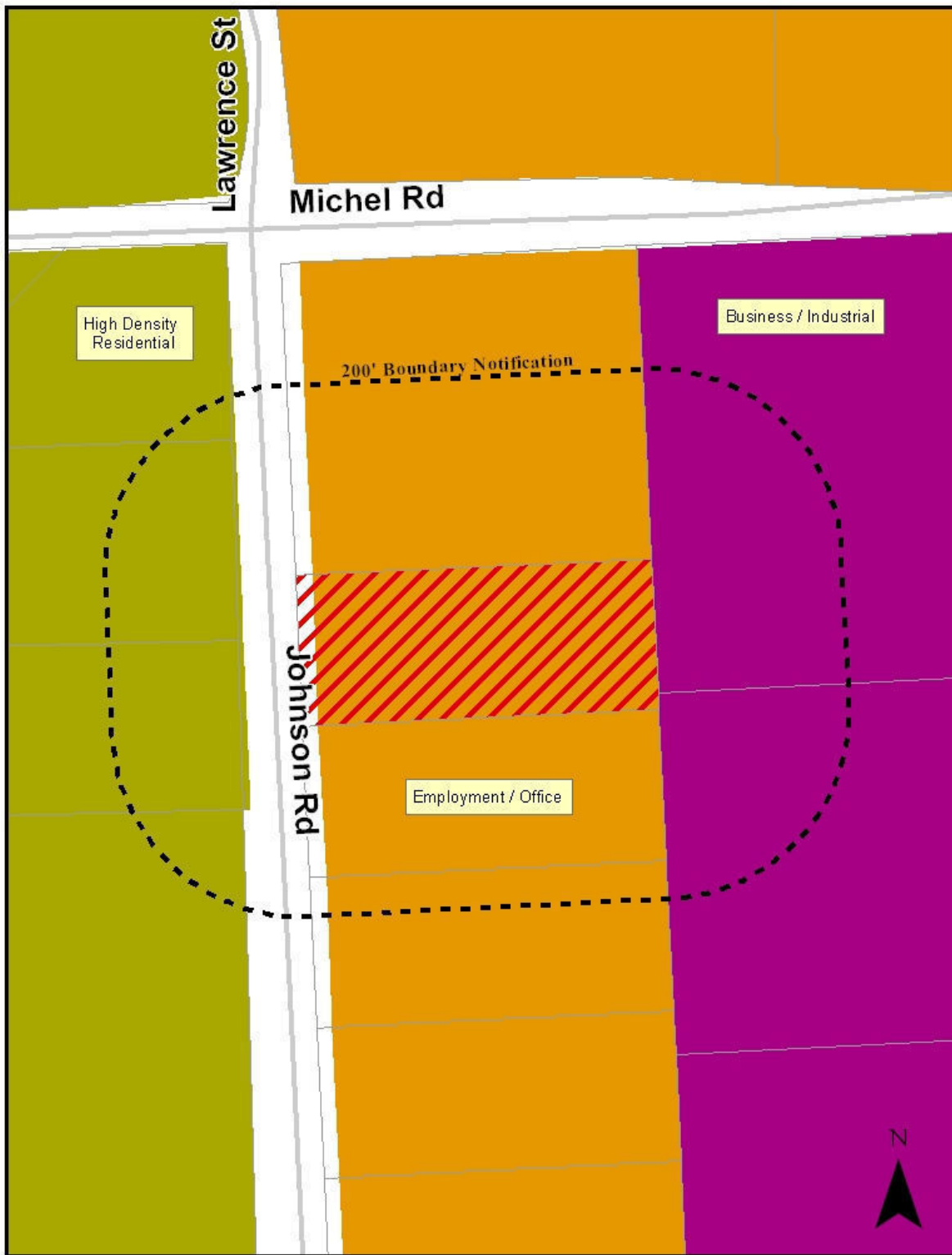
THENCE N. 02° 18' 31" E. a distance of 158.48 feet to the PLACE OF BEGINNING

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to such restrictions, mineral reservations, covenants, conditions, and easements, if any of record at this time.

Page 1 of 9 pages

Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Subject site.



Figure 2: Medical office building being constructed to the north.



Figure 3: Single-family residence to the south.



Figure 4: Undeveloped land to the east.



Figure 5: Manufacturing facility to the east.



Figure 6: Townhomes to the west.



Figure 7: Apartments to the west.

Exhibit "H"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
---	---

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

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

(please print)

Address:

Signature:

Date:

Southern Knights, Inc.

Elizabeth L. Howe

27919 Johnson Road

Tomball, Tx 77375

Elizabeth L. Howe, President

5-7-12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

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

Monday, May 14, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

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

Monday, May 21, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: MUHAMMAD A. SHAIKH
(please print)
Address: 82 MANOR LAKE ESTATES CIRCLE
SPRING, TX 77379

Signature: _____
Date: 5/6/12

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-428**. (Please state reasons below)

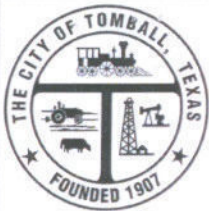
Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, May 14, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

Name:

FORREST W. PACE, SR

(please print)

Address:

23511 RUTHERFORD COMETERY RD

TOMBALL TX 77377

Signature:

Forrest W. Pace, Sr

Date:

5/15/2012



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-427**. (Please state reasons below)

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

Monday, May 14, 2012, 6:00 PM

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

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

Monday, May 21, 2012, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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

Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.36 acres of land, Legally described as Tract 7, Meadow Lark Hill (Unrecorded), Within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District; Said property being generally located easterly of Johnson Road, northerly of Theiss Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

Background:

On April 3, 2012, the City of Tomball received two applications to rezone Tracts 10 and 11, Meadow Lark Hill (Unrecorded) to the north of the subject site. Tract 10 is being requested for rezoning under zoning case P12-427 and Tract 11 is being requested for rezoning under zoning case P12-428. If both P12-427 and P12-428 are rezoned to the Commercial District, Tract 7 will be the only remaining tract on the east side of Johnson Road without a zoning classification of Commercial District. As such, P12-429 is a potential zoning map cleanup item for the east side of Johnson Road. At this time, the City of Tomball has no plans to develop Tract 7 beyond the existing detention pond.

To the north and south of the subject site is undeveloped land in the Commercial District; to the east is undeveloped land in the Light Industrial District; and to the west is Johnson Road and an assisted living facility in the Duplex Residential District.

On May 14, 2012, the Planning & Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-429. On May 21, 2012, Council adopted Ordinance No. 2012-11 on First Reading.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2012-11 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. 2012-11

Notice of Public Hearing

Property Owner Notification Letter

P12-429 Staff Report

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.36 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 7, MEADOW LARK HILL (UNRECORDED), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE DUPLEX RESIDENTIAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EASTERLY OF JOHNSON ROAD, NORTHERLY OF THEISS LANE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, northerly of Theiss Lane, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, is hereby changed from the Duplex Residential District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, (“Zoning District Map”), shall be revised and amended to show the designation of 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, northerly of Theiss Lane, as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), generally located easterly of Johnson Road, northerly of Theiss Lane, to the Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MAY 2012.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF JUNE 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 14, 2012
&
CITY COUNCIL
MAY 21, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 14, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P12-427: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-428: Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-429: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

ZONING CASE P12-430: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a "Barber/Beauty Shop (No Related School/College)." The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

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 **10th** day of **May** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P12-429

APPLICANT: City of Tomball

LOCATION: Easterly of Johnson Road,
northerly of Theiss Lane

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from the Duplex Residential District to the Commercial District.

* * *

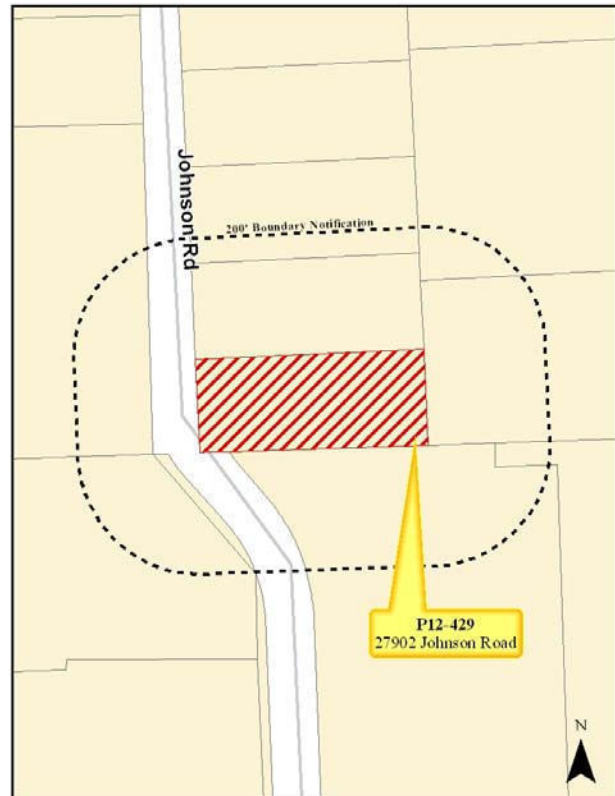
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning 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 and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

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



**Planning and Zoning Commission
Public Hearing:**

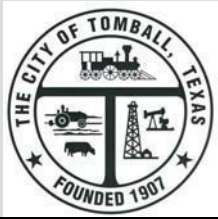
Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

***Monday, May 21, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: May 14, 2012

Rezoning Case: P12-429
Property Owner(s): City of Tomball
Applicant(s): City of Tomball
Legal Description: Tract 7, Meadow Lark Hill (Unrecorded)
Location: Generally located easterly of Johnson Road, northerly of Theiss Lane
Area: 1.36 acres
Present Zoning and Use: Duplex Residential District / Johnson Road Detention Pond
Comp Plan Designation: Employment / Office
Proposed Zoning and Use: Commercial District / Johnson Road Detention Pond

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

Adjacent Zoning & Land Uses:

North: Commercial District / Undeveloped
South: Commercial District / Undeveloped
East: Light Industrial Districts / Undeveloped
West: Duplex Residential District / Johnson Road and Assisted Living Facility

BACKGROUND

The subject site is legally described as Tract 7, Meadow Lark Hill (Unrecorded) within the City of Tomball, Harris County, Texas totaling approximately 1.36 acres. The site is generally located easterly of Johnson Road, northerly of Theiss Lane, is developed with a City of Tomball detention pond for Johnson Road (Exhibit "A"), and is zoned Duplex Residential District (Exhibit "B").

On April 3, 2012, the City of Tomball received two applications to rezone Tracts 10 and 11, Meadow Lark Hill (Unrecorded) to the north of the subject site. Tract 10 is being requested for rezoning under zoning case P12-427 and Tract 11 is being requested for rezoning under zoning case P12-428. If both P12-427 and P12-428 are rezoned to the Commercial District, Tract 7 will be the only remaining tract on the east side of Johnson Road without a zoning classification of

Commercial District. As such, P12-429 is a potential zoning map clean up item for the east side of Johnson Road. At this time, the City of Tomball has no plans to develop Tract 7 beyond the existing detention pond.

ANALYSIS

To the north and south of the subject site is undeveloped land in the Commercial District; to the east is undeveloped land in the Light Industrial District; and to the west is Johnson Road and an assisted living facility in the Duplex Residential District.

The proposed zoning classification of Commercial District “is intended to provide a location for commercial and service related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

The Comprehensive Plan’s future land use map identifies the site as “Employment/Office” (Exhibit “D”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

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

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

To the north and south of the subject site is undeveloped land in the Commercial District; to the east is undeveloped land in the Light Industrial District; and to the west is Johnson Road and an assisted living facility in the Duplex Residential District. See the attached site photos (Exhibit “E”).

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

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

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

There are three undeveloped tracts along Johnson Road in the Commercial District.

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

There has been steady development city-wide and within the vicinity in the Commercial District. A medical building is currently being constructed at the southeast corner of Michel and Johnson Roads in the Commercial District.

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

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

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

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

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

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

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

The Comprehensive Plan’s future land use map identifies the site as “Employment/Office” (Exhibit “D”). The Comp Plan states, “Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed

manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” The proposed rezoning to the Commercial District is generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 3, 2012 and, as of the writing of this report, public comment forms were received from Southern Knights, Inc. and Muhammad Shaikh in support of the request (Exhibit “F”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-429 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a commercial use on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Property Metes & Bounds
- D. Comprehensive Plan Future Land Use Map
- E. Site Photos
- F. Public Comment Form(s)

Exhibit “A”
Aerial Photo



**Exhibit “B”
Zoning Map**

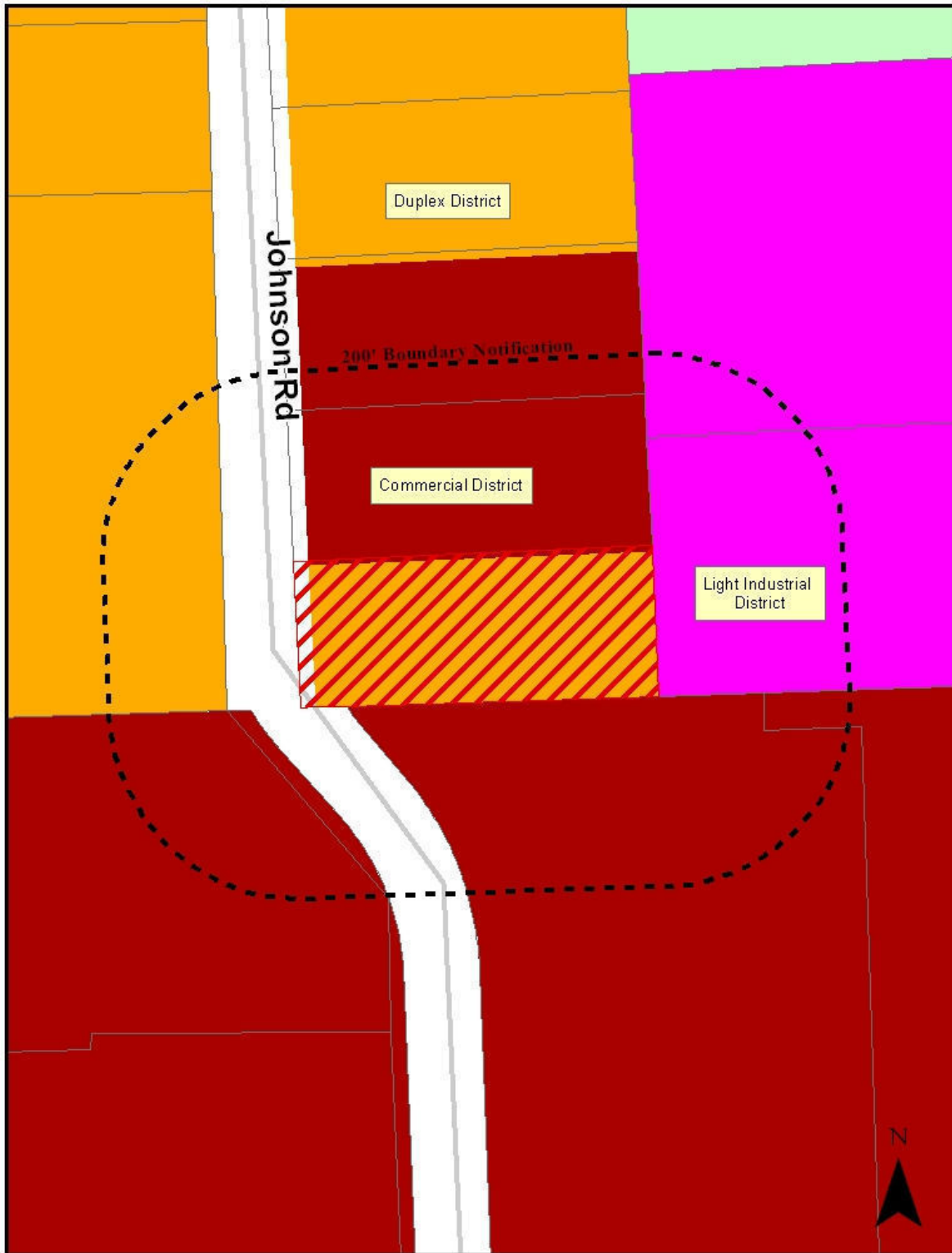


Exhibit "C"
Property Metes & Bounds

Meadowlark Hill Subdivision, Lot 7
1.3581 Acre Tract

FN 01-043
PBS&J Job No. 460675
August 8, 2001

Metes and Bounds Description
1.3581 Acres
William Hurd Survey, A-378
Meadowlark Hill Subdivision, Lot 7
Harris County, Texas

Being 1.3581 acres (59,158 sq.ft.) of land, out of Meadowlark Hill, an unrecorded subdivision out of the William Hurd Survey, Abstract No.378, Harris County, Texas, also being all of called "Tract 1" in a deed dated June 13,1975 from Rayford L.Stokes, et al to W.S. Wolfe, Co., recorded under Harris County Clerk's File (H.C.C.F.) No. E468986; said 1.3581 acres of land being more particularly described as follows:

BEGINNING at the southeasterly corner of said "Tract 1" from which a found 2" iron pipe bears South 0.50 feet for the most southeasterly corner of said Meadowlark Hill (unrecorded) subdivision and the herein described tract, said corner being in the North line of the Fritz Theiss Survey, Abstract No. 1705 and the south line of said William Hurd Survey;

THENCE South 87° 24' 50" West, along said common lines of the Fritz Theiss Survey and the William Hurd Survey and along a boundary line agreement recorded under Harris County Clerk's File No. C251104, a distance of 326.24 feet pass a found 5/8" iron rod, located on a non tangent curve to the right in the proposed east right-of-way of Johnson Road and continuing for a total distance of 374.56 feet to a point in the existing east right-of-way of Johnson Road from which a found 3/8" iron rod bears South 19° 53' 07" East 0.43 feet;

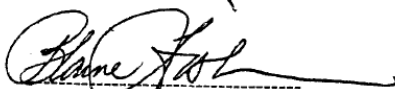
THENCE North 02° 29' 48" West, along the existing east right-of-way line of Johnson Road, at 155.19 feet pass a set 5/8" iron rod with a cap stamped PBS&J set for the end of a curve in the proposed right-of-way of Johnson Road and continuing for a total distance of 157.79 feet to a 5/8" iron rod with a cap stamped PBS&J set for the most northwesterly corner of the herein described 1.3581 acre tract;

THENCE North 87° 22' 42" East, a distance of 374.72 feet to a point for corner, from which a found 1/2" iron rod which bears South 57°17' 53" East, a distance of 0.42 feet, located in the most easterly line of said Meadowlark Hill subdivision and being the northeast corner of the herein described tract;

THENCE South 02° 26' 19" East, along the east line of said Meadowlark Hill Subdivision, a distance of 158.02 feet to the **POINT OF BEGINNING** and containing 1.3581 acres (59,158 sq. ft.) of land.

Notes

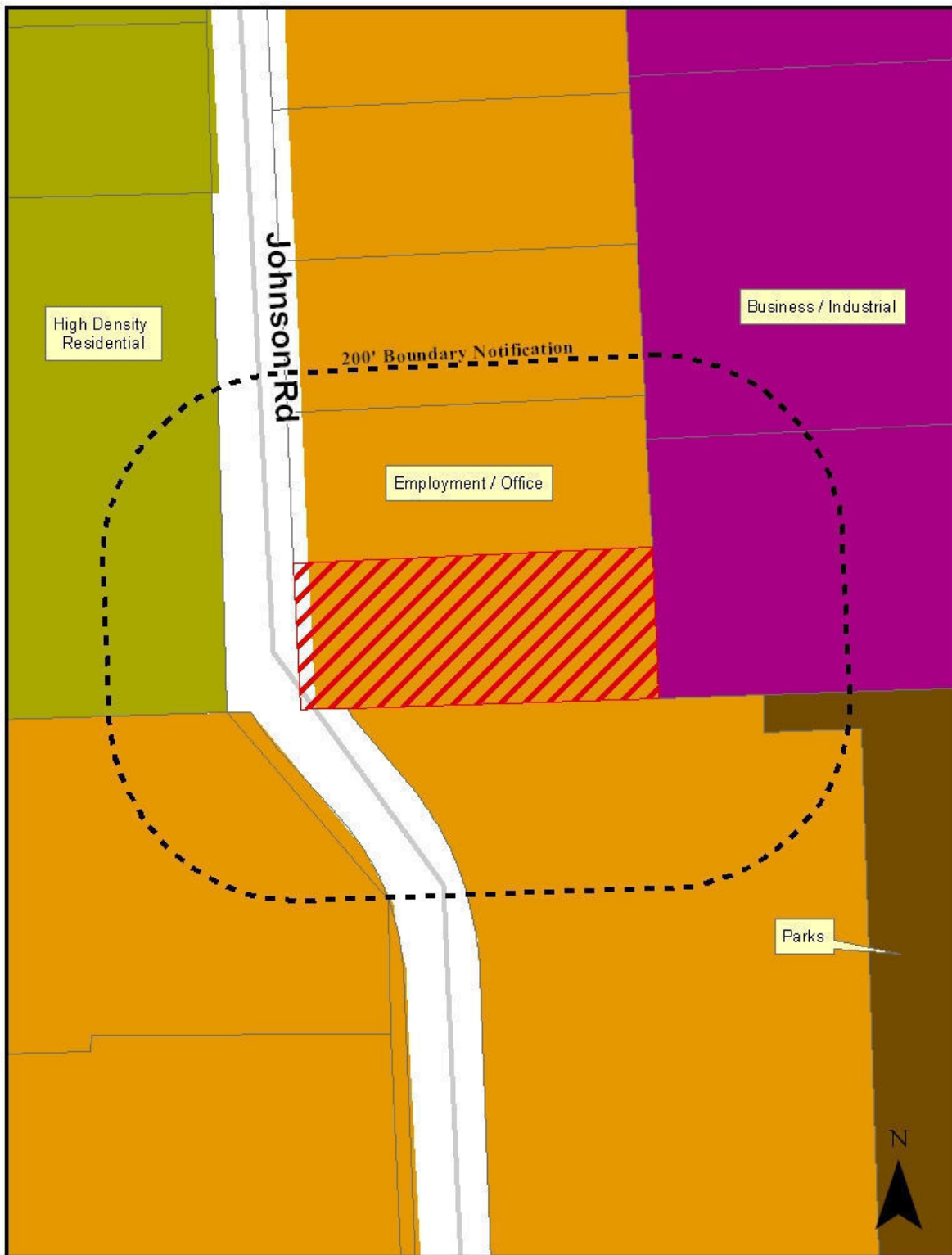
1. A drawing of even survey date herewith accompanies this metes and bounds description.
2. All bearings are based on the south line of Lot 7 monumented by a 3/8" iron rod found in the west line of Johnson Road and a reference to a 2" iron pipe found for the southeast corner of the herein described tract.



Blaine Fisher
R.P.L.S. No. 2500



Exhibit “D”
Comprehensive Plan Future Land Use Map



**Exhibit “E”
Site Photos**



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



Figure 2: Undeveloped land to the north.
Source: maps.google.com



Figure 3: Undeveloped land to the south.
Source: maps.google.com



Figure 4: Assisted living facility to the west.



Figure 5: Undeveloped land to the east.
Source: maps.google.com

Exhibit "F"
Public Comment Form(s)

	Engineering and Planning Department Public Comment Form (Please type or use black ink)
---	---

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

Southern Knights, Inc.

Elizabeth L. Howe

27919 Johnson Road
Tomball, TX 77375

Signature:

Elizabeth L. Howe, President

Date:

5-7-12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429. (Please state reasons below)**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429. (Please state reasons below)**

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

Monday, May 14, 2012, 6:00 PM

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

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

Monday, May 21, 2012, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

RECEIVED

MAY 09 2012

Name:

MUHAMMAD A. SHAIKH

(please print)

Address:

82 MANOR LAKE ESTATES CIRCLE

SPRING, TX 77379

Signature:

Date:

 5/6/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-429**. (Please state reasons below)

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

Monday, May 14, 2012, 6:00 PM

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

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

Monday, May 21, 2012, 6:00 PM

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

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Appoint/Reappoint Members to the Tomball Economic Development Board for Terms Expiring May 31, 2012

Background:

The terms for the following TEDC board members expire May 31, 2012:

Vincent O'Donnell
Bill Sumner, Jr.
Richard Bruce
Lori Klein Quinn.

Mrs. Quinn was appointed on November 21, 2011 to fill the vacant position left by Gary Smith's resignation. Mr. Bruce was appointed on September 7, 2010 to fill the vacant position left by Jerald Till's appointment to the Hospital Authority. Mr. O'Donnell and Mr. Sumner were appointed on May 17, 2010 and are completing their first full term on the TEDC.

Additionally, Brad Hallmark submitted his resignation on May 29, 2012, due to his relocation to Edmund, Oklahoma. Mr. Hallmark's term will expire May 31, 2013.

The City may appoint up to four council members to the TEDC board; currently, only the mayor serves on the TEDC board. In addition to the above board members, the following individuals have expressed an interest in serving on the TEDC board:

William Harris
Rocky LeAnn Pilgrim
Christine Roquemore
Darrell Roquemore
Michele Beauvais (currently serving on the P&Z)
Chad Degges (currently an alternate on the BOA)
John Dillon (currently serving on ESD#8)
April Gray (currently an alternate on the BOA)
Mary Harvey (currently serving on the TAC)
James Kendler (currently serving on the P&Z)
Barbara Tague (currently serving on the P&Z)
Evelyn Torres-Chervenak (currently serving on the P&Z)
Jarmon Wolfe (currently an alternate on the BOA)

I would like to recommend that Vince O'Donnell, Bill Sumner, Jr., Richard Bruce, and Lori Klein Quinn be reappointed and that Chad Degges be appointed to the unexpired term left vacant by Brad Hallmark's resignation; Chad is currently serving as Alternate #2 on the Board of Adjustments. Nominations will also be accepted at the Council meeting.

Copies of applications from those interested in serving on the TEDC board are attached for your consideration. Also provided is the attendance history of the board members for 2011-2012.

Origination:

Mayor Fagan

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:

Resignation_Brad Hallmark

TEDC Board of Directors Attendance History 2011-2012

Vincent O'Donnell - 2012 Application

William Sumner, Jr. - 2012 Application

Richard Bruce - 2010 Application

Lori Klein Quinn - 2011 Application

Chad Degges - 2011 Application

William Harris - 2012 Application

Rocky LeAnn Pilgrim - 2012 Application

Christine Roquemoire - 2012 Application

Darrell Roquemoire - 2012 Application

Michele Beauvais - 2011 Application

John Dillon - 2010 Application

April Gray - 2009 Application

Mary Harvey - 2011 Application

James Kendler - 2011 Application

Barbara Tague - 2010 Application

Evelyn Torres-Chervenak - 2010 Application

Jarmon Wolfe - 2012 Application

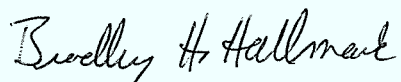
Tomball Economic Development Commission
29201 Quinn Rd., Suite B
Tomball, Texas 77375
Tel: (281) 401.4086 Free: (888) 401.7322
Fax: (281) 351.7223

May 29, 2012

To whom it may concern:

Thank you for the opportunity to serve on the Tomball Economic Development Commission. Changes in my employment situation necessitate my resignation due to a recent move to Edmund, OK. I sincerely wish you prosperity, cooperation and effectiveness in all your efforts.

Sincerely,


Bradley H. Hallmark

Tomball Economic Development Corporation Board of Directors Attendance History

- 1. February 22, 2011**
Gretchen Fagan - Present
Steven Vaughan - Absent
Richard Bruce - Present
Gary Smith - Absent
Bill Sumner – Present
Vince O'Donnell – Absent
James Geer – Present
- 2. March 4, 2011 - Special**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Absent
James Geer – Present
- 3. March 17, 2011 - Special**
Gretchen Fagan - Present
Steven Vaughan - Absent
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Absent
James Geer – Absent
- 4. May 3, 2011 - Special**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Absent
James Geer – Present
- 5. May 24, 2011**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Absent
Bill Sumner – Absent
Vince O'Donnell – Absent
Brad Hallmark – Present

6. **July 18, 2011 - Special**
Gretchen Fagan - Present
Steven Vaughan - Absent
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Absent
Vince O'Donnell – Absent
Brad Hallmark – Present
7. **August 23, 2011**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Absent
Brad Hallmark – Absent
8. **October 18, 2011 - Special**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present
9. **November 15, 2011**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Absent
10. **February 21, 2012**
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Lori Klein Quinn - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present

11. May 14, 2012 – Special Joint Meeting with City Council

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Absent
Lori Klein Quinn - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Absent

12. May 22, 2012

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or Print Clearly:

Date: 5-10-2012

Name: VINCE O'DONNELL

Phone: 281-351-7163

(Home)

Address: 1322 DOVE TRAILS

Phone:

(Work)

City/State/Zip TOMBALL, TX 77375

Cell:

Email: VINCENT.O'DONNELL@SBCGLOBAL.NET

I have lived in Tomball 13 years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: RETIRED

Professional and/or Community Activities: TOMBALL ECONOMIC DEVELOPMENT CORPORATION

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

☐ Tomball Hospital Board

Meeting Information

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

Ad Hoc/Advisory Committees

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

Meeting Information

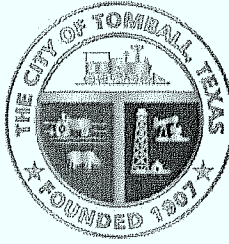
As called

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

Vincent J. O'Donnell
Signature of Applicant

Please return this application to:

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



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Please Type or Print Clearly:

Date: 5-10-2012

Name: WILLIAM E. SUMNER, JR

Phone: 281-351-7653
(Home)

Address: 12321 ZION RD

Phone: 281-351-1726
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: 281-414-2229

Email: msl131912@aol.com

I have lived in Tomball 26 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: MANAGER HOUSTON Poly BAG

Professional and/or Community Activities: SOCIETY of SENIORS
TRINITY LUTHERAN CHURCH

Additional Pertinent Information/References: _____

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

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Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

- () Tomball Hospital Board

Meeting Information

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

Ad Hoc/Advisory Committees

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

Meeting Information

As called

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

W. E. Summer, Jr.
Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 1/25/00

Name: Dea R Bruce

Phone: 281 357 0860

Address: 14231 Spring Pines Dr.

(Home)
Phone: 281 382 8806
(Work)

City/State/Zip: Tomball TX 77375

Email: brucer-1@prodigy.net

I have lived in Tomball 5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired Educator;

Professional and/or Community Activities: Home owner Association
President; Teach Bible Classes;

Additional Pertinent Information/References: Travel 2-3 times a
year
Norm / Martha Huebner
Randy Pass, Mark Stoll, David Quinn

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

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

Decision-Making Boards and Commissions

Meeting Information

(✓) Planning & Zoning Commission

Second Monday each month, 6 p.m.

(✓) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(✓) Tomball Economic Development Corporation

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

(✓) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

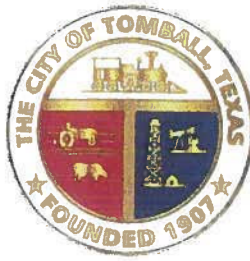
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Dea R Bruce

Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 11-17-2011

Name: Lori Klein Quinn

Phone: 281-351-5676

(Home)

Address: 13415 Lost Creek Road

Phone: 281-370-0300

(Work)

City/State/Zip Tomball, Texas 77375

Cell: 713-254-0579

Email: LKlein@Kleinwealthmgmt.com

I have lived in Tomball 35 years. 25 yrs gone 20 then I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency BACK 10

Occupation: CPA/PFS MS CFP CFS

owner: L Klein and Company, P.C. - tax planning - preparation firm

owner: Klein Wealth Management - financial planning firm,
estate, retirement, protection and investment planning
small business consulting

Professional and/or Community Activities: please see attached

Additional Pertinent Information/References: please see attached

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

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- ☐ Tomball Hospital Board

Meeting Information

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Fourth Wednesday each month, 4 p.m.

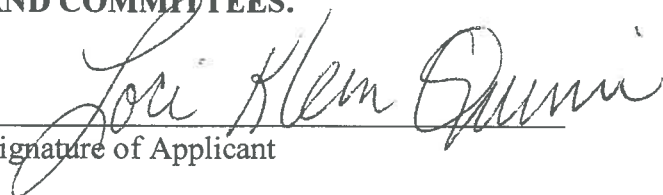
Ad Hoc/Advisory Committees

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

Meeting Information

As called

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



Signature of Applicant

Please return this application to:

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

Lori Klein Quinn, CPA, PFS, MS, CFP®, CFS

Klein Wealth Management

L. Klein & Co., P.C.

Lori graduated cum laude from the University of Houston receiving her B.S. in Accounting. She has over 28 years experience in public accounting and is currently practicing as a Certified Public Account with L. Klein and Company, P.C. and the financial planning firm of Klein Wealth Management.

Ms. Klein has attained the Personal Financial Specialist designation from the American Institute of Certified Public Accountants. She also received her Certified Financial Planner designation as well as her Masters in Financial Planning through the College for Financial Planning in Denver, Colorado. To best service her clients, Ms. Klein became a Certified Funds Specialist and is licensed as an Independent Registered Investment Advisor through Jonathan Roberts Advisory Group, Inc. with securities through J.W. Cole Financial, Inc. in Tampa, Florida.

Lori was recognized in the H Texas Magazine, in 2007, for Top Accounting Firm and again in 2008 for Top Financial Planner. She is also recognized for her achievements in the 2008 December issue of Texas Monthly for the Top Dependable Accounting Firms in Texas and again in 2009 for Customer Service and Sept 2011 for wealth management. Broker Dealer J.W. Cole Financial Inc acknowledged Lori in 2009 with the Outstanding Achievement award in wealth management and again this year, 2011.

Ms Klein is very active in community affairs. She has been past President of Women's Business Forum, Tomball Business & Professional Women, the American Heart Association/Northwest Harris County Division, past Chairman on the Board of Directors of the Greater Tomball Area Chamber of Commerce, Rotary International Group Studies Exchange Ambassador to Japan in 1991, and Recipient of the Outstanding Texan Award given to five persons by the Texas Jaycees. She has also been honored with a "Woman of Excellence" award, and Tomball's Citizen of the Year. For almost 20 years, she has been a member of the Advisory board and the current financial advisor for Cypress Woodlands Junior Forum, and recognized as their honoree for 2011. Lori was a founding Board Member of the North Harris Montgomery Community College District Foundation; now known as the Lone Star College Foundation. Most recently Lori enjoyed serving as a reoccurring financial expert on KHOU TV Channel 11, Saving Cents, with Sherry Williams. Currently she is serving on the board of the Grand Parkway Association and the Christian Business Luncheon.

Lori is married to David R. Quinn, Architect, Past City of Tomball's Councilman and Mayor ProTem. They are blessed with 4 daughters in their blended family and 3 grandchildren. She is a member of the Trinity Lutheran Church in Klein, Texas where she volunteers in children's ministry.

References: Contact Information to be furnished upon request

Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce
Allen Fletcher, State Representative of Texas
David Gornet, President, Grand Parkway Association
Betty Reinbeck, Retired Director, TEDC



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 7/20/11

Name: Chad Degges

Phone: 832-698-1126
(Home)

Address: 29602 Imperial Creek Dr.

Phone: 281-820-9002
(Work)

City/State/Zip: Tomball, TX 77377

Email: cdegges@htstx

I have lived in Tomball 2.5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Sales Engineer and V.P. Operations at Heat Transfer Specialists, Inc.

• V.P. of AWC Properties Inc.

• Partner SWFC Aero Investments.

Professional and/or Community Activities: Tomball Little League Coach,
Member of Salem Lutheran, Committee Member of
SW Flying Club (Hooks Airport)

Additional Pertinent Information/References:

Paul Bailey, IMG Financial Services, 713-622-1150

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

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

Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

(X) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

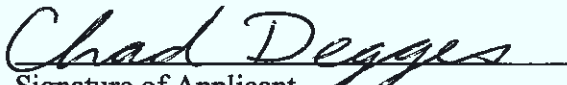
(X) Tomball Economic Development Corporation

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

() Tomball Hospital Board

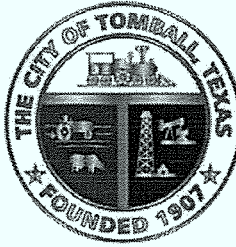
Fourth Wednesday each month, 4 p.m.

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


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: 832-978-9624

(Home)

Address: 30810 Country Meadows Dr

Phone:

(Work)

City/State/Zip Tomball, TX 77375

Cell: 832-978-9624

Email: William.Harris@yahoo.com

I have lived in Tomball 6 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Private Security

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

Additional Pertinent Information/References: _____

References available upon request.

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

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

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

Meeting Information

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

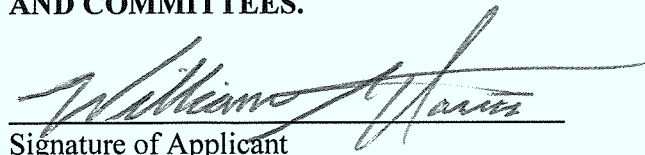
Ad Hoc/Advisory Committees

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

Meeting Information

As called

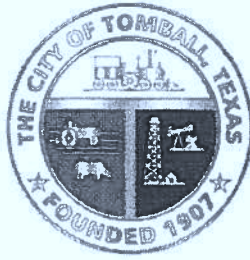
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 06 May 12

Name: Rocky LeAnn Pilgrim

Phone: n/a

Address: 211 Commerce St.

Phone: 281-516-7054 (Home)

City/State/Zip: Tomball, TX 77375

Cell: 713-859-1431 (Work)

Email: rockypilgrim@yahoo.com

I have lived in Tomball 7 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Attorney

Professional and/or Community Activities: Active volunteer with Houston Volunteer Lawyers Program; volunteer at SIRE in Hockley (therapeutic riding program for disabled children and adults); adjunct professor for UHD criminal justice program

Additional Pertinent Information/References: Vitae attached.

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

Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- (3) Tomball Economic Development Corporation

Meeting Information

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

- () Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

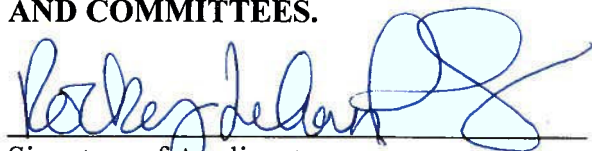
Ad Hoc/Advisory Committees

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

Meeting Information

As called

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



Signature of Applicant

Please return this application to:

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

ROCKY LEANN PILGRIM

P.O. BOX 1352
TOMBALL, TEXAS 77377

rocky@pilgrimlaw.com
281.516.7054

VITAE

ADMISSIONS AND CERTIFICATIONS:

State Bar of Texas	November 2003
United States District Court – Southern District of Texas	October 2004

EDUCATIONAL BACKGROUND:

Boston College Law School <i>Juris Doctor</i>	Newton, MA Aug. 2000 - May 2003
University of Texas – Pan American <i>Bachelor of Arts, cum laude</i> (Philosophy, English, Pol. Science)	Edinburg, TX Sept. 1995 - Aug. 1999
Mediation Training (A.A. White Dispute Resolution Center)	April 2007

PROFESSIONAL EXPERIENCE:

Pilgrim Law Office <i>Solo Practitioner</i> (including family law, estate planning, probate, business law)	Tomball, TX Nov. 2003 - present
University of Houston – Downtown <i>Adjunct Professor</i> (legal courses in criminal justice dept.)	Houston, TX Jan. 2004 - present

PROFESSIONAL ASSOCIATIONS/ACTIVITIES:

- Texas Bar Association
- Texas State Bar College
- State Bar of Texas Pro Bono College
- Phi Kappa Phi (honor society)
- Gamma Beta Phi (honor/service society)
- Houston Volunteer Lawyers Association (Equal Access Champion as volunteer lawyer)

PUBLICATIONS:

Jon Sorensen & Rocky Pilgrim, *DEATH BY LETHAL INJECTION: CAPITAL PUNISHMENT IN TEXAS DURING THE MODERN ERA* (University of Texas Press) (2006).

Jon Sorensen & Rocky Pilgrim, *Institutional Affiliation of Authors in the Top Criminal Justice Journals, 1995 – 1999*, 30 J. CRIM. JUSTICE 11 (2002).

Jon Sorensen, Don Wallace & Rocky Pilgrim, *Empirical Studies on Race and Death-Sentencing: A Decade After the GAO Report*, 37 CRIM. LAW BULLETIN 395 (2001).

Jon Sorensen & Rocky Pilgrim, *An Actuarial Risk Assessment of Violence Posed by Capital Murder Defendants*, 90 J. CRIM. LAW & CRIM. 1251 (2000).

PRESENTATIONS:

Essentials of Estate Planning and Probate. Presentation for the Asian Pacific Interest Section of the State Bar of Texas Annual Retreat 2012, Austin.

Measuring Capriciousness in Capital Punishment Systems, with J. Sorensen. Paper presented at SWACJ 2004, Houston.

What We Know about Capital Punishment: How Recent Empirical Evidence from Texas Challenges Criminological Wisdom, with J. Sorensen. Paper presented at ASC 2003, Denver.

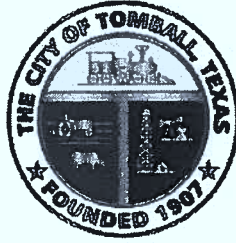
Identifying Death Penalty Cases that Represent the “Worst of the Worst”, with J. Sorensen. Paper presented at ACJS 2003, Boston.

How Jurors Think About “Dangerousness”, with J. Sorensen. Paper presented at the conference, “The Law and Politics and the Death Penalty: Abolition, Moratorium or Reform?,” sponsored by the Wayne Morse Center for Law and Politics, University of Oregon, Eugene, March 2002.

Predicting Prison Violence: A Comparison of Logistic Regression-Based and Proportional Hazard Models, with J. Sorensen. Paper presented at ACJS 2000, New Orleans.

Jury Deliberations Relating to Future Dangerousness, with J. Sorensen. Paper presented at ASC 1999, Toronto.

Assessing the Risk of Future Dangerousness Posed by Capital Defendants, with J. Sorensen. Paper presented at ACJS 1999, Orlando.



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 5-9-2012

Name: Christine (Tina) Roquemore

Phone: 281-357-1704
(Home)

Address: 614 N. Hickory

Phone: _____
(Work)

City/State/Zip Tomball, Tx 77375

Cell: 713-907-5530

Email: dtroquemore@gmail.com

I have lived in Tomball 9 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

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

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

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

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

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

☐ Tomball Hospital Board

Meeting Information

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

Ad Hoc/Advisory Committees

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

Meeting Information

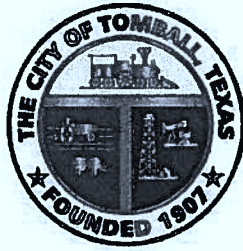
As called

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


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

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Please Type of Print Clearly:

Date: MAY 10, 2012

Name: DARRELL E. ROQUEMORE

Phone: 281.357.1704

Address: 614 N HICKORY

Phone: 281.290.0856

(Home)

City/State/Zip TOMBALL, TX 77375

Cell: 281.744.5413

(Work)

Email: DEROQUEMORE@GMAIL.COM

I have lived in Tomball 9+ years.

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

NOTE: DTAC Board does not require Tomball residency

Occupation: MANAGER, COMPUTER BUSINESS SYSTEMS

Professional and/or Community Activities: ACTIVE MEMBER OF CIVIL AIR PATROL (US AIR FORCE AUXILIARY). SUNDAY SCHOOL TEACHER.

Additional Pertinent Information/References: MR & MRS DAVID TAGUE

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Decision-Making Boards and Commissions

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

Meeting Information

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

Separate Legal Entities

- (3) Tomball Economic Development Corporation

Meeting Information

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

- () Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

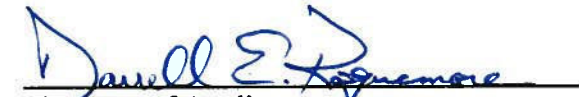
Ad Hoc/Advisory Committees

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

Meeting Information

As called

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Tomball, TX 77375



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 3/20/2011

Name: Michele Beauvais

Phone: 832-559-7532

Address: 29502 Imperial Creek Dr.

Phone: 281-831-3332 (Home)

City/State/Zip Tomball, TX. 77377

Cell: 281-831-3332 (Work)

Email: mbeauvais@comcast.net

I have lived in Tomball 4.5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Co owner of American Communications Construction,
Interior Designer

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

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

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Decision-Making Boards and Commissions

(✓) Planning & Zoning Commission

(✓) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

(✓) Tomball Economic Development Corporation

(✓) Tomball Hospital Board

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

(✓) Downtown Tomball Advisory Committee

Meeting Information

As called

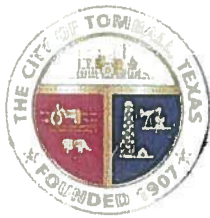
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Signature of Applicant

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Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Name: JOHN P. DILLON

Address: 14166 TURNER VIVE

City/State/Zip: TOMBALL TX 77375

Email: JOHN P DILLON 76 (a) GAHOO.COM

Date: 01/26/ 2010

Phone: 281-351-2921

Phone: 713-755-7405 (Home)
CELL (Work)
281-610-1133

I have lived in Tomball 18 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: DEPUTY SHERIFF

Professional and/or Community Activities: COMMISSIONER ESD 8

Additional Pertinent Information/References: TRUSTEE AT CHURCH
FINANCE COMMITTEE AT CHURCH
LAY REPRESENTATIVE AT STATE CONFERENCE AT CHURCH
ROSE HILL UNITED METHODIST

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

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

Decision-Making Boards and Commissions

Meeting Information

1 (X) Planning & Zoning Commission

Second Monday each month, 6 p.m.

3 (X) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

2 (X) Tomball Economic Development Corporation

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

() Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

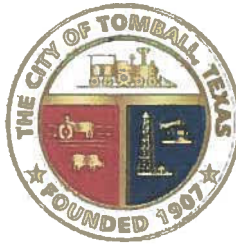
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Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 4-5-09

Name: APRIL GRAY

Phone: 281-255-8515

Address: 704 PERCIVAL STREET

Phone: 281-899-4602 (Home)

Email: APRILGRAY@COMCAST.NET

(Work)

I have lived in Tomball 25 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: REGULATORY SPECIALIST FOR A COMPANY THAT DESIGNS, CONSTRUCTS & INSTALLS OFFSHORE PLATFORMS.

Professional and/or Community Activities: PUBLIC ACCESS BOARD (INACTIVE BOARD)
CHARTER REVIEW COMMISSION - BOTH FOR CITY OF TOMBALL

Additional Pertinent Information/References: I ATTACHED MY RESUME WHICH DETAILS MY PROFESSIONAL EXPERIENCE

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

Decision-Making Boards and Commissions

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

Separate Legal Entities

- (7) Tomball Economic Development Corporation

- (8) Tomball Hospital Board

Meeting Information

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

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

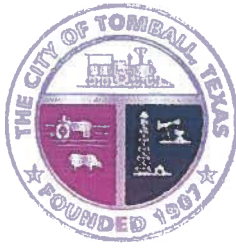
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Signature of Applicant

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CITY OF TOMBALL

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Please Type or Print Clearly:

Name: MARY HARVEY

Date: 2/15/11

Address: 405 S. WALNUT

Phone: 281 351 8903 (Home)

City/State/Zip Tomball TX 77375

Phone: 281 351 8903 (Work)

Email: grannyscorner@tomball.com

Cell: 713 582 5139

I have lived in Tomball 15 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: OWN Antique Business

Professional and/or Community Activities: Chamber

Additional Pertinent Information/References: _____

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

Separate Legal Entities

- () Tomball Economic Development Corporation

- () Tomball Hospital Board

Meeting Information

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

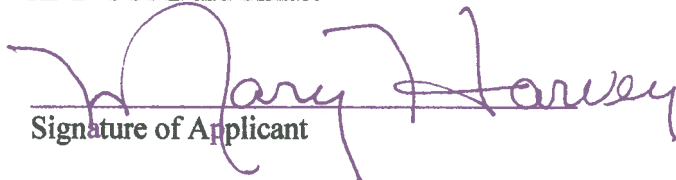
Ad Hoc/Advisory Committees

- ☒ Downtown Tomball Advisory Committee

Meeting Information

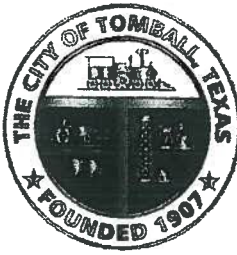
As called

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


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 3/17/2011

Name: JAMES KENDLER

Phone: 281-516-3324
(Home)

Address: 14215 SPRING PINES DR.

Phone: _____
(Work)

City/State/Zip Tomball TX 77375

Cell: 281-253-3858

Email: jken34@aol.com

I have lived in Tomball 7 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: RETIRED

Professional and/or Community Activities:

Secretary } Spring Pines
VP President } Home Owners
Architectural Comm. Mee } Association

Additional Pertinent Information/References: Abnerman & Martha Heubner: Neighbor & Friend
Randy PARR: Neighbor & Friend

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

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

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
() Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

() Tomball Hospital Board

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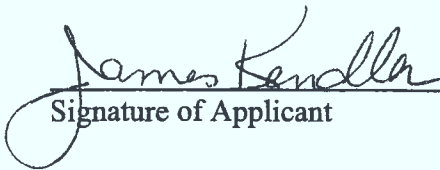
Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee

Meeting Information

As called

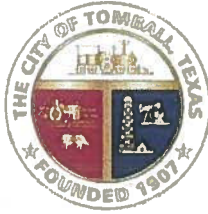
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

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401 Market Street
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Please Type of Print Clearly:

Date: 2-1-2010

Name: BARBARA TAGUE

Phone: 281-351-0904

Address: 503 INWOOD DR.

(Home)
Phone: 713-851-0737

City/State/Zip: Tomball, TX 77375

(Work) Cell

Email: htague@sbccglolocal.net

I have lived in Tomball 36 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired

Professional and/or Community Activities:

Downtown Tomball Assn, Great
Northwest Houston CVB, Tomball CERT Coordinator,
Tomball Local Emergency Planning Comm. Sec/Trea. Board of
Adjustment - 2nd Alternate

Additional Pertinent Information/References:

Harris County CERT Raleo 2010 Chair

See attached Resume

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

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Decision-Making Boards and Commissions

Meeting Information

(✓) Planning & Zoning Commission

Second Monday each month, 6 p.m.

(2) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(3) Tomball Economic Development Corporation

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

(4) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

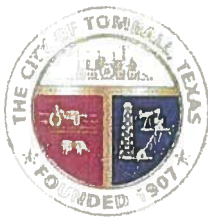
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

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City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

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Please Type or Print Clearly:

Name: Evelyn Torres-Chervena

Address: 111 Mc Phail

City/State/Zip: Tomball Tx 77375

Email: _____

Date: January 26, 2010

Phone: 832-704-8090

Phone: 832-704-8090
(Home)
(Work)

I have lived in Tomball 1 1/2 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Accountant

Professional and/or Community Activities:

Haplan University - Student Accounting Association (SAA) member
SAA Judicial Committee Member
SAA Special Review and Task Force Committee ~~At~~ Secretary

Additional Pertinent Information/References:

Self Employed - Etc. Services

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Decision-Making Boards and Commissions

Meeting Information

() Planning & Zoning Commission

Second Monday each month, 6 p.m.

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To Be Announced; Evenings

Separate Legal Entities

Meeting Information

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

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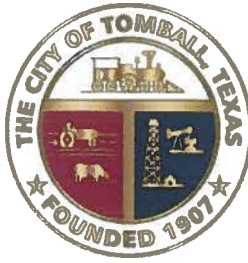
Fourth Wednesday each month, 4 p.m.

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Signature of Applicant

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Please Type of Print Clearly:

Date: 1/24/12

Name: Jarmon Wolfe

Phone: 281-351-9590

Address: 504 Kane

Phone: 832-868-6069 (Home)

City/State/Zip Tomball, TX 77375

Phone: 832-868-6069 (Work)

Email: jarcarwolfe@comcast.net

Cell: _____

I have lived in Tomball 11 years.

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

Occupation: Currently Unemployed

Professional and/or Community Activities: DTAC

Additional Pertinent Information/References: _____

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Decision-Making Boards and Commissions

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

Meeting Information

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Separate Legal Entities

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Meeting Information

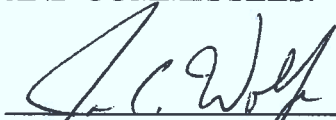
First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

(4) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

Tourism Board as resident

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



Signature of Applicant

Please return this application to:

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Receive the Tomball Economic Development Corporation (TEDC) 2011-2012 Annual Report

Background:

The Bylaws of the Tomball Economic Development Corporation (TEDC) require that an annual status report outlining the activities of the Corporation in carrying out its Strategic Work Plan be submitted to City Council for review.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

Funding: Yes

Account Number: No funding required

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

2011-2012 Annual Report



TOMBALL ECONOMIC DEVELOPMENT CORPORATION

MAY 2011-MAY 2012 ANNUAL REPORT

2011-2012 BOARD OF DIRECTORS AND STAFF



Kelly Violette
Executive Director



Tiffani Wooten
Coordinator



EXECUTIVE DIRECTOR'S MESSAGE

Looking back at the 2011-2012 year for the City of Tomball I can't help but think of the quote from Thomas A. Edison: "Good fortune is what happens when opportunity meets with planning." This past year we have seen numerous projects move from idea to implementation. From the completion of Phase II of Brown-Hufsmith Road to land acquisition and design of Segment 3 of Medical Complex Drive to the reality of the future Tomball Business and Technology Park - the City of Tomball is moving forward!

Regionally, with the future construction of the Grand Parkway, the relocation of the ExxonMobil campus, and the advancement of SH 249, we are experiencing positive growth that will benefit the Tomball community by bringing thousands of workers to the northwest region of Harris County, as well as tremendous opportunities for economic growth.

The Tomball Economic Development Corporation has been very successful this past year in achieving the goals outlined in its Strategic Work Plan: supporting our existing businesses, promoting new development opportunities, and working with our economic development partners. These efforts have resulted in new business investments, job creation, and an increased quality of life for Tomball residents.

These achievements would not be possible without the continued support and direction from a dedicated Board of Directors and your City Council.

It is my great pleasure to serve you as the Executive Director of the Tomball Economic Development Corporation and I look forward to working with you to continue to develop Tomball as a great place to do business!

Sincerely,

Kelly Violette, AICP
Executive Director

The Tomball Economic Development Corporation (TEDC) is a non-profit Type B Corporation created pursuant to the Texas Development Corporation Act of 1979. The TEDC was formed in November 1994, after the citizens of Tomball voted to pass a one-half cent sales tax dedicated to economic development.

The TEDC works to promote, assist, and enhance economic and related development activities on behalf of the City of Tomball. It is governed by a seven member board of directors who are appointed by the Tomball City Council.



Gretchen Fagan
President



Steven Vaughan
Vice President



William E. Sumner
Secretary



Brad Hallmark



Lori Klein-Quinn



Richard Bruce



Vince O'Donnell

What is Economic Development?

"The process of creating wealth through the mobilization of human, financial, capital, physical and natural resources to generate marketable goods and services"
International Economic Development Council



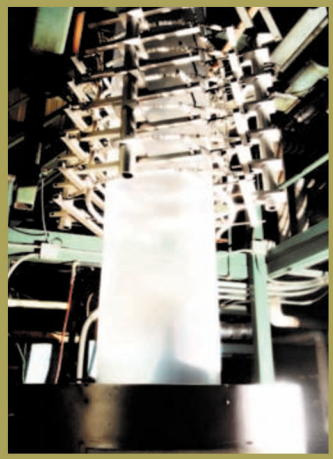
TEDC GOALS AND OBJECTIVES

MISSION ○|○|○

The mission of the Tomball Economic Development Corporation (TEDC) is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

Goal 1: ○|○|○

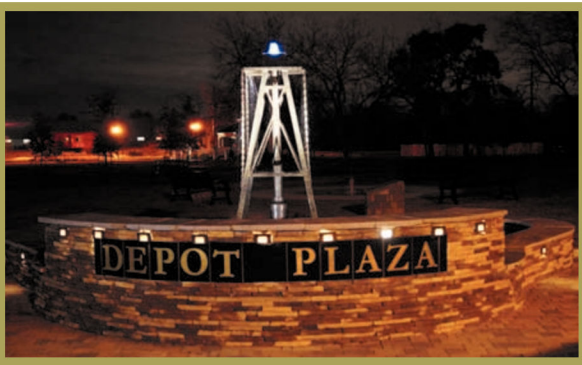
PROMOTE BUSINESS RETENTION AND EXPANSION



Tomball’s businesses are the heartbeat of our local economy! That’s why Business Retention and Expansion is the TEDC’s first priority. Our goal is to retain Tomball companies and encourage business growth and expansion in order to increase employment and expand the tax base.

2011-2012 Results:

- ◆ Formal Business Visitation Program established with nine companies visited
- ◆ Three expansion projects resulting in capital investment of over \$1.9M, 155 retained jobs, 42 new jobs, and \$191,000 in incentives
- ◆ Eighty-Nine Business Improvement Grants awarded to 45 businesses resulting in \$1,096,260.56 in capital investment



Additionally, the TEDC works with the City of Tomball to assist in the development of the downtown area in order to encourage economic revitalization and create tourism opportunities for Tomball. In 2011-2012, the TEDC provided funding to assist with projects such as the Fountain at the Depot and new signage for the Tomball Museum Center.

Goal 2: ○|○|○

ATTRACT NEW BUSINESS AND INDUSTRY



Attracting new businesses to Tomball benefits the community by bringing in new investment, creating jobs and providing a source of new money to the community through sales and services. The TEDC works to attract new businesses to Tomball by funding targeted infrastructure improvements, providing incentives for relocations, utilizing print and electronic media, developing new industrial sites, and maintaining relationships with sources of new business referrals.

2011-2012 Results:

- ◆ Relocated two new employers to Tomball resulting in 24 new jobs and over \$2.5 million in capital investment
- ◆ Purchased 97.5 acres of land for the development of a Business & Technology Park
- ◆ Funded \$379,492.99 for the extension of utilities along Brown Road, westerly of SH 249
- ◆ Allocated \$850,000 for design and land acquisition for Segment 3 of Medical Complex Drive
- ◆ Developed and implemented new Rental Assistance Program
- ◆ Hosted 3rd Annual Realtor Breakfast– over 60 attendees

Goal 3: ○|○|○

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE



Successful economic development efforts are the result of many people working together to achieve a common goal. The TEDC works hand-in-hand with the City of Tomball, Greater Tomball Area Chamber of Commerce (GTACC), Lone Star College-Tomball, area realtors and developers, and regional partners to strengthen the local economy.

2011-2012 Results:

- ◆ Instrumental in the City’s adoption of Super-Freeport Exemption
- ◆ Collaborated with City of Tomball on implementation of tax abatement policy
- ◆ Worked with City of Tomball and area developers on proposed economic development agreements
- ◆ Assisted in the development of GTACC’s 2013 Legislative Priorities
- ◆ Referred clients to Small Business Development Center and Service Corps Of Retired Executives (SCORE) for start-up and mentoring assistance

PROMOTE BUSINESS RETENTION & EXPANSION

“Having moved to Tomball in 1986 we have not only seen tremendous growth in Tomball but also at Houston Poly Bag. From our perspective this has been a great fit with many enjoyable years not only behind but ahead of us as well. Tomball is close to Interstate Highways and Bush Intercontinental Airport, making it easy to do business and be a wonderful place to live. We are looking forward to many more years of growth with our friends at the Tomball Economic Development Corporation.”

Wes Sumner
Manager, Houston Poly Bag I, Ltd

Business Visitation Program



In 2011, the TEDC established a formal Business Visitation Program to understand local business needs and deliver or develop resources to address those needs. The Program provides businesses with a point of contact for questions and issues and brings awareness of the resources available to them.

Over the year, TEDC staff along with partners from the Greater Tomball Area Chamber of Commerce, City of Tomball, and the Lone Star College System’s Small Business Development Center met on-site with nine existing businesses. As part of these on-site visits the team asked specific questions to understand the factors that affect the overall climate of each business and its industry. Those factors include: recent business achievements, business needs, local workforce factors, community strengths and weaknesses, community service and utility satisfaction, and legislative policy. The Business Visitation Program is not only a relationship building tool, it also assists staff in gathering data on each business for the TEDC database as well as identifying companies that may be at-risk or looking to expand operations.

In 2011-2012 three expansion projects resulted in capital investment of over \$1.9M, 155 retained jobs, 42 new jobs, and \$191,000 in Incentives.

Expansion Projects



American National Carbide (ANC) has been in business in Tomball since 1970 and is located within a 45,000 square office/warehouse facility at 915 South Cherry Street. The company is expanding its operations and will add \$2 million in real property investment and 25 new jobs to the community. ANC specializes in the manufacture of finished tungsten carbide products for metalworking, mining and drilling, and wood processing, and is one of only four companies in the United States with the ability to recycle tungsten carbide scrap into raw material. The TEDC provided ANC with a \$75,000 grant to assist with the expansion project.



Houston Poly Bag (HPB) has been in business since 1979 and is located within a 50,000 square foot facility at 11726 Holderrieth Road. The company is upgrading and expanding its manufacturing equipment in order to retain its existing contracts and remain competitive. HPB currently employs 60 people and is adding \$200,000 in real property investment. HPB is a custom manufacturer of polyethylene products used for packaging, including bags, films, sheeting, and liners. The TEDC provided HPB with an \$80,000 grant to assist in the purchase and installation of the equipment.



Ameresco Solar has been in business in Tomball for over 20 years and is located within an 18,000 square foot lease space in the Live Oak Business Park at 202 South Live Oak Street. The company is expanding its business operations to accommodate a new product line and will be hiring an additional 12 employees as well as leasing an additional 6,130 square feet of office/warehouse space. Ameresco Solar is a distributor and systems integrator of solar powered products. The TEDC provided Ameresco Solar with a \$36,000 grant to assist with the expansion project.



ATTRACT NEW BUSINESS AND INDUSTRY

“Thank you again for the continued excellent service!”

**Richard D. Gatewood
Gatewood & Associates**

Tomball Business and Technology Park



On July 18, 2011, the TEDC Board of Directors and Tomball City Council approved the purchase of approximately 97.5 acres of land located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads in Tomball for purposes of developing a Business & Technology Park to promote economic growth in the City of Tomball, attract new business and industry, retain existing businesses, and further build the local supply of jobs in the City of Tomball.

The TEDC acquired the property in December 2011 and is currently in the process of performing preliminary engineering for the project.

The project includes the construction of the southern portion of the M118 Drainage Channel and improvements to the M118 Detention Pond located southerly of Holderrieth Road. The construction of the Channel and Pond will provide regional detention for the lots located within the Park as well as assist future developments located northerly of the project site, within the M118 basin.

Upon completion, the park will offer sites ranging in size from 2-15 acres, fully served utilities, concrete curb and gutter streets, deed restrictions, regional detention, and light industrial zoning.

New Business Spotlight



ValueBank Texas located a new combination Loan Production Office, Deposit Office, and Remote Servicing Unit in a 3,500 square foot leased space at 990 Village Square, Suite P, in Tomball. ValueBank is an independent community bank that provides a wide -array of financial services to individuals and corporate customers in Texas. ValueBank Texas invested approximately \$150,000 in technology and equipment in the Tomball facility and added four new jobs to the community.

The TEDC authorized \$15,750 in the form of rental assistance to incentivize new businesses, such as ValueBank Texas, to fill vacant commercial buildings and stimulate commercial investment in targeted areas of the City.

Infrastructure/Capital Projects

Brown Road Utility Extension Project

The Tomball Economic Development Corporation approved funding for the extension of utilities along Brown Road, west of State Highway 249 to the east boundary of Spring Creek Estates on February 22, 2011, in an amount not to exceed \$500,000. The project included acquisition of right-of-way and utility easements and the design and construction of approximately 1,300 linear feet of 4” gas, 12” water, and 10” sanitary sewer lines. The project was completed in March 2012 and was \$111,634.81 under budget. The project provides full utilities to approximately 100 acres of vacant commercial land.

Medical Complex Drive – Segment 3



The Tomball Economic Development Corporation approved \$850,000 for land acquisition and design for Segment 3 of the Medical Complex Drive Expansion Project on August 23, 2011. Segment 3 of the proposed Medical Complex Corridor commences at SH 249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the City’s Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball). The design is approximately 75% complete and land acquisition offers are currently being negotiated.

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE

Over the past year staff has continued to build and reinforce partnerships with our local and regional allies to help advance economic development opportunities within the community and strengthen the local economy.

TEDC staff has been active in the GTACC Government & Legislative Affairs Committee as well as the Mobility & Transportation Committee, the North Houston Association, Texas Economic Development Council (TEDC), North Houston Economic Development Alliance, Texas Community Development Institute, Leadership North Houston, and Rotary Club of Tomball.

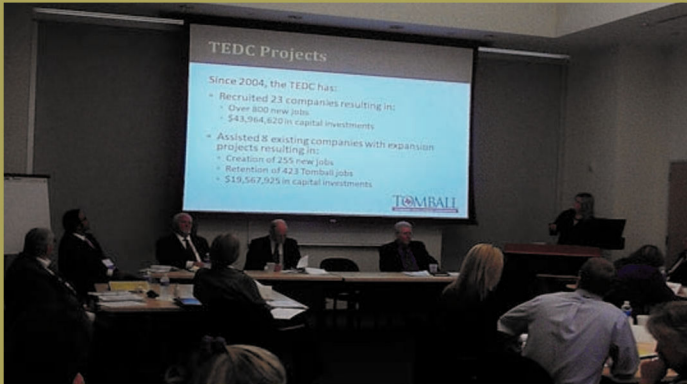
TEDC staff continues to work with the City of Tomball to implement its Strategic Work Plan, Comprehensive Plan, and Livable Centers Downtown Plan. Staff has also been actively involved in working with the City of Tomball on numerous economic development prospects, including the revitalization of the Four Corners Shopping Center and the new VA Clinic. Additionally, staff has helped facilitate the implementation of the City's tax abatement policy and was instrumental in the City Council's adoption of the Super Freeport exemption.

In 2011 the Tomball City Council opted to add the "Super Freeport" exemption to its toolbox for Economic Development. The "Super Freeport" is a property tax exemption for goods that reside temporarily in public warehouses within a city while awaiting shipment to other locations within or outside of Texas. The Super Freeport was approved by Texas voters in 2001 as an amendment to the Texas Constitution, but only during 2007 did the Texas Legislature enact enabling legislation (HB621).



TEDC Member Organizations and Regional Partners

- Texas Economic Development Council
- International Economic Development Council
- International Council of Shopping Centers
- North Houston Association
- North Houston Economic Development Alliance
- Houston Regional Economic Development Alliance
- Greater Houston Partnership
- Southern Economic Development Council
- Rotary Club of Tomball
- Greater Tomball Area Chamber of Commerce
- City of Tomball
- Center Point Energy
- Lone Star College—Tomball
- Lone Star College System Small Business Development Center
- Tomball Business Association



PARTNERING FOR ECONOMIC DEVELOPMENT

RETAIL DEVELOPMENT



In November 2011 TEDC staff attended the International Council of Shopping Centers Texas Deal Making Conference in San Antonio where thousands of National Retailers and Brokers were onsite to discuss sites and incentives available for new retail development. TEDC staff provided support to area developers including Weingarten Realty, New Quest Properties, and JBeard & Associates. Events like the ICSC Texas Conference allow staff to build direct relationships and draw potential leads.



The 2011-2012 year has proved to be a successful one for retail development in the City of Tomball.



ECONOMIC DEVELOPMENT BREAKFAST



One of the most successful outreach initiatives of the TEDC is the yearly Realtor Breakfast. In June 2011, over sixty realtors, bankers, and developers came together to discuss trends in the Regional Economy and changes in Commercial Lending Practices. This event has proven to be an ideal opportunity for promoting economic development in Tomball as well as providing a networking venue for Tomball area realtors, developers, and bankers.

"I really enjoyed the breakfast and presentations. You had some good speakers with informative data."

Todd N. Edmonds, CCIM, SIOR
Colliers International

"Congratulations on a job well done."

Patrick C. Wolford, CCIM
Patrick Henry Properties LLC

"What a great job you guys did for the meeting yesterday, we really appreciate the information you bring and the setting is always first class. Thanks so much for all your hard work."

Chet Russell, VP Branch Manager-Tomball
Coldwell Banker United



REGISTER TODAY!

4TH ANNUAL ECONOMIC DEVELOPMENT BREAKFAST

JUNE 26, 2012
8:00 - 10:30 A.M.
Lone Star College-Tomball
Beckendorf Conference Center

Speakers:
Dr. Jim Gaines, Research Economist
Real Estate Center at Texas A&M

Transportation Panel:
Moderator: John Fishero, VP Admin. Services LSC-Tomball

Lamar Casparis, Chair -Elect GTACC
Founding Member 249 Partnership

David Gornett, Executive Director
Grand Parkway Association

Bill Glavin, Rail Director
TXDOT

RSVP BY JUNE 11, 2012
281.401.4086
twooten@tomballtedc.org

For more information contact the Tomball Economic Development Corporation 281.401.4086

BUSINESS IMPROVEMENT GRANT PROGRAM

“On behalf of Tomball Family Dental, I want to express our appreciation for your consideration and approval of the TEDC Grant for the improvement of our space with the signage. This will be such a blessing for us as we are starting our dental practice.”
Thanks again,

Audra Hiemstra, D.D.S., P.C.
Tomball Family Dental



2011-2012 was a year of increasing activity and great accomplishment for the Business Improvement Grant Program. The TEDC awarded \$375,552.96 for aesthetic enhancements and exterior upgrades to 45 businesses - resulting in \$1,096,260.56 in capital investments.

The purpose of this program is to promote the development and expansion of new and existing business enterprises within the City of Tomball, and enhance the economic welfare of the citizens of the City by securing and retaining business enterprises and maintaining a higher level of employment, economic activity, and stability.

TEDC FINANCIALS

OPERATING REVEUES

FY 2012 ADOPTED BUDGET

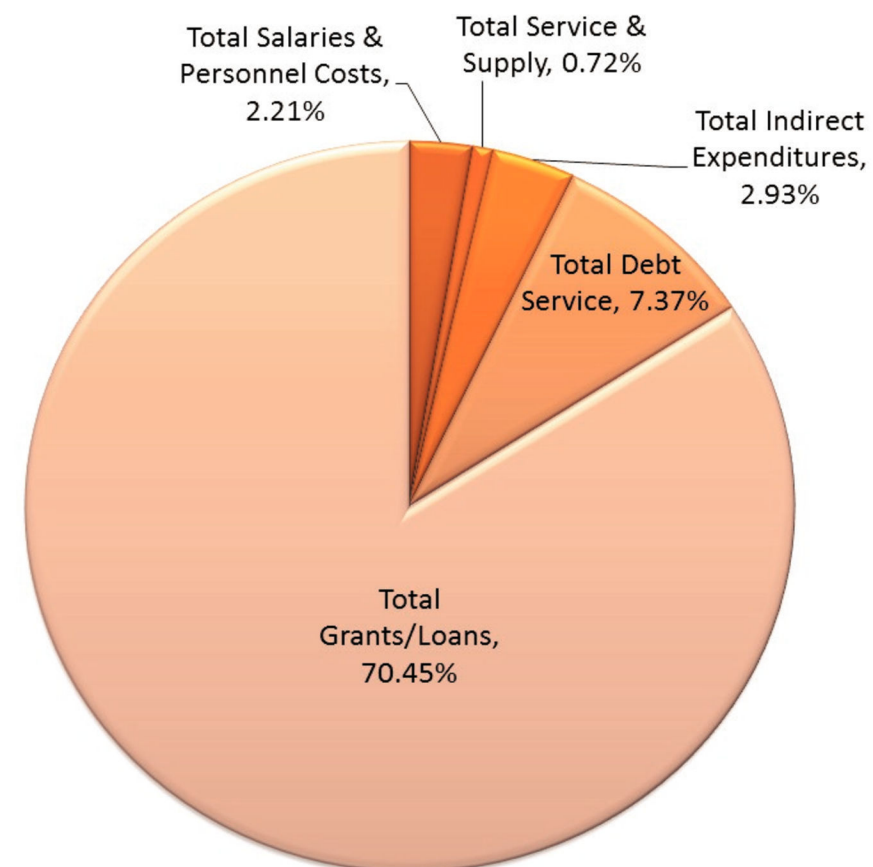
Beginning Fund Balance	\$9,765,509
Sales Tax	\$2,300,000
Interest Income	\$50,000
TOTAL AVAILABLE RESOURCES	\$12,115,509

EXPENDITURES

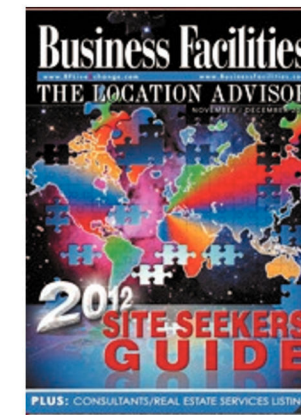
Administrative	\$297,129
Indirect Economic Development Expense	\$286,400
City Debt Services	\$720,000
Grants, Loans & Other Expenditures	\$6,879,451
TOTAL EXPENDITURES	\$8,582,980

ENDING FUND BALANCE	\$3,532,529
----------------------------	--------------------

2011-2012 Expenditures



MARKETING ACTIVITIES



Marketing efforts in 2011-2012 have focused on online and print materials in regional and national publications including, Opportunity Houston, Trade & Industry, Business Facilities, Expansion Solutions, etc. These ads promote Tomball's area resources, demographics, and high quality of life to businesses seeking new locations.

The TEDC website is the Corporation's number one marketing tool, providing relevant and up-to-date information, available properties, major developments, demographics, and incentive information. It allows us to better serve new and existing businesses, developers and site selectors and help them realize the potential Tomball has in making their organizations' expansion or relocation a success.

The TEDC also participated in a five minute video segment of the "Today in America " show hosted by Terry Bradshaw which showcases Tomball as a quaint town offering Texas-sized opportunities for businesses, families and visitors. The video will air in 15 markets across the country.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2012-2013 Strategic Work Plan

Background:

As stated in the TEDC Bylaws: "The Board of Directors shall direct the Corporation staff to research, develop, prepare and submit to the City Council for its approval an annual work plan which shall set goals and objectives of the Corporation, including but not limited to, short-term and long-term goals for the economic development of the City; goals and objectives for the utilization of funds to promote the expansion and development of a sound economic base for and within the City; and, any other similar goals and objectives deemed appropriate by the Board and the City Council. The Board shall review and update the plan each year prior to the submission of the annual budget as required by other provisions of these Bylaws."

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the 2012-2013 Strategic Work Plan

Funding: Yes

Account Number: No funding required

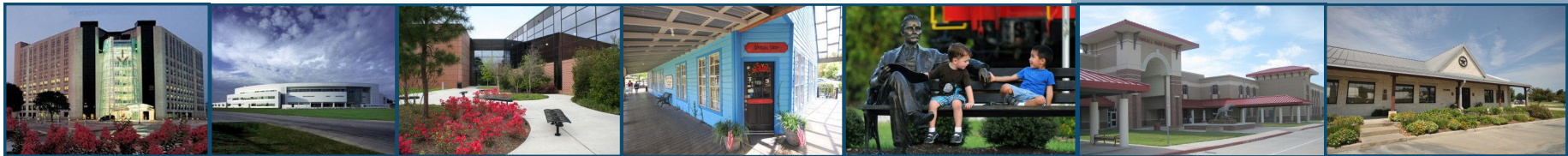
Party(ies) responsible for placing this item on agenda:

Kelly Violette

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

ATTACHMENTS:

2012-2013 Strategic Work Plan



Tomball Economic Development Corporation

2012-2013

Strategic Work Plan



TEDC Strategic Work Plan 2012-2013

MISSION STATEMENT

The mission of the Tomball Economic Development Corporation is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

VISION STATEMENT

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

Economic Development Goals

1. Promote Business Retention and Expansion.
2. Attract New Business and Industry.
3. Coordinate Economic Development Efforts in Tomball, the Region, and the State.

GOAL 1 Promote Business Retention and Expansion

Activities:

- A. Maintain a structured business retention and expansion program:
 - 1. Continue to develop and expand the Business Visitation Program to build relationships with existing businesses and industries and determine present and future needs.
 - 2. Follow up and maintain ongoing contact with existing businesses and industries.
 - 3. Develop resource material to distribute to area businesses.
- B. Partner with post secondary institutions to identify and encourage workforce training opportunities.
- C. Encourage and assist, where possible, the development of additional tourist attractions in the historical downtown and depot area, as well as other appropriate locations in Tomball.
- D. Maintain and promote the Business Improvement Grant Program which is designed to encourage owner reinvestment in existing businesses.
 - 1. Explore opportunities to develop “catalyst” projects that will promote significant reinvestment in underutilized commercial centers.



Tomball Economic Development Corporation staff along with representatives from the Greater Tomball Area Chamber of Commerce, City of Tomball, and Small Business Development Center conducted one-on-one visits with nine businesses in 2011-2012, including Houston Poly Bag (above).

GOAL 2

Attract New Business and Industry

Activities:

- A. Work with public and private sectors in developing industrial land, business parks, and ready-to-use facilities to achieve Tomball's focused growth.
- B. Work with the City of Tomball to remove potential barriers to new or expanded industrial/business development: oil & gas issues, infrastructure needs, permitting and land use ordinances, and mobility issues.
- C. Maximize the economic benefits from Lone Star College and Tomball's Medical district:
 - 1. Encourage the development of businesses in these areas that promote and support these assets.
- D. Continue utilizing a marketing plan to promote a positive and pro-business image of Tomball.
 - 1. Update website on regular and on-going basis
 - 2. Advertise in business publication and journals of targeted industries/markets.
 - 3. Develop professional collateral materials for targeted market campaigns.

On July 18, 2011, the TEDC Board of Directors and Tomball City Council approved the purchase of approximately 97.5 acres of land located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads in Tomball for purposes of developing a Business & Technology Park to promote economic growth in the City of Tomball, attract new business and industry and retain existing businesses, and further build the local supply of sustainable jobs in the City of Tomball. (below)



GOAL 2

Attract New Business and Industry Cont.

- E. Maintain detailed property databases of available sites and buildings and utilize the City's GIS system to provide necessary information to the public.
- F. Continue to stress the importance of David Wayne Hooks Memorial Airport as an asset to business/industry.
- D. Encourage the continued development and redevelopment of commercial and retail centers.
- H. Continue to more clearly define the incentive program.
- I. Develop relationships and maintain contact with sources of new client referrals.

In 2011-2012, road and infrastructure improvements were made along Brown-Hufsmith Road.



GOAL 3 Coordinate Economic Development Efforts in Tomball, the Region, and the State

- A. Maintain and promote coordination/liaison with TEDC allies.
- B. Develop feedback mechanisms to “shareholders.”
- C. Support efforts to develop local entrepreneurs and small businesses:
 - 1. Refer start-up businesses to Small Business Development Center (SBDC) at Lone Star College System.
 - 2. Follow-up and coordinate efforts with SBDC and Service Corps of Retired Executives (SCORE).
- D. Monitor the local and regional business mix to identify gaps and/or opportunities.
- E. Partner with utility and other service providers to ensure high quality, sustainable service provision.
- F. Administer incentive and infrastructure funding policies.
- G. Work with the City of Tomball on implementation of its tax abatement policy, Comprehensive Plan, Strategic Work Plan, and Livable Centers Downtown Plan.



Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Adopt, on First Reading, Resolution No. 2012-17-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving a development and property exchange agreement between the Tomball Economic Development Corporation and 2978 Industrial Properties, LLC, (The "Company") related to the development of the Tomball Business and Technology Park Project; containing other provisions relating to the subject; and providing for severability.

Background:

On July 18, 2011, the TEDC Board of Directors and Tomball City Council approved the purchase of approximately 97.5 acres of land generally located at the northwest corner of Hufsmith-Kohrville and Holderrirth Roads, in order to develop a Business & Technology Park for purposes of Projects related to the Creation or Retention of Primary Jobs.

The TEDC acquired the 97.5 acres on December 19, 2011 and the project is currently in the preliminary design phase. The project requires coordination with the adjacent property owner, 2978 Industrial Properties LLC, in order to acquire the necessary ROW for the M118 Drainage Channel as well as align the proposed east/west road with the intersection of Hufsmith-Kohrville and Spell Roads. The proposed agreement provides for an exchange of property between the TEDC and 2978 Industrial Properties, LLC in order to accomplish the overall development plan for the Tomball Business and Technology Park.

At its Annual Meeting on May 22, 2012, the TEDC Board of Directors unanimously approved the proposed Development Agreement. This item is now being forwarded to Council for consideration and approval.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of Resolution No. 2012-17-TEDC

Funding: Yes

Account Number: TEDC Approved Budget

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

Resolution No. 2012-17-TEDC

Draft Development Agreement

RESOLUTION NO. 2012-17-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING A DEVELOPMENT AND PROPERTY EXCHANGE AGREEMENT BETWEEN THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND 2978 INDUSTRIAL PROPERTIES, LLC, (THE “COMPANY”) RELATED TO THE DEVELOPMENT OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK PROJECT; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the TOMBALL ECONOMIC DEVELOPMENT CORPORATION, (the “TEDC”), is an economic development corporation created pursuant to Chapter 501 et seq. of the Texas Local Government Code, (the “Development Corporation Act”), and is located at 401 Market Street, Tomball, Texas 77375 in Harris County, Texas; and

WHEREAS, 2978 INDUSTRIAL PROPERTIES, LLC, (the “Company”), is a Texas Corporation and is located at 25614 Bridle Creek Dr., Magnolia, Texas 77355-5876, Montgomery County, Texas; and

WHEREAS, the TEDC owns fee title to approximately 97.57 acres (4,250,149 square feet) of land in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas (Exhibit “A”), known as the Tomball Business & Technology Park; and

WHEREAS, The Company owns fee title to two tracts of land, including:

(a) approximately 17.630 acres (767,963 square feet), legally described as TR 4B & TR R20-A & Lot 384 & Lot 385A, TOMBALL OUTLOTS, ABST 632 C PILLOT, ABST 70 E SMITH, City of Tomball, Harris County, Texas (Exhibit “B”), located westerly of the Tomball Business & Technology Park site; and

(b) approximately 5.6056 acres (244,181.12 square feet), known as Lot 4, Block 1 of the Final Plat of Tomball South Commercial situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas (Exhibit “C”), located easterly of the Tomball Business and Technology park site; and

WHEREAS, TEDC and the Company desire to exchange and co-ordinate the development of parts of their properties consistent with the purposes and duties of the Development Corporation Act; and

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

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, a Development Agreement between the Tomball Economic Development Corporation and 2978 Industrial Properties, LLC for the exchange of real property for the Tomball Business and Technology Park Project.

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

PASSED AND APPROVED on first reading this ____ day of _____, 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**DEVELOPMENT AGREEMENT
BETWEEN
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
AND
2978 INDUSTRIAL PROPERTIES, LLC**

WHEREAS, the TOMBALL ECONOMIC DEVELOPMENT CORPORATION, (the “TEDC”), is an economic development corporation created pursuant to Chapter 501 et seq. of the Texas Local Government Code, (the “Development Corporation Act”), and is located at 401 Market Street, Tomball, Texas 77375 in Harris County, Texas; and

WHEREAS, 2978 INDUSTRIAL PROPERTIES, LLC, (the “Company”), is a Texas Corporation and is located at 25614 Bridle Creek Dr., Magnolia, Texas 77355-5876, Montgomery County, Texas; and

WHEREAS, the TEDC owns fee title to approximately 97.57 acres (4,250,149 square feet) of land in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas (Exhibit “A”), known as the Tomball Business & Technology Park; and

WHEREAS, The Company owns fee title to two tracts of land, including

- (a) approximately 17.630 acres (767,963 square feet), legally described as TR 4B & TR R20-A & Lot 384 & Lot 385A, TOMBALL OUTLOTS, ABST 632 C PILLOT, ABST 70 E SMITH, City of Tomball, Harris County, Texas (Exhibit “B”), located westerly of the Tomball Business & Technology Park site; and
- (b) approximately 5.6056 acres (244,181.12 square feet), known as Lot 4, Block 1 of the Final Plat of Tomball South Commercial situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas (Exhibit “C”), located easterly of the Tomball Business and Technology park site; and

WHEREAS, TEDC and the Company desire to exchange and co-ordinate the development of parts of their properties consistent with the purposes and duties of the Development Corporation Act;

NOW, Therefore, TEDC and the Company agree as follows:

Section 1. Exchange of Properties.

- 1.1 Subject to the terms and conditions of this Agreement, TEDC agrees to convey to the Company approximately 1.956 acres of land, being part of

Lots 6 & 7 shown on Exhibit D, and more particularly described by metes and bounds attached thereto.

- 1.2 Subject to the terms and conditions of this Agreement, the Company agrees to convey to TEDC two separate tracts of land:
 - (1) 4.601 acres of land out of the called 17.630 acre tract, legally described as TR 4B & TR R20-A & Lot 384 & Lot 385A, TOMBALL OUTLOTS, ABST 632 C PILLOT, ABST 70 E SMITH, City of Tomball, Harris County, Texas, as shown on Exhibit E, and more particularly described by metes and bounds attached thereto; and
 - (2) Approximately 0.3911 acres located at the southern edge of Lot 4, Block 1 of the Tomball South Commercial Plat, as shown on Exhibit F, and more particularly described by metes and bounds attached thereto.
- 1.3 Each party agrees that the conveyances shall be made by Special Warranty Deed and/or Deed without Warranty. The TEDC will survey the properties, provide the legal descriptions and prepare the conveyance documents. At closing, each party will pay its pro rata share of real estate taxes (whether general or special) assessed against the property they are conveying.
- 1.4 The TEDC shall pay the costs of a standard owner's policy of title insurance for both the TEDC and the Company properties, and the cost of recording all deeds for the properties.
- 1.5 In regard to environmental matters and issues, the TEDC and the Company acknowledge and agree that prior to execution of this Agreement, each have been afforded the opportunity to make such inspections of the properties and matters related thereto as each and their representatives desire and that the property is to be conveyed each to the other in an "as is" condition with all faults. TEDC and the Company make no representations or warranties of any kind whatsoever, either express or implied, with respect to the property.
- 1.6 No brokers are involved in this transaction and each party will hold the other harmless against the claims for commission and like payments.

Section 2. Other terms and conditions: Obligations of TEDC.

- 2.1 TEDC agrees to include the 17.630 acre tract located westerly of the Tomball Business & Technology Park site in the preliminary and final plat of the Tomball Business & Technology Park and bear the costs associated with platting of such, including cost of topographic survey, and preparation and submittal of plat for recordation.
- 2.2 TEDC agrees to permit the Company to convey storm water from Lots 2-4 only of the Tomball South Commercial Plat to the M-118 channel, through the drainage system proposed for the Tomball Business & Technology Park; provided, however, the Company is responsible for all costs associated with the connection to the storm sewer system, including payment of all applicable City of Tomball impact fees.
- 2.3 TEDC agrees to permit temporary detention for Lots 2-4 of the Tomball South Commercial Plat on the Tomball Business & Technology Park site, at a location approved by the TEDC. 2978 INDUSTRIAL PROPERTIES, LLC will be responsible for all costs associated with the design, permitting, construction, inspection, and post construction certification of the temporary detention facilities.
- 2.4 TEDC shall pay engineering costs of CLR, Inc. associated with the replatting of Lot 4 of the Tomball South Commercial Plat in conjunction with the platting of the Tomball Business & Technology Park Plat.
- 2.5 TEDC agrees to permit CLR, Inc. to cooperate with and provide drainage information to the Company in support of the Company's replatting of Lot 1, Restricted Reserve C and Restricted Reserve A of Tomball South Commercial to minimize the on-site detention required for future development. The Company is not, however, authorized to direct TEDC's engineer to perform any services in addition to those authorized by TEDC. The Company may, at its own discretion and expense, employ TEDC's engineer to obtain other professional services.
- 2.6 TEDC agrees to provide the Company with copies of all available environmental reports relating to the subject properties, including a draft of the Covenants, Conditions, and Restrictions for the Tomball Business & Technology Park Plat to 2978 INDUSTRIAL PROPERTIES, LLC for review prior to recordation.

Section 3. Other Obligations and Responsibilities of the Company.

- 3.1 The Company agrees to:

- (1) Include and enforce the Covenants, Conditions, and Restrictions imposed upon the Tomball Business & Technology Plat for Lots 6 and 7.
- (2) Provide the TEDC with copies of all available environmental reports relating to the subject properties.
- (3) Sign as a landowner on the Final Plat.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2012.

2978 INDUSTRIAL PROPERTIES, LLC

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

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

ATTEST:

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

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____ 2012, by _____, the _____ of 2978 Industrial Properties, LLC for and on behalf of said company.

Notary Public in and for the State of Texas
My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

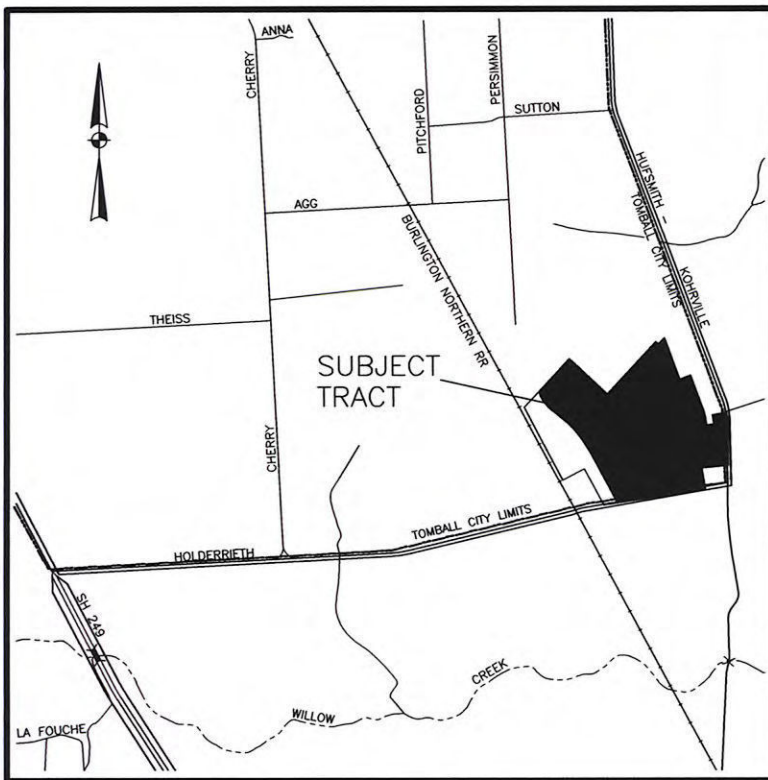
THE STATE OF TEXAS §
COUNTY OF HARRIS §

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

Notary Public in and for the State of Texas
My Commission Expires: _____

(SEAL)

EXHIBIT A



LEGEND

- POWER POLE
- SIGN
- PIPELINE MARKER
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- WATER MANHOLE
- VENT PIPE
- GAS VALVE
- POST
- PIPE
- FENCE
- OVERHEAD POWER LINE
- RAILROAD TRACKS

CURVE TABLE					
NO.	ARC	DELTA	RADIUS	CHORD BRG.	CHORD DIST.
C1	880.20'	27°17'34"	1847.81'	N41°42'20"W	871.90'
C2	367.82'	33°44'02"	624.73'	N38°29'05"W	362.53'
C3	21.97'	03°48'51"	330.00'	N19°42'39"W	21.96'
C4	23.81'	05°03'09"	270.00'	S22°53'22"E	23.80'
C5	147.92'	09°27'36"	895.92'	N07°03'10"W	147.76'
C6	224.16'	11°30'33"	1115.92'	S05°38'59"E	223.78'

CORRECTED MAP OF
TOMBALL OUTLOTS
VOL. 4, PG. 75
H.C.M.R.

MELVIN E. MICHEL AND
TRACY A. MICHEL
CALLED 56.8803 ACRES
FILE NO. S994259
H.C.O.P.R.R.P.

ROBERTA PASSAFUMA
CALLED 2.0 ACRES
FILE NO. 20100443954
H.C.O.P.R.R.P.

TOMBALL TOWNSITE
VOL. 2, PG. 65
H.C.M.R.

PHILLIP EUGENE PASSAFUMA, SR.
AND WIFE, ROBERTA D. PASSAFUMA
CALLED 15.000 ACRES
FILE NO. E356736
H.C.O.P.R.R.P.

CATHERINE ANN HUNNICUTT
CALLED 0.931 ACRE
FILE NO. V843587
H.C.O.P.R.R.P.

TOMBALL SOUTH COMMERCIAL
FILM CODE NO. 632199
H.C.M.R.

RESTRICTED RESERVE "C"
(RESTRICTED FOR DRAINAGE
& DETENTION PURPOSES ONLY)

RESTRICTED RESERVE "A"
(RESTRICTED FOR ACCESS)

LOT 2

TOMBALL SOUTH COMMERCIAL
FILM CODE NO. 632199
H.C.M.R.

KTC HOLDINGS, L.L.C.
CALLED 3.4434 ACRES
FILE NO. 20110118607
H.C.O.P.R.R.P.

HUFFSMITH-KOHRLE ROAD
(PG. 434.3)

LOT 4

TOMBALL SOUTH COMMERCIAL
FILM CODE NO. 632199
H.C.M.R.

TRACT "B"
97.57 ACRES
4,250,149 SQ.FT.

CAPITAL ONE, N.A.
CALLED 54.8961 ACRES (TRACT TWO)
FILE NO. 20070154643
H.C.O.P.R.R.P.

THIS PORTION OF THE PROPERTY
IS HEAVILY WOODED

MATCH LINE — SEE SHEET 1 OF 2

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED AVERAGE ADJUSTMENT FACTOR OF 0.999942131.
- EASEMENTS AND OTHER RECORD INFORMATION SHOWN HEREON ARE AS DESCRIBED IN A TITLE COMMITMENT PREPARED BY STEWART TITLE COMPANY, UNDER G.F. NO. 1120137433, WITH AN EFFECTIVE DATE OF JULY 14, 2011. NO FURTHER RESEARCH OF THE HARRIS COUNTY DEED RECORDS WAS PERFORMED BY AECOM TECHNICAL SERVICES, INC.
- THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES OR OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.
- THE SQUARE FOOTAGE AS SHOWN HEREON IS BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES DESCRIBED HEREON.
- ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) NO. 48201C0230L, DATED JUNE 18, 2007, THE SUBJECT TRACT LIES WITHIN ZONE "X" (UNSHADED) WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN. THIS INFORMATION IS AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND AECOM TECHNICAL SERVICES, INC. DOES NOT ACCEPT RESPONSIBILITY FOR ITS ACCURACY OR CONTENT.
- FENCE LINES SHOWN HEREON WERE FIELD LOCATED WHERE DIMENSIONS ARE INDICATED AND MAY MEANDER BETWEEN THESE LOCATIONS.
- THE SUBJECT PROPERTY IS SUBJECT TO THE TERMS, PROVISIONS AND CONDITIONS OF THE ORDINANCES AND ZONING REGULATIONS OF THE CITY OF TOMBALL, TEXAS.
- A SEPARATE METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED IN CONJUNCTION WITH THIS SURVEY AND IS ATTACHED HERETO.
- H.C.D.R. INDICATES HARRIS COUNTY DEED RECORDS.
- H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS.
- H.C.O.P.R.R.P. INDICATES HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- UE INDICATES UTILITY EASEMENT.
- BASED ON INFORMATION FURNISHED BY THE CLIENT, THERE MAY BE ONE OR MORE PLUGGED WELLS LOCATED ON THE SUBJECT PROPERTY. AS OF THE DATE OF THE SURVEY, NO INFORMATION HAS BEEN FURNISHED TO THE SURVEYOR AS TO THE LOCATION OF ANY SUCH WELLS.

TO STEWART TITLE GUARANTY COMPANY, TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND CAPITAL ONE, N.A.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6, 8, 13-18, 20(a) AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 19, 2011.

ROBERT W. TERRY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4420



ALTA/ACSM LAND TITLE SURVEY
97.57 ACRES (4,250,149 SQ.FT.)
IN THE
ELIZABETH SMITH SURVEY, A-70
HARRIS COUNTY, TEXAS

AECOM

AECOM TECHNICAL SERVICES, INC.
5757 WOODWAY, SUITE 101 WEST
HOUSTON, TEXAS 77057-1599
WWW.AECOM.COM
PHONE: 713-780-4123

SCALE: 1" = 100'
DATE: 10-05-11
JOB NO. 60222028
F.B. NO. HOU1013 & HOU1014
PROJECT: TOMBALL SURVEY

SHEET 2 OF 2

EXHIBIT A

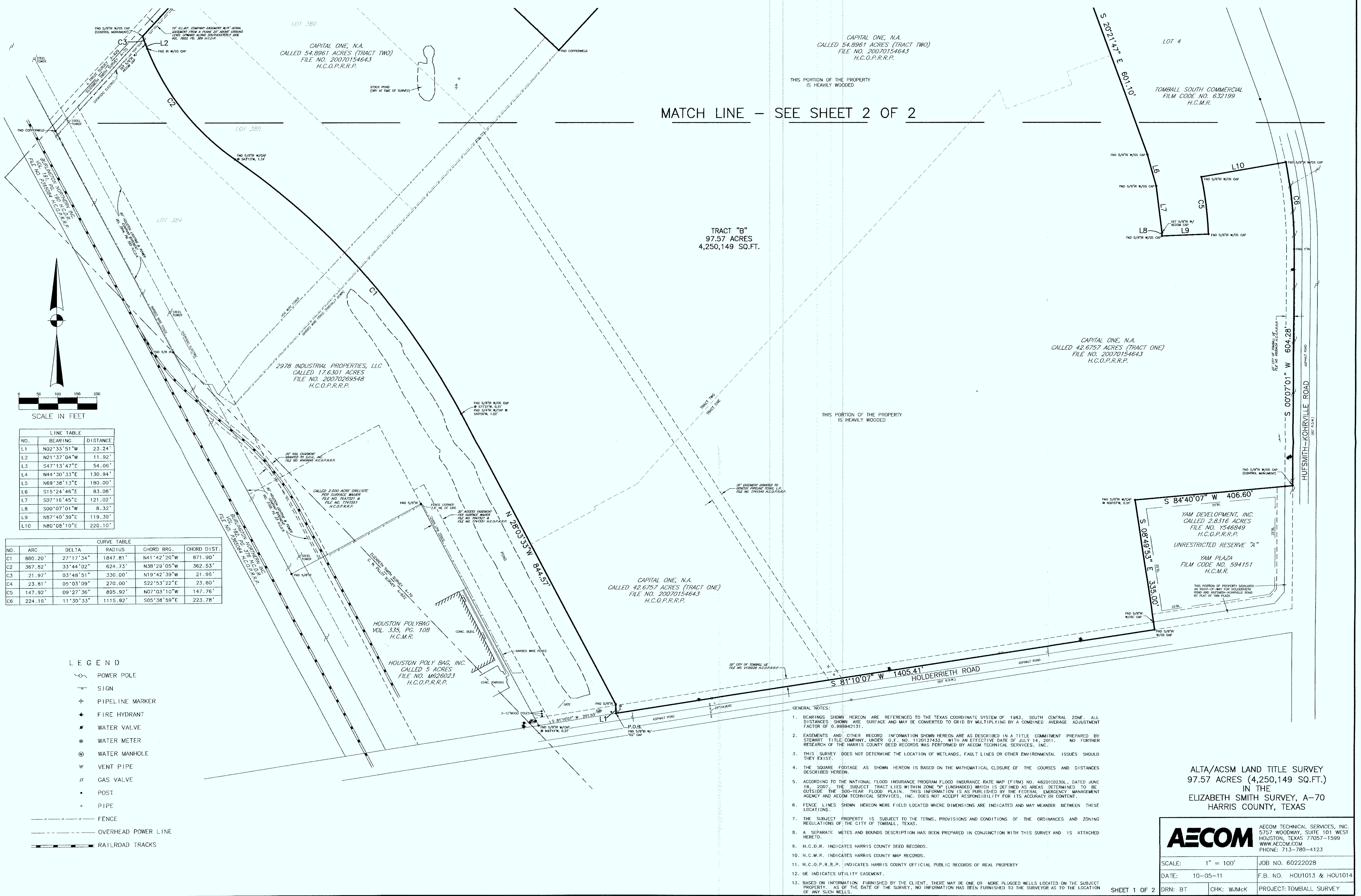
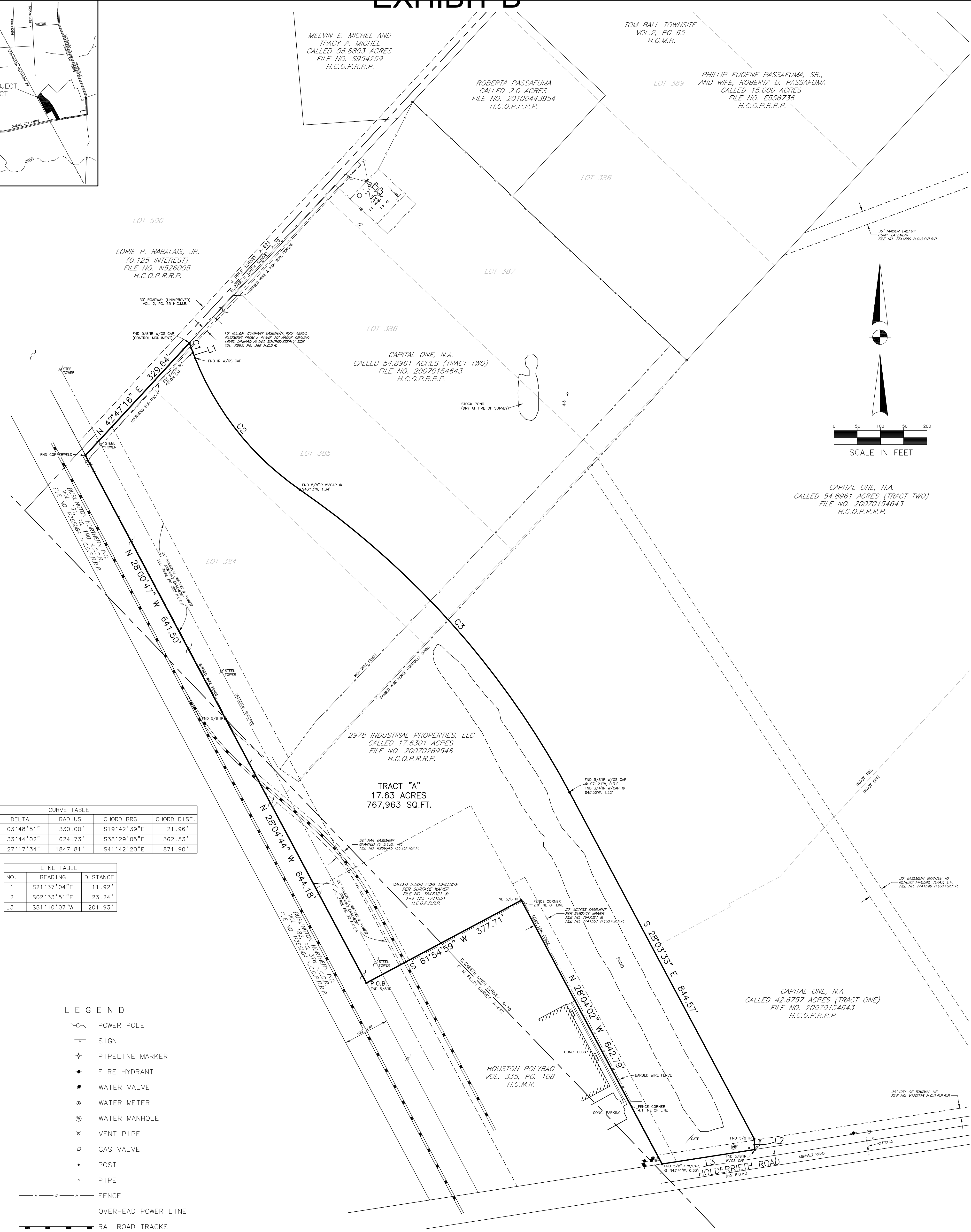
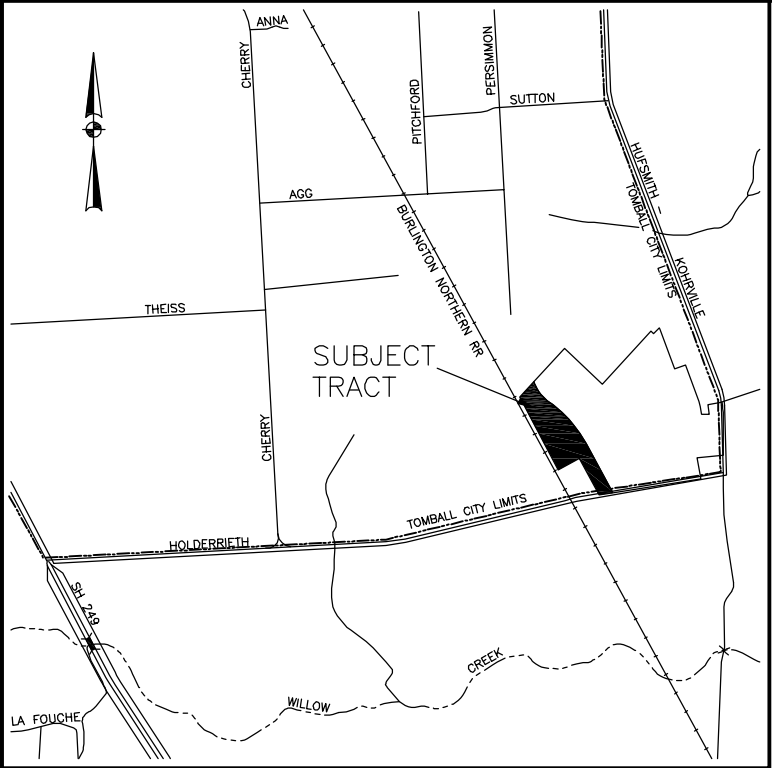


EXHIBIT B



CURVE TABLE					
NO.	ARC	DELTA	RADIUS	CHORD BRG.	CHORD DIST.
C1	21.97'	03°48'51"	330.00'	S19°42'39"E	21.96'
C2	367.82'	33°44'02"	624.73'	S38°29'05"E	362.53'
C3	880.20'	27°17'34"	1847.81'	S41°42'20"E	871.90'

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S21°37'04"E	11.92'
L2	S02°33'51"E	23.24'
L3	S81°10'07"W	201.93'

LEGEND

- POWER POLE
- SIGN
- PIPELINE MARKER
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- WATER MANHOLE
- VENT PIPE
- GAS VALVE
- POST
- PIPE
- FENCE
- OVERHEAD POWER LINE
- RAILROAD TRACKS

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED AVERAGE ADJUSTMENT FACTOR OF 0.999942131.
- EASEMENTS AND OTHER RECORD INFORMATION SHOWN HEREON ARE AS DESCRIBED IN A TITLE COMMITMENT PREPARED BY STEWART TITLE COMPANY, UNDER G.F. NO. 1120138383, WITH AN EFFECTIVE DATE OF AUGUST 11, 2011. NO FURTHER RESEARCH OF THE HARRIS COUNTY DEED RECORDS WAS PERFORMED BY AECOM TECHNICAL SERVICES, INC.
- THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES OR OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.
- THE SQUARE FOOTAGE AS SHOWN HEREON IS BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES DESCRIBED HEREON.
- ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) NO. 48201C0230L, DATED JUNE 18, 2007, THE SUBJECT TRACT LIES WITHIN ZONE "X" (UNSHADED) WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN. THIS INFORMATION IS AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND AECOM TECHNICAL SERVICES, INC. DOES NOT ACCEPT RESPONSIBILITY FOR ITS ACCURACY OR CONTENT.
- FENCE LINES SHOWN HEREON WERE FIELD LOCATED WHERE DIMENSIONS ARE INDICATED AND MAY MEANDER BETWEEN THESE LOCATIONS.
- THE SUBJECT PROPERTY IS SUBJECT TO THE TERMS, PROVISIONS AND CONDITIONS OF THE ORDINANCES AND ZONING REGULATIONS OF THE CITY OF TOMBALL, TEXAS.
- A SEPARATE METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED IN CONJUNCTION WITH THIS SURVEY AND IS ATTACHED HERETO.
- H.C.D.R. INDICATES HARRIS COUNTY DEED RECORDS.
- H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS.
- H.C.O.P.R.R.P. INDICATES HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- UE INDICATES UTILITY EASEMENT.
- BASED ON INFORMATION FURNISHED BY THE CLIENT, THERE MAY BE ONE OR MORE PLUGGED WELLS LOCATED ON THE SUBJECT PROPERTY. AS OF THE DATE OF THE SURVEY, NO INFORMATION HAS BEEN FURNISHED TO THE SURVEYOR AS TO THE LOCATION OF ANY SUCH WELLS.

TO STEWART TITLE GUARANTY COMPANY, TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND 2978 INDUSTRIAL PROPERTIES, LLC, A TEXAS LIMITED LIABILITY COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6, 8, 13-18, 20(a) AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 19, 2011.

ROBERT W. TERRY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4420



ALTA/ACSM LAND TITLE SURVEY OF
17.63 ACRES (767,963 SQ.FT.)
IN THE ELIZABETH SMITH SURVEY, A-70
AND THE C. N. PILLOT SURVEY, A-632
IN HARRIS COUNTY, TEXAS

AECOM

AECOM TECHNICAL SERVICES, INC.
5757 WOODWAY, SUITE 101 WEST
HOUSTON, TEXAS 77057-1599
WWW.AECOM.COM
PHONE: 713-780-4123

SCALE:	1" = 100'	JOB NO.	60222028
DATE:	10-05-11	F.B. NO.	HOU1013 & HOU1014
DRN:	BT	CHK:	WJMcK
		PROJECT:	TOMBALL SURVEY

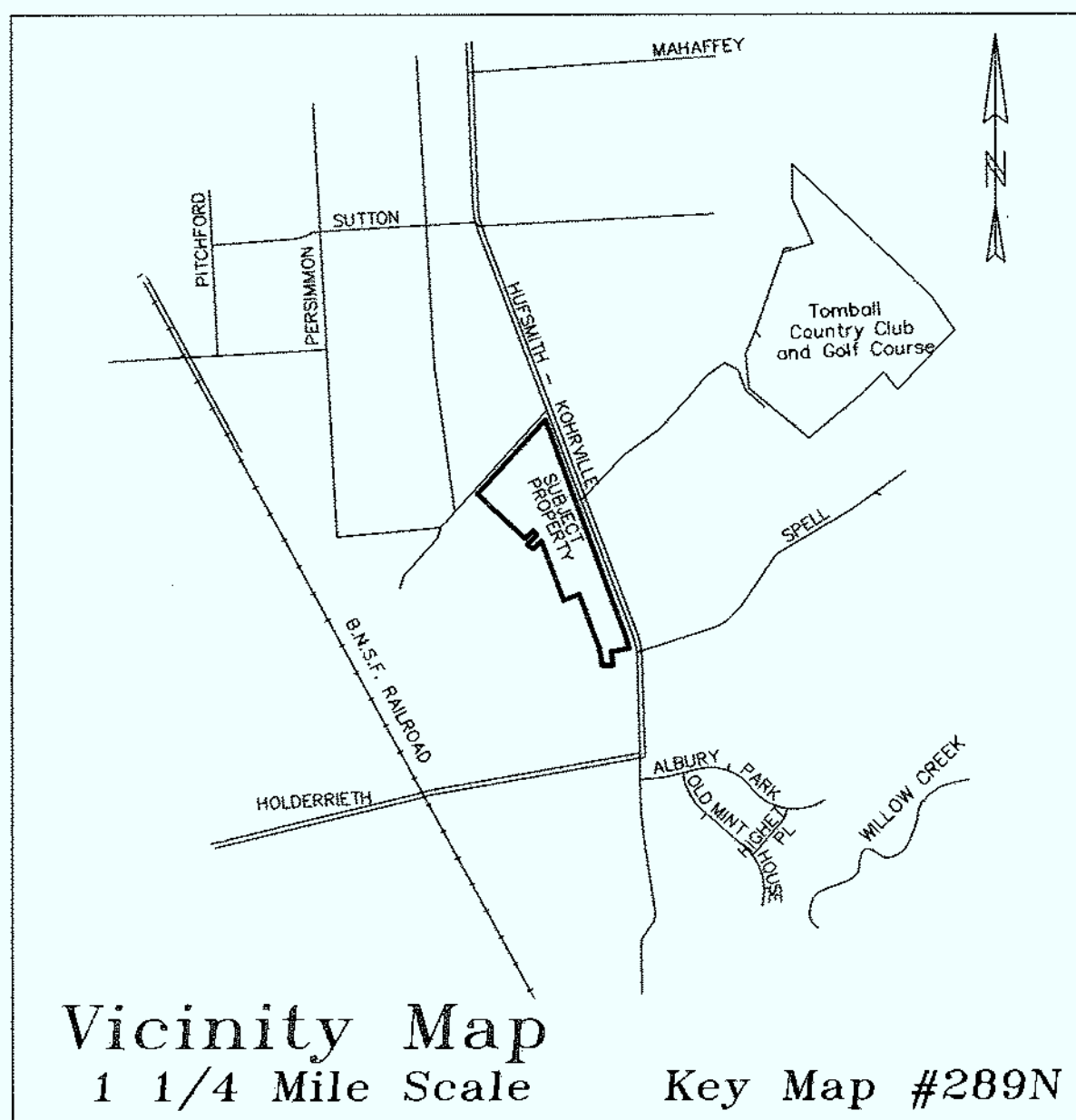
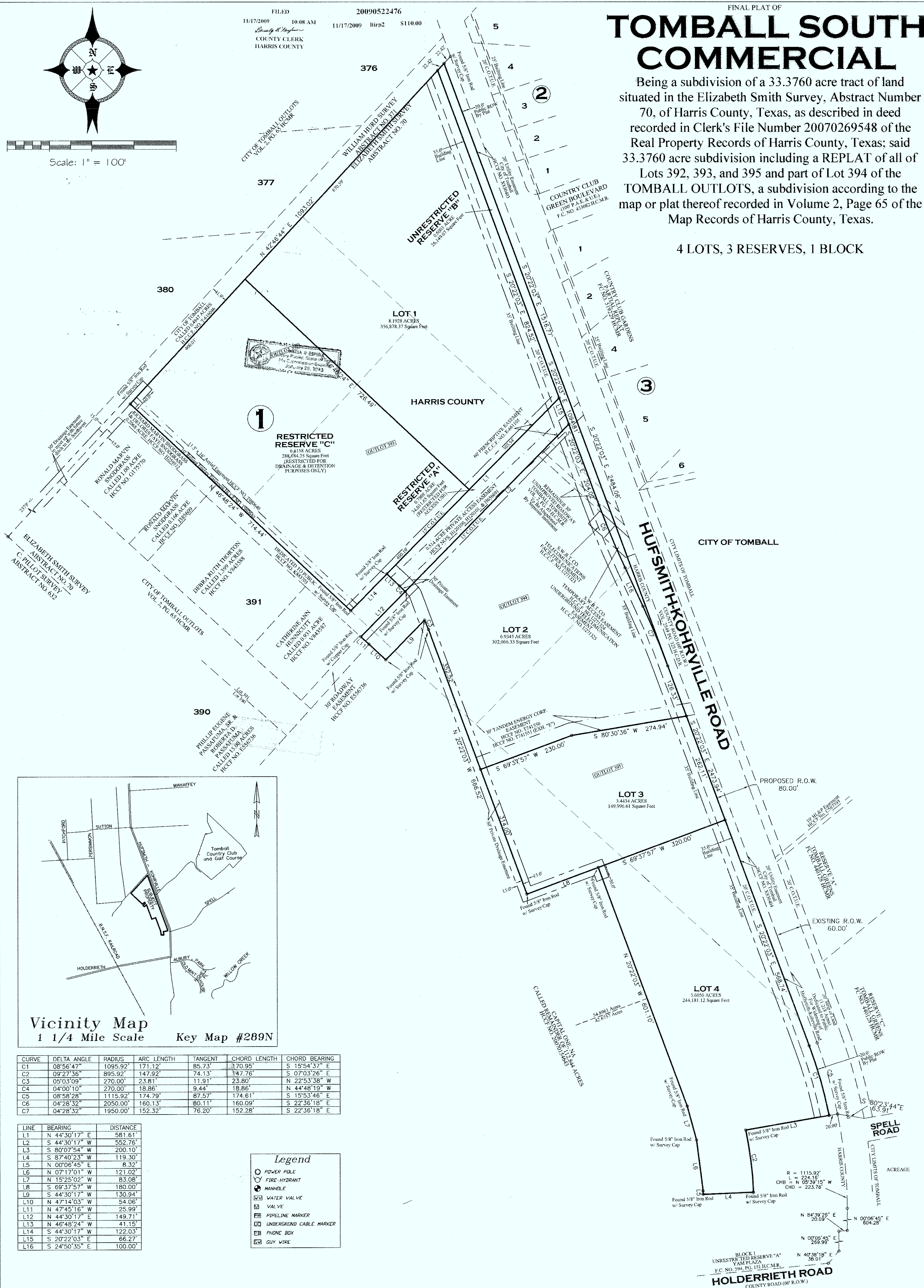
EXHIBIT C

FINAL PLAT OF

TOMBALL SOUTH COMMERCIAL

Being a subdivision of a 33.3760 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, of Harris County, Texas, as described in deed recorded in Clerk's File Number 20070269548 of the Real Property Records of Harris County, Texas; said 33.3760 acre subdivision including a REPLAT of all of Lots 392, 393, and 395 and part of Lot 394 of the TOMBALL OUTLOTS, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas.

4 LOTS, 3 RESERVES, 1 BLOCK



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	08°56'47"	1095.92'	171.12'	85.73'	170.95'	S 15°54'37" E
C2	09°27'36"	895.92'	147.92'	74.13'	147.76'	S 07°03'26" E
C3	05°03'09"	270.00'	23.81'	11.91'	23.80'	N 22°53'38" W
C4	04°00'10"	270.00'	18.86'	9.44'	18.86'	N 44°48'19" W
C5	08°58'28"	1115.92'	174.79'	87.57'	174.61'	S 15°53'46" E
C6	04°28'32"	2050.00'	160.13'	80.11'	160.09'	S 22°36'18" E
C7	04°28'32"	1950.00'	152.32'	76.20'	152.28'	S 22°36'18" E

LINE	BEARING	DISTANCE
L1	N 44°30'17" E	581.61'
L2	S 44°30'17" W	552.76'
L3	S 80°07'54" W	200.10'
L4	S 87°40'23" W	119.30'
L5	N 00°06'45" E	8.32'
L6	N 07°17'01" W	121.02'
L7	N 15°25'02" W	83.08'
L8	S 69°37'57" W	180.00'
L9	S 44°30'17" W	130.94'
L10	N 47°14'03" W	54.06'
L11	N 47°45'16" W	25.99'
L12	N 44°30'17" E	149.71'
L13	N 46°48'24" W	41.15'
L14	S 44°30'17" W	122.03'
L15	S 20°22'03" E	66.27'
L16	S 24°50'35" E	100.00'

Legend	
	POWER POLE
	FIRE HYDRANT
	MANHOLE
	WATER VALVE
	VALVE
	PIPELINE MARKER
	UNDERGROUND CABLE MARKER
	PHONE BOX
	GUY WIRE

Surveyor:
Steven L. Crews
C & C SURVEYING INC.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935

Owner:
2978 Industrial
Properties LLC
14405 Brown Road
Tomball, Texas 77377
281-290-8331

August 2009
Sheet 1 of 2

EXHIBIT D

LORIE P. RABALAIS, JR.
(0.125 INTEREST)
FILE NO. N526005
H.C.O.P.R.R.P.

TOMBALL INDUSTRIAL DEVELOPMENT
CORPORATION
CALLED 97.57 ACRES
FILE NO. 20120018139
H.C.O.P.R.R.P.

10' H.L.&P. COMPANY EASEMENT W/5' AERIAL
EASEMENT FROM A PLANE 20' ABOVE GROUND
LEVEL UPWARD ALONG SOUTHEASTERLY SIDE
VOL. 7983, PG. 389 H.C.D.R.

LOT 387

LOT 386

PROPOSED DRAINAGE CHANNEL

PROPOSED R.O.W.

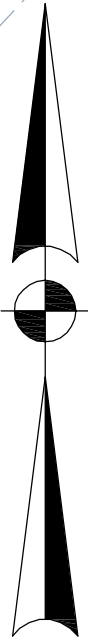
LOT 385

1.956 ACRES
85,184 SQ.FT.

FND 5/8"IR W/CAP
⊕ S43°13'W, 1.34'

LOT 384

6



2978 INDUSTRIAL PROPERTIES, LLC
CALLED 17.6301 ACRES
FILE NO. 20070269548
H.C.O.P.R.R.P.

NO.	LINE TABLE BEARING	DISTANCE
L1	N42°47'16"E	20.00'
L2	S76°37'16"E	47.28'
L3	S13°22'44"W	98.92'
L4	N21°37'04"W	11.92'

NO	ARC	DELTA	CURVE TABLE RADIUS	CHD. BRG	CHD. DIST
C1	506.38'	27°53'50"	1040.00'	S62°40'21"E	501.39'
C2	179.32'	15°20'06"	670.00'	S05°42'41"W	178.79'
C3	293.11'	09°05'19"	1847.81'	N50°48'27"W	292.81'
C4	367.82'	33°44'02"	624.73'	N38°29'05"W	362.53'
C5	21.97'	03°48'51"	330.00'	N19°42'39"W	21.96'

EXHIBIT MAP
1.956 ACRES (85,184 SQ.FT.)
ELIZABETH SMITH SURVEY, A-70
HARRIS COUNTY, TEXAS



SCALE:	1" = 100'	JOB NO.	06161-0001
DATE:	05-17-12	F.B. NO.	
DRAWN BY: BT CKD:		PROJECT:	TEDC

EXHIBIT D

Metes and Bounds Description
1.956 Acres (85,184 Square Feet)
Elizabeth Smith Survey, Abstract No. 70
Harris County, Texas

Description of a 1.956 acre (85,184 square feet) tract of land out of a called 97.57 acre tract described in a deed to Tomball Industrial Development Corporation, as recorded under File No. 20120018139 of the Harris County Official Public Records of Real Property (H.C.O.P.R.P.), in the Elizabeth Smith Survey, Abstract No. 70, in Harris County, Texas, said 1.956 acre tract being more particularly described as follows (with bearings referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING at a 5/8-inch iron rod with cap stamped "GS" found for the most westerly corner of said 97.57 acre tract and the most northerly corner of a called 17.6301 acre tract described in a deed to 2978 Industrial Properties, LLC, as recorded under File No. 20070269548 of said H.C.O.P.R.P.;

THENCE, North 42° 47' 16" East, along the northwesterly line of said 97.57 acre tract, a distance of 20.00 feet to a point for the most northerly corner of this herein described tract and the beginning of a non-tangent curve to the left;

THENCE, southeasterly, 506.38 feet along the northerly line of this tract and along the arc of said curve to the left (central angle = 27° 53' 50"; radius = 1,040.00 feet; chord bearing and distance = South 62° 40' 21" East, 501.39 feet) to a point of tangency;

THENCE, South 76° 37' 16" East, continuing along said northerly line, a distance of 47.28 feet to a point for the northeasterly corner of this herein described tract;

THENCE, South 13° 22' 44" West, along the easterly line of this tract, a distance of 98.92 feet to a point for the beginning of a curve to the left;

THENCE, southwesterly, 179.32 feet along said easterly line and along the arc of said curve to the left (central angle = 15° 20' 06"; radius = 670.00 feet; chord bearing and distance = South 05° 42' 41" West, 178.79 feet) to a point in the common line between said 97.57 acre tract and said 17.6301 acre tract which marks the most southerly corner of this herein described tract and being on the arc of a non-tangent curve to the left;

THENCE, northwesterly, 293.11 feet along said common line and along the arc of said curve to the left (central angle = 09° 05' 19"; radius = 1,847.81 feet; chord bearing and distance = North 50° 48' 27" West, 292.81 feet) to a point of reverse curvature, from which a found 5/8-inch iron rod with cap bears South 43° 13' West, 1.34 feet;

THENCE, northwesterly, 367.82 feet along said common line and along the arc of said curve to the right (central angle = 33° 44' 02"; radius = 624.73 feet; chord bearing and distance = North 38° 29' 05" West, 362.53 feet) to a 5/8-inch iron rod with cap stamped "GS" found for a point of tangency;

THENCE, North 21° 37' 04" West, continuing along said common line, a distance of 11.92 feet to a 5/8-inch iron rod with cap stamped "AECOM" set for the beginning of a curve to the right;

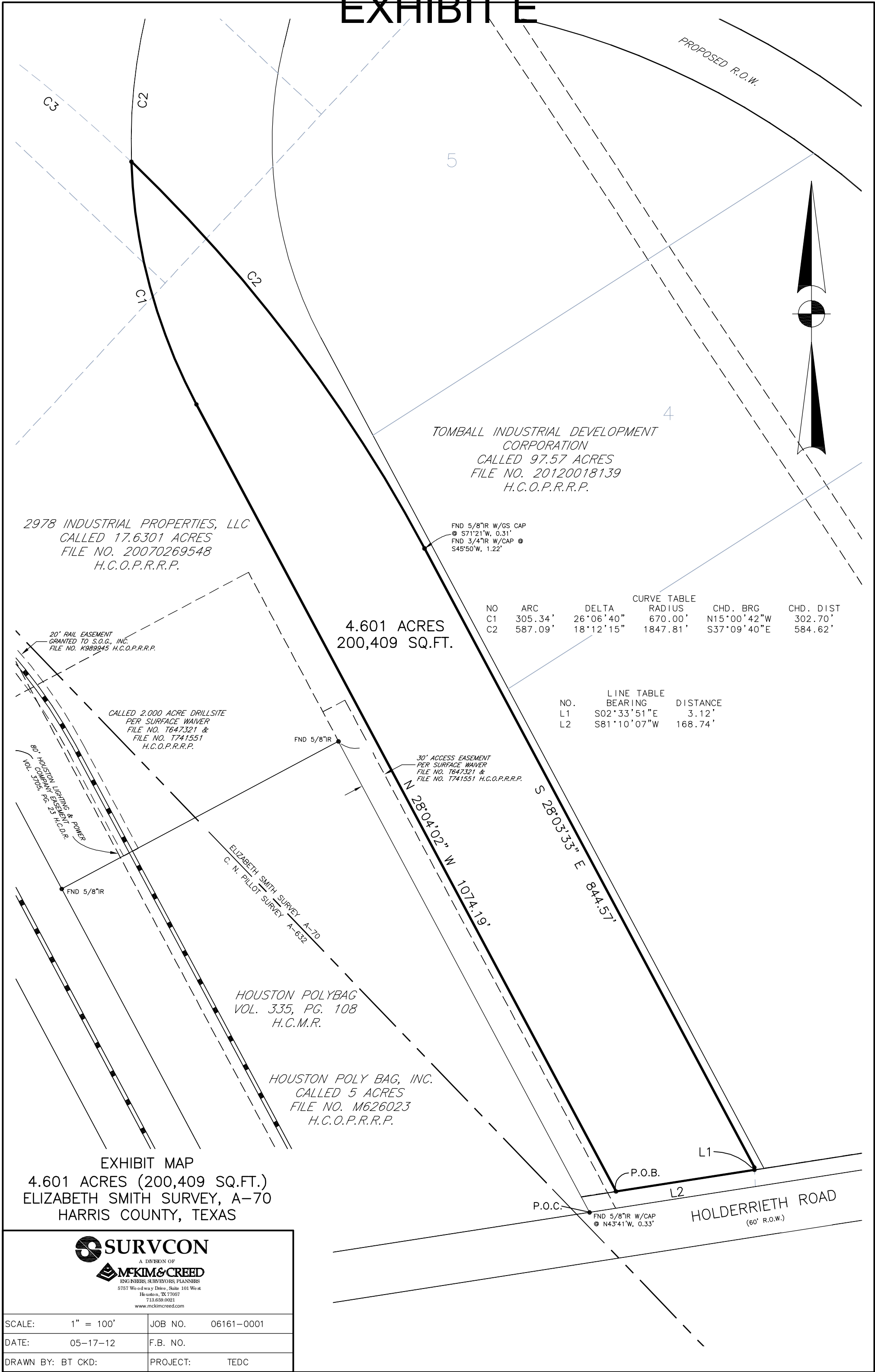
EXHIBIT D

THENCE, northwesterly, 21.97 feet along said common line and along the arc of said curve to the right (central angle = $03^{\circ} 48' 51''$; radius = 330.00 feet; chord bearing and distance = North $19^{\circ} 42' 39''$ West, 21.96 feet to the POINT OF BEGINNING and containing a computed area of 1.956 acres (85,184 square feet) of land.

Compiled by:
SURVCON, a division of McKim & Creed
5757 Woodway, Suite 101 West
Houston, Texas 77057
Phone: 713-659-0021
Job No. 06161-0001
Date: May 17, 2012

J:\06161-0001 CLR Tomball Plat\Swap Tr 2 - M&B.doc

EXHIBIT E



SCALE:	1" = 100'	JOB NO.	06161-0001
DATE:	05-17-12	F.B. NO.	
DRAWN BY: BT CKD:		PROJECT:	TEDC

EXHIBIT E

Metes and Bounds Description
4.601 Acres (200,409 Square Feet)
Elizabeth Smith Survey, Abstract No. 70
Harris County, Texas

Description of a 4.601 acre (200,409 square feet) tract of land out of a called 17.6301 acre tract described in a deed to 2978 Industrial Properties, LLC, as recorded under File No. 20070269548 of the Harris County Official Public Records of Real Property (H.C.O.P.R.P.), in the Elizabeth Smith Survey, Abstract No. 70, in Harris County, Texas, said 4.601 acre tract being more particularly described as follows (with bearings referenced to the Texas Coordinate System of 1983, South Central Zone):

Commencing at a point on the northerly right-of-way line of Holderrieth Road (60 feet wide) which marks the most southerly southwest corner of said 17.6301 acre tract and the southeasterly corner of the plat of Houston Polybag as recorded in Volume 335, Page 108, of the Harris County Map Records (H.C.M.R.), from which a found 5/8-inch iron rod with cap bears North 43° 41' West, 0.33 foot;

THENCE, North 51° 41' 39" East, a distance of 40.65 feet to a point for the southwesterly corner and POINT OF BEGINNING of this herein described tract;

THENCE, North 28° 04' 02" West, along the westerly line of this tract, a distance of 1,074.19 feet to a point for the beginning of a tangent curve to the right;

THENCE, northwesterly, 305.34 feet along the arc of said curve to the right (central angle = 26° 06' 40"; radius = 670.00 feet; chord bearing and distance = North 15° 00' 42" West, 302.70 feet) to a point for corner on the easterly line of said 17.6301 acre tract and the westerly line of a called 97.57 acre tract described in a deed to Tomball Industrial Development Corporation as recorded under File No. 20120018139 of said H.C.O.P.R.P., said point marks the most northerly corner of this herein described tract and being on the arc of a non-tangent curve to the right;

THENCE, southeasterly, 587.09 feet along the common line between said 17.6301 acre tract and said 97.57 acre tract, and along the arc of said curve to the right (central angle = 18° 12' 15"; radius = 1,847.81 feet; chord bearing and distance = South 37° 09' 40" East, 584.62 feet) to a point of tangency, from which a found 5/8-inch iron rod with cap stamped "GS" bears South 71° 21' West, 0.31 foot, and from which a found 3/4-inch iron rod with cap bears South 45° 50' West, 1.22 feet;

THENCE, South 28° 03' 33" East, continuing along said common line, a distance of 844.57 feet to a 5/8-inch iron rod found for an angle point in said common line;

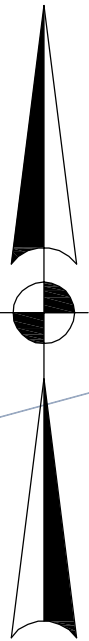
THENCE, South 02° 33' 51" East, along said common line, a distance of 3.12 feet to a point for the southeasterly corner of this herein described tract;

THENCE, South 81° 10' 07" West, along the southerly line of this herein described tract, a distance of 168.74 feet to the POINT OF BEGINNING and containing a computed area of 4.601 acres (200,409 square feet) of land.

Compiled by:
SURVCON, a division of McKim & Creed
5757 Woodway, Suite 101 West
Houston, Texas 77057
Phone: 713-659-0021
Job No. 06161-0001
Date: May 17, 2012

J:\06161-0001 CLR Tomball Plat\Swap Tr 1 - M&B.doc

~~EXHIBIT F~~



17

TOMBALL SOUTH COMMERCIAL
FILM CODE NO. 632199
H.C.M.R.

LOT 4

0.3911 AC.
7,036 SQ.FT.

PROPOSED R.O.W.

L1.

L5

TOMBALL INDUSTRIAL DEVELOPMENT
CORPORATION
CALLED 97.57 ACRES
FILE NO. 20120018139
H.C.O.P.R.R.P.

20

CURVE TABLE					
NO	ARC	DELTA	RADIUS	CHD. BRG	CHD. DIST
C1	7.54'	00°48'53"	530.00'	N71°09'15"E	7.54'
C2	103.12'	11°08'52"	530.00'	N76°19'14"W	102.96'
C3	147.92'	09°27'36"	895.92'	S07°03'10"E	147.76'

20' CITY OF TOMBALL UE
FILE NO. X830404 H.C.O.P.R.R.P. -

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N00°07'01"E	8.32'
L2	N07°16'45"W	118.62'
L3	N81°53'40"E	91.36'
L4	S80°08'10"W	82.77'
L5	S87°40'39"W	119.30'

HUFSMITH-KOHRVILLE ROAD
(60' R.O.W.)

FND 5/8"IR W/GS CAP
(CONTROL MONUMENT)

FND 5/8"IR W/CAP
@ N00°07'W. 0.31'

YAM DEVELOPMENT, INC.
CALLED 2.8316 ACRES
FILE NO. Y546849
H.C.O.P.R.R.P.

UNRESTRICTED RESERVE "A"

YAM PLAZA
FILM CODE NO. 594151
H.C.M.R.

1

EXHIBIT MAP
0.3911 ACRE (17,036 SQ.FT.)
ELIZABETH SMITH SURVEY, A-70
HARRIS COUNTY, TEXAS



SCALE: 1" = 100'	JOB NO. 06161-0001
DATE: 05-17-12	F.B. NO.
DRAWN BY: BT CKD:	PROJECT: TEDC

EXHIBIT F

Metes and Bounds Description
0.3911 Acres (17,036 Square Feet)
Elizabeth Smith Survey, Abstract No. 70
Harris County, Texas

Description of a 0.3911 acre (17,036 square feet) tract of land out of Lot 4 of the plat of Tomball South Commercial as recorded in Film Code No. 632199 of the Harris County Map Records (H.C.M.R.), in the Elizabeth Smith Survey, Abstract No. 70, in Harris County, Texas, said 0.3911 acre tract being more particularly described as follows (with bearings referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING at a 5/8-inch iron rod with cap stamped "GS" found for the southwesterly corner of said Lot 4, and being an interior corner of a called 97.57 acre tract described in a deed to Tomball Industrial Development Corporation as recorded under File No. 20120018139 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.);

THENCE, North 00° 07' 01" East, along the westerly line of said Lot 4, a distance of 8.32 feet to a 5/8-inch iron rod with cap stamped "GS" found for an angle point;

THENCE, North 07° 16' 45" West, continuing along said westerly line, a distance of 118.62 feet to a point for the northwesterly corner of this herein described tract, said point being on the arc of a non-tangent curve to the left;

THENCE, northeasterly, 7.54 feet along the northerly line of this tract and along the arc of said curve to the left (central angle = 00° 48' 53"; radius = 530.00 feet; chord bearing and distance = North 71° 09' 15" East, 7.54 feet) to a point of reverse curvature;

THENCE, northeasterly, 103.12 feet along the arc of said curve to the right (central angle = 11° 08' 52"; radius = 530.00 feet; chord bearing and distance = North 76° 19' 14" East, 102.96 feet) to a point of tangency;

THENCE, North 81° 53' 40" East, continuing along said northerly line, a distance of 91.36 feet to a point on a southerly line of said Lot 4 which marks the most easterly corner of this herein described tract;

THENCE, South 80° 08' 10" West, along said southerly line, a distance of 82.77 feet to a 5/8-inch iron rod with cap stamped "GS" found for an interior corner of said Lot 4 and the beginning of a non-tangent curve to the right;

THENCE, southeasterly, 147.92 feet along an easterly line of said Lot 4 and along the arc of said curve to the right (central angle = 09° 27' 36"; radius = 895.92 feet; chord bearing and distance = South 07° 03' 10" East, 147.76 feet) to a 5/8-inch iron rod with cap stamped "GS" found for the southernmost southeasterly corner of said Lot 4;

THENCE, South 87° 40' 39" West, along the most southerly line of said Lot 4, a distance of 119.30 feet to the POINT OF BEGINNING and containing a computed area of 0.3911 acres (17,036 square feet) of land.

Compiled by:
SURVCON, a division of McKim & Creed
5757 Woodway, Suite 101 West
Houston, Texas 77057
Phone: 713-659-0021
Job No. 06161-0001
Date: May 17, 2012

J:\06161-0001 CLR Tomball Plat\Swap Tr 3 - M&B.doc

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Approve Resolution No. 2012-15, a Resolution of the City Council of the City of Tomball, Texas, Approving Request by Iglesia de Dios Taller del Alfarero (Church of God Potter's House) to Conduct a March/Walk on FM 2920/Main Street on Saturday, July 7, 2012

Background:

Iglesia de Dios Taller Del Alfarero, requests permission to hold a prayer walk on the morning of Saturday, July 7, 2012. The walk would begin at 9 a.m. at the Tomball Intermediate School on Main Street, and proceed East towards the Depot Plaza.

If approved, the Tomball Police Department would utilize a rolling barricade to block the far right lane of FM 2920 heading East. The walk would turn into the Depot Plaza from Elm Street.

Iglesia de Dios Taller Del Alfarero is requesting permission from the City to block the road and the use of City personnel to do so. Also, they are requesting to have the fees waived for the use of the Depot Plaza area and the Main Street Banner.

Approval of Resolution No. 2012-15 will allow the City to request permission from TxDOT to block a portion of FM 2920.

Origination:

Iglesia de Dios Taller del Alfarero (Church of God Potter's House)

Recommendation:

Approval of Resolution No. 2012-15

Funding:

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

Mike Baxter, Marketing Director

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

ATTACHMENTS:

Resolution No. 2012-15

RESOLUTION NO. 2012-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, APPROVING REQUEST BY IGLESIA DE DIOS
TALLER DEL ALFARERO (CHURCH OF GOD POTTER'S HOUSE)
TO CONDUCT A MARCH/WALK ON FM 2920/MAIN STREET ON
SATURDAY, JULY 7, 2012.**

* * * * *

WHEREAS the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) will undertake a March/Walk, to be held in the City of Tomball on Saturday, July 7, 2012 from 9:00 a.m. through 11:00 a.m.; and

WHEREAS the march/walk will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Tomball Depot; and

WHEREAS the purpose of the march/walk is to pray for the City, area families and businesses; and

WHEREAS the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) desires and requests the approval of the City of Tomball, including use of the Depot, in this community effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body approves the request by the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) to undertake the prayer march/walk.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL
HELD ON THE 4TH DAY OF JULY, 2012.**

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Approve Resolution No. 2012-16, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 4th Annual **5K Tomball Dash**, a Certified Run, Hosted by Woodforest National Bank, to be held in Tomball on Saturday, November 10, 2012

Background:

For the past three years, Woodforest National Bank has held an annual 5K certified fun run in the fall at the historic Tomball Depot. Woodforest National Bank requests that the City continue its support of this event as Woodforest prepares to host the 4th Annual **5K Tomball Dash**.

The **5K Tomball Dash** has consistently brought runners into Tomball from all around the Houston area, including Alvin, Wharton, Sugarland, Sealy, etc. For this event Woodforest hopes to increase participation to around 250 runners.

The proceeds from the race will go to the Woodforest Charitable Foundation, an organization which has directly helped TOMAGWA, the Houston Food Bank, the Montgomery County Food Bank, and the Boys and Girls Club.

The anticipated in-kind costs are \$3,000, which include personnel and equipment.

Origination:

Marlene Kovacs, Branch Manager, Woodforest National Bank

Recommendation:

Approval of Resolution No. 2012-16

Funding:

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

Mike Baxter, Marketing Director

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

ATTACHMENTS:

Resolution No. 2012-16

Woodforest National Bank Request Letter

RESOLUTION NO. 2012-16

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, SUPPORTING THE 4TH
ANNUAL 5K TOMBALL DASH, A CERTIFIED RUN,
HOSTED BY WOODFOREST NATIONAL BANK, TO
BE HELD IN TOMBALL ON SATURDAY,
NOVEMBER 10, 2012**

* * * * *

- WHEREAS** Woodforest National Bank will undertake its Fourth Annual “**5K Tomball Dash**,” a run/walk fundraiser, to be held in the City of Tomball on Saturday, November 10, 2012; and
- WHEREAS** the 5k Run/Walk will begin at 8:00 a.m. at the Tomball Depot, with the expected participation of many contestants; and
- WHEREAS** all of the funds raised through the registration fee to participate in this Fourth Annual 5K certified run/walk will be used to benefit the Woodforest Charitable Foundation; and
- WHEREAS** the Annual 5K **Tomball Dash** offers an opportunity for Tomball area residents and merchants to come out and encourage the participants; and
- WHEREAS** Woodforest National Bank desires and requests the support and endorsement of the City of Tomball in this fundraising effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of Woodforest National Bank in promoting and undertaking the Fourth Annual **5K Tomball Dash** and pledges to encourage this effort to benefit the Woodforest Charitable Foundation;

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL
HELD ON THE ____ DAY OF _____, 2012.**

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



May 23rd, 2012

4th Annual Tomball Dash – 5K Certified Run

Date: Saturday, November 10th 2012

Time: 8:00 am

Location: Train Depot

Route: City of Tomball Bunny 5K Run

Dear City Council Members,

Woodforest National Bank would like to continue our tradition of hosting the 4th Annual Tomball Dash at the Train Depot.

Please let me know if it is possible for us to be included on the upcoming council meeting scheduled for June 4th, 2012. Our goal is to share pertinent information concerning the 4th **Annual Tomball Dash – 5K Certified Run** during the meeting.

In the past, we have allowed local businesses and vendors the opportunity to grow their respective brands while using this platform to give back to the community; all of the proceeds from the above event will benefit the Woodforest Charitable Foundation.

Also, your approval is needed for us to ensure an orderly and safe environment as we request the presence and service from the following: Tomball Police Department, Tomball EMT, Tomball Fire Department and any other possible factions available to aid us in accomplishing our goal.

Thank you in advance for your time and assistance.

Sincerely,

Marlene Kovacs
Branch Manager
Woodforest National Bank
27650 Tomball Parkway
Tomball, TX 77375
Branch: 281.351.0464
Cell: 832.360.4343
Fax: 713.495.8302
Mkovacs@woodforest.com

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Approve **SHEPHERD CENTER FINAL PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the Preliminary Plat of Shepherd Center Final Plat on May 14, 2012. The Shepherd Center Final Plat was approved by the Planning and Zoning Commission on May 14, 2012 with contingencies.

Comments have been addressed and the Sherpherd Center Final Plat is now being presented for City Council approval.

Origination:

Shepherd Center Final Plat

Recommendation:

Recommend Approval of Shepherd Center Final Plat

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:

Shepherd Center Final Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Ralph M. Shepherd and Sandra W. Shepherd, hereinafter referred to as Owners of the 0.2871 Acre Tract described in the above and foregoing map of SHEPHERD CENTER, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

WITNESS our hand in the City of Tomball, Texas, this 2ND day of May, 2012.

By: Ralph M. Shepherd
Ralph M. Shepherd

By: Sandra W. Shepherd
Sandra W. Shepherd

THE STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Ralph M. Shepherd and Sandra W. Shepherd, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2ND day of May, 2012.

Honey D. Hoppe
Notary Public in and for the State of Texas

My Commission expires: August 5, 2013



We, VALUEBANK TEXAS, Owners and holders of the lien against the property described in the plat known as SHEPHERD CENTER, said lien being evidenced by instrument of record in Clerk's File No. 20120181194 of the deed records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: Steven L. Vaughan

Print Name: Steven L. Vaughan

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Steven L. Vaughan, of VALUEBANK TEXAS known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

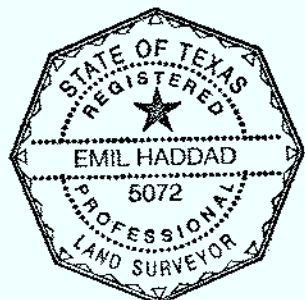
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2ND day of May, 2012.



Honey D. Hoppe
Notary Public In and For the State of Texas

My Commission Expires: August 5, 2013

I, EMIL HADDAD, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter (3/4) inch and a length of not less than three (3) feet, and that the plat boundary corners have been tied to the nearest survey corner.



Emil Haddad
EMIL HADDAD, R.P.L.S.
Texas Registration No. 5072

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinances.

George Shackelford, City Manager

Narciso Lira, P.E., Director of Community Development

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of SHEPHERD CENTER in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon authorized the recording of this plat this _____ day of _____, 2012.

By: Lori Wallace, Chairman

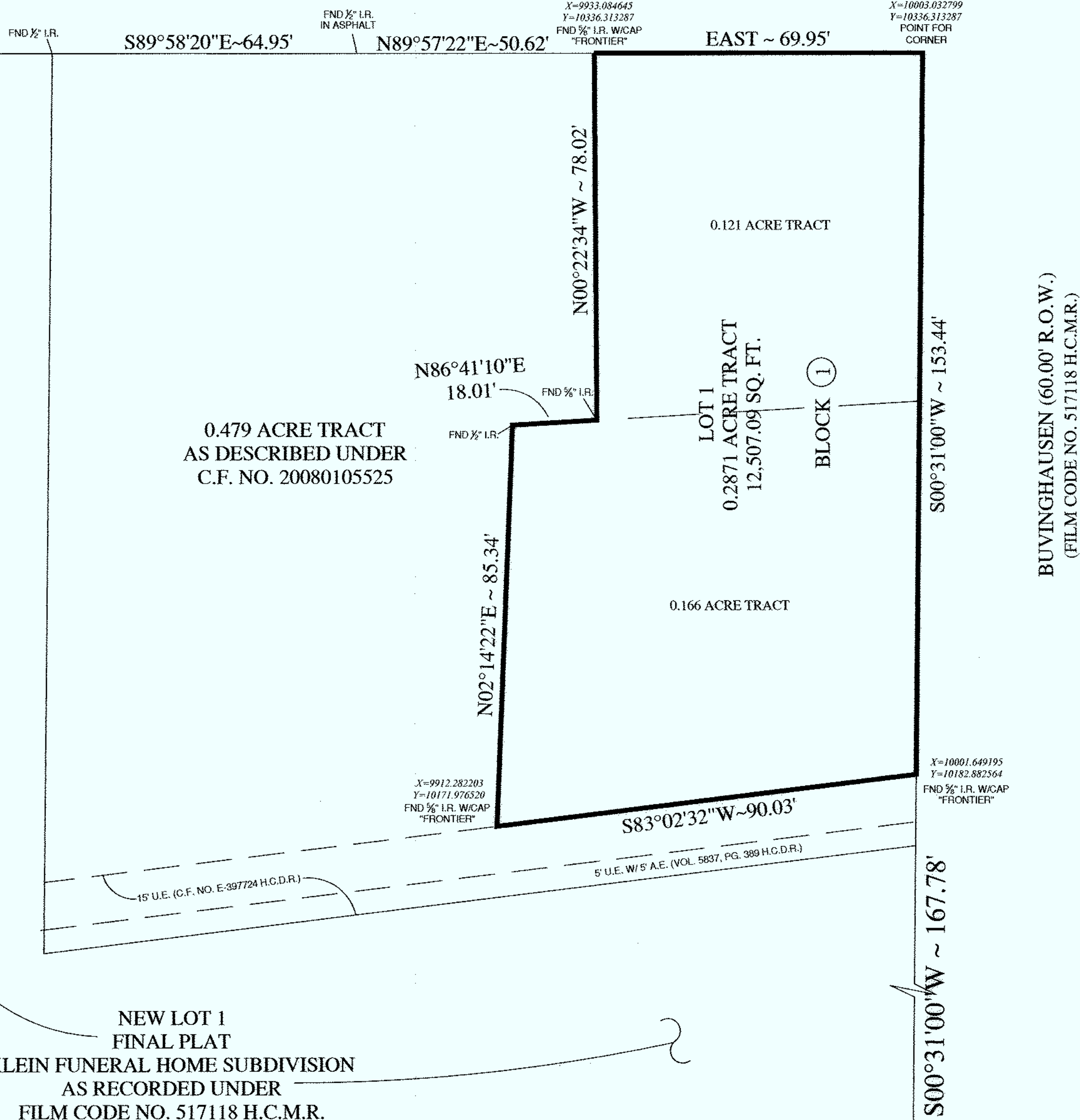
Evelyn Chervenak, Vice Chairman

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2012.

BY: Gretchen Fagan, Mayor

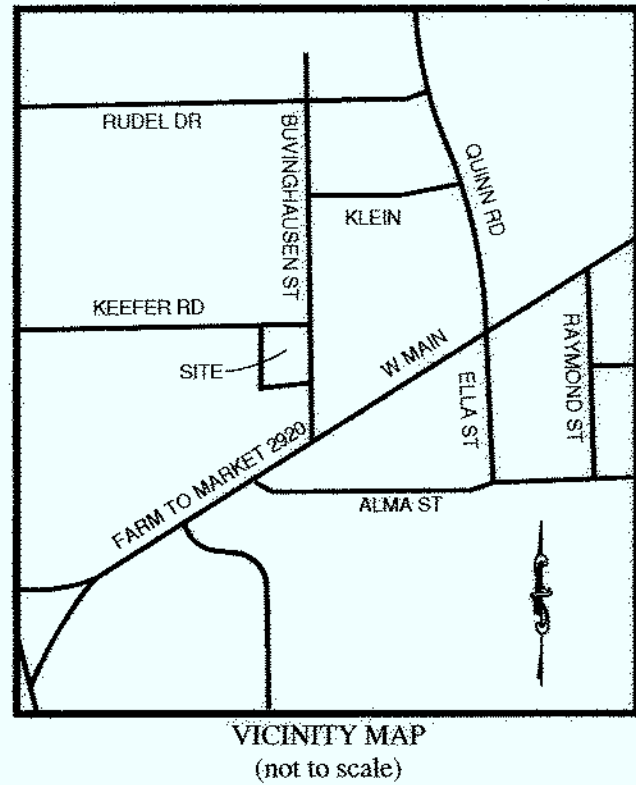
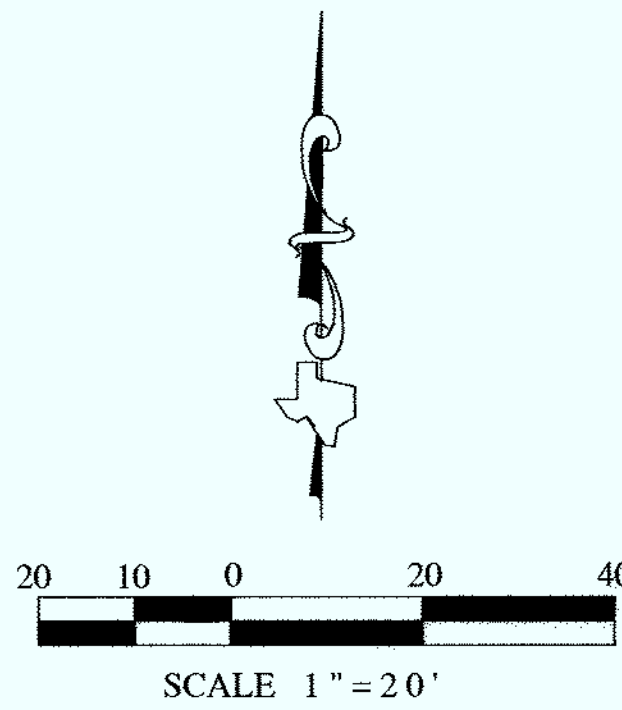
Doris Speer, City Secretary

KEEFER STREET (60.00' R.O.W.)
(FILM CODE NO. 517118 H.C.M.R.)



MAIN STREET (100.00' R.O.W.)
(FILM CODE NO. 517118 H.C.M.R.)

BUYINGHAUSEN (60.00' R.O.W.)
(FILM CODE NO. 517118 H.C.M.R.)



SHEPHERD CENTER

BEING A SUBDIVISION OF 0.2871 ACRE
(12,507.09 SQUARE FEET)
BEING COMPRISED OF A 0.166 ACRE TRACT
AND A 0.121 ACRE TRACT
SITUATED IN THE JOSEPH HOUSE
SURVEY, ABSTRACT 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

CONTAINING

1 LOT 1 BLOCK

MAY 2012

OWNER

RALPH M. SHEPHERD AND
SANDRA W. SHEPHERD

1302 RUDEL DRIVE
TOMBALL, TEXAS 77375
(713) 253-1000

SURVEYOR

E.I.C. SURVEYING COMPANY

12345 JONES ROAD, SUITE 270
HOUSTON, TEXAS 77070
(281) 955-2772

LEGEND NOTES

B.L. Indicates " Building Line "
U.E. Indicates " Utility Easement "
R.O.W. Indicates " Right-of Way "
Ac. Indicates " Acre "
Vol. Indicates " Volume "
Pg. Indicates " Page "
I.R. Indicates " Iron Rod "
H.C.M.R. Indicates " Harris County Map Records "
H.C.D.R. Indicates " Harris County Deed Records "

GENERAL NOTES

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is NOT in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Lot depth of 69.95 feet was permitted per box case P-12-420.

I, Stan Stanart, County Clerk of Harris County, Texas do hereby certify that the within instrument with its certificate of a authentication was filed for registration in my office on _____, 2012 at _____ o'clock _____ M., and duly recorded on _____, 2012, at _____ o'clock _____ M., and under film code number _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

Regular City Council

Agenda Item

Meeting Date: June 4, 2012

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2012-13, an Ordinance of the City Council of the City of Tomball, Texas, amending Subsection (b)(1) of Section 30-159 of Article IV, Nuisances, of Chapter 30, Environment, of the City's Code of Ordinances relating to the Prohibition of Weeds; Providing a New Definition of "Weeds"; 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

Background:

In April 2012, City Council adopted Ordinance No. 2012-03 to amend Chapter 30, Environment, of the City's Code of Ordinances relating to the prohibition of weeds. That particular ordinance reduced the height requirement for weeds from 18" to 12" and also eliminated the 40% coverage requirement. As part of those discussions, Council expressed a concern regarding the exemption of "wild flowers" and staff's ability to define what would be considered a wildflower.

Staff conducted research of various cities and determined that the recommended ordinance amendment would be the best approach in addressing Council's concerns. The recommended amendment establishes criteria based on the blooming cycle of specific wildflowers along with a percentage of lot coverage. Ultimately, wildflowers tend to grow during the Spring season usually with the final bloom occurring during late spring or early summer. Therefore, staff recommends establishing a date of August 1st of each calendar year as a cutoff for when wildflowers are then considered in the same category as weeds. Attached you will find list of common Texas wildflowers staff assembled.

Keep in mind that the intent of this ordinance is for those instances when you have uncultivated fields of wildflowers. Property owners who cultivate wildflowers are protected by the cultivated crops section of the ordinance.

Origination:

Director of Community Development

Recommendation:

Recommend approval of Ordinance No. 2012-13 amending Chapter 30, Article IV, Section 30-159 of the City's Code of Ordinances.

Funding:

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

Narciso Lira

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

ATTACHMENTS:

Ord 2012-13

Texas Wildflower List

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING SUBSECTION (b)(1) OF SECTION 30-159 OF ARTICLE IV, NUISANCES, OF CHAPTER 30, ENVIRONMENT, OF THE CITY'S CODE OF ORDINANCES RELATING TO THE PROHIBITION OF WEEDS; PROVIDING A NEW DEFINITION OF "WEEDS"; 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.

* * * * *

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

Section 1. Subsection (b)(1) of Section 30-159 of Article IV, Nuisances, of Chapter 30, Environment, of the Code of Ordinances of the City of Tomball, Texas is hereby deleted in its entirety and a new Subsection (b)(1), is hereby added to read as follows:

"Sec. 30-159. Owners required to keep lots free of weeds, etc., procedure for abatement.

* * *

(b) *Weeds prohibited.* Every owner shall keep his property free from weeds, in accordance with the following regulations:

(1) *Weeds defined.* "Weeds" shall mean uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than 12 inches. Cultivated crops, plants, or grasses must be farmed or managed in accordance with customary area practices. Property or parcels which have an area coverage of 50 percent or more in wildflowers or wildflower seed heads are not included within this definition of weeds until such time as seeds have matured following the final blooming of the majority of the plants, but in no case later than August 1 of the calendar year."

Section 2. 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 3. 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 4. 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 4TH DAY OF JUNE 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 18TH DAY OF JUNE 2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Texas Wildflower List

Beach Morning Glory

Black-eyed Susan

Blackfoot Daisy

Bluebelle

Bluebonnet

Butterfly

Buttercups

Daisy

Dogwood

Idian Paint Brush

Indian Blanket

Lantana

Lemonmint

Mexican Hat

Mountain Pink

Pink Evening Primrose

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 4, 2012

Topic:

Adopt, on First Reading, Ordinance No. 2012-14, an Ordinance of the City of Tomball, Texas, Providing that the Portion of That Road Currently Known as Brown-Hufsmith Road shall be Renamed to Brown Road; Providing for Notice to Utility Companies and the United States Postal Service of Such Name Change; Providing for Severability; and Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith

Background:

After reviewing various names of existing roads in the area, and the names for the new phases of Brown-Hufsmith, staff is recommending that both segments of the new road known as Brown-Hufsmith (Phase I & II) be renamed to Brown Road. After the change, the existing segments west of SH 249, and the new segments from SH 249 to Baker Drive will be known as Brown Road, and the existing segments east of Baker Dr. will remain as West Hufsmith Road, and then East Hufsmith Road beyond Elm Street and the railroad tracks.

Staff believes this will create less confusion for the public and for emergency responders, thereby making travel of these roads easier and safer for all.

Origination:

Director of Public Works

Recommendation:

Staff recommends approval of Ordinance 2012-14

Funding:

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

David Kauffman, Director of Public Works

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

ATTACHMENTS:

Draft Ordinance No. 2012-14

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, PROVIDING THAT THE PORTION OF THAT ROAD CURRENTLY KNOWN AS BROWN-HUFSMITH ROAD SHALL BE RENAMED TO BROWN ROAD; PROVIDING FOR NOTICE TO UTILITY COMPANIES AND THE UNITED STATES POSTAL SERVICE OF SUCH NAME CHANGE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH. SECOND READING PASSED AND APPROVED

* * * * *

WHEREAS, the City Council of the City of Tomball believes that retaining the name of the portion of that road currently known as Brown-Hufsmith Road, located between State Highway 249 and Quinn Road will create unnecessary confusion to motorists and the citizens of Tomball upon the completion of the section of Brown-Hufsmith Road, located between Quinn Road and Baker Drive, and desires to rename the entire portion of Brown-Hufsmith Road, a public street located within the City, running from State Highway 249 to Baker Drive, to Brown Road; and

WHEREAS, the City Council further finds that public interest and public convenience and necessity will be served by renaming the entire portion of Brown-Hufsmith Road, a public street located within the City, running from State Highway 249 to Baker Drive, to Brown Road; now therefore

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

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

Section 2. The name of that certain public street within the City known as “Brown-Hufsmith Road”, is hereby changed to “Brown Road.” The change in the name of such street as

herein provided shall apply only to that specific portion of such street located within the corporate limits of the City of Tomball.

Section 3. The City Secretary is hereby authorized and directed to cause a true and correct copy of this Ordinance to be served upon all public utilities authorized to do business within the City and to the local Postmaster of the United States Postal Service.

Section 4. The City Manager and the Director of Public Works, or their designees, are hereby authorized and directed to place appropriate street signs and markers which shall reflect the change in street name as provided in this Ordinance.

Section 5. 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 4TH DAY OF JUNE 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 18TH DAY OF JUNE
2012.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary