

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 21, 2012 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Bryan Donahoo, Graceview Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

4.1 Consideration 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
Consideración de la adopción de 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

Xem xét Thông Qua Nghị Quyết số 2012-12, một Nghị Quyết và Yêu Cầu Kiểm Phiếu Bầu và Tuyên Bố Kết Quả của Cuộc Bầu Cử Tổng Quát Thành Phố tổ chức ngày 12 tháng Năm, 2012

考慮通過2012-12, 決議案, 此為一項決議並下令通知檢查票返回,
同時宣布2012年5月12日舉行的本市大選結果。

4.2 Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los Oficiales Electos

Làm Lễ Tuyên Thệ Nhậm Chức cho Các Viên Chức Được Bầu Chọn

對選出的官員進行宣誓

4.3 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.

Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.

考慮根據 Tomball市政府當地規章第6.08條選舉臨時市長

5.0 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.)*

6.0 Presentations:

- Proclamations:

- *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

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** – 1:00 p.m.
- July 4, 2012 – **City of Tomball Fourth of July Celebration** - TBA
- **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 Approve the Minutes of the May 7, 2012 Regular Tomball City Council Meeting and the May 14, 2012 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting

9.0 Old Business:

9.1 Adopt, on Second Reading, Ordinance No. 2012-08, an Ordinance Creating City of Tomball, Texas, Tax Abatement 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 (American National Carbide)

10.0 New Business:

10.1 Appoint/Reappoint Members to the City of Tomball Planning and Zoning Commission for Terms Expiring June 1, 2012

10.2 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

10.3 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

10.4 Approve Tax Abatement Agreement between City of Tomball and American National Carbide for Improvements to be Constructed in Tax Abatement Reinvestment Zone No. 3

10.5 Approve 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).

10.6 Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-427**
- Approve 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

- 10.7 Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-428**
- Approve 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

- 10.8 Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-429**
- Approve 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

- 10.9 Consideration to Approve **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.
- Conduct a Public Hearing on **ZONING CASE P12-430**
 - Approve 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.
- 10.10 Consideration and Possible Action to Approve Request by Russ Brown, Pine Country Estates, for an Off-premise Sign at the Intersection of FM 2920 and Tomball Cemetery Road
- 10.11 Set Date for Sign Workshop
- 10.12 Set Date and Time for Joint City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting, to Consider the Draft Tomball Downtown Specific Plan, and Move Starting Time for the City Council Meeting on June 4, 2012 to 7:00 p.m.
- 10.13 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

10.14 Approve 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

10.15 Approve 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

11.0 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 17th 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, CMC

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 contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 21, 2012

Topic:

- Led by Pastor Bryan Donahoo, Graceview Baptist Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 21, 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	

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

**Consideration 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**

Consideración de la adopción de 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

Xem xét Thông Qua Nghị Quyết số 2012-12, một Nghị Quyết và Yêu Cầu Kiểm

Phiếu Bầu và Tuyên Bô Kết Quả của Cuộc Bầu Cử Tổng Quát Thành Phố tổ chức ngày 12 tháng Năm, 2012

[illegible]

2012 **5** **12**

Background:

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2012-12, as presented.

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2012-12 Canvassing Election (English)

Resolution No. 2012-12 Canvassing Election (Spanish)

Resolution No. 2012-12 Canvassing Election (Vietnamese)

Resolution No. 2012-12 Canvassing Election (Traditional Chinese)

RESOLUTION NO. 2012-12

**RESOLUTION 2012-12 AND ORDER CANVASSING THE
RETURNS AND DECLARING THE RESULTS OF THE
GENERAL ELECTION HELD ON MAY 12, 2012.**

* * * * *

WHEREAS, there came to be considered the returns of **THE GENERAL ELECTION**, conducted on the 12th day of May, 2012, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 966 valid and legal votes:

COUNCIL, POSITION 2

Barbara Tague 324

Mark Stoll 608

COUNCIL, POSITION 4

Derek S. Townsend, Sr. 505

Jeffie Cappadonna 454

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. That said general election was duly called; that NOTICE OF SAID ELECTION was given in accordance with law, and Mark Stoll was duly elected to the position of Council, Position 2.

Section 2. That the above-named Mark Stoll is hereby declared duly elected to said position of Council, Position 1, subject to the taking of his/her OATH OF OFFICE as provided by the laws of the State of Texas and the City of Tomball, Texas; and

Section 3. That said general election was duly called; that NOTICE OF SAID ELECTION was given in accordance with law, and Derek S. Townsend, Sr. was duly elected to the position of Council, Position 4.

Section 4. That the above-named Derek S. Townsend, Sr. is hereby declared duly elected to said position of Council, Position 4, subject to the taking of his/her OATH OF OFFICE as provided by the laws of the State of Texas and the City of Tomball, Texas; and

Section 5. It is further found and determined that, in accordance with the Order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board, located in City Hall, in a place convenient to the public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the date of this meeting.

SO IT IS RESOLVED, by ____ votes in favor of and ____ votes against this Resolution by the City Council of the City of Tomball, Texas, on this the 21st day of May, 2012.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2012-12

**RESOLUCIÓN 2012-12 Y ORDEN DE ESCRUTINIO Y
DECLARACIÓN DE RESULTADOS DE LA ELECCIÓN
GENERAL CELEBRADA EL 12 DE MAYO DE 2012.**

* * * * *

EN VISTA DE QUE al haber sido considerados los resultados de la ELECCIÓN GENERAL realizada el día 12 de mayo de 2012 con el fin de elegir a los funcionarios nombrados a continuación, surge de dichos resultados, determinados debidamente y conforme a la ley, que en dicha elección fueron emitidos 966 votos válidos y legales:

CONCEJAL, POSICIÓN 2

Barbara Tague 324

Mark Stoll 608

CONCEJAL, POSICIÓN 4

Derek S. Townsend, Sr. 505

Jeffie Cappadonna 454

AHORA, POR LO TANTO, POR LA PRESENTE EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1. Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN en conformidad con la ley, y Mark Stoll fue debidamente elegido para el cargo de Concejal, Posición 2.

Sección 2. Que la persona nombrada arriba Mark Stoll es por el presente declarada debidamente elegida a dicha posición de Concejal, Posición 2, sujeto a que presente su JURAMENTO AL CARGO según lo disponen las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

Sección 3. Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN en conformidad con la ley, y Derek S. Townsend, Sr. fue debidamente elegido para el cargo de Concejal, Posición 4.

Sección 4. Que la persona nombrada arriba Derek S. Townsend, Sr. es por el presente declarada debidamente elegida a dicha posición de Concejal, Posición 4, sujeto a que presente su JURAMENTO AL CARGO según lo disponen las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

Sección 5. Se halla y determina además, que en conformidad con la Orden de este cuerpo de gobierno, la Secretaria de la Ciudad colocó un aviso por escrito con la fecha, lugar y asunto a tratar en esta asamblea en la cartelera de anuncios ubicada en City Hall, en un lugar conveniente para el público, y una vez colocado dicho aviso, este permaneció colocado continuamente por al menos 72 horas antes de la fecha de esta asamblea.

ASÍ ES RESUELTO por ____ votos a favor y ____ votos en contra de esta resolución por el Consejo Municipal de la Ciudad de Tomball, Texas, este día 21 de mayo de 2012.

Gretchen Fagan, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2012-12

NGHỊ QUYẾT 2012-12 VÀ LỆNH YÊU CẦU KIỂM PHIẾU BẦU VÀ TUYÊN BỐ CÁC KẾT QUẢ CỦA CUỘC BẦU CỬ TỔNG QUÁT TỔ CHỨC NGÀY 12 THÁNG NĂM, 2012.

* * * * *

XÉT THẤY RẰNG, cần phải xem xét các kết quả của **CUỘC BẦU CỬ TỔNG QUÁT**, tiến hành ngày 12 tháng Năm 2012, cho mục đích bầu chọn các chức vụ liệt kê dưới đây, và việc sắp xếp từ các phiếu bầu nói trên, theo đúng pháp luật, rằng có 966 phiếu bầu hợp lệ trong cuộc bầu cử nói trên:

HỘI ĐỒNG, VỊ TRÍ 2

Barbara Tague 324

Mark Stoll 608

HỘI ĐỒNG, VỊ TRÍ 4

Derek S. Townsend, Sr. 505

Jeffie Cappadonna 454

BÂY GIỜ, THEO ĐÂY HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS ĐƯA RA NGHỊ QUYẾT:

Mục 1. Rằng cuộc bầu cử tổng quát nói trên đã được tiến hành đúng lệ; rằng **THÔNG BÁO CỦA CUỘC BẦU CỬ NÓI TRÊN** đã được đưa ra chiếu theo luật pháp, và Mark Stoll đã được đắc cử hợp pháp vào chức vụ của Hội Đồng, Vị Trí 2.

Mục 2. Rằng Mark Stoll có tên ở trên theo đây được tuyên bố đắc cử hợp pháp vào chức vụ nói trên của Hội Đồng, Vị Trí 2, cần phải tiến hành **TUYÊN THỆ NHẬM CHỨC** của người đó như quy định của luật pháp Tiểu Bang Texas và Thành Phố Tomball, Texas; và

Mục 3. Rằng cuộc bầu cử tổng quát nói trên đã được tiến hành đúng lệ; rằng **THÔNG BÁO CỦA CUỘC BẦU CỬ NÓI TRÊN** đã được đưa ra chiếu theo luật pháp, và Derek S. Townsend, Sr. đã được đắc cử hợp pháp vào chức vụ của Hội Đồng, Vị Trí 4.

Mục 4. Rằng Derek S. Townsend, Sr. có tên ở trên theo đây được tuyên bố đắc cử hợp pháp vào chức vụ nói trên của Hội Đồng, Vị Trí 4, cần phải tiến hành **TUYÊN THỆ NHẬM CHỨC** của người đó như quy định của luật pháp Tiểu Bang Texas và Thành Phố Tomball, Texas; và

Mục 5. Ngoài ra việc này đã được thấy và xác định rằng, theo Lệnh Yêu Cầu của cơ quan chủ quản này, Bí Thư Thành phố đã đăng văn bản thông báo địa điểm, ngày, mục đích của buổi họp này trên bảng thông báo, nằm ở Tòa Thị Chính, ở một nơi thuận tiện cho mọi người, và thông báo nói trên đã được đăng lên và còn được đăng liên tục trong ít nhất 72 giờ trước ngày của buổi họp này.

VIỆC NÀY ĐÃ ĐƯỢC QUYẾT ĐỊNH, bằng _____ phiếu thuận và _____ phiếu chống Nghị Quyết này bởi Hội Đồng Thành Phố của Thành Phố Tomball, Texas, vào ngày 21 của tháng Năm, 2012.

Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

決議號 2012-12

決議 2012-12 及命令結果調查及
宣佈2012年5月12日舉行的普通選
舉結果

* * * * *

鑑於 2012 年 5 月 12 日有關選出以下提名官員的普選選舉結果報告，此份正式與合法的選舉結果報告顯示，於上述選舉中投下了 966 張有效且合法的選票：

委員，席位 2

Barbara Tague 324

Mark Stoll 608

委員，席位4

Derek S. Townsend, Sr. 505

Jeffie Cappadonna 454

現此，因而，特此經由德克薩斯州，TOMBALL市市委員決議：

第1條： 上述普通選舉被正式的判決；上述選舉通知已根據法律而發布，和 Mark Stoll 已正式的當選為委員一職，席位2。

第2條： 上述姓名 Mark Stoll 特此宣佈正式當選之上述委員職位，席位1，根據德克薩斯州法律及TOMBALL市法律提供他/她是需經宣誓的；以及

第3條： 上述普通選舉被正式的判決；上述選舉通知已根據法律而發布，和 Derek S. Townsend, Sr. 已正式的當選為委員一職，席位4。

第4條： 上述姓名 Derek S. Townsend, Sr. 特此宣佈正式當選之上述委員職位，席位4，根據德克薩斯州法律及TOMBALL市法律提供他/她是需經宣誓的；以及

第5條： 我們進一步決定依據本主管部門的命令，由市政府秘書將有關日期、地點和會議主題的書面通知書，張貼於市政廳的公布欄，以方便大眾閱讀。上述通知書已獲張貼並，並將於會議日期前至少持續張貼 72 小時。

決議結果：德州湯博 (Tomball) 市議會於 2012 年 5 月 21 日投下 張贊成票和 張反對票。

Gretchen Fagan, 市長
Tomball市

此證:

Doris Speer, 市秘書
Tomball市

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los Oficiales Electos

Làm Lễ Tuyên Thệ Nhậm Chức cho Các Viên Chức Được Bầu Chọn

□□□□□□□□□□

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 21, 2012

Topic:

Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter
Considerar elegir un Alcalde Interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.
Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.
☐☐☐☐ Tomball ☐☐☐☐☐☐☐☐ 6.08 ☐☐☐☐☐☐

Background:

Origination:

City Secretary

Recommendation:

Elect Mayor Pro-Tem as required by Home Rule Charter

Funding:

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 21, 2012

Topic:

Proclamations:

- *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

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

National Public Works Week

National EMS Week

Hurricane Preparedness Week

Mary W. Roach – Honoring a Life of Dedication

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, the public works services provided in Tomball are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs for the health, safety and comfort of this community, such as water, sewer, gas, streets and highways, public buildings, parks, and solid waste collection; and

WHEREAS, the quality and effectiveness of Tomball's facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of Public Works officials and employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Tomball's Public Works Department is materially influenced by the people's attitude and understanding of the importance of the work they perform; on a daily basis; and

WHEREAS, the Tomball City Council wishes to recognize the dedication, talents and contributions made by Public Works employees;

NOW THEREFORE, I, Gretchen Fagan, Mayor of the City of Tomball, Texas do hereby proclaim May 20-26, 2012 as

"NATIONAL PUBLIC WORKS WEEK"

in the City of Tomball, Texas and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our Public Works services and to recognize the contributions that Public Works officials and employees make every day to our health, safety, comfort, and quality of life.



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

Gretchen Fagan

ATTEST:

Don Spun

DATE:

May 16, 2012

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** emergency medical services is a vital public service that the members of Northwest Rural Emergency Medical Service (NWEMS) are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS,** access to quality emergency care dramatically improves the survival and recovery rate of those experiencing sudden illness or injury; and
- WHEREAS,** the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, police officers, and others; and
- WHEREAS,** the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- WHEREAS,** Northwest Rural Emergency Medical Service responders will be the first to respond to terrorist or natural events and are constantly training to respond to any possible occurrence; and
- WHEREAS,** the citizens of Tomball benefit daily from the knowledge and skills of these highly-trained individuals and from the availability of the Texas trauma system; and
- WHEREAS,** it is appropriate for the City of Tomball to recognize the value and the accomplishments of emergency medical services providers, especially Northwest Rural Emergency Medical Service, by designating Emergency Medical Services Week;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, Texas do hereby proclaim May 20-26, 2012 as:

"NATIONAL EMERGENCY MEDICAL SERVICES WEEK"



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

Gretchen Fagan

ATTEST: *Ann Spren*

DATE: *May 11, 2012*

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, Texas hurricane season officially begins June 1 and ends November 30, and

WHEREAS, the 624-mile Texas Gulf coastline, areas of Texas hundreds of miles inland and our area in particular, are vulnerable to the devastating effects of a hurricane or tropical storm and the accompanying high winds, tornadoes, and storm surges; and

WHEREAS, both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices, and

WHEREAS, the National Oceanic and Atmospheric Administration and the Texas Division of Emergency Management have designated the week of May 27-June 2, 2012 as Hurricane Preparedness Week in Texas; and

WHEREAS, the NOAA, the National Weather Service, the Texas Division of Emergency Management, and the leaders of the City of Tomball strongly suggest that all residents and visitors to this area be made aware of the potential dangers of these storms; and

WHEREAS, the best defense is preparedness and public education about the dangers of the high winds, storm surge, flooding and tornadoes that may occur for hundreds of miles in conjunction with a hurricane or tropical storm;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim the week of May 27 through June 2, 2012 as:

"HURRICANE PREPAREDNESS WEEK"

and urge all citizens of the City of Tomball and the surrounding community to participate in hurricane preparedness activities, and to pay close attention to watch and warning instructions.



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

ATTEST:

DATE:

Doni Spivey
May 16, 2012

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** Mrs. Mary Wilkinson Roach, educator and World History teacher *par excellence*, taught Tomball High School students for 44 years, encouraging and inspiring them with dignity, consideration and respect; and
- WHEREAS,** Mary Roach was a Renaissance woman, a well-read world traveler and, above all, a historian whose insatiable curiosity led her to teach with passion, instilling wisdom, and self-assurance in her students; and
- WHEREAS,** Mary Roach, though diagnosed with lymphoma in 2006, continued to teach throughout her illness, dedicating herself to her students; and
- WHEREAS,** Mary Roach was as generous of spirit as she was of intellect; and
- WHEREAS,** Mary Roach will long be remembered by generations of students, their parents, and her colleagues, all of whom benefited from her unparalleled compassion, her lifetime dedication to teaching, and her absolute conviction that every child deserves a quality education and that every child can be successful; and
- WHEREAS,** the City of Tomball, our community and citizens wish to recognize Mary W. Roach for her selfless and tireless commitment to developing and mentoring Tomball students to excel in their endeavors; and
- WHEREAS,** the Tomball community will join together in a Memorial Celebration honoring Mary Roach on Sunday, June 3, 2012 at 2:00 p.m. in the Tomball High School Auditorium;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim Sunday, June 3, 2012 as:

“MARY W. ROACH DAY – HONORING A LIFE OF DEDICATION”



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

ATTEST:

DATE:

Gretchen Fagan
Darin Spur
May 17, 2012

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

- **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** – 1:00 p.m.
- July 4, 2012 – **City of Tomball Fourth of July Celebration** – 2:00 p.m.-10:00 p.m.; State Highway 249 Business, between Hicks and north entrance to Krogers, Tomball Marketplace
- **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

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Quarterly Investment Report for period ending March 31, 2012

Memorial Day Weekend Chili Challenge at the Depot

Dedication of Brown-Hufsmith Road

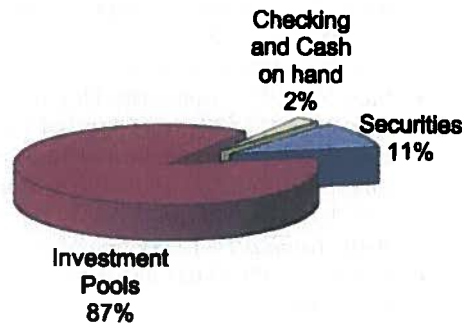
CITY OF TOMBALL PORTFOLIO DIVERSIFICATION March 31, 2012

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 4,446,491	10.85%
Investment Pools	36,265,790	86.87%
Checking and Cash on hand	1,035,130	2.48%
Total Portfolio	\$ 41,747,411	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball currently invests in Securities of the United States, in Texas CLASS and in the state pool, TexPool. These investments are only in securities and pools with an AAA rating, the highest rating available. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City is in compliance with this provision.

Diversification By Type

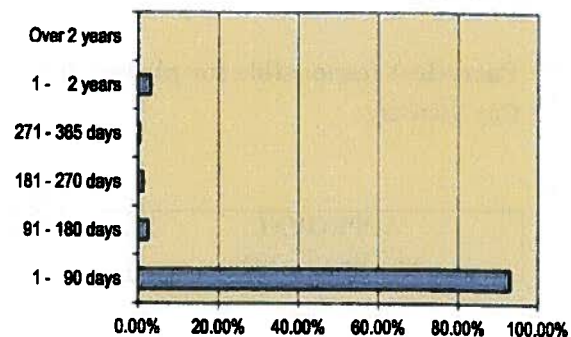


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 38,804,885	92.95%
91 - 180 days	1,015,420	2.43%
181 - 270 days	505,297	1.21%
271 - 365 days	154,424	0.37%
1 - 2 years	1,267,385	3.04%
Over 2 years	-	0.00%
Total Portfolio	\$ 41,747,411	

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

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2012**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	4,537,742	4,468,242	0.9847	1.359%	0.12%
Purchases	-	-			
Maturities	-	-			
Change in value	-	21,751			
Sales					
End of period	4,537,742	4,446,491	0.9799	1.359%	0.19%

Total Accrued Interest at end of period: \$ 23,570

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 256 days.

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



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2012**

SECURITY DESCRIPTION	CUSIP NUMBER	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/12	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) NE Iowa Community College- 3%	664212BE6	6/1/2012	2.950%	501,690	62	11.283%	7.00
2) Federal Home Loan Bank- 1.375%	3133XWKU2	8/8/2012	1.010%	1,002,275	69	22.541%	15.55
3) Texas State Water GO- 5%	882722GS4	8/1/2012	1.750%	1,015,420	123	22.836%	28.09
4) Federal Home Loan Bank- 1.75%	3133XVNT4	12/14/2012	1.245%	505,297	258	11.364%	29.32
5) Abilene TX CO- 3.75%	003446Z95	2/15/2013	1.000%	154,424	321	3.473%	11.15
6) Brenham TX- 2%	107115JW8	8/15/2013	1.000%	265,333	502	5.967%	29.96
7) Fannie Mae- .55%	3135G0FN8	11/21/2013	0.560%	1,002,052	600	22.536%	135.21
TOTALS			1.359%	4,446,491	276	100.000%	256.27

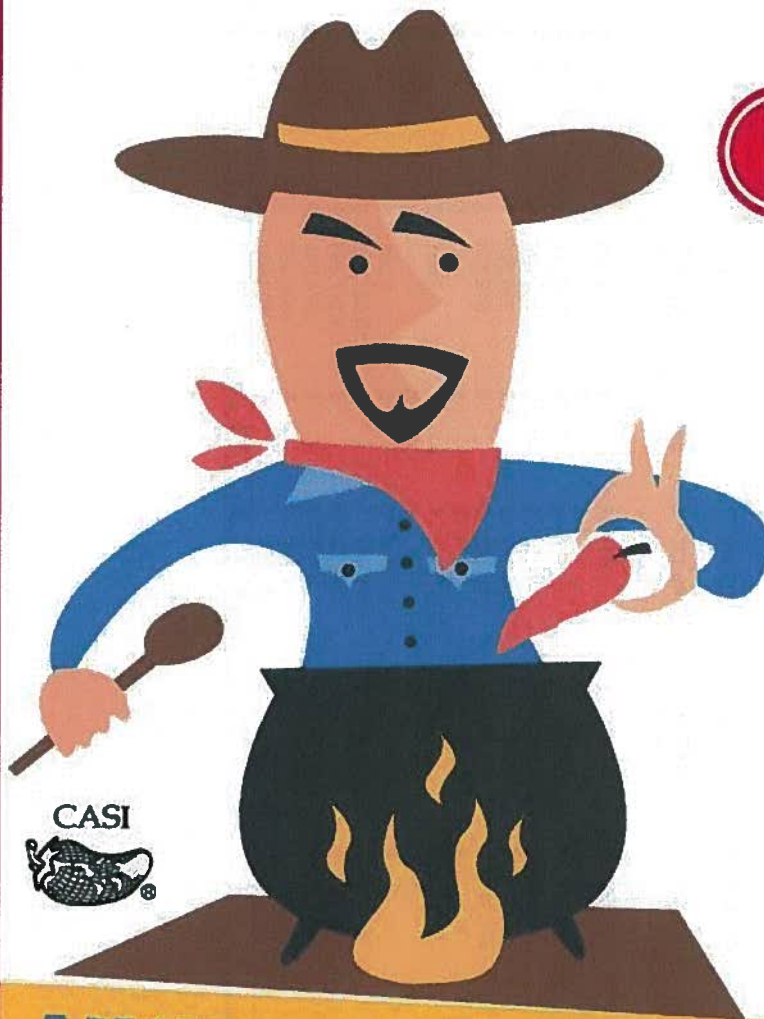
CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
March 31, 2012

FUNDS	CASH AND CASH EQUIVALENTS					INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	CERTIFICATE OF DEPOSIT	INVESTMENT SECURITIES	TOTAL INVESTMENTS	
MAJOR FUNDS									
General	\$ 2,282,753	\$ 6,214,733	\$ 501,578	\$ 2,008	\$ 8,981,070	\$ -	\$ 1,940,474	\$ 1,940,474	\$ 10,921,544
Debt Service	\$ 502,834	\$ 1,342,052	\$ 87,159	\$ -	\$ 1,932,045	\$ -	\$ -	\$ -	\$ 1,932,045
Enterprise	\$ 2,011,336	\$ 3,795,910	\$ 143,127	\$ 559	\$ 5,950,932	\$ -	\$ 2,508,017	\$ 2,508,017	\$ 8,458,949
OTHER FUNDS									
Special Revenue	\$ 75,425	\$ 61,478	\$ 1,820	\$ -	\$ 138,723	\$ -	\$ -	\$ -	\$ 138,723
Housing Trust	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Municipal Court Building Security	\$ 100,567	\$ 71,393	\$ 1,718	\$ -	\$ 173,678	\$ -	\$ -	\$ -	\$ 173,678
Municipal Court Technology	\$ 60,340	\$ 152,459	\$ 1,886	\$ -	\$ 214,685	\$ -	\$ -	\$ -	\$ 214,685
Hotel Occupancy Tax	\$ 100,567	\$ 233,118	\$ 36,411	\$ -	\$ 370,096	\$ -	\$ -	\$ -	\$ 370,096
Red Light Camera Program	\$ 251,417	\$ 328,291	\$ 32,130	\$ -	\$ 612,838	\$ -	\$ -	\$ -	\$ 612,838
PD District Attorney Grant	\$ -	\$ -	\$ 440	\$ -	\$ 440	\$ -	\$ -	\$ -	\$ 440
Department of Justice Grant	\$ -	\$ -	\$ 3,591	\$ -	\$ 3,591	\$ -	\$ -	\$ -	\$ 3,591
Disaster Preparedness	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Tomball "Fun Runs"	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Capital Projects	\$ 50,284	\$ 15,520,396	\$ 2,358	\$ -	\$ 2,358	\$ -	\$ -	\$ -	\$ 2,358
Fleet Replacement	\$ 482,551	\$ 756,142	\$ 116,951	\$ -	\$ 15,887,621	\$ -	\$ -	\$ -	\$ 15,887,621
Water Capital Recovery	\$ 100,567	\$ 569,113	\$ 39,203	\$ -	\$ 1,247,896	\$ -	\$ -	\$ -	\$ 1,247,896
Sewer Capital Recovery	\$ 150,850	\$ 653,850	\$ 5,165	\$ -	\$ 874,845	\$ -	\$ -	\$ -	\$ 874,845
Health Insurance Trust	\$ -	\$ 446,374	\$ 4,760	\$ -	\$ 808,460	\$ -	\$ -	\$ -	\$ 808,460
TOTALS	\$ 6,119,491	\$ 30,148,299	\$ 1,032,566	\$ 2,565	\$ 37,300,920	\$ -	\$ 4,446,491	\$ 4,446,491	\$ 41,747,411

MEMORIAL DAY WEEKEND CHILI CHALLENGE

TOMBALL, TX ★ MAY 26, 2012

PRESENTED BY

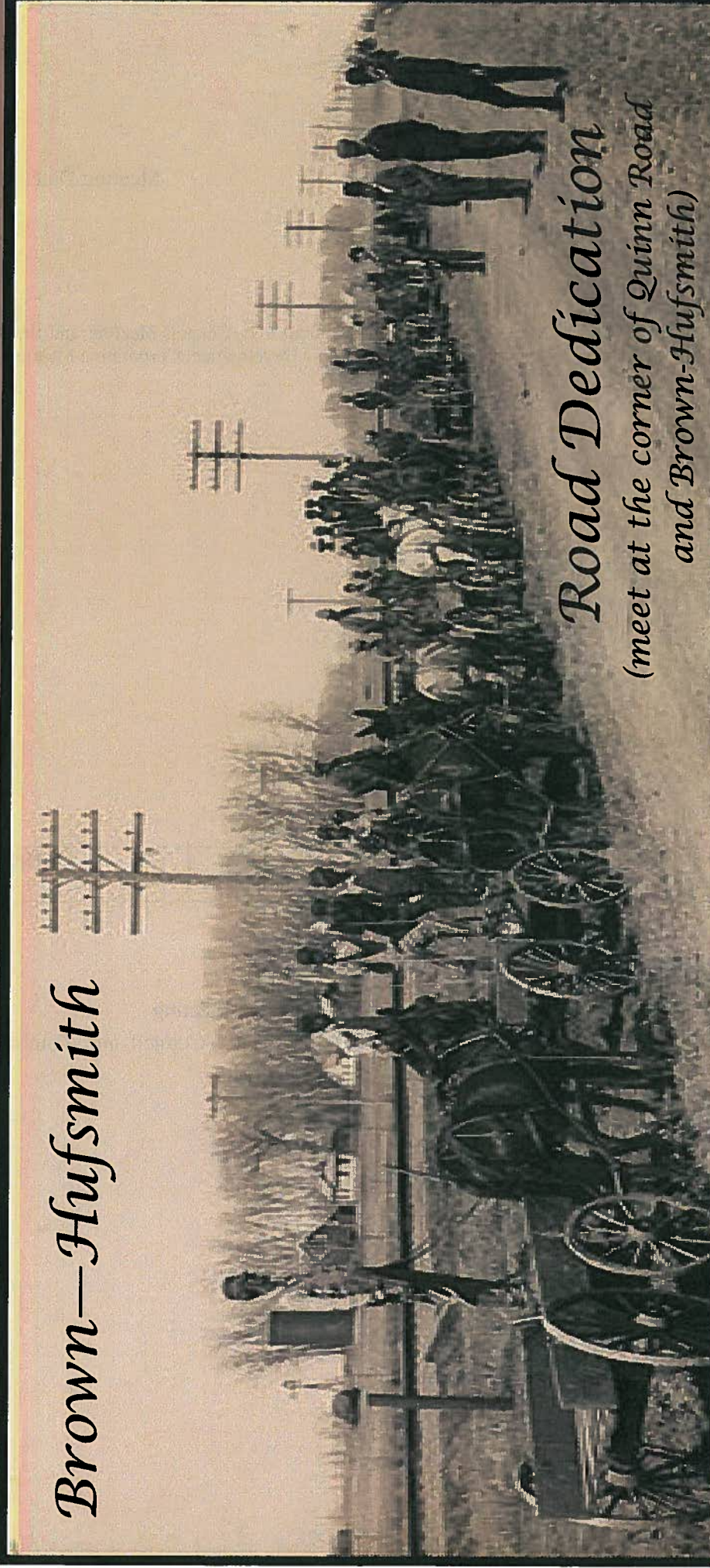


- COOK TEAMS FROM ACROSS TEXAS
- LIVE TEXAS SWING FROM MIKE STROUP & THE ACOUSTIC CRACKERJACKS
- KIDS' PLAY AREA AND MORE...
- 10 A.M. – 4 P.M.
- CALL 281-351-5484 FOR INFO

HISTORIC DEPOT PLAZA
TOMBALL IS TEXAN FOR FUN! ®

*You are cordially invited to
attend the dedication of Brown-Hufsmith Road
Friday, June 1, 2012
1:30 P.M.*

Brown—Hufsmith



Road Dedication

*(meet at the corner of Quinn Road
and Brown-Hufsmith)*

Hosted by:

Mayor Gretchen Fagan

Councilman Rick Brown

Councilman Preston Dodson

Councilman Field Hudgens

Councilman Mark Stoll

Councilman Derek Townsend, Sr.

City Manager George Shackelford

**Regular City Council
Agenda Item
Data Sheet**

Meeting Date: May 21, 2012

Topic:

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

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Minutes of the May 7, 2012 Regular Tomball City Council Meeting

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

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 7, 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 Chief – Robert Hauck
Director of Public Works – David Kauffman
Director of Community Development – Narciso Lira
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
IT Specialist – Doug Tippey
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon

draft

2.0 Invocation

- Led by Charles Hall, President Spring Creek County Historical Society

Draft

3.0 Pledges to U. S. and Texas Flags

- Led by Anna Liu and Cooper Cason, Members of the Tomball High School Student Council

4.0 No Public Comments were received.

5.0 Presentations:

- Mayor Fagan presented Proclamations declaring the following:
 - April 23, 2012 – ***“Rochelle Cook – Heritage Tea Award Recipient for 2012” Day***
 - May 2012 – ***“Motorcycle Safety Awareness Month”***
 - May 5, 2012 – ***“Billie Ann Dio Day”***; the Mayor also announced Tomball High School Student Council’s receipt of the *2012 National Gold Council of Excellence Award* and the *Texas Association of Student Council’s Top 10 Projects in Texas Award*. The THSSC members requested Council’s approval of the 4th Annual Homecoming Rally and Parade, to be held on October 24, 2012; item will be placed on the May 21, 2012 agenda.
 - May 14, 2012 – ***“Tomball Renewal Center Day”*** was not presented
 - May 15, 2012 and May 13-19, 2012 – ***“2012 Peace Officers Memorial Day and Police Week”*** will be presented on May 15, 2012 during the memorial ceremony

6.0 Reports and Announcements:

- May 5-6, 2012 – ***Rails and Tails Mudbug Festival at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 8, 2012 – ***Last Day for Early Voting*** for May 12, 2012 General Election and ESD #8 Directors and Tax Election – May 8, 2012 at City Hall –7:45 a.m.-7:45 p.m.
- May 8, 2012 – ***Mayor’s Coffee – Sol de Luna, 207 Commerce*** – 5:00 p.m.
- ***May 12, 2012 - General Election and ESD #8 Directors and Tax Election – 7:00 a.m. to 7:00 p.m. at Tomball City Hall, 401 Market Street***
- May 12, 2012 – ***2nd Saturday at the Depot*** – 6:00 p.m. (NEW time)
- May 21, 2012 – Canvass the Results of the May 12, 2012 General Election
- May 21, 2012 - Appoint Members to the Tomball Economic Development Board for Terms Expiring May 31, 2012
- May 21, 2012 - Appoint Members to the City of Tomball Planning and Zoning Commission for Terms Expiring June 1, 2012
- May 26, 2012 – ***Memorial Day Weekend Chili Challenge at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 29, 2012 - ***Harris County Primary Election***; Runoff Date is July 31, 2012
- July 4, 2012 – City of Tomball Fourth of July Celebration - TBA
- ***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
 - Narciso Lira – Report regarding Progress on Capital Improvement Program

- Robert Hauck – Memorial Presentation, Sherine Amanollahi, Tomball Police Department
- David Kauffman - Report on Recycling and E-Waste Event
- Mike Baxter - Report on Rails and Tails Mudbug Festival

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the April 16, 2012 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on Second Reading, Ordinance No. 2012-05, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 10 acres of land, Legally described as Lots 330 and 333, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located easterly of South Persimmon Road, southerly of F.M. 2920; 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>Aye</u>

Motion carried unanimously.

8.2 Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2012-06, an Ordinance of the City of Tomball, Texas, Adopting Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2012 and Future Years, Unless Revised, on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; Providing for Severability; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Draft

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

Motion carried unanimously.

- 8.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-07, an Ordinance of the City of Tomball, Texas, Amending the Code of Ordinances of the City of Tomball by Amending Chapter 60, Signs, to Add a New Subsection (b)(6) to Section 60-9, Off-Premises Sign Provisions, to Allow the Addition of an LED Clock Display to Off-Premise Sign. 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>Nay</u>

draft

Motion carried, 3 votes Aye, 2 votes Nay.

9.0 New Business:

- 9.1 Mayor Fagan opened the Public Hearing on the Proposal to create City of Tomball Reinvestment Zone No. 3 at 6:57 p.m.

No public comments being received, Mayor Fagan closed the public hearing at 6:58 p.m.

- 9.2 Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2012-08 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Dodson, to adopt, on First 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 9.3 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-09, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. and Arbor Quercus Delta, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$1,185.00.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2012-10, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$18,505.00.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Brown, second by Councilman Townsend, to approve Resolution No. 2012-11, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$19,603.00.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Townsend, to award Contract to Reliable Commercial Roofing, for RFP No. 2012-05 - Police Department/Jail Roof Replacement, in the Amount of \$139,000.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of May 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

**MINUTES OF THE SPECIAL JOINT
TOMBALL CITY COUNCIL
AND
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, MAY 14, 2012
5:00 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
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Community Development – Narciso Lira
Finance Director – Glenn Windsor

The Tomball Economic Development Corporation meeting was called to order by President Gretchen Fagan. Other members present were:

Steven Vaughan
William Sumner
Lori Klein Quinn
Vincent O'Donnell

draft

Kelly Violette – TEDC Executive Director
Tiffani Wooten – TEDC Coordinator
Patty Knudson-Joiner – Knudson, LP
Kenneth Katz – Katz-Baker
Tracey Kelly – Knudson, LP

draft

- 2.0 No Public Comments were received.
- 3.0 Workshop Session: The Tomball City Council and the Tomball Economic Development Corporation entered into a Workshop Session for the following purpose:
- o Discussion of Economic Development Incentive (380 Agreement) for the Property Located at 14011 FM 2920, Tomball, Texas 77375
- 4.0 Motion was made by Director Sumner, second by Director O'Donnell, to adjourn the Tomball Economic Development Corporation meeting

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adjourn the City Council meeting.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of May 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-08, an Ordinance Creating City of Tomball, Texas, Tax Abatement 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 (American National Carbide)

Background:

American National Carbide has requested that the City consider a Tax Abatement agreement related to their expansion project. Before approving a Tax Abatement agreement, Council must designate a Reinvestment Zone for Tax Abatement--a geographic area in which abatement may be offered. A public hearing (previous agenda item) is required before passage of the designation ordinance.

As required, the notice of the public hearing was published in the Tomball-Magnolia Tribune on April 30, 2012. The notice was also delivered to all taxing authorities within whose jurisdiction the proposed zone would be located. At the time of posting, no other eligible jurisdiction has indicated intent to offer additional tax abatement within the zone.

Designation of the zone does not bind Council to approving any particular agreement.

STRATEGIC INITIATIVE: Support the growth and development of existing businesses.

On May 7, 2012, Council adopted Ordinance No. 2012-08 on first reading.

Origination:

American National Carbide

Recommendation:

Adopt Ordinance No. 2012-08 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. 2012-08

ORDINANCE NO. 2012-08

AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, TAX ABATEMENT 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.

* * * * *

WHEREAS, on April 16, 2012, the City Council passed and approved a “Tax Abatement Policy;” and

WHEREAS, pursuant to that Policy, the City Council has received an application for creation of a reinvestment zone; and

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 3; and

WHEREAS, notice was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined that the improvements sought to be located in proposed Reinvestment Zone No. 3 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of a tax abatement agreement; and

WHEREAS, the creation of Reinvestment Zone No. 3 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit the property located therein and

that will contribute to the economic development of the City of Tomball; **NOW, THEREFORE,**

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes.

Section 2. Reinvestment Zone No. 3 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Reinvestment Zone No. 3 is attached hereto as Exhibit "A" and incorporated herein as though it was set forth in its entirety in this Ordinance. Improvements and personal property constructed, erected, or placed within Reinvestment Zone No. 3 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of ten (10) years, commencing on the date of adoption hereof. The expiration of the designation shall not affect an existing tax abatement agreement made under the provisions of the Texas Tax Code.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of

Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

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

SECOND READING:

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

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 21, 2012

Topic:

Appoint/Reappoint Members to the City of Tomball Planning and Zoning Commission for Terms Expiring June 1, 2012

Background:

The terms for Evelyn Torres-Chervenak and Barbara Tague, Planning and Zoning Commission members, will expire June 1, 2012.

Mrs. Torres-Chervenak and Mrs. Tague have expressed their desire to continue serving on the Planning and Zoning Commission and each currently serves only on the P&Z Commission. Mrs. Torres-Chervenak was appointed to fill an unexpired term in 2011 and Mrs. Tague was appointed to an unexpired term in 2010.

In addition to Mrs. Torres-Chervenak and Mrs. Tague, the following individuals have expressed an interest in serving on the Planning and Zoning Commission:

Lisa Daniels
William Harris
Rocky LeAnn Pilgrim
Christine Roquemore
Darrell Roquemore
Richard Bruce (currently serves on the TEDC)
John Dillon (currently serves on ESD #8)
April Gray (currently an alternate on the BOA)
Jarmon Wolfe (currently an alternate on the BOA).

I would like to recommend that Evelyn Torres-Chervenak and Barbara Tague be reappointed; this reappointment will constitute their first full term on the P&Z. Nominations will also be accepted at the Council meeting.

Copies of applications from Evelyn Torres-Chervenak, Barbara Tague and others interested in serving on the P&Z Commission are attached for your consideration.

Origination:

Mayor Fagan

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Evelyn Torres-Chervenak - 2010 Application

Barbara Tague - 2012 Application

Lisa Daniels - 2010 Application

William Harris - 2011 Application

Rocky LeAnn Pilgrim - 2012 Application

Christine Roquemore - 2012 Application

Darrell roquemore - 2012 Application

Richard Bruce - 2010 Application

John Dillon - 2010 Application

April Gray - 2009 Application

Jarmon Wolfe - 2012 Application



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: January 26, 2010

Name: Evelyn Torres-ChervenaK

Phone: 832-704-8090

Address: 111 McPhail

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

City/State/Zip: Tomball Tx 77375

Email: _____

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 ~~Asst~~ Secretary

Additional Pertinent Information/References:

Self Employed - Etc. Services

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.

(1) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

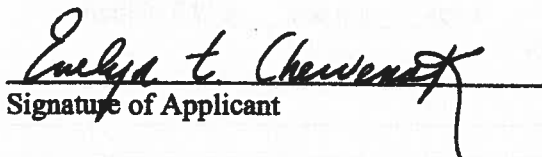
(2) Tomball Economic Development Corporation

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

(3) Tomball Hospital Board

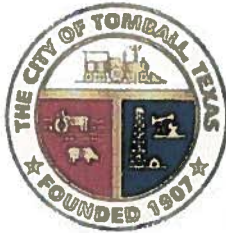
Fourth Wednesday each month, 4 p.m.

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


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type of Print Clearly:

Date: May 16, 2012

Name: Barbara Tague

Phone: 281-351-0904
(Home)

Address: 503 Inwood St

Phone: —
(Work)

City/State/Zip Tomball, TX 77375

Cell: 713-851-0737

Email: 4tague@sbccglobal.net

I have lived in Tomball 39 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Retired

Professional and/or Community Activities: PLANNING & Zoning Commission, Tomball Area Local Emergency planning Committee - sec/Treas, Board of Adjustments, Zoning Commission - Vice Chairman, Tomball CEET Program Manager/Coordinator - see attached

Additional Pertinent Information/References: 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.

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
- (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)

- (4) Tomball Hospital Board

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.

Barbara Ingle

Signature of Applicant

Please return this application to:

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

BARBARA TAGUE

P.O. Box 20
Tomball, Texas
77377-0020
Home: 281-361-0904
Cell: 713-861-0737

May 16, 2012

City of Tomball
401 Market Street
Tomball, Texas 77375

Attn: Honorable Mayor Gretchen Fagan
Mr. Rick Brown, City Council
Mr. Preston Dodson, City Council
Mr. Field Hudgens, City Council
Mr. Mark Stoll, City Council
Mr. Derek Townsend, City Council
Mr. George Shackelford, City Manager

Dear Mayor Fagan and City Council,

I would like to thank you for the opportunity to have served my first term on the Zoning and Planning Commission.

I would like to be considered for reappointment to the Planning and Zoning Commission so I can continue to serve the City of Tomball now and in the future.

My experience in serving on the Planning and Zoning Commission, Zoning Commission has given me the opportunity to understand the importance of the impact of the commission's decisions and recommendations on our community.

Through the Lone Star College Small Business Development affiliation with the Community Development Institute, I have completed 5 years in their program for my Professional Community Economic Development Certification. I have completed their basic 3 year course plus 2 years of Advanced Classes in Business Retention and Economic Investment, and Making Good Decisions on Incentives. I continue to do this so I can be aware of any new regulations and changes in government that could affect Tomball.

I would like to continue to serve the city with my experience on the Planning and Zoning Commissions and the PCED Certification classes and as a resident of Tomball.

Sincerely,

Barbara Tague

Barbara Tague

Cc. file

Barbara Tague
P O Box 20
Tomball, Texas 77377-0020

Home: 281-351-0904
Cell: 713-851-0737
Email: 4tague@sbcglobal.net

EXPERIENCE – PROFESSIONAL AND COMMUNITY

Harris County Citizen Corps, under the Office of the Harris County Office of Homeland Security and Emergency Management 2008

Administrative Assistant

- Administrative Assistant for the Harris County CERT (Community Emergency Response Team) Program, Division of the Harris County Citizen Corps.

Downtown Tomball Association

2002 - Present

President

- President and founding charter member
- Incorporated the organization as a 501 (6) C
- Served as secretary, Vice president and President
- Increased membership 50%
- Developed relationship with City of Tomball, Greater Tomball Chamber of Commerce
- Monthly column for the HCN – Tomball/Magnolia Potpourri newspaper for the DTA

Tomball Cert Coordinator

2006 – Present

- Responsible for Tomball CERT program
- Promote CERT program throughout the community
- Represent CERT and DTA on TALEPC
- Assisted at Transtar during Hurricane Gustav and Ike
- Volunteer Coordinator for Tomball PODs – Hurricane IKE
- EOC Liaison for Tomball CERT program
- Member of Tomball Fire Corp – Tomball Fire Academy Alumni
- Coordinate CERT monthly training and meetings
- Harris County CERT Rodeo 2009 Committee - Administration and Finance Chair
- Harris County CERT Rodeo 2010 Committee Chairman

Tomball Area Local Emergency Planning Committee

2006 – Present

- Secretary/Treasurer
- Administrative and financial duties
- Keep records of committee
- Record and distribute minutes
- Keep records of committee members
- Maintain bank account and financial records
- Liaison with Tomball CERT program and Fire Corp

City of Tomball Planning and Zoning Commission

June 2010 - Present

President

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

City of Tomball Board of Adjustments – Alternate No. 2

2009 – June, 2010

Appointed In March 2009

City of Tomball Zoning Commission

2006- 2008

Vice Chairman

- Developed City of Tomball Zoning Ordinances with Consultants, Sefko and Dunkin
- Designed Zoning Map and districts
- Chaired public hearings
- Spoke at organization meetings as representative of Zoning Commission

City of Tomball Centennial Commission

2004 – 2009

2nd Vice president

- Incorporated the commission as a 501 (6) C, oversaw trademarking of Centennial logo and licensing agreements
- Chairman – Publicity Committee
- Chairman – Grounds/Operations -Tomball Heartbeat Festival – 3 day festival with 20,000 in attendance.

**Great Northwest Houston Convention and Visitors Bureau
*President***

2004-present

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

Tomball Independent School District Facility Study Finance Sub Committee

2006

- Member of Finance Sub Committee worked with TISD CFO.
- Tasked with the development of a plan for financing facilities for student and program growth for TISD
- Focus on TISD fiscal condition and future stability in the business environment.
- Recommendations were based on a consensus of the findings and conclusions regarding additional debt issuance.
- Developed various scenarios on varied amounts of bond issuances from \$64M to \$150M
- Recommended tax rate with M & O, I & S breakdown

Red Awning Antiques/ HADL Enterprises

1996 – 2006

- Owner of 15 dealer antique co-op
- Responsible for all aspects of business from payroll to merchandising
- Bought and sold estates

Patriot Kennels

1981 – Present

- Handled and show dogs throughout the United States, both as a breeder/owner and as a professional handler.

Barbara A. Tague, Pet Stylist

1988 - 2002

- Affiliated with Tomball Veterinary Clinic
- Retired with 2000 clients
- Specialized in geriatric, difficult and large animals,
- Member of IPGA and IPGA - Texas State Representative, Proctor for certification of Master Groomers, taught IPGA seminars

PROFESSIONAL/ COMMUNITY ACTIVITIES

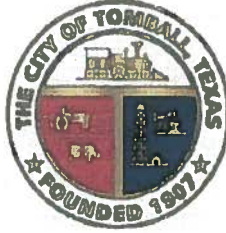
Harris County Republican Party Precinct 529 Chairman

**Elected 2008, 2010, 2012
Candidate**

- Harris County Republican Party Finance Committee – Roots Program Sub-Committee Chair, Chairman of the Small Donor Program
 - Texas Federation of Republican Women – 2009 State Convention Logistics Chairman
 - Texas Federation of Republican Women – 2010 – 2013 Board of Directors
 - *Special Committee Chairman* – 2011-2013 State Convention Coordinator
 - 2013 Convention Site Selection Committee Member
 - 2015 Convention Site Selection Committee Co-Chairman
 - Tomball Republican Women – Founder and President 2010-present
 - Greater Houston Council of Federated RW – 3rd Vice president/ Special Events 2009, 2010, Newsletter Editor-2012
 - Tomball Pachyderm Club – Board of Directors 2006 – 2012 , Vice president 2010 -2012
 - Delegate Precinct Convention 2008, 2010
 - Attended Senatorial District 7 Convention – 2008, 2010, 2012
 - Delegate to Republican State Convention - 2008, 2010, 2012
 - Tomball Liaison to Ted Cruz for Attorney General Campaign, 2010-2012
 - Tomball Liaison for Congressman McCaul Campaign, 2008, 2010, 2012
-
- Greater Tomball Chamber of Commerce – Government and Legislative Committee –
 - State and Federal legislative sub- committee chairman
 - Greater Tomball Chamber of Commerce – Mobility and Transportation Committee
 - Greater Tomball Chamber of Commerce – Miss Tomball Pageant Committee, Chairman's Ball Committee, Tomball Night Committee
 - 249 Partnership
 - Tomball Area Development Group
-
- Tomball Local Emergency Planning Committee – Secretary/Treasurer
 - Tomball CERT (Community Emergency Response Team) Coordinator
 - Harris County CERT Rodeo 2009 Administrative/ Finance Chairman
 - Harris County CERT Rodeo 2010 Chairman
 - Tomball Fire Academy Alumni, Class I – 2008 – Fire Corps member
 - Hurricane IKE – Supervised PODs and coordinated over 300 volunteers for and with Tomball Fire Department at the Tomball PODs for Tomball Local Emergency Planning Committee, Harris County OEM, FEMA and State Representative Debbie Riddle. Also Tomball Community Volunteer Clean Up Program. Supervised the CERT response teams during Hurricane IKE.
 - Mission Tomball – volunteer
 - Tri County Fires - Coordinated the volunteers for the Tri County Fire Donation Site – Tomball Fire Dept.

PROFESSIONAL MEMBERSHIPS

- Texas Federated Republican Women – Patron 2009-2010
- National Association of Republican Women
- Texas Festival and Events Association
- Texas Tourism Industry Association
- American Spaniel Club
- Texas Downtown Association
- Great Northwest Houston Convention and Visitors Bureau
- Greater Tomball Area Chamber of Commerce
- CYFair Houston Chamber of Commerce
- Leadership North Houston Alumni
- BREI Association (Business Retention, Economic and Investment Assn)



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: 5-24-2010

Name: LISA DANIELS

Phone: 281-639-1592

Address: 403 Epps ST

Phone: 281-639-1592 (Home)

City/State/Zip: Tomball TX

Email: ledaniels00@mac.com 77375

(Work)

I have lived in Tomball <1 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Pharmaceutical Sales
Covering N.W. Houston - Tomball & Magnolia

Professional and/or Community Activities: Former head of West Houston
Chamber Health and Wellness Committee
member Houston READ Volunteer -

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 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

(1) 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

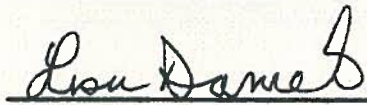
() Tomball Hospital Board

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

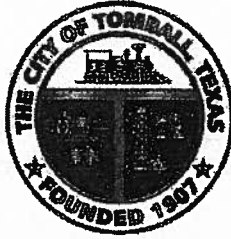
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: 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

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.

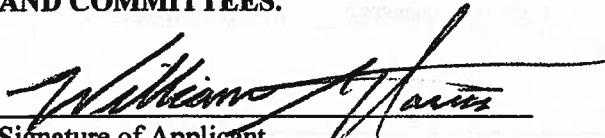
Ad Hoc/Advisory Committees

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

Meeting Information

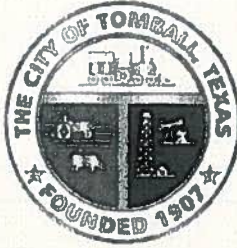
As called

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

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

Please Type of Print Clearly:

Date: 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.

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
(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

- () 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.

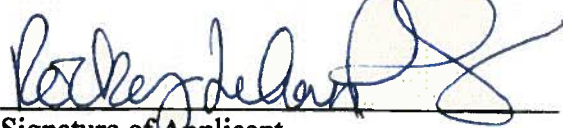
Ad Hoc/Advisory Committees

- (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

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

Please Type of Print Clearly:

Date: 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.

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
☒ (2) Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☒ (2) 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

- ☒ (4) 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

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

Please Type of Print Clearly:

Date: MAY 10, 2012

Name: DARRELL E. ROQUEMORE

Phone: 281.357.1704

(Home)

Address: 614 N HICKORY

Phone: 281.290.0856

(Work)

City/State/Zip TOMBALL, TX 77375

Cell: 281.744.5413

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

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
- (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

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


Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (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: 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

(✓) 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

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

Fourth Wednesday each month, 4 p.m.

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

Deak Bruce

Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (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: 01/26/ 2010

Name: JOHN P. DILLON

Phone: 281-351-2921

Address: 14166 TURNER VUE

Phone: 713-755-7405 ^(Home)

City/State/Zip: TOMBALL TX 77375

CELL ^(Work)
281-610-1133

Email: JOHN P. DILLON 76 @ GAHOO.COM

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

FIDELITY 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 (1) 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.

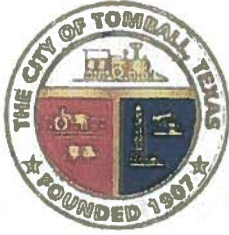
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

2009

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. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

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) CHAPTER REVIEW COMMISSION - BOTH FOR CITY OF TOMBALL

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

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

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

- ☒ Tomball Hospital Board

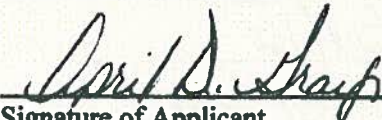
Meeting Information

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.

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



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or 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: (Work)

Cell:

Email: jarcarwolfe@comcast.net

I have lived in Tomball 11 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Currently Unemployed

Professional and/or Community Activities: DTAC

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

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

Separate Legal Entities

(7) Tomball Economic Development Corporation

(4) Tomball Hospital Board

Meeting Information

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

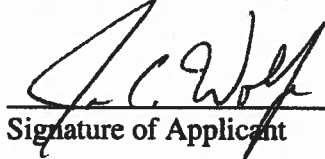
Meeting Information

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

Fourth Wednesday each month, 4 p.m.

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

Meeting Date: May 21, 2012

Data Sheet

Topic:

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

Background:

The Tomball High School Student Council requests Council's support for its Fifth Annual Homecoming Parade and Pep Rally, to be held on Wednesday, October 24, 2012 from 6:30 p.m. until 8:00 p.m.

Current plans, pending TxDOT approval, are that the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot at 201 South Elm, where the community-wide pep rally will begin at 7:00 p.m. and the entire event should conclude by 8:00 p.m.. Should TxDOT deny approval of the original route, an alternate route would be used to bring the parade down Malone and Market Streets to the Depot; however, approval from TxDOT has been granted the last four years and approval is expected.

Council is asked to approve the use of the Depot and authorize the support of the City, as a co-sponsor of the event, in supplying City support services (Police, Fire, Public Works) as needed.

Origination:

Tomball High School Student Council Officers and Mrs. Dio

Recommendation:

Approval of Resolution No. 2012-13

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2012-13 - 5th Annual Homecoming Parad and Rally

THS Request Letter

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.**

* * * * *

WHEREAS the Tomball Independent School District and the Tomball High School Student Council will undertake the Fifth Annual Homecoming Parade and Pep Rally, to be held in the City of Tomball on Wednesday, October 24, 2012 from 6:30 p.m. until 8:00 p.m.; and

WHEREAS the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot; and

WHEREAS a community-wide pep rally that will include the Cougar Pride Band, Cougar Charms Drill Team, and Cheerleaders will be held at the Depot immediately following the parade, during which the Homecoming Court will be announced; and

WHEREAS the Tomball Independent School District and the TISD Student Council desire and request the support and endorsement of the City of Tomball, including use of the Depot, in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Independent School District and the TISD Student Council in promoting and undertaking the Homecoming Parade and Pep Rally and pledge to encourage this effort.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



Tomball High School

**30330 Quinn Road
Tomball, Texas 77375-4300
281-357-3220 • FAX 281-357-3248**

May 7, 2012

Dear City Council,

The Tomball High School Student Council has requested to hold our 4th Annual Homecoming Parade and Community Pep-Rally on Wednesday, October 24, 2012. The parade would start at 6:30 PM in front of Tomball Intermediate School, proceeding down 2920 (Main Street) to the Historical Train Depot (approx. 7 PM). The parade will have floats and groups walking, including the Homecoming court along with various clubs and sports at Tomball High School. The community pep-rally would begin at 7 PM at the Train Depot, where we will use the stage to introduce the Homecoming Court. We feel the event will be ending no later than 8:00 PM. Thank you for helping us make this another outstanding homecoming to remember.

**Tomball High School
Student Council Officers & Mrs. Dio**

Pride of Texas

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

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.

Background:

The Tomball Fire Department has managed the community's fireworks display for several years. Each year, in conjunction with the display, other activities have been provided at various other sites, as the Fire Department endeavors to improve the quality of the events from the prior year.

This year, we are working with Mike Baxter to have some live music and move our water games and related activities to a location that will allow families to come and enjoy an afternoon of fun followed by an approximately 25-minute fireworks display that, for the first time, will be set to music. This will be a significant change from the last several years of using the Target Parking Lot for the daytime activities.

We anticipate starting the daytime events a little later than usual (2:30 pm vs 10:00 am). We have spoken with Pecos Grill and Rib Tickler regarding the plan and both businesses are in favor of the improved plans. The Budget vehicle rental store will be closed on July 4th. These three businesses are the only occupancies affected by the proposed closure of a portion of State Highway 249 Business.

Closure of the proposed portion of State Highway 249 Business will improve the safety aspects of this annual event, provide additional parking, allow the City to expand this event, and aligns with the City's strategic initiative to capitalize on recreational opportunities as an economic development strategy to encourage residents and visitors to stay in Tomball on July 4th.

Origination:

Fire Department

Recommendation:

Staff recommends approval of Resolution No. 2012-14 and authorization for the City Manager to issue a letter to TxDOT

Funding:

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

Randy Parr

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

ATTACHMENTS:

Resolution No. 2012-14 - July 4th Celebration and Road Closure
July 4th Street Party Bus 249 Closures

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 PM UNTIL 10:00 PM.

* * * * *

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

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

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

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

WHEREAS the City of Tomball desires and requests the closure of the following portion of State Highway 249 on Wednesday, July 4, 2012:

- from 2:00 p.m. to 10:00 p.m., State Highway 249 Business from Hicks Street to the North Entrance to Krogers in Tomball Marketplace Shopping Center.

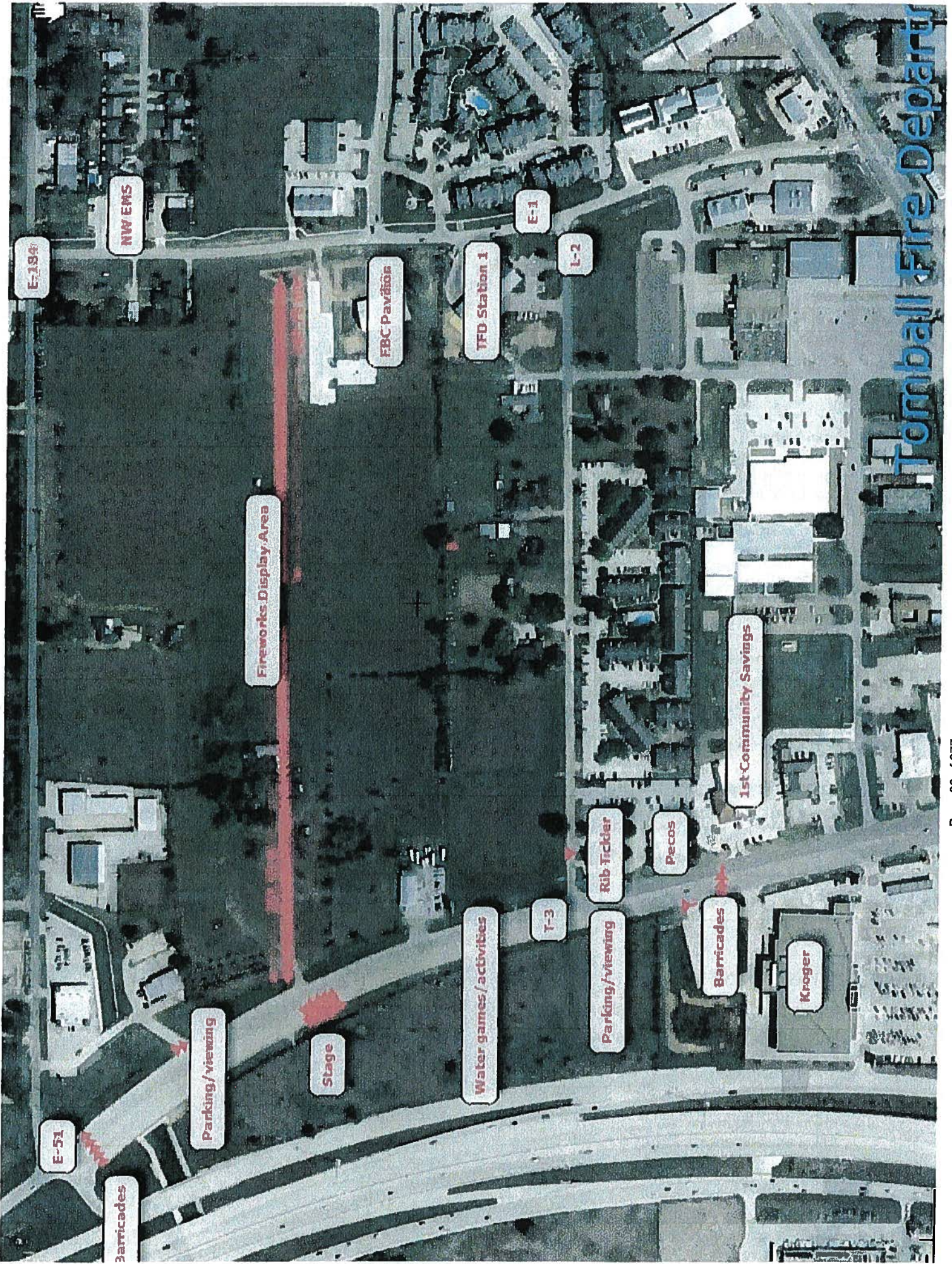
NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the *July 4th Celebration* as a safe July 4th holiday for its citizens and the surrounding community.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2012.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



Tomball Fire Department

Regular City Council Agenda Item Data Sheet

Meeting Date: May 21, 2012

Topic:

Approve Tax Abatement Agreement between City of Tomball and American National Carbide for Improvements to be Constructed in Tax Abatement Reinvestment Zone No. 3

Background:

The draft Tax Abatement Agreement between the City of Tomball and American National Carbide, covering the improvements to be constructed in Reinvestment Zone No. 3 is attached.

The agreement provides for a ten (10) year tax abatement period beginning June 1, 2012 and continuing through May 31, 2022.

Also attached please find the estimated Economic Impact anticipated as a result of the improvements to be made by American National Carbide.

STRATEGIC INITIATIVE: Support the growth and development of existing businesses.

Origination:

American National Carbide

Recommendation:

Approve Tax Abatement Agreement

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

George Shackelford, City Manager

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

ATTACHMENTS:

Draft Tax Abatement Agreement_Rev 5-18-12

Draft Tax Abatement Agreement - Exhibit A

Draft Tax Abatement Agreement - Exhibit B

Ordinance No. 2012-08-Reinvestment Zone 3 - Exhibit C

Economic Impact American National Carbide Tax Abatement

COT Tax Abatement Policy

**TAX ABATEMENT AGREEMENT
BETWEEN THE
CITY OF TOMBALL, TEXAS
AND
AMERICAN NATIONAL CARBIDE COMPANY**

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

KNOW ALL MEN BY THESE PRESENTS:

§

THIS TAX ABATEMENT AGREEMENT ("Agreement") is made and entered into by and between the CITY OF TOMBALL, TEXAS, a home rule city situated in Harris County, Texas ("City"), and AMERICAN NATIONAL CARBIDE COMPANY ("American National Carbide"), the owner of a tract of land with improvements, and the improvements to be constructed thereon, within Reinvestment Zone No. 3.

WHEREAS, American National Carbide is the owner of a 7.2854-acre tract of land located in Harris County, Texas (the "Property"), as defined in Section 2 of this Agreement; and

WHEREAS, American National Carbide desires to expand its existing facility (the "Improvements") on the Property, as defined in Section 2 of this Agreement; and

WHEREAS, the City and American National Carbide wish to enter into a tax abatement agreement, which will provide for a ten (10) year tax abatement period that will commence on June 1, 2012;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, American National Carbide and the City hereby agree as follows:

1. **Authorization.** This Agreement is authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS TAX CODE, as amended and the Tax Abatement Policy adopted by the City of Tomball, Texas adopted by the City Council of the City on April 16, 2012. The City Council has determined that the terms of the Agreement and the property subject to this Agreement meet the provisions of the Tax Abatement Policy adopted by the City.

2. **Defined Terms.** As used in this Agreement, the following terms shall have the meanings set forth below:

"American National Carbide" shall mean American National Carbide Company, the entity that owns the Property on the date taxes are abated under this Agreement or any other person or entity to which this Agreement is assigned, in accordance with this Agreement.

"Certified Appraised Value" shall mean the appraised value of the Property and existing improvements as certified by the Harris County Appraisal District.

"City" shall mean the City of Tomball, Texas.

"City Council" shall mean the governing body of the City.

"Improvements" shall mean the buildings and structures (or portions thereof) and other improvements, including fixed machinery, equipment and process units, used for commercial or industrial purposes, which are erected or expanded by American National Carbide on the Property as contemplated by Section 6 herein, and generally identified and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

"Property" shall mean the 7.2854-acre tract of land described in Exhibit "B" attached hereto and incorporated herein for all purposes, and all Improvements and Tangible Personal Property currently located thereon, which tract of land is located within Reinvestment Zone No. 3 of the City.

"Reinvestment Zone No. 3" shall mean that certain area qualifying for tax abatement pursuant to the Tax Abatement Policy adopted by the City of Tomball, Texas, and City of Tomball Ordinance No. 2012-08, a copy of which is attached hereto as Exhibit "C" and incorporated herein for all purposes.

"Tangible Personal Property" shall mean tangible personal property classified as such under state law, but excluding tangible personal property that was located on the Property at any time prior to the date of execution of this Agreement, and also excluding tangible personal property taxable by the City while owned by American National Carbide any time prior to the date of execution of this Agreement, and excluding inventory and supplies.

3. **Administration of Agreement.** This Agreement shall be administered by the City Manager or designee of the City.

4. **Term.** This Agreement shall be effective as of the date of execution hereof and shall continue through May 31, 2022, unless terminated earlier, as provided elsewhere herein; provided, however, that the ten-year abatement period herein provided for shall not commence until June 1, 2012.

5. **Tax Abatement.** Subject to limitations imposed by law and conditioned on the representations outlined in Section 6 hereinbelow, there shall be granted and allowed hereunder to American National Carbide a property tax abatement equal to one-hundred percent (100%) of the taxable value on the Improvements constructed or expanded hereunder on the Property and the Tangible Personal Property located on the Property; provided, however, if the Certified Appraised Value of the Property is less than the Certified Appraised Value for 2011, for any year during the term of this Agreement, such abatement shall not apply to the Improvements and Tangible Personal Property to the extent of the difference between the Certified Appraised Value of the Property for such year and the Certified Appraised Value of the Property for 2011. The

property tax abatement granted and allowed hereunder shall extend only to all real and personal property ad valorem taxes assessable on the Improvements, as constructed or expanded, and Tangible Personal Property; the Certified Appraised Value of the real property shall be fully taxable.

American National Carbide represents and warrants that it will have invested at least Two Million, Five-Hundred Thousand Dollars (\$2,500,000.00) on the Improvements by January 1 on the year following the completion of construction of the Improvements. Additionally, American National Carbide represents and warrants that it will increase its raw material, work-in-progress, and finished goods inventory at its facility by at least One Million Dollars (\$1,000,000) by January 1, 2013 and by an additional Two Million, Four-Hundred Thousand Dollars (\$2,400,000) for a total of Three Million, Four-Hundred Thousand Dollars (3,400,000) by January 1, 2014.

6. **Representations.**

(a) American National Carbide represents that (1) it has or will have an increased taxable interest with respect to Improvements and Tangible Personal Property placed on the Property; (2) the Improvements and Tangible Personal Property to be constructed and/or placed on the Property pursuant to the Agreement shall be as set forth and described in American National Carbide's letter dated March 30, 2012, attached hereto as Exhibit "A", and incorporated herein for all purposes; (3) all Improvements placed on the Property will be completed in a workmanlike manner and will be completed in accordance with the City building codes in effect at the time such Improvements are erected; (4) the Improvements will be constructed on or before December 31, 2012, having a Certified Appraised Value of not less than \$480,000; (5) it will place on the Property, on or before December 31, 2012, Tangible Personal Property having a Certified Appraised Value of not less than \$1,000,000, and will maintain on the Property said Tangible Personal Property or similar Tangible Personal Property of equal or greater value through May 30, 2022; (6) it will place on the Property, on or before December 31, 2013, Tangible Personal Property having Certified Appraised value of not less than \$4,420,000 which will be in addition to the Tangible Personal Property referred to in item (5) of this paragraph; (7) it shall maintain on the Property an increased employment level of not less than 25 full-time employees related to the expansion on the Property beginning on or before August 1, 2013, and continuing during the remainder of the term of this Agreement; (8) it has, as of the effective date of this Agreement, the financial resources to implement the above respective representations; and (9) it will comply with all applicable laws, rules, regulations, and provisions of the Code of Ordinances of the City.

(b) The City represents that (1) Reinvestment Zone No. 3 has been created in accordance with Chapter 312 of the TEXAS TAX CODE and the Guidelines and Criteria for Granting Tax Abatement in Reinvestment and Enterprise Zones created in the City of Tomball, Texas, as both exist on the effective date of this Agreement; (2) the Property is within such Zone; and (3) the Property is located within the corporate limits of the City.

(c) American National Carbide and the City represent that no member of the City Council or Planning Commission owns or leases the Property, Improvements, or Tangible Personal Property.

7. **Administrative.**

(a) Access to and Inspection of Property by Municipal Employees. American National Carbide shall allow the City's employees and/or designated representatives of the City access to the Improvements for the purpose of inspecting any Improvements erected to ensure that such Improvements are completed and maintained in accordance with the terms of this Agreement and to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after giving American National Carbide twenty-four (24) hours advance notice and shall be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of American National Carbide and in accordance with all applicable safety standards. Upon completion of construction, the designated representative of the City shall evaluate annually each facility receiving abatement to ensure compliance with the Agreement, and a formal report shall be made to the City Council.

(b) On January 1st of each year that this Agreement is in effect, American National Carbide shall certify to the City, and to the governing body of each taxing unit, that American National Carbide is in compliance with each applicable term of this Agreement.

(c) The Chief Appraiser of the Harris County Appraisal District shall determine annually (i) the Certified Appraised Value of the Property, Improvements, and Tangible Personal Property and (ii) the taxable value, pursuant to the terms of abatement under this Agreement, of the Property, Improvements, and Tangible Personal Property. The Chief Appraiser shall record both the abated taxable value and the Certified Appraised Value in the appraisal records. The Certified Appraised Value listed in the appraisal records shall be used to compute the amount of abated taxes that are required to be recaptured and paid in the event this Agreement is terminated in a manner that results in recapture. During the term of this Agreement, each year, American National Carbide shall furnish the Chief Appraiser with such information outlined in Chapter 22, TEXAS TAX CODE, as may be necessary for the administration of the abatement specified herein.

8. **Default.**

(a) The City may declare a default hereunder if American National Carbide (1) fails, refuses, or neglects to comply with any of the terms, conditions, or representations of this Agreement and fails to cure during the cure period; or (2) allows ad valorem taxes owed to the City to become delinquent and fails either to cure during the cure period or to timely and properly follow the legal procedures for their protest or contest.

(b) If the City declares a default of this Agreement, this Agreement shall terminate (after notice and opportunity to cure as provided for herein), and the City, in such event, shall be entitled to recapture any and all property taxes which have been abated as a result of this Agreement. The City shall notify American National Carbide of any default in writing in the manner prescribed herein. The notice shall specify the basis for the declaration of default, and American National Carbide shall have sixty (60) days from the date of such notice to cure any default; provided, however, where fulfillment of any obligation requires more than sixty (60)

days, performance shall be commenced within sixty (60) days after the receipt of notice, and such performance shall be diligently continued until the default is cured. If the default cannot be cured, or if American National Carbide fails to cure within the period herein specified, American National Carbide shall be liable for and will pay to the City within sixty (60) days following the termination of this Agreement (1) the amount of all property taxes abated under this Agreement, (2) interest on the abated amount at the rate provided for in the Texas Tax Code for delinquent taxes, and (3) penalties on the amount abated in the year of default at the rate provided for in the Texas Tax Code for delinquent taxes.

(c) Notwithstanding any other provision contained herein to the contrary, in the event of termination of this Agreement due to the default of American National Carbide, American National Carbide's obligation to pay the City any property taxes that have been abated on Improvements and Tangible Personal Property, plus applicable penalty and interest thereon as herein provided, shall not terminate until the abated taxes, plus penalty and interest, are paid..

9. **Changes in Tax Laws.** The tax abatement provided in this Agreement is conditioned upon and subject to any changes in the state tax laws during the term of this Agreement.

10. **Compliance with State and Local Regulations.** Nothing in this Agreement shall be construed to alter or affect the obligations of American National Carbide to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

11. **Assignment of Agreement.** This Agreement may not be assigned by American National Carbide without the approval of the City by resolution of the City Council. The approval of any assignment shall be subject to the financial capacity of the assignee and will require that all conditions and obligations in this Agreement shall be assumed by the assignee. No assignment shall be approved if (a) the City has declared a default hereunder that has not been cured, or (b) the assignee is delinquent in the payment of ad valorem taxes owed to the City. Approval by the City shall not be unreasonably withheld.

12. **Conditions Precedent.** This Agreement is conditioned entirely upon (a) the approval of the City Council by the affirmative vote of a majority of the members present at a regularly scheduled meeting of the City Council; (b) the construction of the Improvements and the location of the Tangible Personal Property on the Property on or before December 31, 2012. The abatement granted herein shall not be effective until June 1, 2012.

13. **Notice.** All notices shall be in writing. If mailed, any notice or communication shall be deemed to be received three (3) days after the date of deposit in the United States mail, first-class, postage prepaid. Unless otherwise provided in this Agreement, all notices shall be delivered to the following addresses:

To American National Carbide:	American National Carbide
	915 South Cherry Street
	Tomball, Texas 77375
	Attention: D. Greg Stroud, President

To City:

City of Tomball
401 Market Street
Tomball, Texas 77375
Attn: City Manager

Either party may designate a different address by giving the other party at least ten (10) days written notice in the manner prescribed above.

14. **Entire Agreement.** This Agreement and the Exhibits attached hereto contain the entire tax abatement agreement between the parties and supersedes all other negotiations and agreements between American National Carbide and the City relating to the grant of tax abatement for the Improvements and Tangible Personal Property located on the Property, whether written or oral. In the event that there is a conflict between any of the Exhibits to this Agreement and this Agreement, the provisions of this Agreement shall control over the provisions in the Exhibits.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties as of the 21st day of May, 2012.

AMERICAN NATIONAL CARBIDE COMPANY

By: _____
Name: D. Greg Stroud, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of _____
2012, by D. Greg Stroud, President, for and on behalf of American National Carbide Company.

Notary Public in and for the State of Texas

(SEAL)

CITY OF TOMBALL, TEXAS

ATTEST:

Doris Speer, City Secretary

Gretchen Fagan, Mayor

DRAFT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of _____
2012, by Gretchen Fagan, Mayor of the City of Tomball, Texas, for and on behalf of the City.

Notary Public in and for the State of Texas

(SEAL)



American National Carbide

Delivering Carbide Value™

March 30, 2012

Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mr. Shackelford,

Thanks again for speaking with us recently to discuss our expansion project. We would like to let this letter serve as our formal application for tax abatement, pursuant to the City of Tomball Tax Abatement Policy (CTTAP), of 100% of the value of all eligible property purchased as part of our expansion for a term of ten years. As discussed, American National Carbide (ANC) is a manufacturer of tungsten carbide products used primarily in the oil and gas and metalworking industries. ANC is also a recycler of scrap tungsten carbide products.

The expansion made the basis of this request entails the purchase of two furnaces used for the recycling of tungsten carbide scrap, various equipment meant for further processing the material after the furnaces, support equipment, and an extension of our existing building to house the new equipment and to allow for storage of both raw materials for the process and finished product. All such equipment and the building will permanently reside in the City of Tomball at our location at 915 South Cherry Street. A list of the specific equipment being purchased appears below.

Equipment	Approximate Value
Two recycling furnaces	\$1,700,000.00
Material processing equipment	\$150,000.00
Support equipment (e.g., cooling towers, forklifts, electrical boxes, etc.)	\$170,000.00

An extension of our current building will be made to house this equipment. For reference, I have included a map of our property, a drawing showing the proposed building extension, and an aerial view of the existing property. The cost of the building extension itself is estimated at \$400,000.00. There will also be site improvements, including driveways, a truck well/loading dock, installation of a fire hydrant and others, that will cost an additional approximately \$80,000.00. Construction of the building extension is set to begin as soon as the tax abatement is approved and should be completed in time to receive the two furnaces, which are expected in approximately July or August 2012. The total approximate capital investment for this project will be \$2.5 million.

In addition to these purchases, it will be necessary to purchase and maintain raw material, work-in-process, and finished goods inventory at our facility to support both the

Exhibit "A"

expanded operation and growth to our existing operation. We estimate the value of these inventories to be \$3.4 million.

The tax abatement is necessary for the project to be undertaken in Tomball, because we have seriously considered a move to either a school district that offers a freeport exemption for certain inventories or a municipality that offers incentives, such as long-term tax abatements, to companies like ours to move to their area. We pay a substantial amount of property tax each year and we continuously look for opportunities to be a more profitable enterprise, including those related to reducing our tax burden. If the tax abatement from the City of Tomball is approved, we will move forward with the project here. Otherwise, we will have to review opportunities for tax savings elsewhere.

Minimum Standards Met

We believe this project meets the minimum standards for tax abatement, as provided in Section 3 of the CTTAP, for the reasons set forth herein.

1. This project has no negative environmental impact on the community. To the contrary, the project is for the expansion of an existing recycling process and actually has a positive environmental impact in that scrap carbide is recycled and is prevented from entering the waste stream.
2. This project stimulates local employment and commercial activity, benefits existing business, and does not compete with existing business to the extent of being a detriment to the local economy. Our plan is to add approximately 25 jobs by August 2013, and we will hire local residents to fill these jobs. The project benefits not only our business, it benefits other local businesses, such as machine shops, that would otherwise not have an outlet for their scrap carbide. Since there are no other local businesses that perform the type of work performed at our facility, there will be no adverse effect on the local economy.
3. The project will create payroll on a permanent basis in the City of Tomball. We expect to add at least 25 jobs by August 2013 with an overall increase in annual payroll of about \$700,000.00. This will bring our total employment to around 95 people, with an average salary of between \$25,000.00-\$30,000.00.
4. The capital investment of this project is around \$2.5 million, which exceeds the minimum requirement of \$1 million set forth by the CTTAP.
5. We believe this project has high visibility and impact on not only the image of our company but that of the City as well. We are one of a few companies in the world that has the capability of recycling scrap tungsten carbide into usable raw material and our long-term objective is to be the premier supplier of this type of raw material. This project will boost our overall revenue to nearly three times what it is today (none of which is subject to State sales and use tax), and most of the profits will be reinvested in the company to increase capacity for further growth.

6. We believe one result of this project is that other businesses will be attracted to this area. We are heavily involved in the oilfield support industry and Tomball has seen growth in that area over the last several years with the addition of Baker Hughes and other companies. Our location in Tomball allows us to provide these oilfield support companies with quick delivery on their products, and the project at issue will facilitate growth of our finished oilfield products to better serve these companies and attract others.
7. This project conforms to the City's zoning ordinance. We are currently operating similar equipment and this project represents an expansion of that operation.

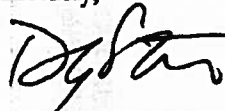
Required Certifications and Agreements

We hereby certify that we do not employ, nor will employ, any individuals not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States. Further, we agree that if we are convicted of a violation under 8 U.S.C. §1324a(f) after receiving a tax abatement, we will repay the amount of the tax abatement with interest under the terms of the CTTAP.

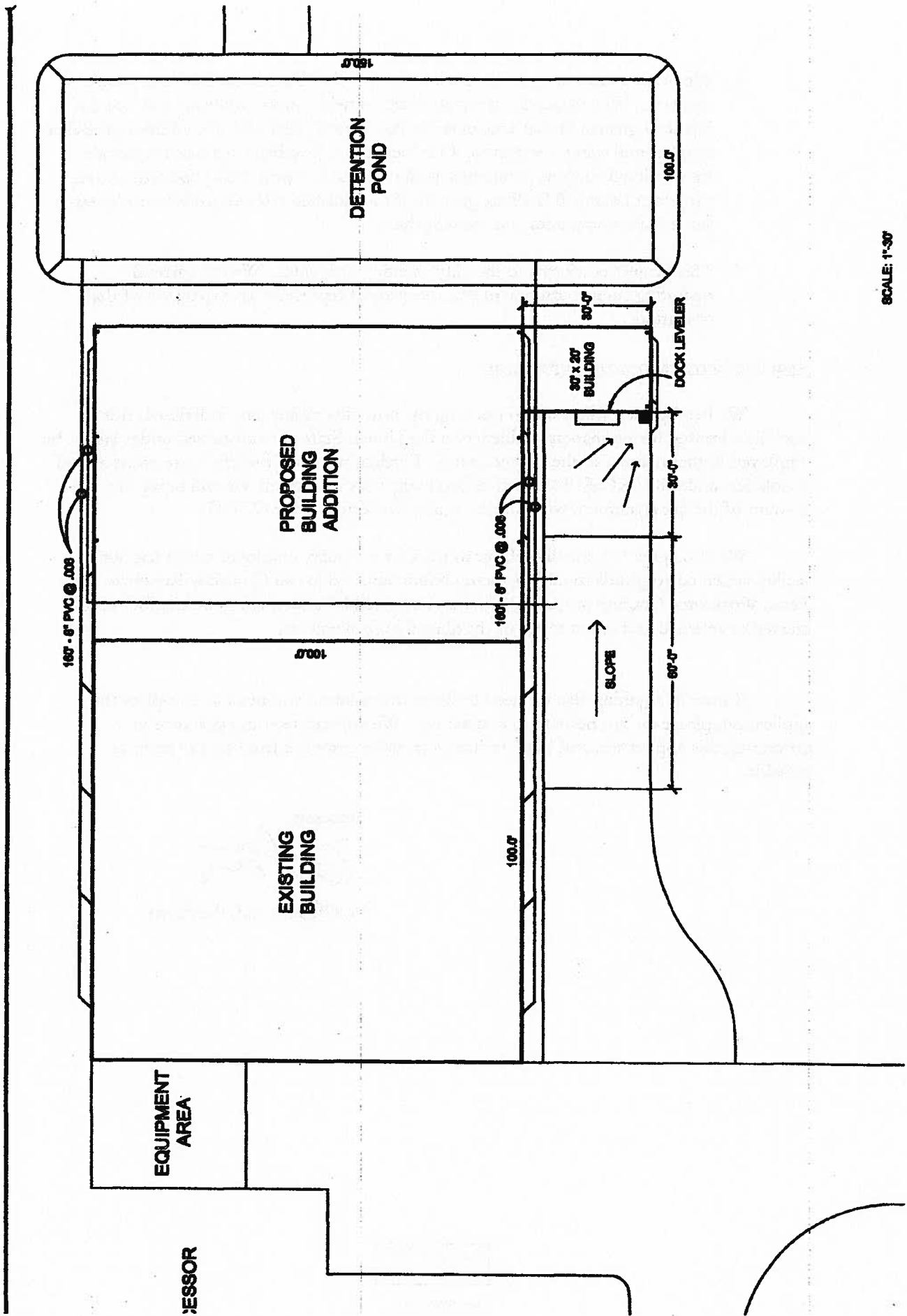
We also agree to annually submit to the City a January employee count for our facility which corresponds to employment counts reported in our Quarterly Report to the Texas Workforce Commission and a separate notarized letter certifying the number of jobs created or retained as a direct result of the abated improvements.

If there is anything else we need to do or information you need to complete this application, please do not hesitate to contact me. We appreciate your assistance in processing this application and hope to have a positive response from you as soon as possible.

Sincerely,

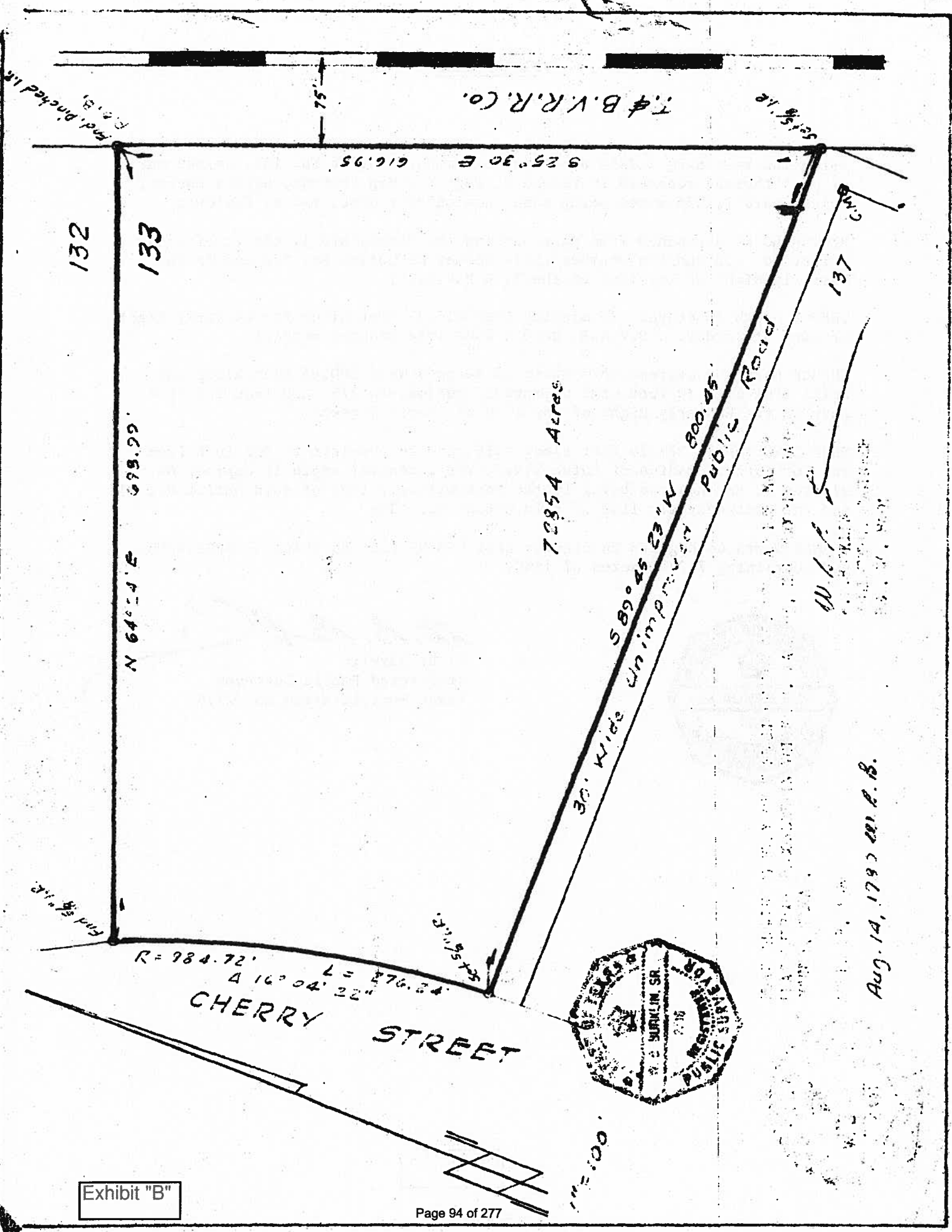


D. Greg Stroud, President



SCALE: 1"=30'

Exhibit "A"



FIELD NOTES

Being the remaining 7.2854 acres out of Tomball Outlot No. 133, as per map or plat thereof recorded in Volume 2, Page 65, Map Records, Harris County, Texas; said 7.2854 acres being more particularly described as follows:

BEGINNING at a pinched iron pipe marking the Northeasterly corner of said Outlot No. 133 and the Southeasterly corner of Outlot No. 132 and in the Westerly Right of Way line of the T. & B.V.R.R.;

THENCE South 25 degrees 30 minutes East 616.95 feet along the Westerly Right of line of said T. & B.V.R.R. to 5/8 inch iron rod for corner;

THENCE North 89 degrees 45 minutes 23 seconds West 800.45 feet along the North line of a 30 foot wide unimproved roadway to 5/8 inch iron rod in a curv in the Easterly Right of Way line of Cherry Street;

THENCE Northerly 276.24 feet along said curv to the left to 5/8 inch iron rod for corner, radius of curve 984.72 feet, central angle 16 degrees 04 minutes 22 seconds and being in the Northwesterly line of said Outlot No. 133 and the Southeasterly line of said Outlot No. 132;

THENCE North 64 degrees 24 minutes East 698.99 feet to PLACE OF BEGINNING and containing 7.2854 acres of land.



W. B. Burklin
W. B. Burklin
Registered Public Surveyor
Texas Registration No. 2716

Exhibit "B"



Exhibit "B"

ORDINANCE NO. 2012-08

AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, TAX ABATEMENT 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.

* * * * *

WHEREAS, on April 16, 2012, the City Council passed and approved a “Tax Abatement Policy;” and

WHEREAS, pursuant to that Policy, the City Council has received an application for creation of a reinvestment zone; and

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 3; and

WHEREAS, notice was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined that the improvements sought to be located in proposed Reinvestment Zone No. 3 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of a tax abatement agreement; and

WHEREAS, the creation of Reinvestment Zone No. 3 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit the property located therein and

Exhibit "C"

that will contribute to the economic development of the City of Tomball; **NOW, THEREFORE,**

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes.

Section 2. Reinvestment Zone No. 3 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Reinvestment Zone No. 3 is attached hereto as Exhibit "A" and incorporated herein as though it was set forth in its entirety in this Ordinance. Improvements and personal property constructed, erected, or placed within Reinvestment Zone No. 3 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of ten (10) years, commencing on the date of adoption hereof. The expiration of the designation shall not affect an existing tax abatement agreement made under the provisions of the Texas Tax Code.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of

Exhibit "C"

Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

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

SECOND READING:

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

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Exhibit "C"

**AMERICAN NATIONAL CARBIDE
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL ECONOMIC IMPACT MODEL**

Average Annual Wage Assessment:

Number of Employees		Average Hourly Wage	Average Weekly Wages	Total Annual Wages (52 wks. per Yr.)
Existing:	65			
Prospective:	30			
TOTAL:	95	14.00	53,200	2,766,400
Federal Income and FICA Taxes at 28% deducted				
Fixed payments for rent, insurance, etc. at 25%				
Net Disposable Annual Income				
				774,592
				691,600
				1,300,208

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:

13,832

Average Multiplier effect of the Dollar turning over 3.5 times to
Calculate the Total Annual Local Sales Tax Impact:

48,412

Annual Sales Tax Impact:

Value of Retail Sales	Sales Tax
0	2.00%

0

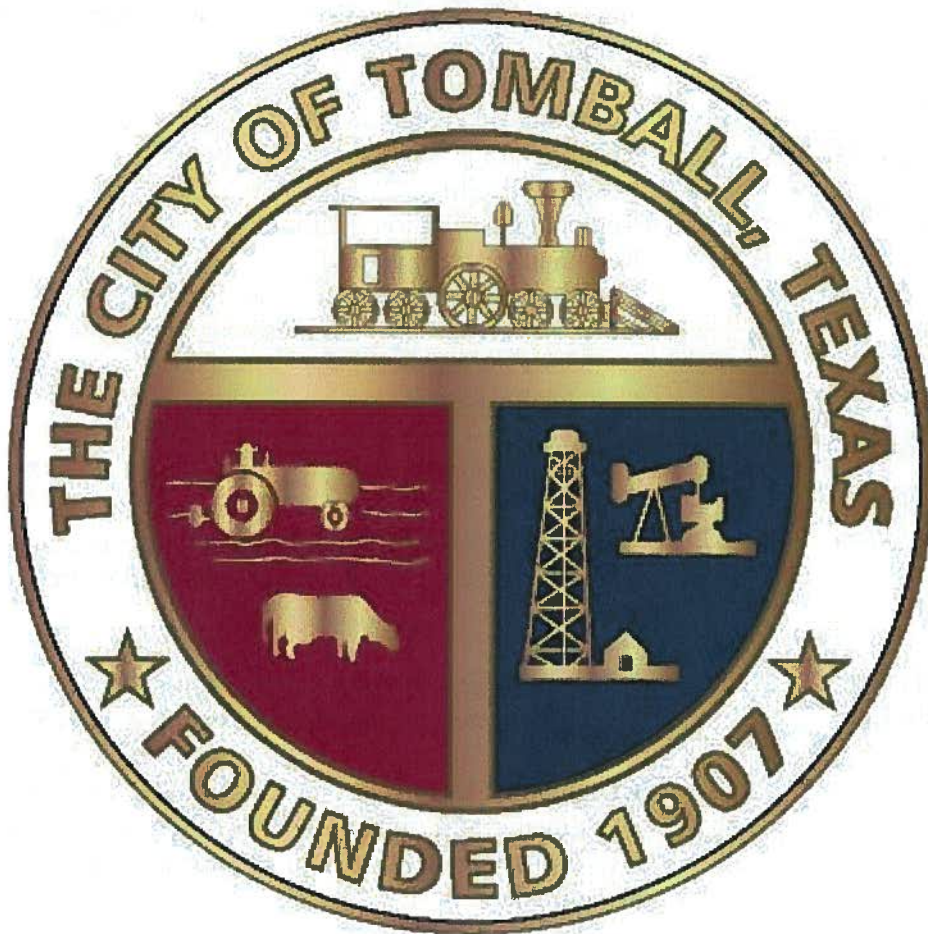
Estimated Property Tax Impact:

Tomball

	Value of Property and Improvements	Tax Rate (per \$100)	
Annual Economic Impact of Company Expansion	2,500,000	0.34146	8,536
Economic Impact over a Ten Year Period			56,948
New improvements taxes abated for ten years			569,484
New Economic Impact over a Ten Year Period			(85,365)
			484,119

CITY OF TOMBALL

TAX ABATEMENT POLICY



TAX ABATEMENT GUIDELINES SUMMARY

TERMS

Up to 100% abatement for a period not to exceed 10 years. Each project is reviewed on a case-by-case basis. The amount of the abatement will be determined based on the merits of the project, including, but not limited to, location of the project, its size, total capital investment value, the number of temporary and permanent jobs created, the costs and benefits for the City, and the project's impact on Tomball's economy.

FACILITIES THAT QUALIFY

Corporate Headquarters Facility
Manufacturing Facility
Research Facility
Regional Distribution Facility
Regional Service Facility
Regional Entertainment/Tourism Facility
Other Basic Industry Facilities

AUTHORIZED INVESTMENTS

New Facilities
Expansions
Modernizations

ABATED

Buildings, structures, fixed machinery, equipment, personal property, site improvements, and related office space

ECONOMIC CRITERIA

New business: Minimum two million dollar (\$2,000,000) investment; create a minimum of twenty-five (25) jobs.

Expansions: Minimum one million dollar (\$1,000,000) investment; must prevent the loss of payroll or retain, increase, or create payroll on a permanent basis in the City of Tomball.

CITY OF TOMBALL, TEXAS TAX ABATEMENT POLICY

SECTION 1: GENERAL PURPOSE AND OBJECTIVES

The City of Tomball is committed both to the promotion of high quality development within the City and to the improvement in the quality of life of its citizens. In order to meet these goals, the City will, on a case-by-case basis, give consideration to providing tax abatement within designated reinvestment zones as stimulation for economic development in the City. Texas Tax Code Chapter 311. The purpose of this tax abatement policy is to encourage the growth and establishment of industry and commercial enterprise in the City. Growth is measured by the capital investment in the City for buildings, machinery, and other capital goods that increases the Tomball workforce.

The City of Tomball will consider tax abatement for qualified business and property owners in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City is under any obligation to provide any incentive to any applicant. All applications shall be considered on a case-by-case basis.

All applications for tax abatement must be for commercial and/or industrial improvements. Tax abatement is available for both new facilities and for the expansion and modernization of existing facilities. No residential developments will be considered for tax abatement. Tax abatement will not be ordinarily considered for projects that would be developed without such incentives unless it is demonstrated that higher development standards or other community development goals will be achieved through the use of an abatement.

SECTION 2: DEFINITIONS

- (a) **Abatement** means the full or partial exemption from ad valorem taxes of certain new improvements of real and/or personal property in a reinvestment zone designated for economic development purposes.
- (b) **Agreement** means a contractual agreement between the City of Tomball and a property owner and/or lessee for the purpose of tax abatement.
- (c) **Base Year Value** means the assessed value of eligible property on January 1 preceding the execution of the Agreement plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.
- (d) **Corporate Headquarters Facility** means the facility or portion of a facility where corporate staff employees are physically employed and where the majority of the company's financial, personnel, legal, planning or other headquarters related functions are handled either on a national, regional or division basis.
- (e) **Deferred Maintenance** means improvements necessary for continued operations, which do not improve productivity or alter the process technology.
- (f) **Economic life** means the number of years a property improvement is expected to be in service in a facility. Provided, however, that in no circumstance shall the number of years exceed the depreciation allowance specified in the United States Internal Revenue Code.
- (g) **Effective Date of Abatement** means the first (1st) day of January immediately following the date the Agreement is approved by the City Council of Tomball.
- (h) **Eligible Jurisdiction** means the City of Tomball, Harris County and any school district or college district which levies ad valorem taxes upon, and provides services to, property located within the proposed or existing reinvestment zone.
- (i) **Expansion** means the addition of buildings, structures, fixed machinery, equipment, and personal property for the purpose of increasing production capacity.
- (j) **Facility** means property improvements completed or in the process of construction which together comprise an integral whole.
- (k) **Manufacturing Facility** means buildings, structures, fixed machinery, equipment and personal property, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

- (l) **Modernization** means the upgrading of existing facilities, which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation; modernization may result from the construction, alternation, or installation of buildings, structures, fixed machinery, equipment and personal property. It shall not be for the purpose of reconditioning, refurbishing or repairing.
- (m) **New Facility** means a property, previously undeveloped, that is placed into service by means other than or in conjunction with expansion or modernization.
- (n) **New Machinery and Equipment** means tangible machinery, equipment, or personal property that is securely placed or fastened and stationary within a building or structure or permanently resides in the City of Tomball.
- (o) **Other Basic Industry Facility** means buildings and structures including fixed machinery, equipment, and personal property not elsewhere described, used or to be used for the production of products or services which primarily serve a market outside the City of Tomball and result in the creation of new permanent jobs and bring new wealth in to the City.
- (p) **Real Property:** The land on which a facility is placed.
- (q) **Regional Distribution Facility** means buildings and structures including fixed machinery, equipment, and personal property used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility, from which a majority of revenues generated by the activity at the facility are derived from outside the City of Tomball.
- (r) **Regional Entertainment/Tourism Facility** means buildings and structures, including fixed machinery, equipment, and personal property used or to be used to provide entertainment and/or tourism related services, from which a majority of revenues generated by activity at the facility are derived from outside the City of Tomball.
- (s) **Regional Service Facility** means buildings and structures, including fixed machinery, equipment, and personal property used or to be used to provide a service, from which a majority of revenues generated by activity at the facility are derived from outside the City of Tomball.
- (t) **Research Facility** means buildings and structures, including fixed machinery, equipment, and personal property used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

SECTION 3: GUIDELINES AND CRITERIA

Minimum Standards for Tax Abatement

- (a) The project shall not have any negative environmental impacts on the community (e.g., significant pollution or hazardous waste).
- (b) The project should stimulate local employment and/or commercial activity and benefit existing business and not compete with existing businesses to the extent of being a detriment to the local economy as a whole.
- (c) **New Facilities:** The project will establish and maintain at least twenty-five (25) jobs in the City of Tomball and have a minimum capital investment of two million (\$2,000,000). *(The acquisition cost of the real property is not included in the project investment).*
- (d) **Expansion/Modernization:** The project must prevent the loss of payroll or retain, increase or create payroll on a permanent basis in the City of Tomball and have a minimum capital investment of one million (\$1,000,000). *(The acquisition cost of the real property is not included in the project investment).*
- (e) The City of Tomball may consider tax abatement for an investment less than the minimum amount required based upon City evaluation of economic development factors, including but not limited to:
 - (a) the location of taxable inventory on the property;
 - (b) the amount of sales tax that the project will generate for the City.
- (f) Tax abatement may only be granted for the additional tax value resulting from any of the following:
 - (a) construction of a new facility of any type as herein defined;
 - (b) expansion of existing facilities of any type as herein defined; or
 - (c) modernization of existing facilities of any type as herein defined.
- (g) The project should have high visibility and image impact, or be a significantly higher level of development quality.
- (h) The project will serve as a catalyst or magnet to attract or retain other high quality industrial/business development.
- (i) The project will not solely and primarily have the effect of transferring employment from one part of the city to another.
- (j) The development must conform to the City's zoning ordinance.
- (k) The costs of city services required for the development should not exceed the amount of taxes generated if abatement is provided.

SECTION 4: ABATEMENT AUTHORIZED

- (a) **Authorized Tax Abatement Categories.** A facility may be eligible for tax abatement if it is a:
- Corporate Headquarters Facility
 - Manufacturing Facility
 - Research Facility
 - Regional Distribution Facility
 - Regional Service Facility
 - Regional Entertainment/Tourism Facility, or
 - Other Basic Industry Facility
- (b) **Authorized Date:** A facility shall be eligible for tax abatement if it has applied for such abatement and entered into an abatement agreement prior to the commencement of construction.
- (c) **Creation of New Value:** Abatement may only be granted for the additional value of eligible property improvement made subsequent to and in an abatement agreement between the City of Tomball and the property owner and/or lessee, subject to such limitations as the City Council may require.
- (d) **Eligible Property:** Abatement may be extended to the value of buildings, structures, fixed machinery, equipment, personal property, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility.
- (e) **Ineligible Property:** The following types of property shall generally be fully taxable and ineligible for abatement: land; inventories; supplies; tools; furnishings; and other forms of movable personal property; vehicles; vessels; aircraft; housing; hotel accommodations; deferred maintenance investments; property to be rented or leased except as provided below; improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion; any improvements, including those to produce, store or distribute natural gas, fluids or gases, which are not integral to the operation of the facility; property which has an economic life of less than fifteen (15) years; property owned or used by the State of Texas or its political subdivision or by any organization owned, operated or directed by a political subdivision of the State of Texas, or any property exempted by local, state or federal law; and property owned or leased by a member of city council or a member of a zoning or planning commission of the City.
- (f) **Leased Facilities:** If a leased facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

- (g) **Value and Term of Abatement:** Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement. The value of the abatement will be determined based on the merits of the project, including, but not limited to, total capital investment value and added employment. Up to one hundred percent of the value of new eligible properties may be abated for a total term of abatement not to exceed ten years. However, a project must provide an extraordinary economic benefit to the City to be considered for one hundred percent abatement.

If a modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit (s).

- (h) **Taxability:** From the execution of the abatement to the end of the agreement, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in Section 4(e) shall be fully taxable;
- (2) The base year value of existing eligible property as determined each year shall be fully taxable; and,
- (3) The additional value of new eligible property shall be taxable at the end of any abatement period.

SECTION 5: APPLICATION

- (a) Any present or potential owner of taxable property in the City of Tomball may request the creation of a reinvestment zone or tax abatement by filing a written application with the City Secretary of the City of Tomball.
- (b) The application shall consist of a completed application form accompanied by: a general description of the project/new improvements to be undertaken; a descriptive list of the improvements for which an abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a list of the estimated value of inventory and the location where the inventory will be stored; the projected employment number at the proposed facility and the estimated average salary; the estimated amount of annual sales subject to State Sales & Use Tax; a map and property description; and a time schedule for undertaking and completing the proposed improvements. The applicant shall also include information pertaining to the reasons the abatement is necessary in order to have the project undertaken in the City of Tomball. In the case of modernization, a statement of the assessed value of the facility separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The application form may require such financial and other information as the Tomball City Council deems appropriate for evaluating the financial capacity and other factors of the applicant.
- (c) The applicant must certify that the applicant does not employ nor will it employ any undocumented workers (an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or, authorized under law to be employed in that manner in the United States). The applicant must agree that if it is convicted of a violation under 8 U.S.C. Section 1324a(f) after receiving a tax abatement, applicant shall repay the amount of the tax abatement with interest, at the rate of 12% per annum, within 120 days after the City notifies the applicant of the violation. The City shall have the authority to bring a civil action to recover any amounts which the applicant must repay the City under this provision, and in such action may recover court costs and reasonable attorneys fees.
- (d) The City of Tomball may request additional information as deemed appropriate for evaluating the financial capacity of the applicant and compatibility of the proposed improvements with these guidelines and criteria.
- (e) Upon receipt of a completed application, the Mayor of the City of Tomball shall notify in writing the presiding officer of the governing body of each eligible jurisdiction.
- (f) After receipt of a completed application, the City Council through its City Manager shall determine whether the application qualifies for abatement under the terms of these guidelines and criteria.

- (g) The City Manager shall prepare a fiscal impact analysis setting out the impact of the proposed reinvestment zone and tax abatement. The impact analysis study shall include, but not be limited to, an estimate of the economic effect of the creation of the zone and the abatement of taxes and the benefit to the City of Tomball and the property to be included in the zone. The cost of city services to the development should not exceed the amount of taxes generated by the development.
- (h) The City Council shall not establish a reinvestment zone or enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed new facility, expansion, or modernization. An applicant is ineligible for abatement if a decision to commence a new facility, expansion or modernization in the City of Tomball has been formally announced on or before the date of adoption of these guidelines.

SECTION 6: PUBLIC HEARING AND APPROVAL

- (a)** The City Council may not adopt an ordinance designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. TEXAS TAX CODE § 312.201. Notice of the hearing must be published at least 7 days before the hearing in a newspaper of general circulation in the City. Id. The presiding officers of eligible jurisdictions shall be notified in writing at least 7 days prior to the hearing. Id.
- (b)** Prior to entering into an tax abatement agreement, the City Council may, at its option, hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the agreement.
- (c)** In order to enter into a tax abatement agreement, the City Council must find that the terms of the proposed agreement meet these GUIDELINES AND CRITERIA and that:

 - (1)** There will be no substantial adverse affect on the provision of the City of Tomball's services or tax base; and
 - (2)** The planned use of the property will not constitute a hazard to public safety, health or morals.

SECTION 7: AGREEMENT

- (a)** After approval of a tax abatement application within a designated reinvestment zone, the Tomball City Council shall formally pass a resolution and execute an agreement with the owner of the facility and lessee as required, which shall include:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility, nature of construction, time schedule for completion of the project, map, property description and improvement list;
- (5) The contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment, or other provisions that may be required for uniformity or compliance with state law;
- (6) Amount of investment, increase in assessed value or other capital investment and average number of jobs involved; and
- (7) A requirement that the applicant annually submit to the City, a January employee count for the abated facility which corresponds to employment counts reported in the facility's Employer's Quarterly Report to the Texas Workforce Commission, and a separate notarized letter certifying the number of jobs created or retained as a direct result of the abated improvements and the number of employees in other facilities located within the City of Tomball. Submission shall be used to determine abatement eligibility for that year and shall be subject to audit if requested by the governing body. Failure to submit may result in the ineligibility to receive an abatement for that year and the termination of the tax abatement agreement and subject any abated taxes to recapture pursuant to Section 8 hereof.

Such agreement shall normally be executed within 60 days after the applicant has forwarded all necessary information and documentation to the Tomball City Council.

- (b)** The City Council may impose any other conditions in a tax abatement agreement that the City Council deems necessary to promote the purposes of these guidelines.

SECTION 8: RECAPTURE

- (a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one (1) year during the abatement period, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the City of Tomball within sixty (60) days from the date of termination.
- (b) Should the City Council determine that the company or individual is in default according to the terms and conditions of its agreement, the City of Tomball shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within sixty (60) days from the date of such notice (the Cure Period), then the agreement may be terminated.
- (c) In the event that the company or individual allows its ad valorem taxes owed the City of Tomball to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest, or violates any of the terms and conditions of the abatement agreement and fails to cure during the Cure Period, then the City may terminate the agreement and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.

SECTION 9: ADMINISTRATION

- (a)** Each year, the company or individual receiving abatement shall furnish the City with such information as may be necessary for the abatement.
- (b)** The agreement shall stipulate that employees and/or designated representatives of the City of Tomball will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.
- (c)** Upon completion of construction, the jurisdiction which created the zone shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations of the agreement to the City of Tomball and its attorney.
- (d)** All documents related to tax abatements, including the annual certifications, will be kept on file with the City Secretary.

SECTION 10: ASSIGNMENT

An abatement may be assigned by the holder to a new owner or lessee of the same facility with the written consent of the Tomball City Council, which consent shall not be unreasonably withheld. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of a tax abatement agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved if the assignor or the assignee are indebted to the City of Tomball for ad valorem taxes or other obligations.

SECTION 11: CONFIDENTIALITY OF PROPRIETARY INFORMATION

Subject to the provisions and limitations of Chapter 552 of the Texas Government Code, information that is provided to the City of Tomball in connection with an application or request for the creation of a reinvestment zone for the purposes of tax abatement in accordance with the above criteria and guidelines and which describes the specific process or business activities to be conducted or equipment or other property to be located on the property for which the tax abatement is sought is confidential and not subject to public disclosure until the tax abatement agreement is executed. Texas Tax Code § 312.003. The information in the custody of the City of Tomball after the agreement is executed will be treated as confidential to the extent allowed by law.

SECTION 12: SUNSET PROVISION

These GUIDELINES AND CRITERIA are effective upon the date of their adoption and will remain in force for two (2) years, at which time all reinvestment zones and tax abatement contracts created pursuant to its provisions will be reviewed by the Tomball City Council to determine whether the goals have been achieved. Based on that review, the GUIDELINES AND CRITERIA will be modified, renewed or eliminated.

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

Approve 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).

Background:

The firm of Belt Harris & Pechacek, LLLP has conducted the City's annual financial audit for fiscal years ending September 30, 2007, 2008, 2009, 2010 and 2011.

As discussed at the March 5, 2012 Council Meeting, Section 8.24 of the City Charter requires that "prior to the end of the fiscal year, the Council must designate a certified public accountant to make an independent audit and submit a report to the Council within 120 days from the closing of the fiscal year", which for this coming fiscal year will be January 28, 2013, or no later than the regularly scheduled council meeting on January 21, 2013.

On April 4, 2012, we received proposals from seven (7) firms currently performing municipal auditing services in the both the Houston area as well as other areas of the State of Texas. The focus group of our RFP distribution was to those firms doing municipal auditing in the greater Houston area and the State of Texas. We also sent RFPs to several of the top 5 firms with offices in the Houston area. A list of the respondents along with their fee proposals for the next three years is attached (Sanderson, Knox only proposed one amount.)

The proposals were reviewed by staff, with the selection of a firm to be based upon the following criteria: Overall capabilities, professional team assigned, proposed methodology, understanding of the assignment, and an analysis of costs. The overall capabilities of the firm and the proposed costs of the engagement were the significant factors in our decision.

After a comprehensive review of all seven proposals, staff recommends the firm of Weaver & Tidwell, LLP to perform the independent audit of the City of Tomball for fiscal years ending September 30, 2012, 2013, and 2014. A copy of the proposed engagement letter is attached.

Mr. Kevin Sanford, CPA, the engagement partner assigned to the audit, will be at the meeting to address any questions that Council may have of the firm of Weaver & Tidwell, LLP.

Origination:

Finance

Recommendation:

Staff recommends approval of a multi-year engagement agreement letter with the firm of Weaver & Tidwell, LLP

Funding:

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

Glenn Windsor, CPA, CGFO Finance Director, Treasurer

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

ATTACHMENTS:

Engagement Letter

Responses to Audit RFP



April 30, 2012

Ms. Gretchen Fagan, Mayor
City Council
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Honorable Mayor and Members of Council:

We are pleased to confirm our understanding of the services we are to provide the City of Tomball (the City) for the years ended September 30, 2012, 2013 and 2014. We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City, which collectively comprise the basic financial statements of the City as of and for the years ended September 30, 2012, 2013 and 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtain during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Information
- 3) Schedules of Funding Progress

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the

financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1) Combining and Individual Nonmajor Fund Financial Statements and Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion:

- 1) The Introductory Section
- 2) The Statistical Section

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to above when considered in relation to the financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statements and related notes and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the

City's and the respective changes in financial position in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Engagement Administration, Fees, and Other

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal controls, future plans, specific transactions and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The City agrees that as a condition of our engagement to perform an audit that management will, to the best of its knowledge and belief, be truthful, accurate and complete in all representations made to us during the course of the audit and in the written representation letter. The procedures we perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. False or misleading representations could cause us to expend unnecessary efforts in the audit; or, worse, could cause a material error or a fraud to go undetected by our procedures. Thus, the City agrees that we will not be liable for any damages or otherwise responsible for any misstatements in the City's consolidated financial

statements that we may fail to detect as a result of false or misleading representations that are made to us by management. Moreover, the City agrees to indemnify and hold us harmless from any claims and liabilities, including reasonable attorneys' fees, expert fees and costs of investigation and defense, arising out of or related to this engagement if false or misleading representations are made to us by any member of the City's management.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

Both of us agree that any dispute between you and Weaver and Tidwell, L.L.P. arising from the engagement, this agreement, or the breach of it, may, if negotiations and other discussion fail, be first submitted to mediation in accordance with the provisions of the Commercial Mediation Rules of the American Arbitration Association (AAA) then in effect. Both of us agree to conduct any mediation in good faith and make reasonable efforts to resolve any dispute by mediation. Mediation is not a pre-condition to the arbitration provided for below and the failure or refusal by either party to request or to participate in mediation shall not preclude the right of either party to initiate arbitration. We agree to conduct the mediation in Houston, Texas, or another mutually agreed upon location.

Both of us agree that any dispute arising from the engagement, this agreement or the breach of it shall be subject to binding arbitration under the provisions of the Federal Arbitration Act (9 U.S.C. § 1, et seq.) and of the Dispute Resolution Rules for Professional Accounting and Related

Services Disputes of the AAA (the Rules), and judgment on the Award rendered by the arbitrator may be entered in any court of competent jurisdiction. The arbitration shall be heard before one or more arbitrators selected in accordance with the Rules. The parties agree to conduct the arbitration in Houston, Texas, or another mutually agreed upon location. The arbitrator may only award direct damages and may not award consequential, exemplary, or punitive damages.

The prevailing party in any arbitration or litigation shall be entitled to recover from the other party reasonable attorneys' fees and expert witness fees, court costs, and the administrative costs, arbitrator's fees, and expenses of the AAA incurred in the arbitration or litigation in addition to any other relief that may be awarded.

Notwithstanding the provisions of the immediately preceding paragraph, neither of us shall be compelled to arbitrate any dispute between us which arises out of any claim asserted against either of us by a third party, unless the third party (whether one or more) agrees to join the arbitration or can be compelled to join it.

City of Tomball
April 30, 2012

Page 6

If any term of this agreement is declared illegal, unenforceable, or unconscionable, that term shall be severed and the remaining terms of the agreement shall remain in force. Both of us agree that the arbitrator(s) or Court, as the case may be, should modify any term declared to be illegal, unenforceable, or unconscionable in a manner that will retain the intended meaning of the term as closely as possible. If a dispute arising from the engagement or from this agreement or any term of it or any alleged breach of it is submitted to a Court for interpretation or adjudication, both of us irrevocably waive the right to trial by jury and agree that the jury waiver and provisions of this agreement regarding damages, attorneys' fees, and expenses shall be applied and enforced by the Court.

In the unlikely event that circumstances occur which we, in our sole discretion, believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved or we may resign from the engagement. We will notify you of such conflict as soon as practicable, and will discuss with you any possible means of resolving them prior to suspending our services.

Mr. Kevin A. Sanford is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$43,000 for the year ended September 30, 2012; \$44,250 for the year ended September 30, 2013; and \$45,500 for the year ended September 30, 2014. Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary due to unforeseen circumstances, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Fees for our services are due upon receipt of our invoice. For bills not paid within 60 days of the billing date, a late charge will be added to the outstanding balance. The late charge will be calculated using the then current "prime rate" charged commercial customers by Bank of America, up to a maximum annual percentage rate of 10%.

City of Tomball
April 30, 2012

Page 7

We appreciate the opportunity to be of service to the City of Tomball and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Yours truly,

Weaver and Tidwell, L.L.P.

WEAVER AND TIDWELL, L.L.P.

RESPONSE:

This letter correctly sets forth the understanding of the City of Tomball.

Officer signature: _____

Title: _____

Date: _____

CITY OF TOMBALL

REPORT OF OPENING AND TABULATION OF BIDS

DATE: 4-4-12

TIME: 2:01 p.m.

PROJECT NUMBER: 2012-04

RFP: Independent Audit Services

1) Belt Harris Pechacek, LLLP, 3210 Bingle Rd., Suite 300, Houston, TX 77055

2012 - \$61,231 and Single Audit if required \$12,525

2013 - \$61,231 and Single Audit if required \$12,525

2014 - \$61,231 and Single Audit if required \$12,525

2015 - \$63,231 and Single Audit if required \$12,925

2016 - \$63,231 and Single Audit if required \$12,925

Proposal is for a 3-year engagement with 1 optional Two year subsequent term.

2) BKD, LLP, 2800 Post Oak Blvd., Suite 3200, Houston, TX 77056

2012 - \$56,000

2013 - \$57,700

2014 - \$59,100

"We understand the engagement also includes an optional renewal for one two-year term. Historically, BKD has seen professional fee increases of three to five percent annually. If there are significant changes in your operations or changes in accounting standards, we will meet with you to discuss how these changes will affect your fees."

3) Fitts, Roberts & Co., P.C., 5718 Westheimer, Suite 800, Houston, TX 77057

Estimated fee - \$58,445 and Single Audit Estimate \$5,925

4) Null-Lairson, P.C., 3411 Richmond Ave., Suite 500, Houston, TX 77046

2012 - \$62,400

2013 - \$64,272

2014 - \$66,200

2015 - \$68,186

2016 - \$70,232

5) Pattillo, Brown, & Hill, L.L.P., 401 W. Highway 6, Waco, TX 76710

2012 - \$45,610

2013 - \$45,610

2014 - \$46,900

2015 - \$48,300

2016 - \$49,700

Single Audit Estimate is \$3,500

6) **Sanderson Knox & Company, LLP, 130 Industrial Blvd, Suite 130, Sugar Land, TX 77478**
\$56,675

7) **Weaver, 24 Greenway Plaza, Suite 1800, Houston, TX 77046**

2012 - \$43,000

2013 - \$44,250

2014 - \$45,500

2015 - \$47,000

2016 - \$48,500

Single Audit Estimate for 1 major program \$3,000. Each additional major program would increase cost by \$2,000.

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-427**
- Approve 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

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.

There is a mixture of land uses 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. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Paula Rodriguez

Recommendation:

In its formal recommendation to City Council, the Planning & Zoning Commission voted to recommend approval of Zoning Case P12-427.

Funding:

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

Rodney Schmidt, Community Development Department

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

Public Comment - Forest Pace, Sr.

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 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	_____
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 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

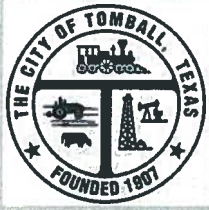
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **May** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding 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.

* * *

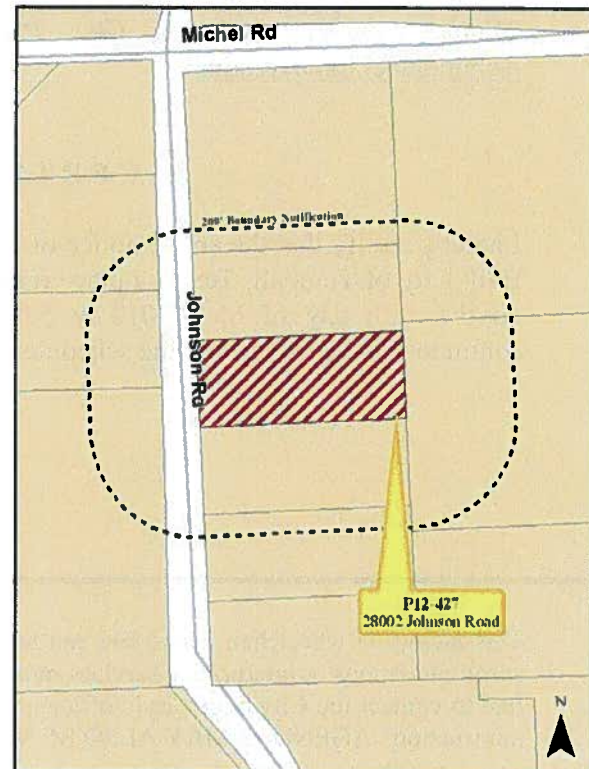
CONTACT PLANNER: Rodney Schmidt

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.

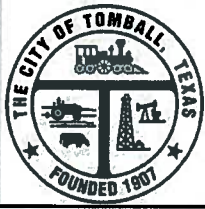


**Planning and Zoning Commission
Public Hearing:
Monday, May 14, 2012, 6:00 PM**

**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

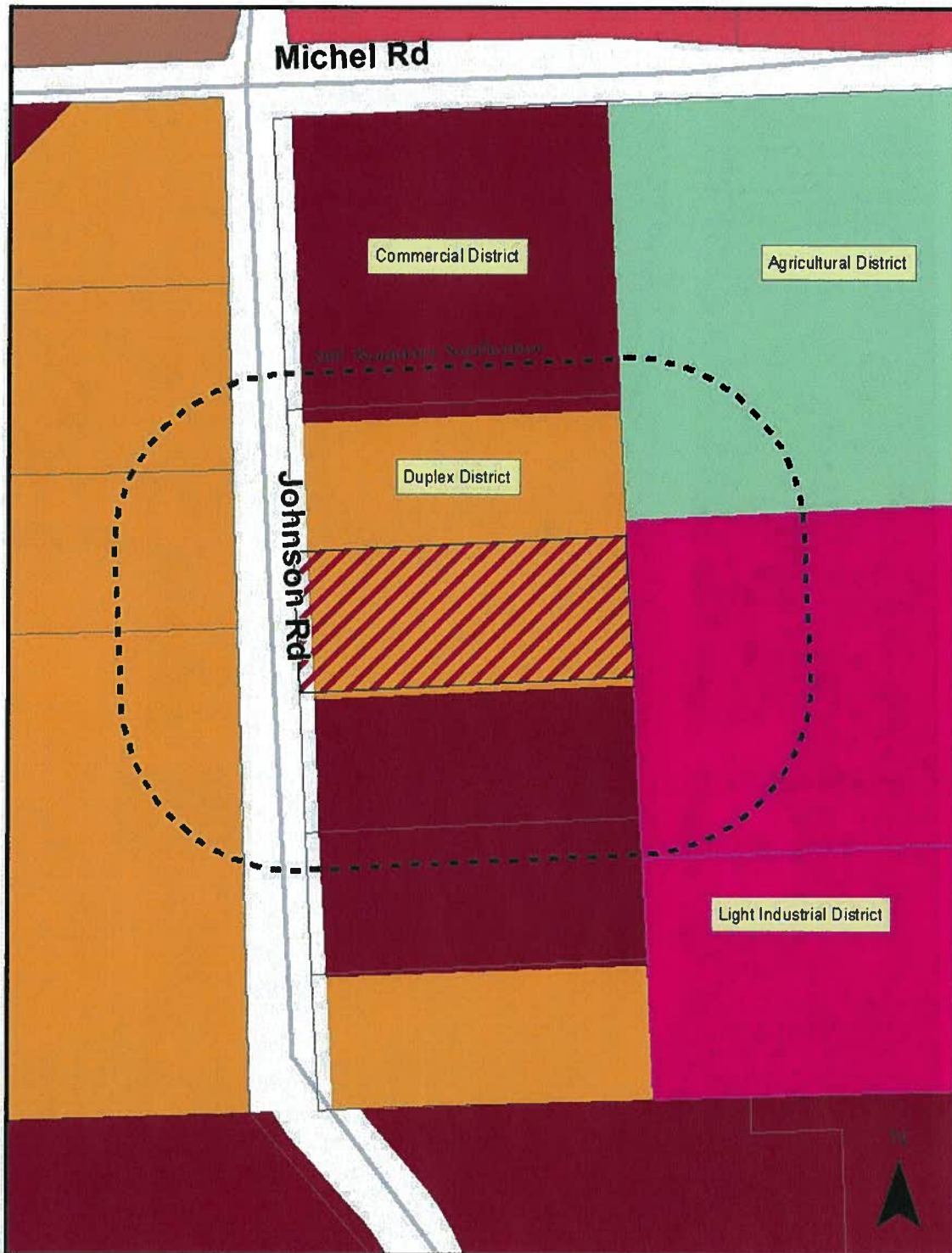
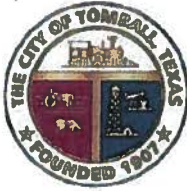


Exhibit "C"
Rezoning Application

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: 59,242.56 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
Signature of Applicant

4-1-12
Date

x Paula Rodriguez
Signature of Owner

4-1-12
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

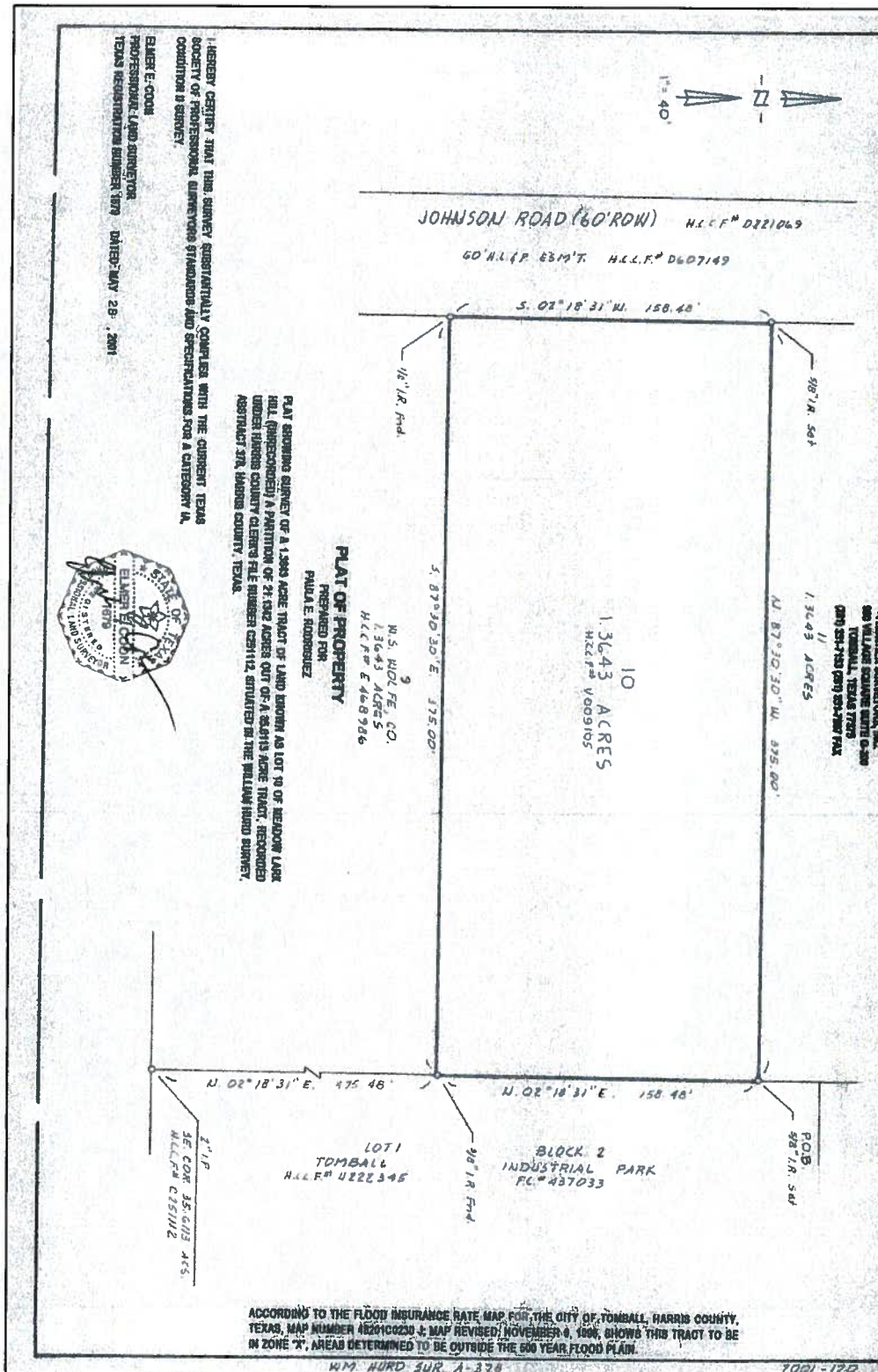


Exhibit "F"
Comprehensive Plan Future Land Use Map

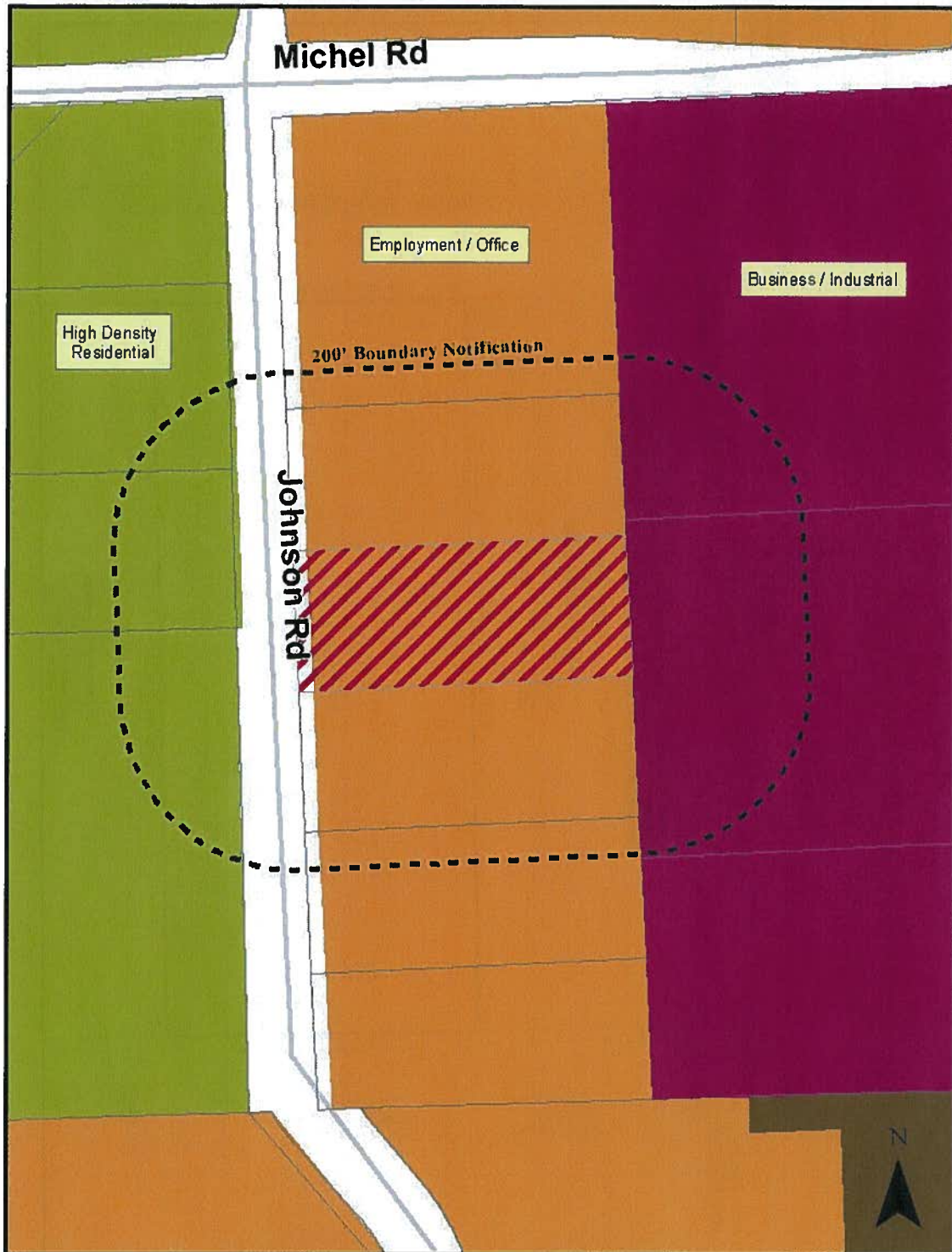


Exhibit "G"
Site Photos



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.

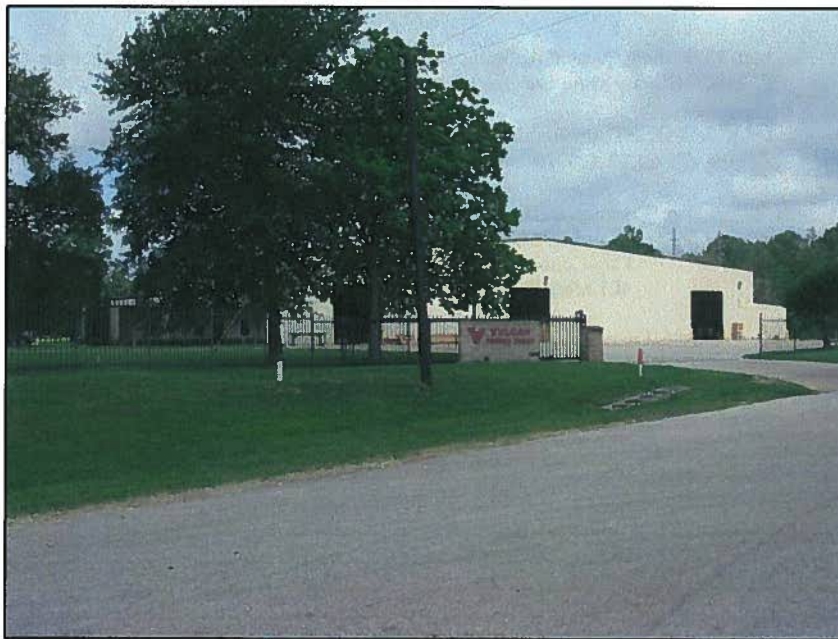


Figure 6: Manufacturing facility to the east.

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

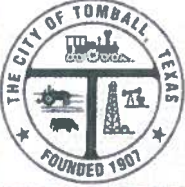
Date, Location & Time of City Council meeting:

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:

2351 LUTHERAN CEMETERY 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: May 21, 2012

Data Sheet

Topic:

Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-428**
- Approve 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

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.

There is a mixture of land uses 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. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Paula Rodriguez, on behalf of Ronald Rodriguez

Recommendation:

In its formal recommendation to City Council, the Planning & Zoning Commission voted to recommend approval of Zoning Case P12-428.

Funding:

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

Rodney Schmidt, Community Development Department

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 - Forest 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	_____
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 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

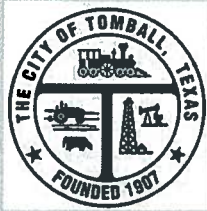
CERTIFICATION

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.

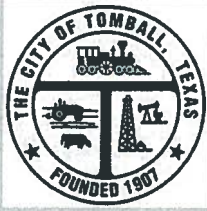


**Planning and Zoning Commission
Public Hearing:
Monday, May 14, 2012, 6:00 PM**

**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.



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.

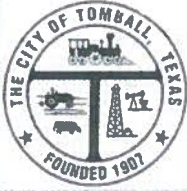


**Planning and Zoning Commission
Public Hearing:
Monday, May 14, 2012, 6:00 PM**

**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.



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:

☒

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: May 21, 2012

Data Sheet

Topic:

Consideration to approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-429**
- Approve 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

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. This case is now being forwarded to City Council for consideration and possible action.

Origination:

City of Tomball

Recommendation:

In its formal recommendation to City Council, the Planning & Zoning Commission voted to recommend approval of Zoning Case P12-429.

Funding:

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

Engineering and Planning

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

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	_____
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 4TH DAY OF JUNE
2012.**

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
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

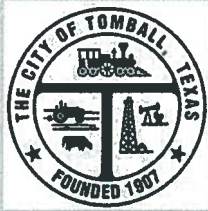
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **May** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding 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.

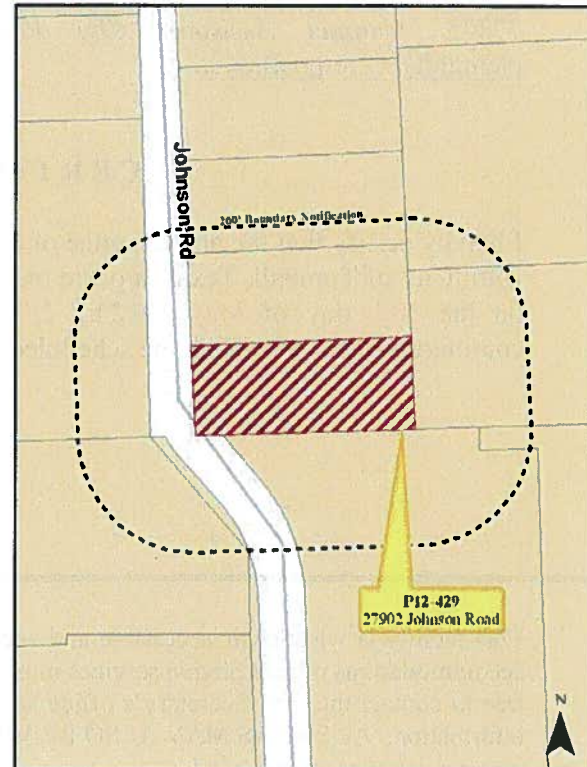
CONTACT PLANNER: Rodney Schmidt

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.

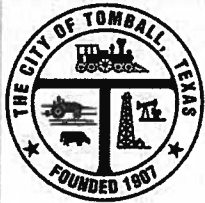


**Planning and Zoning Commission
Public Hearing:
Monday, May 14, 2012, 6:00 PM**

**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.



Community Development Department

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

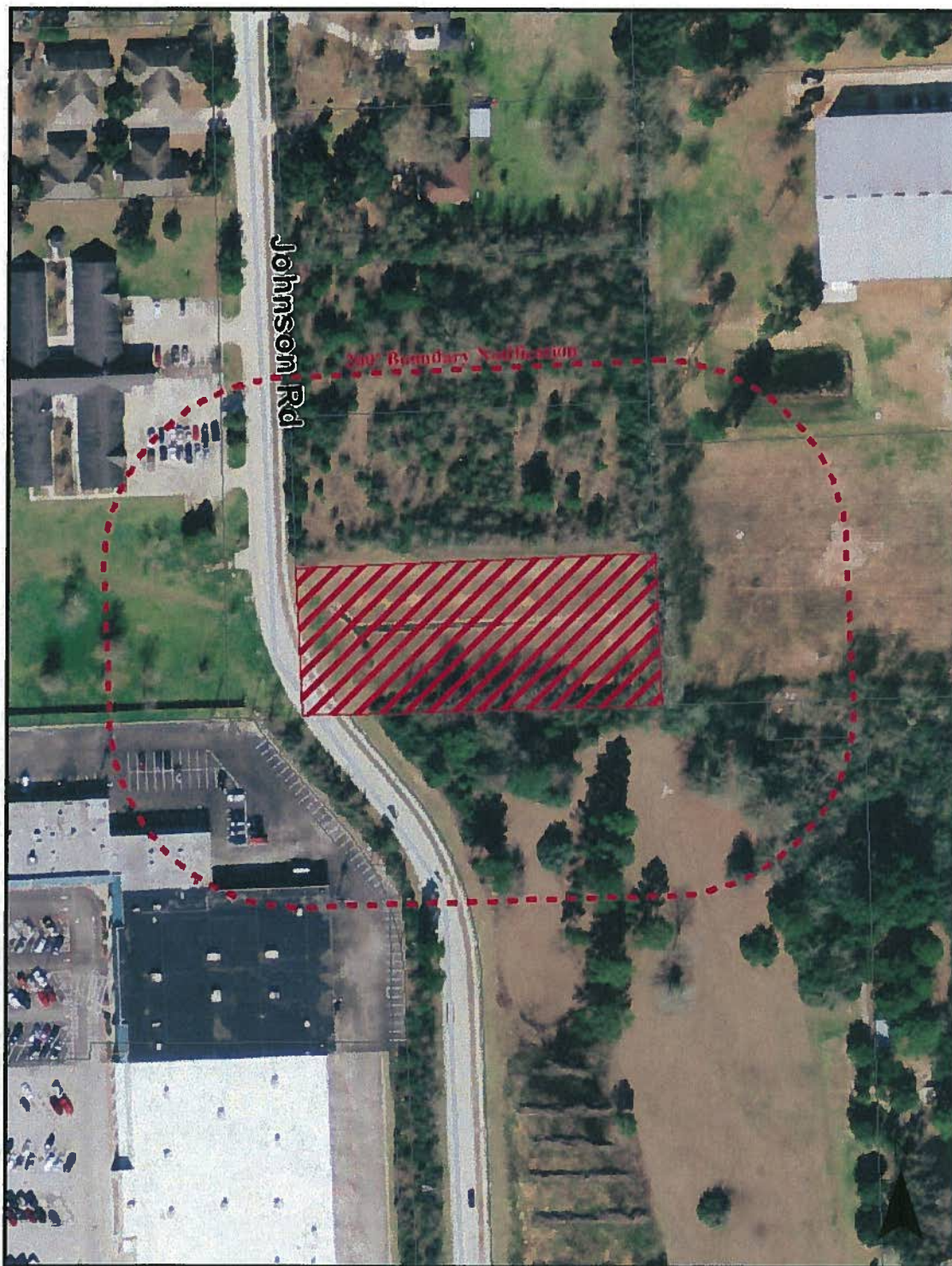


Exhibit "B"
Zoning Map

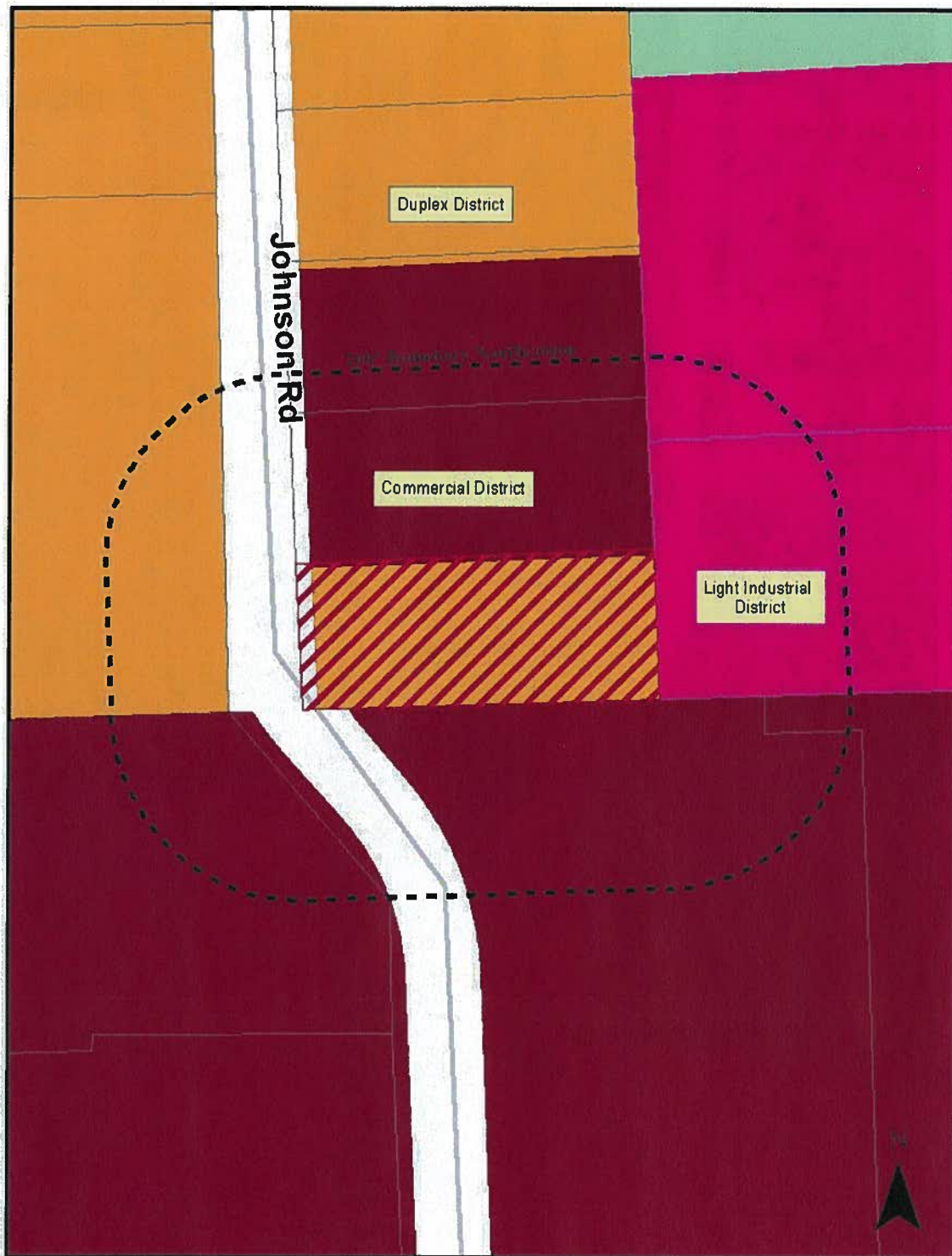


Exhibit "C"
Property Metes & Bounds

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;

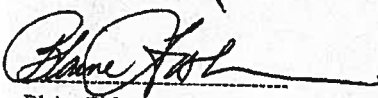
THENCE North 02° 29' 48" West, along the existing east right-of-way line of Johnson Road, at 155.19 feet pass a set 5/8" iron rod with a cap stamped PBS&J set for the end of a curve in the proposed right-of-way of Johnson Road and continuing for a total distance of 157.79 feet to a 5/8" iron rod with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

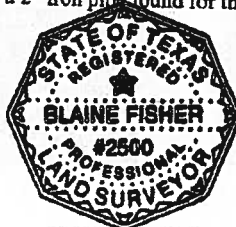


Exhibit "D"
Comprehensive Plan Future Land Use Map

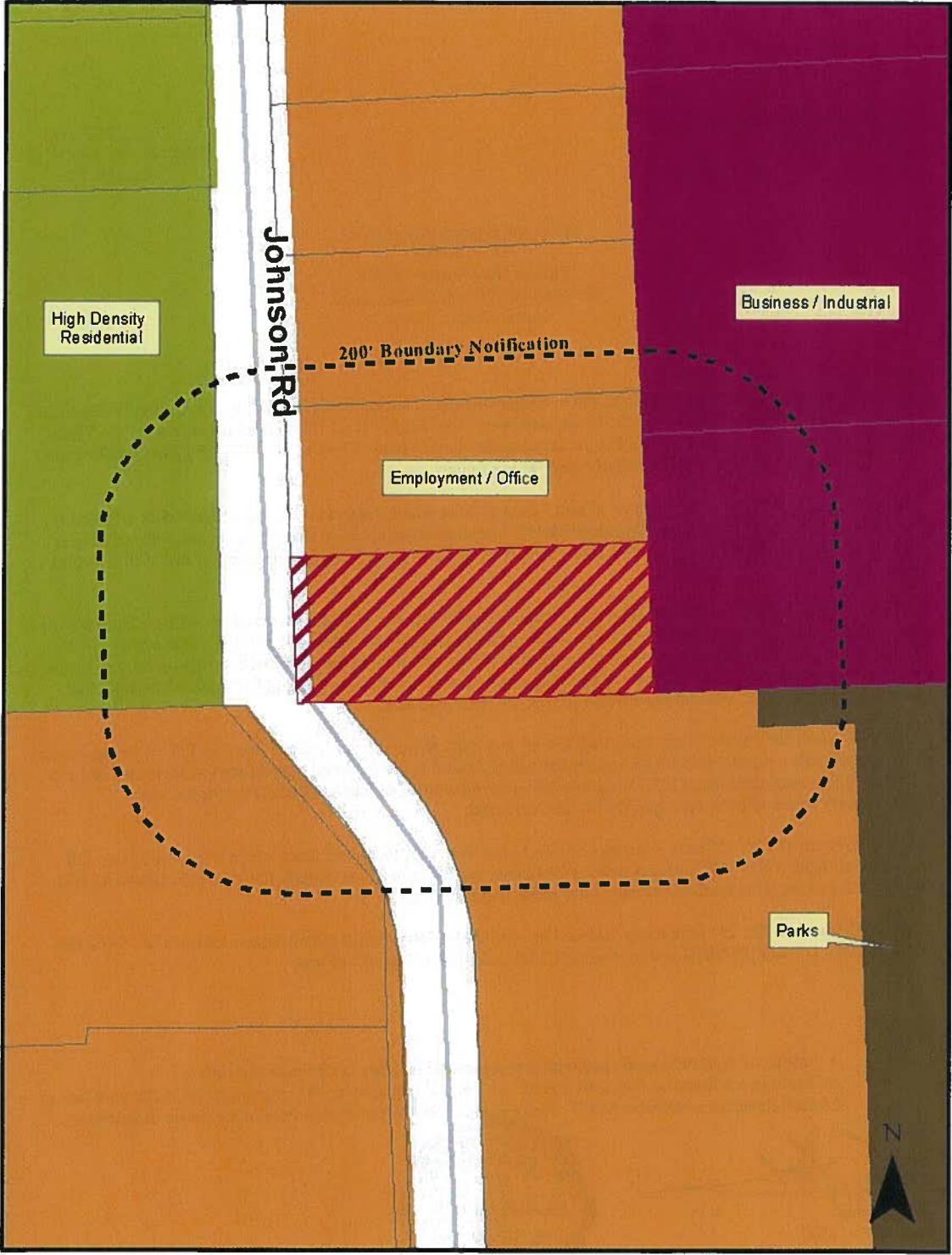


Exhibit "E"
Site Photos



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

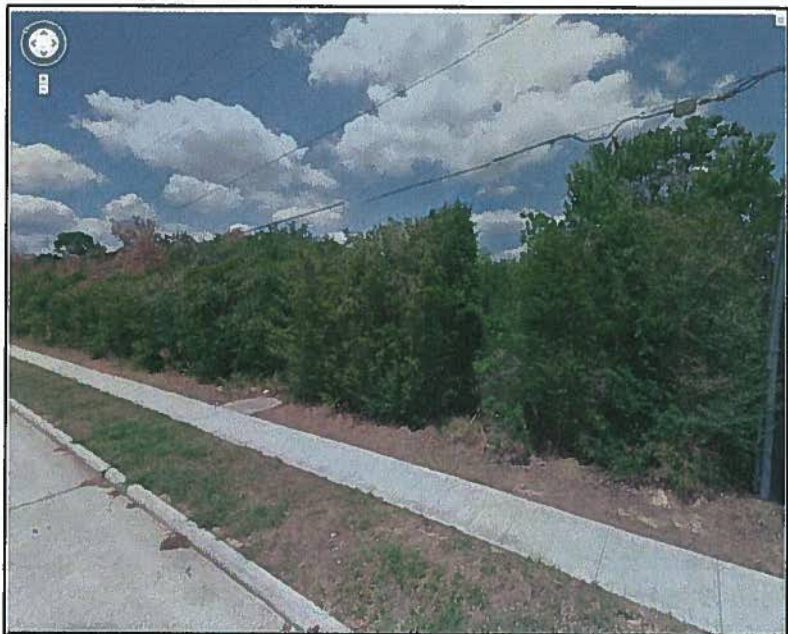


Figure 2: Undeveloped land to the north.
Source: maps.google.com



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



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

Meeting Date: May 21, 2012

Data Sheet

Topic:

Consideration to Approve **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.

- Conduct a Public Hearing on **ZONING CASE P12-430**
- Approve 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.

Background:

On April 4, 2012, the City of Tomball received a CUP application, request letter, and concept plan from David Quinn on behalf of Tomball Tomahawk Properties, LLC requesting a "Barber/Beauty Shop (No Related School/College)" land use be permitted at the subject site.

The subject site, along with Lots 2 and 3, Tomahawk Properties were issued a vested rights determination by the City of Tomball on March 25, 2009. The vested rights letter describes the original project as "An office plat development consisting of three individual lots each containing a single story office building and related parking..." with "...a prior classification of O-Office District under the City's Zoning Ordinance...". A "Barber/Beauty Shop (No Related School/College)" land use is only permitted in the Office District with a CUP.

To the north of the subject site is Inwood Street, single-family residences, and an assisted living facility in the SF-6 and Commercial Districts, respectively; to the south is undeveloped land in the SF-6 District with a vested rights classification of Office District; to the east are single-family residences in the SF-6 District; and to the west is Baker Drive and single-family residences in the SF-6 District.

On May 14, 2012, the Planning & Zoning Commission, after conducting a public hearing on this request, failed to recommend approval of Zoning Case P12-430 by a vote of 3 to 1. This case is now being forwarded to City Council for consideration and possible action.

Origination:

David Quinn, on behalf of Tomball Tomahawk Properties, LLC

Recommendation:

In its formal recommendation to City Council, the Planning & Zoning Commission failed to recommend

approval of Zoning Case P12-430 by a vote of 3 to 1.

Funding:

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

Rodney Schmidt, Community Development Department

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

ATTACHMENTS:

Ordinance No. 2012-12

Notice of Public Hearing

Property Owner Notification Letter

P12-430 Staff Report

P12-430 Public Comments

P12-430 Staff Report

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.

* * * * *

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

WHEREAS, the Property presently has a zoning classification of Single-Family Residential-6 District with a vested rights classification of Office District, pursuant to the Comprehensive Zoning Ordinance of the City; and

WHEREAS, the Owner of the Property, through its duly authorized representative, has presented an application to the City for the granting of a Conditional Use Permit to allow a "Barber/Beauty Shop (No Related School/College)" to operate on a site located in the Single-Family Residential-6 District with a vested rights classification of Office District (the "Conditional Use"); and

WHEREAS, the Planning & Zoning Commission of the City, after notice and hearing as required by law, failed to approve the CUP by a vote of 3 to 1; and,

WHEREAS, the City Council, following notice and hearing as required by law, does not concur with the recommendation of the Planning & Zoning Commission that such conditional use permit should be withheld.

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

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

Section 2. A Conditional Use Permit to allow a "Barber/Beauty Shop (No Related School/College)" to operate on a site located in the Single-Family Residential-6 District with a vested rights classification of Office District, to Tomball Tomahawk Properties, LLC, in accordance with the application and concept plan (Exhibit "A") submitted to the Planning & Zoning Commission on May 14, 2012 and subject to the terms and conditions set forth below, is hereby granted to Tomball Tomahawk Properties, LLC.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the Conditional Use authorized hereby for the Property as provided in Section 2 hereof, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Conditional Use authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Conditional Use Permit as herein provided.

Section 5. The Conditional Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the Conditional Use herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The Conditional Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

1. The "Barber/Beauty Shop (No Related School/College)" use shall not be enlarged or extended beyond what is shown on the approved concept plan without the approval of a revised concept plan or new CUP.
2. The use of the site will be limited to "Barber/Beauty Shop (No Related School/College)."

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it

would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MAY 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 4TH DAY OF JUNE 2012.

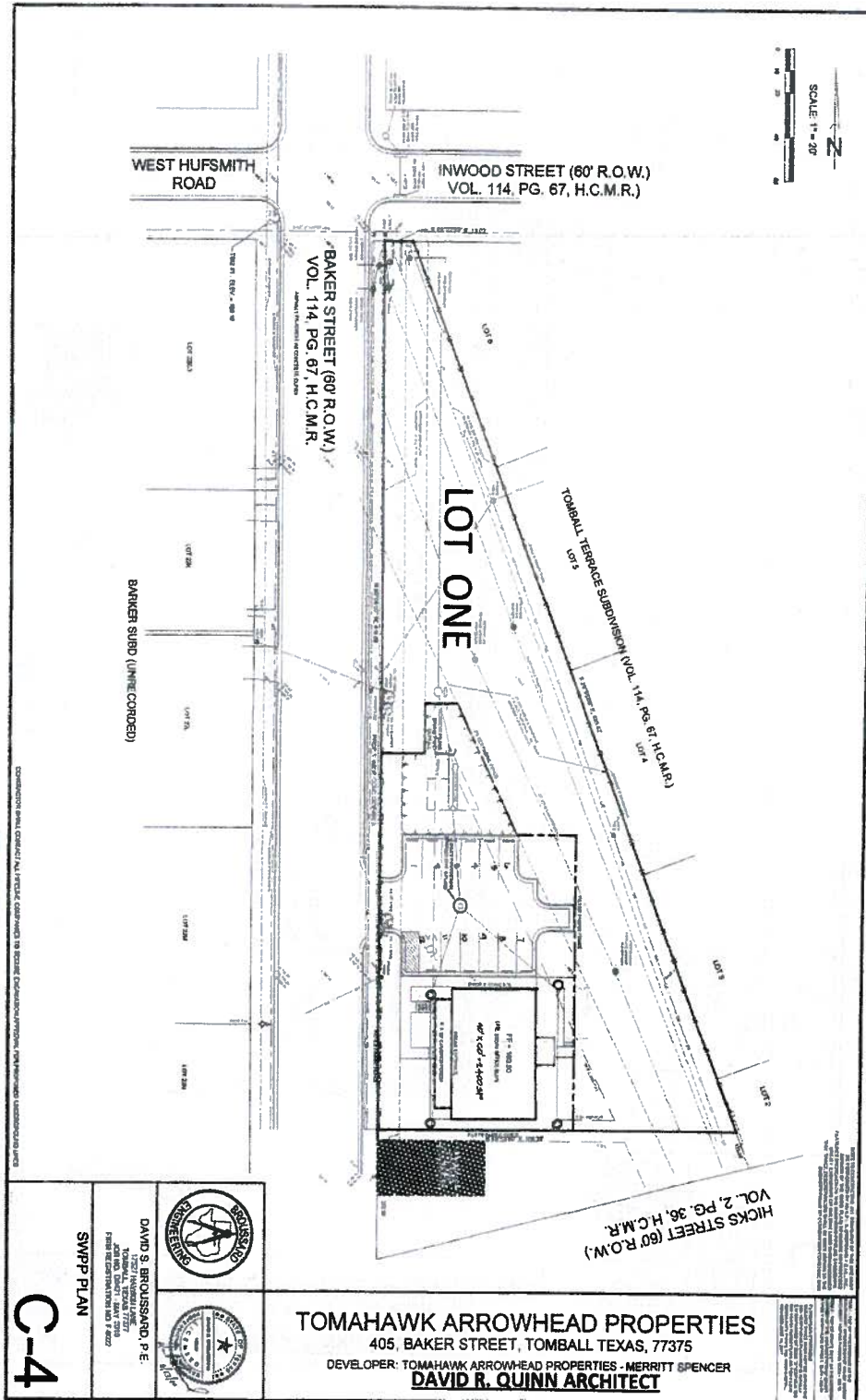
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

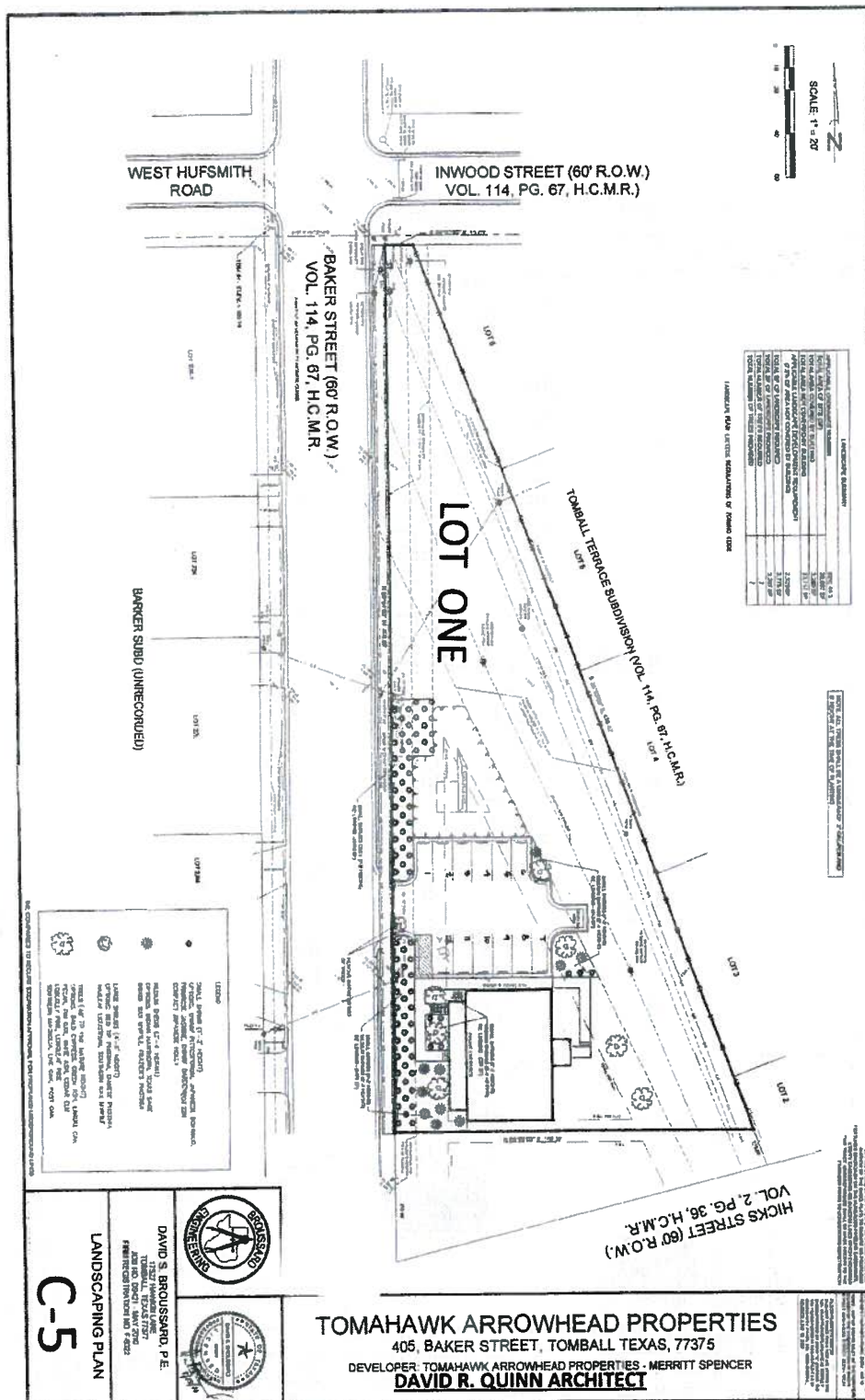
Gretchen Fagan, Mayor

ATTEST:

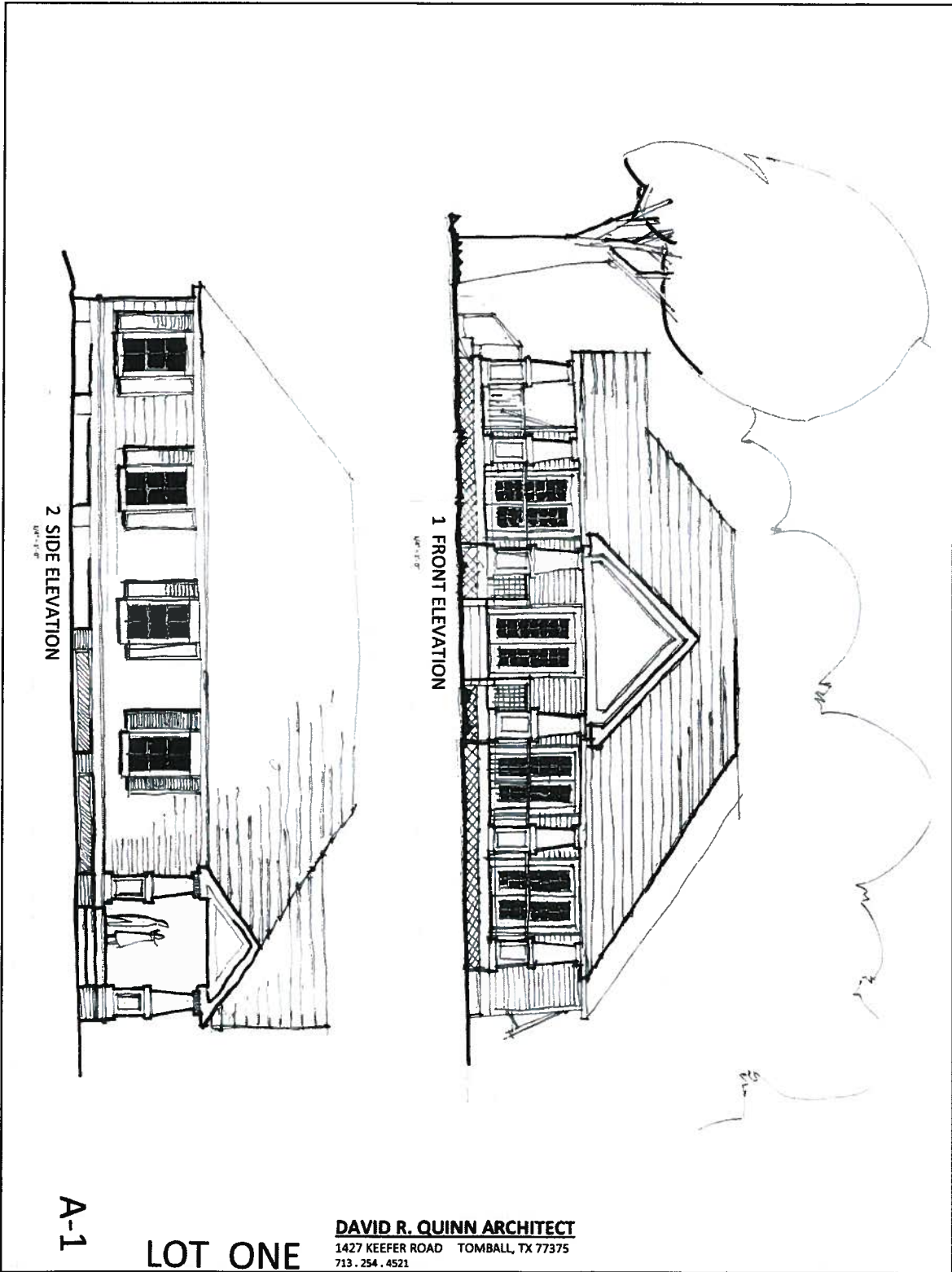
Doris Speer, City Secretary

Exhibit "A" Concept Plan





DRAFT



**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

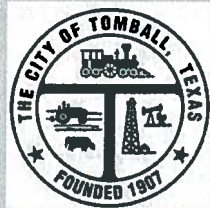
CERTIFICATION

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: P12-430

APPLICANT: David Quinn, on behalf of Tomball Tomahawk Properties, LLC

LOCATION: Easterly side of Baker Drive, southerly of Inwood Street

PROPOSAL: Request 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. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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



**Planning and Zoning Commission
Public Hearing:**

Monday, May 14, 2012, 6:00 PM

City Council Public Hearing:

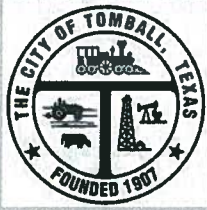
***Monday, May 21, 2012, 6:00 PM**

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The CUP 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.

*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.



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: P12-430

APPLICANT: David Quinn, on behalf of Tomball Tomahawk Properties, LLC

LOCATION: Easterly side of Baker Drive, southerly of Inwood Street

PROPOSAL: Request 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. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

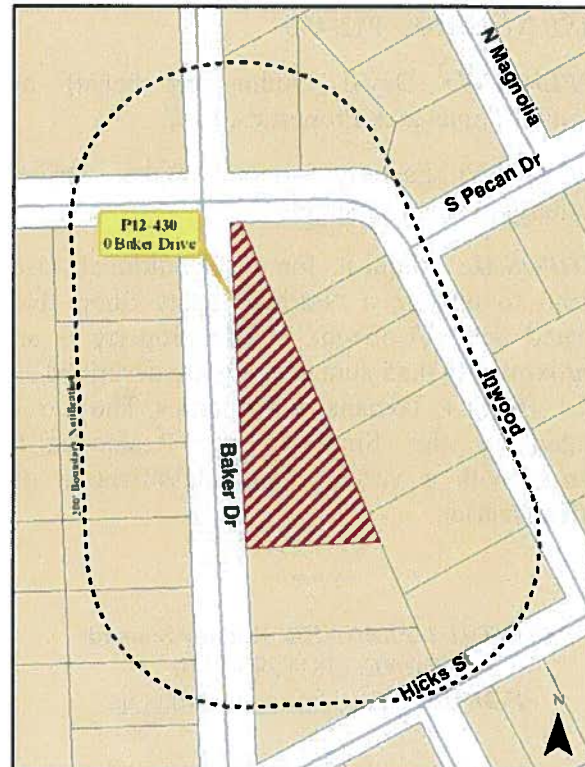
CONTACT PLANNER: Rodney Schmidt

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 CUP 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.



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:

Christine Roquemore

614 N. Hickory

Tomball, TX 77375

Christine Roquemore

5-9-2012

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Besides the fact that the present owners misrepresented themselves by saying they would never put and/or sell commercial businesses on the 3 plots, our family is against this because
(1) it is against our deed restrictions;
(2) it would destroy our property values.
(3) the property is zoned residential to the best of my knowledge.

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:

DAN ADKISSON

(please print)

Address:

500 INWOOD

TOMBALL, TX 77375

Signature:

[Handwritten Signature]

Date:

05/09/2012

☒

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☐

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Consider this was your home neighborhood;

How would you vote??

This property was originally & should still
be residential, Part of Tomball Terrace

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:

DON POSS

(please print)

Address:

511 INWOOD

TOMBALL, TX 77375

Signature:

[Handwritten Signature]

Date:

5-9-12

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

"THIS SITE IS LOCATED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT". POSSIBLE PERSONAL GAIN FOR A COUNCIL MEMBER MIGHT HAVE HAD AN INFLUENCE ON THE CLASSIFICATION OF OFFICE DISTRICT. A BARBER/BEAUTY SHOP IS NOT AN OFFICE OR RESIDENTIAL. GIVEN THE STRUGGLING "OFFICES" ON BAKER JUST NORTH OF MAIN ST. AND THE DEFUNKED WHATNOT SHOP AT BAKER + HICKS THAT AS A COLLAPSED BUSINESS HAS BEEN FOR SALE FOR QUITE SOME TIME. CHANCES ARE A BEAUTY SHOP WILL FAIL/STRUGGLE AND ONCE A CUP IS GIVEN WHAT STOPS A

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.

MECHANIC SHOP OR TATTOO PARLOR FROM COMING IN? I UNDERSTAND A POSSIBLE TAX BASE INCREASE FROM A NEW BUSINESS. WHAT ABOUT PROTECTING THE PROPERTY VALUE OF AT LEAST 20 HOMES OR MORE IN THIS RESIDENTIAL DISTRICT. THAT WILL SURELY DECREASE IF A CUP IS GIVEN A BEAUTY SHOP

PURCHASE THIS PROPERTY AND CREATE A EXERCISE,
WALK, DOG, GREENBELT PATH/PARK AREA. THIS NOT ONLY
PROTECTS TOMBALL TERRACE "THE RIVER OAKS OF TOMBALL"
BUT INHANCES ALL THE IMMEDIATE PROPERTIES IN THE AREA
~~AND~~ PLUS SURROUNDING NEIGHBORHOODS THAT TRAVEL
THROUGH HERE ON A DAILY BASIS.



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: EARLE D. OLDHAM, SR.

(please print)

Address: 610 INWOOD

TOMBALL, TX 77375

Signature: Earle D. Oldham

Date: May 9, 2012

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

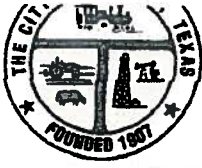
This property was originally platted as a part of Inwood Terrace, approved by the City on July 1, 1963 and placed with the Junior Property Club on Sept. 19, 1963. Much controversy has surrounded it through the years. After being regulated by the current owner it was declared a residential area when zoning came into effect. It seems to me to reverse that action would send a message to Tomball citizens that commercial ventures take priority over existing deed restrictions and zoning dedication. The City of Tomball Texas would like to preserve the integrity and quality of life we have without

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.

Commercial intrusion.



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: GAYLE ODOM
(please print)
Address: 514 N. PECAN DR
TOMBALL TX 77375
Signature: Gayle Odom
Date: 05-10-12

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

X

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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

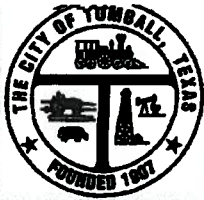
Date, Location & Time of City Council meeting:
Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Tomball I believe consist of a group of good hardworking citizens who have tried to continually maintain our homes and yards in a way to keep our sub-division a comfortable and serene place to live. What possible gain, personal or monetary, can be worth ruining our desirable neighborhood?

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:

(please print)

Address:

George & Sandra Chastain

615 N Hickory St

Tomball TX 77375-4415

Signature:

Date:

George C Chastain - Sandra M Chastain

281-351-5806

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

X I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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

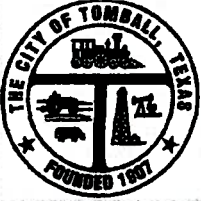
401 Market Street, Tomball, Texas

COMMENTS:

We are extremely against any commercial ^{establishments} ~~being~~ being put in this residential area. It especially makes me mad that the City rules are Not being followed by those involved.

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:

(please print)

Address:

Signature:

Date:

Herman & Emily McClinton
407 S. Pecan St
Tomball, Texas 77375

5-14-12

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Emily & I have enjoyed our home & neighborhood as being a nice place to have our children & enjoy our town with a heart. They are other areas that is commercial property to build on for the business. So please keep our neighbors and a beautiful neighbor hood commercial. Thank You

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.

Herman & Emily
McClinton



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:

Jack A. Brewer

611 N. Hickory St.

Tomball, TX 77375

Signature:

Jack A. Brewer

Date:

May 7, 2012

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Let's keep our neighborhood as is
with only similar homes next to us.

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.



TO: City of Tomball
Honorable Mayor Gretchen Fagan
City Council
Mr. Preston Dodson
Mr. Rick Brown
Mr. Field Hudgens
Mr. Mark Stoll
Mr. Derek Townsend
Planning and Zoning Commission
Chairman Lori Wallace

Reference: Case Number P12-430

Request for a CUP (Conditional Use Permit) to operate a "Barber/Beauty Shop (No Related School/College)"

Location: Easterly Side of Baker Drive, southerly of Inwood Street.

This is nothing short of an intrusion of a commercial venture into an established residential neighborhood which was originally Lot 1 Block 7 of the Tomball Terrace Sub-division as approved by the City of Tomball on July 1, 1963 and filed with the Harris County Clerk on September 19, 1963. The tract was later misrepresented by the new owners as never having been a part of Tomball Terrace and was replated and inappropriately approved by the Tomball City Council as Tomball Tomahawk Properties, LLC. At the time, the replat of Lot 1, Block 7, Tomball Terrace was as 3 residential lots within Tomball Terrace not 3 retail lots in our subdivision.

To approve Case Number: P12-430 would do nothing more than make a laughing stock of legitimate deed restrictions in Tomball and the Zoning Ordinance which was established to protect the residential areas of the city from such intrusion. In essence, this would only exacerbate the problem surrounding this property while sending the message to the citizens of Tomball that *commercial interests* take priority over maintaining the integrity of the residential areas of our city.

We, Tomball Terrace homeowners and the surrounding property owners, who have signed below, are requesting that this application for a Conditional Use Permit to be located at Lot 1 Block 7 of Tomball Terrace (Now called Lot 1 Block 1, Tomahawk Properties) for the use of a Barber/Beauty Shop or any other use other than residential, be denied.



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: Jean Solomon

(please print)

Address: 607 Hicks

Tomball

Signature: Jean Solomon

Date: May 7, 2012

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

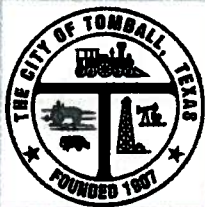
The property is zoned residential. It should remain so.
There is an abundance of vacant commercial properties
available within the city limits that could appropriately
accommodate this business. Further, granting this variance
would open the floodgates for request that would negate
the intent of our zoning ordinances.

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.

Attention - Rodney Schmidt

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:

Lola Gordon
683 Ivory &
Tomball, TX
Lola Gordon
5-14-12

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

X

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Why was such a strange pie-
shape left on Baker St. The north-
west of the lot is not for a building.
I agree it out
Lola

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:

(please print)

Address:

Signature:

Date:

Pamela K. Haney
615 Hicks St.
Tomball, Texas 77375
[Signature]
5-7-12

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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

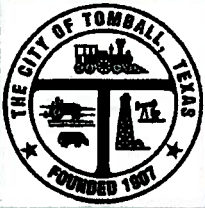
Date, Location & Time of City Council meeting:
Monday, May 21, 2012, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

It is my understanding that that
this property has been zoned residential.
Not Business!! Please stop dirty
politics in Tomball

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

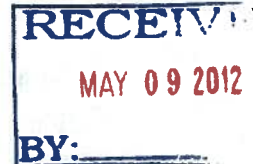
Public Comment Form

(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:

(please print)

Address:

Shirley Hrobar

519 Inwood

Tomball, TX 77375

Signature:

Shirley Hrobar

Date:

5-8-12

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P12-430**. (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.

From: Bob Webb [mailto:b.webb1943@yahoo.com]

Sent: Sunday, May 13, 2012 5:41 PM

To: Rodney Schmidt

Subject: Tomball Terrace-Baker Drive.

I'll wager Spencer and Quinn wouldn't let this happen on their street. PLEASE don't let this happen on our street. It's not worth ruining our neighborhood for a few more tax dollars.....Bob Webb 410 Baker Drive

From: Bob Webb <b.webb1943@yahoo.com>
Date: May 13, 2012 5:36:25 PM CDT
To: Narciso Lira <nlira@ci.tomball.tx.us>
Subject: Baker Drive
Reply-To: Bob Webb <b.webb1943@yahoo.com>

Merritt Spencer and David Quinn want to put a business in our neighborhood, as if Baker Drive doesn't already have enough traffic on it. You are going to ruin forever the residential property values of all of us who live on Baker Drive from Main to East Hufsmith. PLEASE reconsider this. If you approve it, it will open up this area to more even more commercial development. Please put yourself in our place. Would you vote yes if you lived on our street?.....Bob Webb 410 Baker Drive.

From: [Brenda Williams \(105\)](#)
To: [Rodney Schmidt](#)
Subject: Zoning Case P-12-430
Date: Monday, May 07, 2012 9:55:45 AM

I would like to respectfully submit my comments pertaining to the above Zoning Case.

*Ours is a quiet, residential subdivision and **ANY** commercial project on this site - which is basically across the street from my home – will jeopardize the very purpose of living in this type of subdivision. It would have an adverse effect on the value and/or resale of any of our properties. SURELY, with the many new commercial developments **INTENDED** for new businesses in the Tomball area, any prospective businesses could locate their ventures in a like area. Any commercial venture will destroy the hominess of Tomball Terrace and other residential areas in this area. We should not have to deal with any more increased traffic, related noise, and then just the fact of having a commercial building right in our front yards. **PLEASE DO NOT** allow this to happen to the long-standing residents of Tomball Terrace and the other homes along Baker Drive. Most of the residents in Tomball Terrace have been there in excess of 30 years – to do this to their homes now would be a true injustice. Let this potential business put their business in any of the new centers around town which are **BEGGING** for tenants.*

Thank you for your time and consideration.

Brenda Williams
606 Inwood Drive
Tomball, TX 77375
713-201-4755

This transmission may contain information that is privileged, confidential and or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained herein (including any reliance thereon) is **STRICTLY PROHIBITED**. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

From: JK Graham [mailto:jkengraham@sbcglobal.net]

Sent: Monday, May 14, 2012 4:18 PM

To: Rodney Schmidt

Subject: Public Hearing, CaseNumber:12-430

We are 34 year residents of Tomball Terrace and are opposed to granting a Conditional Use Permit to Applicant David Quinn for a Barber/Beauty Shop on Baker Drive. At a time in our city's history when one family homes have already seen reductions in value because of the economy, a business venture of this type at our back-door would further depress home prices. Home equity values are, in many cases, are the only tangible assets of Senior adult residents. MR AND MRS JAMES K GRAHAM

TO: City of Tomball
Honorable Mayor Gretchen Fagan
City Council
Mr. Preston Dodson
Mr. Rick Brown
Mr. Field Hudgens
Mr. Mark Stoll
Mr. Derek Townsend
Planning and Zoning Commission
Chairman Lori Wallace



Reference: Case Number P12-430

Request for a CUP (Conditional Use Permit) to operate a "Barber/Beauty Shop (No Related School/College)"

Location: Easterly Side of Baker Drive, southerly of Inwood Street.

- This is nothing short of an intrusion of a commercial venture into an established residential neighborhood which was originally Lot 1 Block 7 of the Tomball Terrace Sub-division as approved by the City of Tomball on July 1, 1963 and filed with the Harris County Clerk on September 19, 1963. The tract was later misrepresented by the new owners as never having been a part of Tomball Terrace and was replated and inappropriately approved by the Tomball City Council as Tomball Tomahawk Properties, LLC. At the time, the replat of Lot 1, Block 7, Tomball Terrace was as 3 residential lots within Tomball Terrace not 3 retail lots in our subdivision.

To approve Case Number: P12-430 would do nothing more than make a laughing stock of legitimate deed restrictions in Tomball and the Zoning Ordinance which was established to protect the residential areas of the city from such intrusion. In essence, this would only exacerbate the problem surrounding this property while sending the message to the citizens of Tomball that *commercial interests* take priority over maintaining the integrity of the residential areas of our city.

We, Tomball Terrace homeowners and the surrounding property owners, who have signed below, are requesting that this application for a Conditional Use Permit to be located at Lot 1 Block 7 of Tomball Terrace (Now called Lot 1 Block 1, Tomahawk Properties) for the use of a Barber/Beauty Shop or any other use other than residential, be denied.

200' X 1.) Signature: Earle D. Oldham, Sr. Print: EARLE D. OLDHAM, SR.
Address: 610 Inwood

200' X 2.) Signature: Robert N. Webb Print: ROBERT N. WEBB
Address: 410 BAKER DRIVE

200' X 3.) Signature: Jay Maddox Print: JAY MADDOX
Address: 412 BAKER DR. TOMBALL, TX

200' X 4.) Signature: Brenda Snips Print: Brenda Snips
Address: 209 Baker Dr

200' X 5.) Signature: Barbara Smith Print: Barbara Smith
Address: 515 Inwood

6.) Signature: Herb H. Tolleson Print: Herb H. Tolleson
Address: 523 N. PEEBLY DR

200' X 7.) Signature: Rick Newark Print: Rick Newark
Address: 516 S. PEEBLY DR

200' X 8.) Signature: Brenda Williams Print: BRENDA WILLIAMS
Address: 606 INWOOD DRIVE

9.) Signature: Juanita Parker Print: Juanita Parker
Address: 603 E. PEEBLY TOMBALL, TX

10.) Signature: Gladys McNeil Print: Gladys McNeil
Address: 510 Inwood Tomball, Tx. 77375

11.) Signature: _____ Print: _____
Address: _____

12.) Signature: _____ Print: _____
Address: _____

13.) Signature: _____ Print: _____
Address: _____

14.) Signature: _____ Print: _____
Address: _____

TO: City of Tomball
Honorable Mayor Gretchen Fagan
City Council
Mr. Preston Dodson
Mr. Rick Brown
Mr. Field Hudgens
Mr. Mark Stoll
Mr. Derek Townsend
Planning and Zoning Commission
Chairman Lori Wallace



Reference: Case Number P12-430

Request for a CUP (Conditional Use Permit) to operate a "Barber/Beauty Shop (No Related School/College)"

Location: Easterly Side of Baker Drive, southerly of Inwood Street.

This is nothing short of an intrusion of a commercial venture into an established residential neighborhood which was originally Lot 1 Block 7 of the Tomball Terrace Sub-division as approved by the City of Tomball on July 1, 1963 and filed with the Harris County Clerk on September 19, 1963. The tract was later misrepresented by the new owners as never having been a part of Tomball Terrace and was replatted and inappropriately approved by the Tomball City Council as Tomball Tomahawk Properties, LLC. At the time, the replat of Lot 1, Block 7, Tomball Terrace was as 3 residential lots within Tomball Terrace not 3 retail lots in our subdivision.

To approve Case Number: P12-430 would do nothing more than make a laughing stock of legitimate deed restrictions in Tomball and the Zoning Ordinance which was established to protect the residential areas of the city from such intrusion. In essence, this would only exacerbate the problem surrounding this property while sending the message to the citizens of Tomball that *commercial interests* take priority over maintaining the integrity of the residential areas of our city.

We, Tomball Terrace homeowners and the surrounding property owners, who have signed below, are requesting that this application for a Conditional Use Permit to be located at Lot 1 Block 7 of Tomball Terrace (Now called Lot 1 Block 1, Tomahawk Properties) for the use of a Barber/Beauty Shop or any other use other than residential, be denied.

200' X 1.) Signature: Max David Tague Print: MAX DAVID TAGUE
Address: 503 INWOOD

200' X 2.) Signature: Shirley Hrobar 519 Inwood Print: Shirley Hrobar
Address: 519 INWOOD

3.) Signature: Dan Adkisson Print: DAN ADKISSON
Address: 500 INWOOD TOMBALL TX 77375

4.) Signature: Geneva Adkisson Print: Geneva Adkisson
Address: 500 Inwood

5.) Signature: Billy W. Smith Print: Billy W. Smith
Address: 506 Inwood Dr. Tomball TX 77375

6.) Signature: Cindy Smith Print: CINDY Smith
Address: 506 Inwood Tomball, TX 77375

7.) Signature: Cari Harrington Print: Cari Harrington
Address: 506 Inwood Tomball TX 77375

8.) Signature: Jean Solomon Print: Jean Solomon
Address: 1607 Hicks Tomball, TX 77375

9.) Signature: Susan Crone Print: Susan CRONE
Address: 609 Hicks St Tomball TX 77375

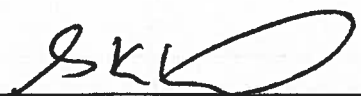
10.) Signature: Tyler Abbott Print: TYLER ABBOTT
Address: 306 BAKER DR

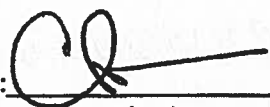
11.) Signature: Harry Byrd Print: HARRY Byrd
Address: 602 N Hickory St Tomball, TX

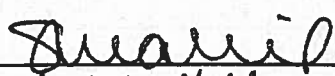
12.) Signature: Tommie Byrd Print: Tommie Byrd
Address: 602 N. Hickory Tomball, TX 77375

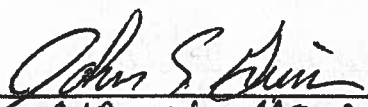
13.) Signature: Pamela Haney Print: Pamela Haney
Address: 615 Hicks St Tomball, Texas 77375

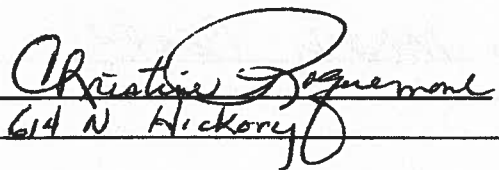
14.) Signature: Thelma Norem Print: THELMA NOREM
Address: 705 Hicks St Tomball, TX 77095

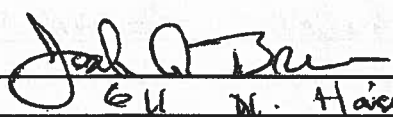
200' X 15.) Signature:  Print: 6266 K NIVOL
Address: 507 ZUNWOOD, 7043426 74, 77375

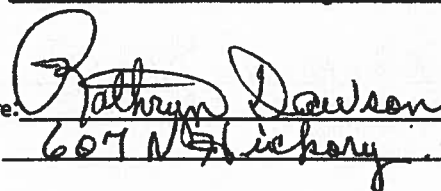
16.) Signature:  Print: CHARLES S. MALLIE
Address: 606 N. MAGNOLIA ST TOMBALL TX 77375

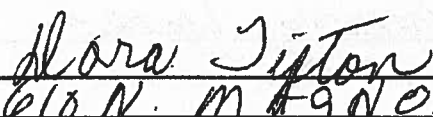
17.) Signature:  Print: SUSAN E. MALLIE
Address: 606 N MAGNOLIA ST TOMBALL, TX 77375

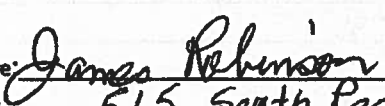
18.) Signature:  Print: JOHN S. GELNIK
Address: 618 N. MAGNOLIA

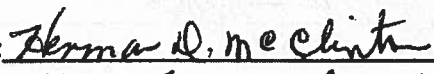
19.) Signature:  Print: CHRISTINE RAGUEMORE
Address: 614 N Hickory

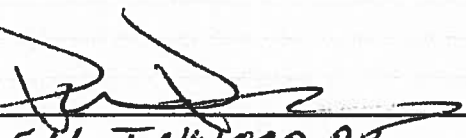
20.) Signature:  Print: JACK A. BREWER
Address: 611 N. Hickory Tomb

21.) Signature:  Print: KATHRYN DAWSON
Address: 607 N Hickory

22.) Signature:  Print: DORA TIPTON
Address: 610 N. MAGNOLIA

23.) Signature:  Print: JAMES ROBINSON
Address: 515 South Pecan Dr.

24.) Signature:  Print: HERMAN D. MCCLINTON
Address: 407 South Pecan St

200' X 25.) Signature:  Print: RON DOSS
Address: 511 INWOOD DR,

26.) Signature: IVAS SCHIMMING Print: _____
Address: _____

27.) Signature: Ivar Schimming Print: IVAS SCHIMMING
Address: 603 N. HICKORY, TOMBALL, 77375

28.) Signature: George C Chantain Print: George C Chantain
Address: 615 N Hickory Tomball 77375

29.) Signature: Gayle Odum Print: GAYLE ODUM
Address: 514 N. Pecan Dr Gamball Jc 77375

30.) Signature: Mary Coats Print: MARY COATS
Address: 1422 N. Pecan

31.) Signature: Audrey Peschong Print: AUDREY PESCHONG
Address: 418 N Pecan

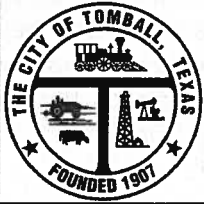
32.) Signature: Virginia Scott Print: VIRGINIA SCOTT
Address: 4144 N. PECAN DR Tomball, Tex 77375

33.) Signature: Margaret Landreth Print: MARGARET LANDRETH
Address: 411 N. PECAN DR, TOMBALL, TX. 77375

34.) Signature: James R Alexander Print: JAMES R. ALEXANDER
Address: 602 E. Pecan Drive, Tomball, TX 77375

35.) Signature: Laura Hanks Print: LAURA HANKS
Address: 502 N. Pecan Tomball, TX 77375

36.) Signature: _____ Print: _____
Address: _____



Conditional Use Permit Staff Report

Planning and Zoning Commission Hearing Date: May 14, 2012

Rezoning Case: P12-430

Property Owner(s): Tomball Tomahawk Properties, LLC

Applicant(s): David Quinn

Legal Description: Lot 1, Block 1, Tomahawk Properties

Location: Generally located on the easterly side of Baker Drive, southerly of Inwood Street

Area: 0.85 acres

Present Zoning and Use: Single-Family Residential-6 (SF-6) District with a vested rights classification of Office District / Undeveloped

Comp Plan Designation: Medium Density Residential

Proposed Use: Barber/Beauty Shop (No Related School/College)

Request: Conditional Use Permit (CUP) to allow a "Barber/Beauty Shop (No Related School/College)"

Adjacent Zoning and Land Uses:

North:	SF-6 and Commercial Districts / Inwood Street, single-family residences, and assisted living facility
South:	SF-6 District with a vested rights classification of Office District / Undeveloped
East:	SF-6 District / Single-family residences
West:	SF-6 District / Baker Drive and single-family residences

BACKGROUND

The subject site is legally described as Lot 1, Block 1, Tomahawk Properties within the City of Tomball, Harris County, Texas totaling approximately 0.85 acres. The site is generally located on the easterly side of Baker Drive, southerly of Inwood Street, is undeveloped (Exhibit "A"), and is zoned Single-Family Residential-6 District (Exhibit "B") with a vested rights classification of Office District (Exhibit "C").

On April 4, 2012, the City of Tomball received a CUP application (Exhibit "D"), request letter (Exhibit "E"), and concept plan (Exhibit "F") from David Quinn on behalf of Tomball Tomahawk Properties, LLC requesting a "Barber/Beauty Shop (No Related School/College)" land use be permitted at the subject site.

The subject site, along with Lots 2 and 3, Tomahawk Properties were issued a vested rights determination by the City of Tomball on March 25, 2009. The vested rights letter describes the original project as "An office plat development consisting of three individual lots each containing a single story office building and related parking..." with "...a prior classification of O-Office District under the City's Zoning Ordinance..." A "Barber/Beauty Shop (No Related School/College)" land use is only permitted in the Office District with a CUP.

A site plan for a 2,880 square foot office building was approved by the City of Tomball on August 18, 2010 for the subject site per the design standards outlined in the 2009 vested rights letter. No construction was started on this project.

According to the Zoning Ordinance, "a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions." Additionally, the Ordinance requires all CUP applications include a concept plan. The concept plan indicates the site will include a 2,400 square foot building, 400 square foot covered porch, 12 parking stalls, landscaping, and other site improvements.

ANALYSIS

When considering applications for a conditional use permit, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;

The Comprehensive Plan identifies the subject site as "Medium Density Residential" (Exhibit "G"). It states the "Medium Density Residential" land use classification "includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City. A full range of urban services and infrastructure is required. These areas must have an adequate street network to support the amount of residential density."

The "Barber/Beauty Shop (No Related School/College)" will provide a neighborhood shop and service.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

The property's vested rights land use classification of Office District is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential

areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.

The proposed development will be consistent with the Office District in the following ways:

- The scale of the project shown on the concept plan appears to be low intensity and facilitating a professional use;
 - The land use is proposed to be buffered from the residential uses to the east with a 60 foot building setback and an undeveloped open space created by an existing gas pipeline easement;
 - The building is proposed to be one story;
 - Access to the site is proposed off Baker Drive which is not anticipated to encourage vehicular traffic through Tomball Terrace; and
 - The design of the building has a residential appearance thereby reducing its impact on the surrounding residential uses.
3. **The proposed use meets all supplemental standards specifically applicable to the use as set forth in the zoning ordinance;**

Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the City of Tomball for review and approval. The plans must exhibit compliance with all applicable ordinances, including but not limited to paving, detention, curbing, landscaping, fire access, etc.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

To the north of the subject site is Inwood Street, single-family residences, and an assisted living facility in the SF-6 and Commercial Districts, respectively; to the south is undeveloped land in the SF-6 District with a vested rights classification of Office District; to the east are single-family residences in the SF-6 District; and to the west is Baker Drive and single-family residences in the SF-6 District. See site photos below (Exhibit "H").

Although there are numerous residences in the immediate vicinity of the subject site, the design of the site attempts to ensure compatibility with the character and integrity of adjacent developments. The concept plans calls for a low intensity, single-story development with an open space buffer, large setbacks, landscaping, and vehicle access from Baker Drive.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed use of the site as a “Barber/Beauty Shop (No Related School/College)” is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.

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, 5 public comments were received in opposition to the request (Exhibit “T”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. **APPROVAL of Zoning Case P12-430, with conditions, based on the following:**
 - a. The proposal is consistent with the general purpose and intent of the applicable zoning district regulations and Comprehensive Plan;
 - b. The proposed use of the site as a “Barber/Beauty Shop (No Related School/College)” is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.
2. **APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.**

RECOMMENDED CONDITIONS OF APPROVAL

Section 37.1.A of the Zoning Ordinance allows the City to impose certain conditions on a CUP request in order to mitigate “external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood.” As such, the following conditions of approval are recommended:

1. The “Barber/Beauty Shop (No Related School/College)” use shall not be enlarged or extended beyond what is shown on the approved concept plan without the approval of a revised concept plan or new CUP.
2. The use of the site will be limited to “Barber/Beauty Shop (No Related School/College).”
3. The site will be required to adhere to Section 42 (“Screening, Buffering and Fencing Requirements”) of the Tomball Zoning Ordinance.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Vested Rights Letter
- D. CUP Application
- E. CUP Request Letter
- F. Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

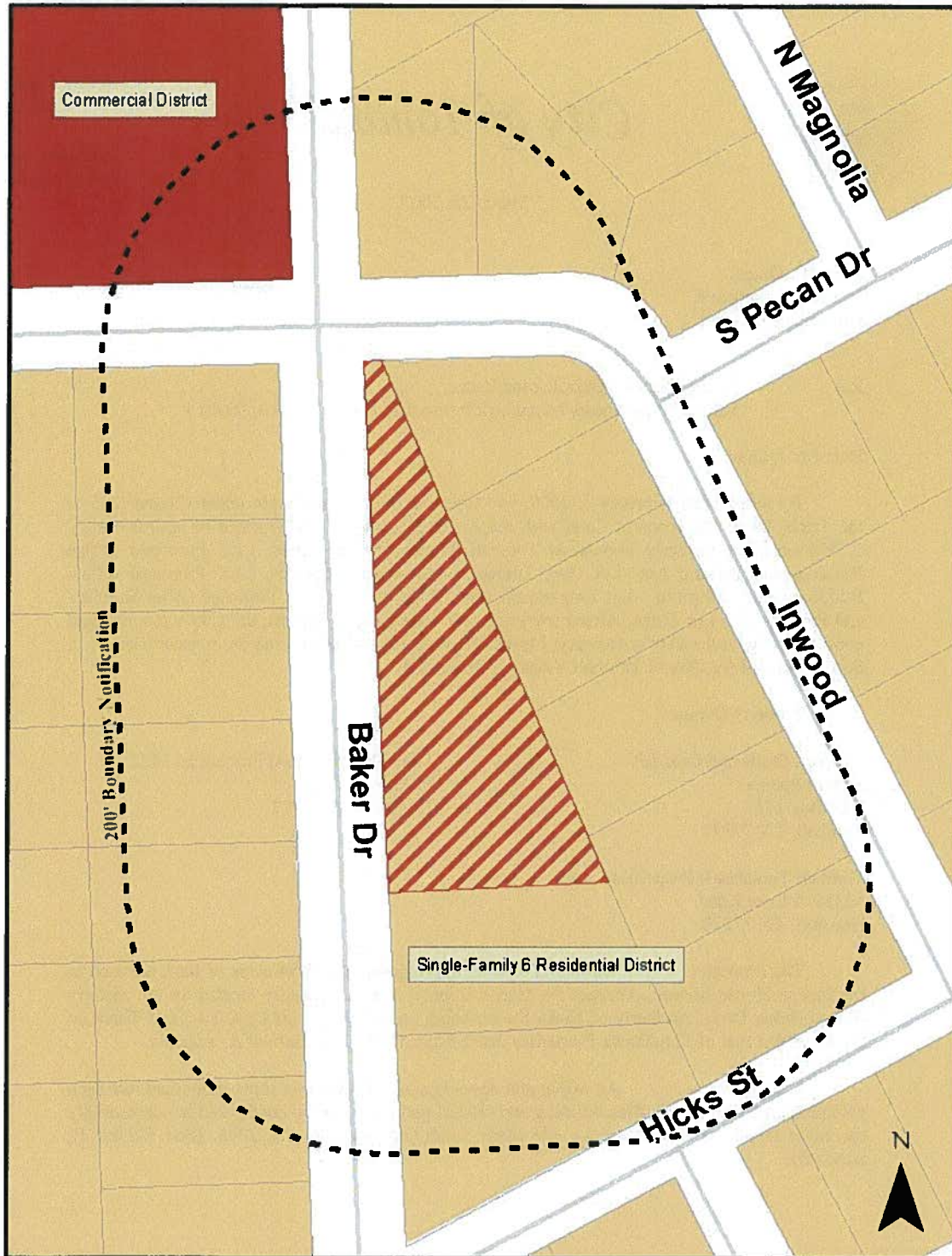


Exhibit "C"
Vested Rights Letter



City of Tomball

March 25, 2009

Gretchen Fagan
Mayor

Jan Belcher
City Manager

David R. Quinn
10330-A Lake Road
Houston, TX 77070

Re: Vested Rights Determination Letter
Tomball Arrowhead/Tomahawk Properties, Lots 1, 2 and 3, Block 1

Dear Mr. Quinn,

By letter dated February 3, 2009, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to a proposed development of approximately 1.7854 acres of property known as Tomball Tomahawk Properties, LLC Proposed Office Building and Parking Lot- Lot One, Tomball Arrowhead Properties, LLC Proposed Office Building and Parking Lot - Lot Two and Spencer, Stutts, and Cox, LP, Proposed Office Building and Parking Lot- Lot Three. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner:

Spencer, Stutts and Cox, LP
Merritt Spencer
P.O. Box 176
Tomball, TX 77377

Tomball Arrowhead Properties, LLC
P.O. Box 176
Tomball, TX 77377

Tomball Tomahawk Properties, LLC
10330-A Lake Road
Houston, TX 77070

The Property: Three lots totaling approximately 1.7854 acres of land, situated in the Joseph House Survey, Abstract 34, Harris County, Texas, generally located on the easterly side of Baker Drive, northerly of Hicks Street, being described as Lots One, Two and Three on the Recorded Plat of Tomahawk Properties dated August 2007. See Exhibit A, attached.

The Project: An office plat development consisting of three individual lots each containing a single story office building and related parking lot to be configured in substantially the same layout as shown on the site plans submitted February 15, 2008. (See Exhibit B, attached).

1

401 MARKET ST. • TOMBALL, TEXAS 77375 • 281-351-5484

Date of First Permit: September 10, 2007.

Regulations Applicable to Property Owner, the Property, and the Project:

All of the City's current Ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of O-Office District under the City's Zoning Ordinance for development of the Project.

2. The lot size and lot dimension requirements of the City's Zoning Ordinance. The Property shall comply with the City's lot size and lot dimension requirements that existed prior to the City's Zoning Ordinance for development of the Project.

3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project.

4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project.

Any permit vested under this letter shall expire two years from the date of that permit unless progress is made towards completion of the project, or the permit expressly provides an expiration date of more than two years. Provided, further, a permit may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.005(e)(2) of the Texas Local Government Code.

This letter has certain legal consequences. A property owner and/or the City Council have the right to appeal this determination to the City's Board of Adjustments if the property owner and/or the City Council believes that this vested rights determination is in error. Zoning Ordinance, 48.6. Any appeal of my determination must be filed with the Board of Adjustments within 15 calendar days. Zoning Ordinance, 9.8 C. If my determination is not timely appealed to the Board of Adjustments, then my determination shall be considered binding upon the City and the property owners for the duration of the Project. Id. 48.8.

Sincerely,



Jan Belcher
City Manager
City of Tomball, Texas

cc: Mayor and City Council
Scott Bounds, Olson & Olson, LLP

Exhibit "D"
CUP Application

Lot 1

Revised 1/20/09



APPLICATION FOR
CONDITIONAL USE PERMIT
Engineering & Planning Department



- A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: DAVID R. QUINN Title: ARCHITECT
Mailing Address: 1427 KEEFER RD City: TOMBALL State: TX
Zip: 77375
Phone: (281) 254 4521 Fax: (281) 370 2568 Email: dquinn@dquinnarchitect.com

Owner
Name: DAVID & LORI KLEIN QUINN Title: _____
Mailing Address: 1427 KEEFER RD City: TOMBALL State: TX
Zip: 77375
Phone: (281) 370 0300 Fax: (281) 370 2568 Email: _____

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

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

www.ci.tomball.tx.us

Description of Proposed Project: 405 BAKER DR. TOMPKALL, TX 77375

Physical Location of Property: ON BAKER BETWEEN HICKS ST. AND INDIANWOOD ST.

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

Legal Description of Property: 1.7854 AC Tract, 81,955.34 SF OF LOT 7, BLK 1 OF

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

— TOMPKALL TERRACE CORRECT, IN HOUSE SURVEY ABSTRACT 34, VOL 114 PG 67,
— HCAD Identification Number: 130511-0010001 Acreage: 0.8493 AC HARRIS CTY,
LOT 1

Current Use of Property: VACANT

Proposed Use of Property: OFFICE / GENERAL RETAIL

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  4-4-2012
Signature of Applicant Date

x  4-4-2012
Signature of Owner Date

Exhibit "E"
CUP Request Letter

DAVID R. QUINN ARCHITECT
1427 Keefer Road Tomball, Texas 77375
713 254 4521

April 4, 2012
Planning and Zoning Board
City of Tomball
Attention: Ms. Lori Wallace, Chairman

Dear Ms. Wallace,

This letter is to request a modification of our Vested Rights letter dated March 25, 2009, with building type classification "Office", to the property known as Tomahawk Properties, Lot 1, Block 1, 405 Baker Drive, Tomball, TX 77375. Legal Description of the property is noted in the Vested Rights letter.

The owner requests the above mentioned property be allowed to include "Beauty/Barber Shop and Spa" designation as allowed through the "Conditional Use Permit" as noted from the charts on page 90 of the Zoning Ordinance for the City of Tomball.

This business will complement the neighborhood along Baker Dr. and fit into the cities concept of "Planned Diversity" Section 36.1 of the Zoning Ordinances pg.72. and will conform to and enhance the neighborhood as described in Section 36.1A 1 through 7 page 73.

Enclosed for you review are; Site Plans, Elevations, HCAD documents, and Vested Rights Letter.

Meetings with the City Manager, Director of Community Development, Assistant City Engineer and Assistant City Planner were conducted the week of March 26th, 2012.

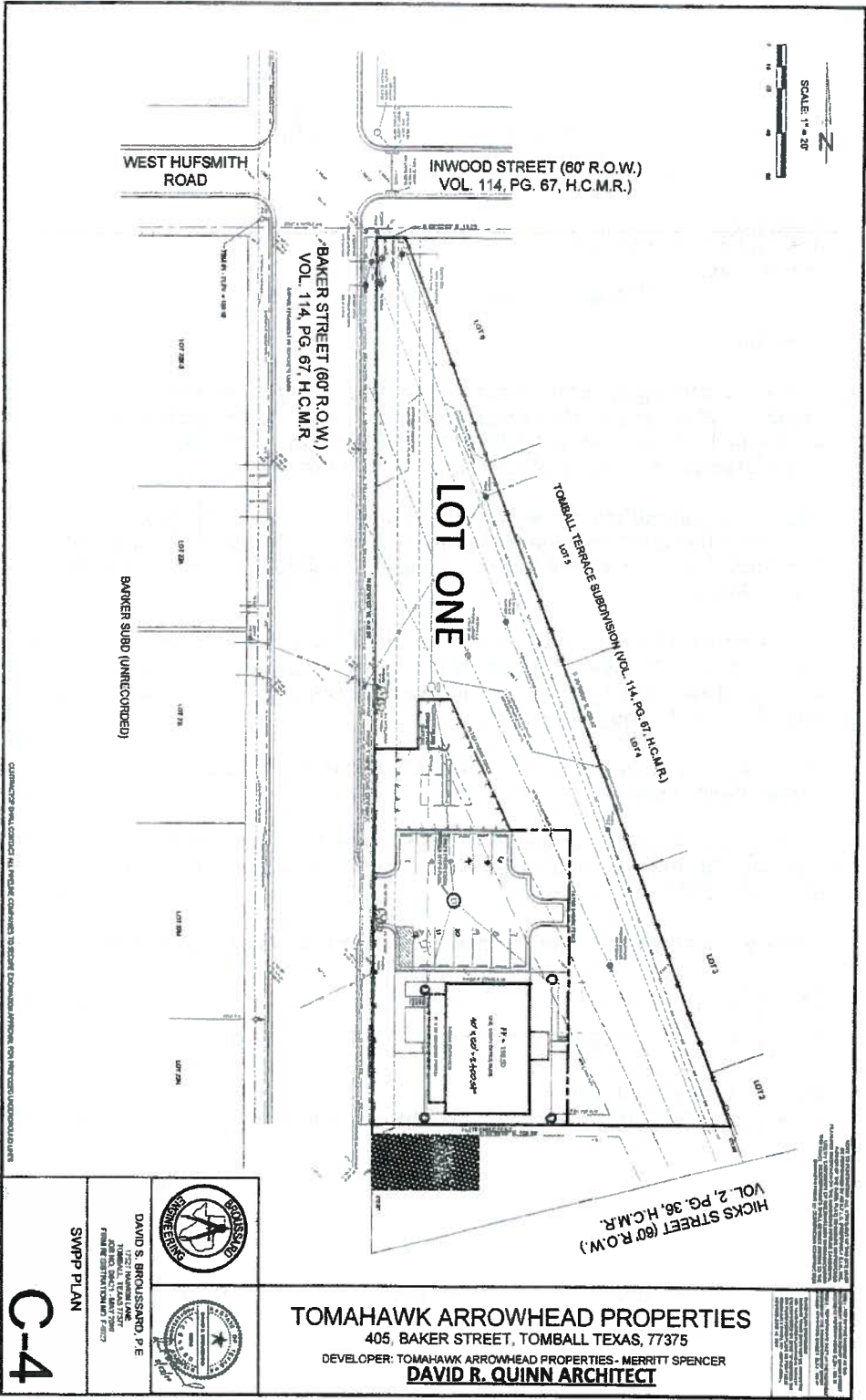
Thank you for this opportunity to present our case and I await your decision.

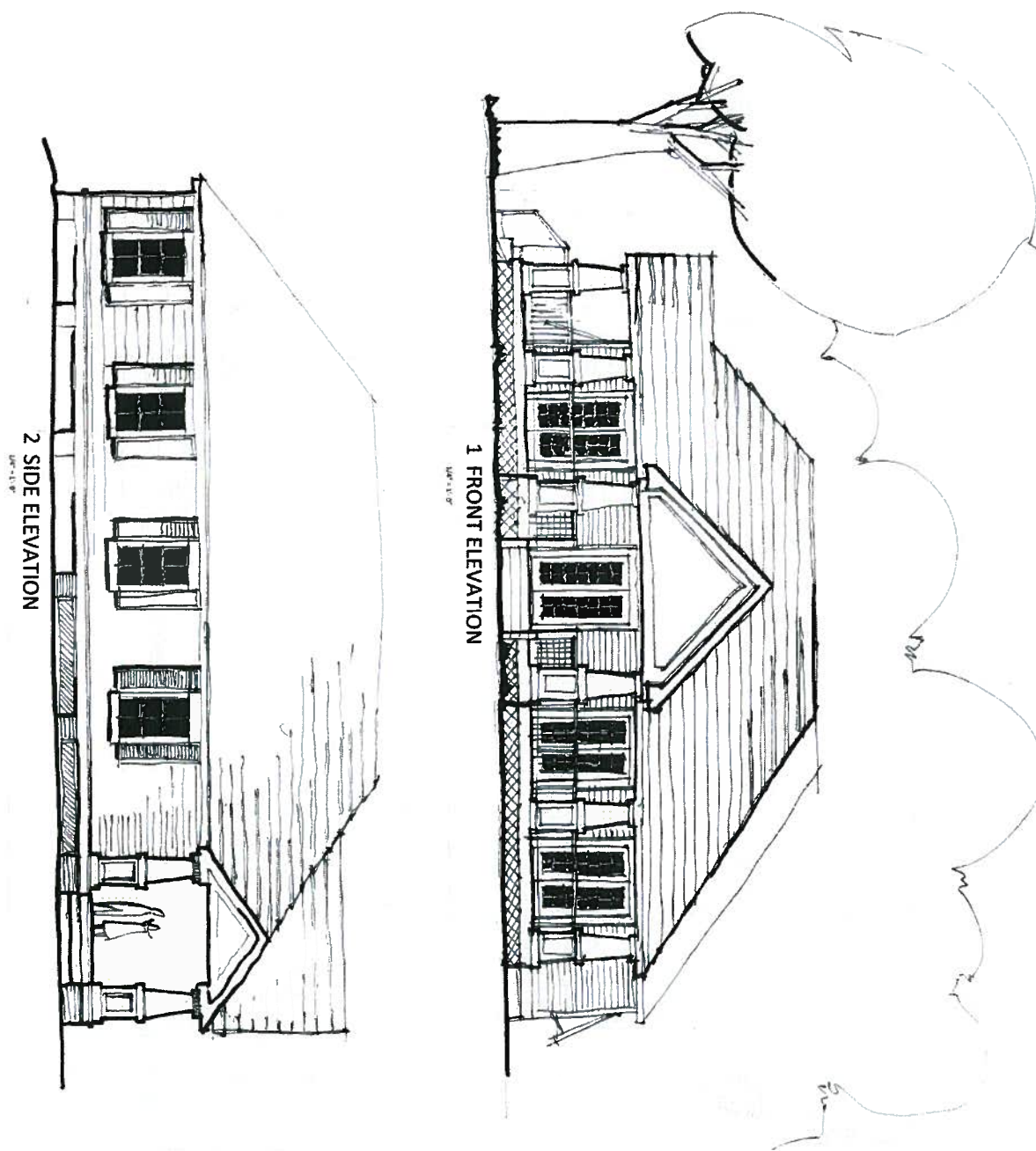
Sincerely,



David R. Quinn, Architect
cc. Ms. Lori Klein Quinn, Mr. Merritt Spencer, Mr. Tom Condon

Exhibit "F" Concept Plan



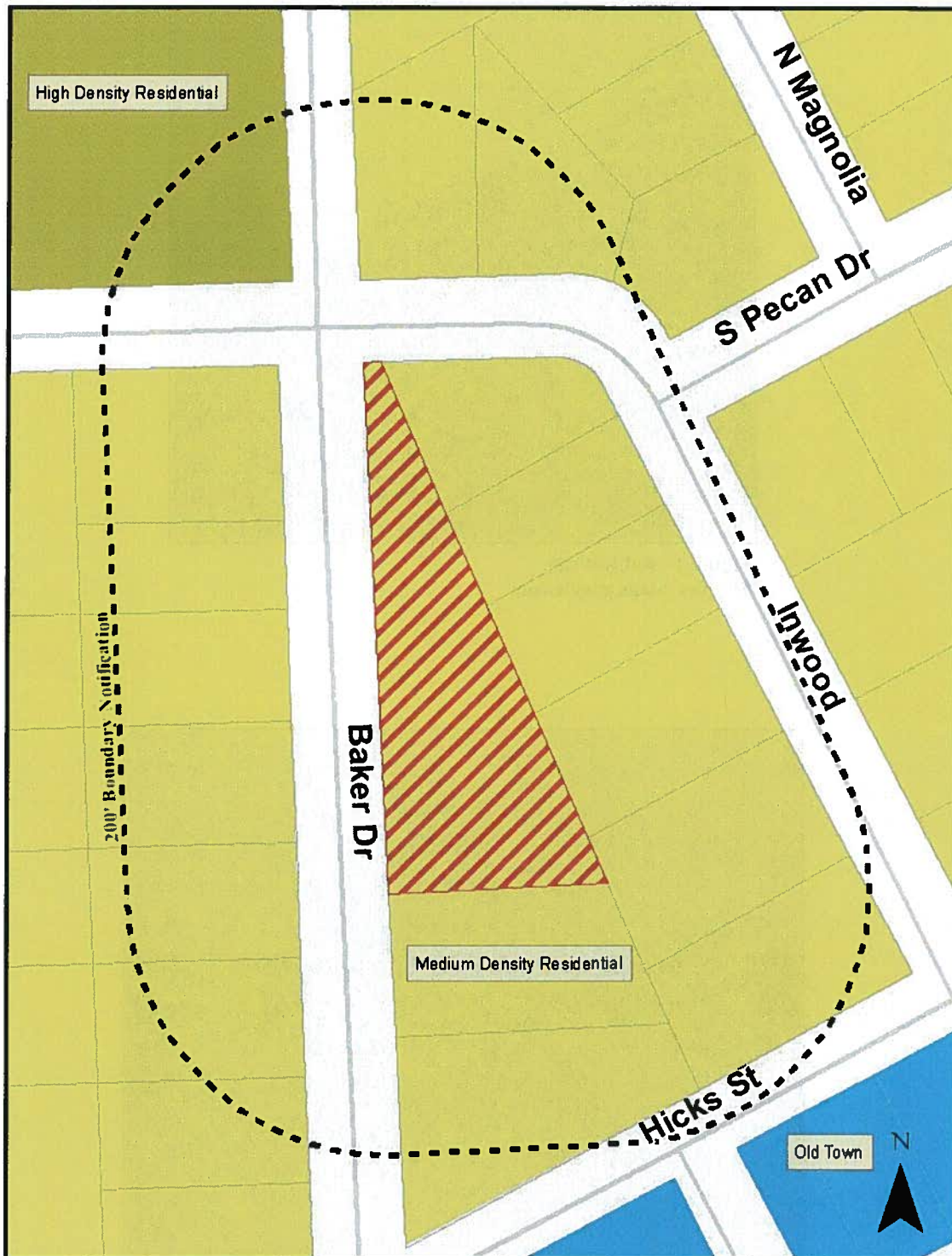


A-1

LOT ONE

DAVID R. QUINN ARCHITECT
 1427 KEEFER ROAD TOMBALL, TX 77375
 713 . 254 . 4521

Exhibit "G"
Comprehensive Plan Future Land Use Map



**Exhibit “H”
Site Photos**



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



Figure 2: Assisted living facility to the north.
Source: maps.google.com



Figure 3: Single-family residences to the north.
Source: maps.google.com

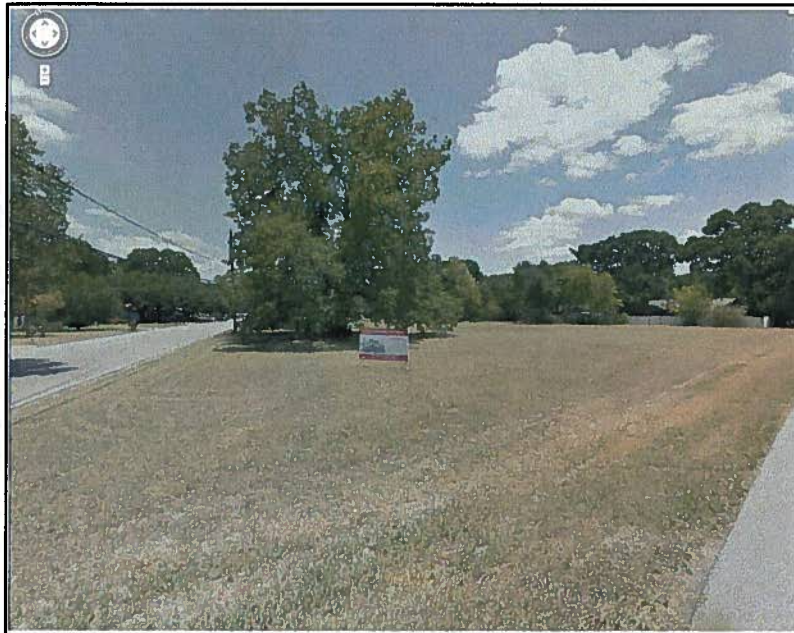


Figure 4: Undeveloped land to the south.
Source: maps.google.com



Figure 5: Single-family residences to the west.
Source: maps.google.com



Figure 6: Single-family residences to the east.
Source: maps.google.com

Exhibit "I"
Public Comment Form(s)

From: [Brenda Williams \(105\)](#)
To: [Rodney Schmidt](#)
Subject: Zoning Case P-12-431
Date: Monday, May 07, 2012 9:55:45 AM

I would like to respectfully submit my comments pertaining to the above Zoning Case.

*Ours is a quiet, residential subdivision and **ANY** commercial project on this site - which is basically across the street from my home – will jeopardize the very purpose of living in this type of subdivision. It would have an adverse effect on the value and/or resale of any of our properties. SURELY, with the many new commercial developments **INTENDED** for new businesses in the Tomball area, any prospective businesses could locate their ventures in a like area. Any commercial venture will destroy the hominess of Tomball Terrace and other residential areas in this area. We should not have to deal with any more increased traffic, related noise, and then just the fact of having a commercial building right in our front yards. **PLEASE DO NOT** allow this to happen to the long-standing residents of Tomball Terrace and the other homes along Baker Drive. Most of the residents in Tomball Terrace have been there in excess of 30 years – to do this to their homes now would be a true injustice. Let this potential business put their business in any of the new centers around town which are **BEGGING** for tenants.*

Thank you for your time and consideration.

Brenda Williams
606 Inwood Drive
Tomball, TX 77375
713-201-4755

This transmission may contain information that is privileged, confidential and or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



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: Christine Roquemore
(please print)
Address: 614 N. Hickory
Tomball, TX 77375
Signature: Christine Roquemore
Date: 5-9-2012

☐ I am FOR the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am AGAINST the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

Besides the fact that the present owners misrepresented themselves they saying they would never put and/or sell Commercial businesses on the 3 plots, Our family is against this because
(1) it is against our deed restrictions.
(2) it would destroy our property values.
(3) the property is zoned Residential to the best of my knowledge.

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: EARLE D. OLDHAM, SR.
(please print)
Address: 610 INWOOD
TOMBALL, TX 77375
Signature: Earle D. Oldham
Date: May 9, 2012

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

X

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

This property was originally platted as a part of Tomball, Texas, approved by the City of Tomball, Texas, and filed with the County Clerk on April 19, 1967. Much controversy has surrounded it through the years. After being regulated by the current owner it was declared a residential area which zoning laws were in effect. It came to me to review that action would have a message to Tomball citizens that commercial zoning that would have existing dead residential and zoning dedication. The zoning laws would be to preserve the integrity and quality of life we have without

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.

Commercial extension.



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: Jean Solomon
(Please print)
Address: 607 Hicks
Tomball
Signature: Jean Solomon
Date: May 7, 2012

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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:

The property is zoned residential. It should remain so.
There is an abundance of vacant commercial properties
available within the city limits that could appropriately
accommodate this business. Further, granting this variance
would open the floodgates for request that would negate
the intent of our zoning ordinances.

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

BY: _____

Name: _____

(please print)

Address: _____

Signature: _____

Date: _____

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (Please state reasons below)

✓

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P12-430. (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: May 21, 2012

Data Sheet

Topic:

Consideration and Possible Action to Approve Request by Russ Brown, Pine Country Estates, for an Off-premise Sign at the Intersection of FM 2920 and Tomball Cemetery Road

Background:

Pine Country subdivision is located on Tomball Cemetery Road, just north of FM 2920. Currently, the developer is working with builders for construction of single-family homes within the subdivision.

Mr. Russ Brown, the developer of Pine Country subdivision, has requested that the City approve the installation of an off-premise sign in the City's right-of-way. The requested sign would be located at the northwest quadrant of the intersection of FM 2920 and Tomball Cemetery Road.

Chapter 60 of the City's Code of Ordinances, which governs the installation of signs, does not allow for a sign to be installed at this location. The ordinance states under section 60-7(c)(1), "it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way [...]". Based on the City ordinance, the sign at the proposed location would not be allowed.

Currently, two signs exist along FM 2920 for Pine Country, with one located east and west of Tomball Cemetery Road. Another option for Mr. Brown would be to locate the proposed sign on private property, which is allowed. The off-premise sign on private property shall be placed no closer than 350 feet from the nearest intersection, and no closer than 500 feet to any other off-premise sign or 100 feet from any on-premise sign. In addition to that, any proposed sign must meet all the design requirements in Chapter 60, Signs of the City's Code of Ordinances. Chapter 60 has been attached for your reference.

Please note that approval of this request would open the door for additional requests. This potentially can lead to an unappealing situation where you have numerous off-premise, advertising signs on City property/rights-of-way.

Another option that Council may wish to entertain that has been successful in other area communities is implementing a directional signage program. We have attached an example of one of these signs for your reference.

Origination:

Mr. Russ Brown

Recommendation:

Staff has reviewed Mr. Brown's request and recommends denial of the request for an off-premise sign at the intersection of FM 2920 and Tomball Cemetery Road. The basis of the denial is that the sign will not be allowed within the ROW and cannot be closer than 350 feet from the intersection.

Funding:

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

Narciso Lira, Director of Community Development

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

ATTACHMENTS:

Chapter 60 Sign Ordinance
Example of Sign Program

Chapter 60

SIGNS*

* **Editors Note:** Ord. No. 2002-12, § 2, adopted May 6, 2002, enacted provisions intended for use as chapter 58, §§ 58-1--58-10, 58-26--58-33. At the direction of the city, said provisions have been redesignated as chapter 60, §§ 60-1--60-10, 60-26--60-33.

Article I. In General

Sec. 60-1. Definitions.
Sec. 60-2. Scope; conflicts.
Sec. 60-3. Classifications.
Sec. 60-4. Sign administrator and enforcement.
Sec. 60-5. Sign permits and fees.
Sec. 60-6. Sign maintenance and removal.
Sec. 60-7. Miscellaneous sign provisions.
Sec. 60-8. On-premises sign provisions.
Sec. 60-9. Off-premises sign provisions.
Sec. 60-10. Nonconforming signs.
Secs. 60-11--60-25. Reserved.

Article II. Design and Structural Requirements

Sec. 60-26. Design.
Sec. 60-27. Construction.
Sec. 60-28. Electrical requirements.
Sec. 60-29. Height limitation.
Sec. 60-30. Size limitation.
Sec. 60-31. Method of determining area of sign.
Sec. 60-32. Clearances.
Sec. 60-33. Portable signs.

ARTICLE I.

IN GENERAL

Sec. 60-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

Business purposes means the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in the building or structure or on the property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Commercial or industrial activity means property that is devoted to use for business purposes, and not for residential purposes. "Commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming, and related activities;
- (3) Activities not housed in a permanent building or structure;
- (4) Activities conducted in a building primarily used as a residence.

Curbline means an imaginary line drawn along the edge of the pavement on either side of a public street.

Display surface means the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

Electrical sign means any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

Ground sign means a sign, which is supported by uprights or braces in or upon the ground, including portable signs as defined herein.

Integrated business development shall mean a planned development, comprised of two or more separate commercial entities, whether located on a single lot, tract, or parcel of land or not, which provides common off-street parking, pedestrian ways, landscaping, and/or other areas designed, constructed, and maintained for the common use and benefit of the development's tenants or occupants, and the customers thereof.

Marquee sign means a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

Off-premises sign means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premises sign means any sign identifying or advertising the business, person, activity, goods, products, or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes.

Person means an individual, company, corporation, partnership, association, or any other entity.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.

Projecting sign means any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

Public right-of-way means any part of a right-of-way not privately owned or controlled, and which is the responsibility of the city or other similar public agency to maintain.

Public street means the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Reflectorized lights means any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhomes, patio homes, and apartments; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes if its principal use is residential.

Roof sign means any sign erected, constructed, or maintained above the roof of any building.

Sign means any outdoor display, design, pictorial, or other representation, which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that is designed, intended, or used for advertising. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in this chapter.

Sign facing or facing means a separate and distinguishable portion of the overall display surface.

Sign structure means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

Wall sign means any sign affixed to or painted upon the wall of any building.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-2. Scope; conflicts.

(a) In accordance with the provisions of § 216.902 of the Texas Local Government Code, the provisions of this chapter shall apply to all signs, as that term is defined herein, within the city and shall also extend to and be enforced within the extraterritorial jurisdiction of the city.

(b) Where this chapter shall differ or conflict with article II of chapter 14, adopting the Standard Building Code, or any other ordinance, this chapter will prevail.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-3. Classifications.

(a) For the purpose of this chapter, a sign shall be first classified as either an on-premises sign or an off-premises sign.

(b) All signs shall further be classified into one of the following type signs:

(1) Ground sign;

(2) Marquee sign;

(3) Projecting sign;

(4) Roof sign; or

(5) Wall sign.

(c) Any on-premises or off-premises sign of any type may also be included within one or more of the following additional classifications according to special functions:

(1) Electrical sign;

(2) Portable sign; or

(3) Temporary sign.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-4. Sign administrator and enforcement.

(a) *Sign administrator.* The city manager shall appoint a sign administrator. The sign administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the sign administrator. The sign administrator is directed to enforce and carry out all provisions of this chapter.

(b) *Enforcement responsibility.* The duties of the sign administrator shall include not only the approval of permits as required by this chapter, but also the responsibility of insuring that all signs comply with this chapter and any other applicable law, and that all signs for which a permit is required, do in fact, have a permit. The sign administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses an instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

(c) *Powers of sign administrator.* The sign administrator shall have the power and authority to administer and enforce the conditions of this chapter and all other laws relating to signs. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to the inspection and approval of the sign administrator or delegated representative.
- (2) Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the sign administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Saturdays; provided, however, that in cases of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, and where the owner, agent, or tenant in charge of the property is not available after the sign administrator has made a good faith effort to locate same, the sign administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. Whenever the sign administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this chapter.
- (3) Upon notice and issuance of a stop order from the sign administrator, work on any sign that is being conducted in a manner contrary to the provisions of this chapter or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the sign administrator. Following the issuance of a stop order, the sign administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with subsection (c)(4) of this section, unless the cause of the stop order is resolved to the sign administrator's satisfaction.
- (4) The sign administrator is hereby granted the power and authority to revoke any and all permits authorized by this chapter for violation of the terms and provisions of this chapter.

(d) *Violations and penalties.* Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 1-14.

(e) *Appeals.* Any person wishing to appeal a decision of the sign administrator on the grounds that the decision misconstrues or wrongly interprets this chapter may appeal the same to the city council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the city secretary no less than ten days following the decision appealed from and provided further that the appealing party shall comply with the sign administrator's decision pending appeal unless the sign administrator shall direct otherwise.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-5. Sign permits and fees.

(a) *Permit required.* No person shall erect, construct, or reconstruct a sign without first having secured a written permit from the city to do so, subject to the exceptions in subsection (b).

(b) *Exceptions.*

- (1) *Governmental/public signs.* No permit shall be required under this chapter for signs erected by the city, county, public school district, the state, or other political subdivisions thereof, the federal government, signs otherwise required by federal, state, or local laws, and signs otherwise authorized by the city as public signs.
- (2) *Signs for civic events.* Temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations.
- (3) *Other signs.* On-premises signs of the following descriptions; any sign listed hereunder shall be erected and maintained in a safe condition in conformity with section 60-7, all other city ordinances, and the building codes of the city:
 - a. Signs painted on glass surfaces or windows or doors;
 - b. Wall signs;
 - c. Marquee signs;
 - d. Railroad signs;
 - e. Projecting signs;
 - f. Legal notices and house numbers;
 - g. A sign not over 40 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises;
 - h. Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating of the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the building code.
 - i. Signs displayed, designed, or used for or upon motor vehicles;
 - j. Signs designed and used for display upon or with lighter or heavier-than-air craft;
 - k. Temporary garage sale signs.
- (c) *Application procedure.*
 - (1) The application for a permit shall be submitted in such form as the sign administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with

the provisions of this chapter. Construction permit applications for new ground signs when erected or constructed to heights exceeding 20 feet above ground level, or for new roof signs when erected 20 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the sign administrator at his option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

- (2) Every application shall be executed by both the owner of the premises upon which the sign is to be constructed, or the authorized lessee of such premises, and the sign company, stating that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain a statement of the owner or lessee and the sign company that the sign does not violate any applicable deed restrictions or other similar restrictions on the premises.
- (3) If the location, plans, and specifications set forth in any application for permit conform to all of the requirements of this chapter and other applicable provisions of the building code and other codes, the sign administrator shall issue the permit.

(d) *Existing signs.* All signs lawfully existing on the date of adoption of this chapter, must conform to the requirements of section 60-6 and subsection 60-7(a) through (k). Signs previously erected or in the process of being erected, and lawfully permitted in the city's extraterritorial jurisdiction shall be considered as existing signs under this subsection (d)(1); provided, however, that the date of the first publication of notice for a public hearing (as required by V.T.C.A., Local Government Code § 43.052) regarding the proposed annexation of an area, shall for the purposes of this chapter, be considered the date to determine the applicability of this chapter to any sign within the extraterritorial jurisdiction, as extended by such annexation. Any sign within such area required by any proper authority to be licensed or permitted shall not be considered to have been legally permitted for the purposes of this subsection (d)(1) unless such license or permit has been properly issued.

(e) *Construction permit effectiveness; renewal permit.* Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

(f) *Fees.* Permit fees shall be in accordance with the schedule of fees adopted by the city council.

(g) *No refund of fees.* The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(h) *Electrical signs.* Any electrical sign shall conform fully to the electrical code of the city and shall receive a permit under the provisions of that code.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-6. Sign maintenance and removal.

- (a) All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated

with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures specified elsewhere in this chapter. In case any sign is not so maintained, the sign administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

(b) Should any sign in the opinion of the sign administrator become insecure or in danger of falling or otherwise unsafe, the sign administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the sign administrator in conformity with the provisions of this chapter.

(c) In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this chapter, the sign administrator shall give written notice to the owner, lessee, or person responsible for the sign ordering such owner, lessee, or person to alter the sign so as to comply with this chapter or to remove the sign.

(d) Any written notice to alter or to remove a sign shall be given by the sign administrator by certified mail or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the sign administrator shall revoke the permit and direct the owners, lessee, or person responsible therefore to remove the sign.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-7. Miscellaneous sign provisions.

(a) *Christmas displays.* Christmas displays and similar temporary displays erected without advertising shall not be subject to the provisions of this chapter, but shall be subject to the fire code and rules and regulations for fire safety promulgated by the fire marshal and shall not violate article II of chapter 66.

(b) *Political signs.* No permit shall be required under this chapter for a sign erected solely for and relating to a public election for a period commencing 60 days prior to and for ten days following such public election, provided that such unpermitted sign shall be located on private property only. Such signs shall also comply with article II of chapter 66. If the sign pertains to a runoff or rescheduled election the initial period shall extend until ten days following the runoff or rescheduled election.

(c) *Signs on public rights-of-way.*

(1) With the exception of signs lawfully permitted or erected prior to the effective date of this chapter, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place, or on any public improvement unless express consent therefore shall have first been granted by the city council. However, coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection does not apply to public property leased for private business purposes.

(2) Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted provided that:

- a. The subdivision sign is facing a street which serves as an entrance to the subdivision to which such sign pertains;
- b. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and
- c. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.

(3) Any unlawful sign found on public property, buildings, or structures belonging to the city or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under article II of chapter 66. The sign administrator, employees of the police department and the department of public works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the sign administrator for storage. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the city.

(d) *Signs on private property.* No person shall place a sign on private property or utility easement without the written consent of the owner or agent for the owner of the private property or utility easement.

(e) *Signs resembling official signs.* No sign shall be constructed which resembles any official marker erected by the city, state, or any governmental agency or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal or which by its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop", "look", "danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic is prohibited.

(f) *Sight obstruction at intersections.* No sign shall be erected, constructed, reconstructed, or maintained in violation of the provisions of article II of chapter 66.

(g) *Signs not to obstruct.*

(1) No sign shall be erected, constructed, or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation, or firefighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any part thereof.

(2) No sign shall be attached to any exterior stairway, fire escape, fire tower balcony, or balcony serving as a horizontal exit.

(h) *Signs not to create easements.* No permit for a sign extending beyond private property onto a public street, public sidewalk, or public alley shall constitute a permanent easement, and every such permit shall

be revocable at any time by action of the city council, and the city shall not be liable for any damages to the owner by reason of such revocation.

(i) *Change of ornamental features, electric wiring, or advertising display.* No sign permit is required for the change of any of the ornamental features, electric wiring or devices, or the advertising display of a sign lawfully existing or permitted. This provision shall not release a person from complying with all other applicable permitting requirements of the city, including those of the city building code.

(j) *Signs obscuring or interfering with view.* Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(k) *Proper shielding of lighted signs; interference with drives of motor vehicles.* Signs containing lights which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle, are prohibited.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-8. On-premises sign provisions.

(a) The provisions of this section apply only to on-premises signs.

(b) On-premises signs, including ground signs, wall signs, marquee signs, projecting signs, and roof signs erected, constructed, or reconstructed after the date of adoption of this chapter shall comply with the requirements of this chapter.

(c) On-premises ground signs shall be permitted as follows:

(1) One on-premises ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground signs (on-premises and off-premises) located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one on-premises ground sign.

(2) A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one on-premises ground sign on each frontage, notwithstanding the provisions of subsection (c)(1), provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs (on-premises and off-premises) of 100 feet, measured along the property line at the street frontage.

(3) An integrated business development shall be permitted one on-premises ground sign for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five. Provided, further, if more than one

on-premises ground sign is permitted hereby, there shall be separation between ground signs (on-premises and off-premises) of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.

(Ord. No. 2002-12, § 2, 5-6-02; Ord. No. 2006-18, § 1, 11-20-06)

Sec. 60-9. Off-premises sign provisions.

(a) The provisions of this section shall apply only to off-premises signs.

(b) No new permits shall be issued for off-premises signs and no additional off-premises signs shall be erected except as authorized by this section. Off-premises ground signs shall be permitted upon compliance with the following standards:

- (1) Maximum sign height shall be 12 feet measured from the highest point on the sign to the natural grade level of the ground surface in which the sign supports are placed.
- (2) Maximum sign face area shall be 40 square feet.
- (3) There shall be a minimum separation of 500 feet between the off-premises ground sign and any other off-premises sign, and a minimum separation of 100 feet between the off-premises sign and any on-premises ground sign. Such distance shall be measured by the shortest distance in a straight line between the two signs.
- (4) No off-premises ground sign shall be permitted within 350 feet of an intersection of public streets.
- (5) Signs permitted under this section shall otherwise comply with all applicable requirements of this chapter.

(c) Any off-premises sign structure lawfully erected and maintained which has no copy, transcript, model, likeness, image, advertisement, or written material for 120 consecutive days is hereby declared to be in violation of this section and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation.

(Ord. No. 2002-12, § 2, 5-6-02; Ord. No. 2006-18, § 2, 11-20-06)

Sec. 60-10. Nonconforming signs.

A permanent sign lawfully erected within the city or its extraterritorial jurisdiction prior to the date of adoption of this chapter, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

- (1) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

- (2) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 60 percent of the cost of erecting a new sign of the same type at the same location, it must be removed or brought into compliance with this chapter.

(Ord. No. 2002-12, § 2, 5-6-02)

Editors Note: Ord. No. 2002-12, § 2, adopted May 6, 2002, enacted provisions intended for use as subsections (a) and (b). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (1) and (2).

Secs. 60-11--60-25. Reserved.

ARTICLE II.

DESIGN AND STRUCTURAL REQUIREMENTS

Sec. 60-26. Design.

All signs and sign structures shall be designed and constructed to resist wind forces as follows:

Wind Load Pressures in Pounds per Square Foot for all Signs

Height above ground* (feet)	Pressure (pounds/ft.)
0--5	0
6--30	20
31--50	25
51--99	35
*Measured above the average level of the ground adjacent to the structure.	

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-27. Construction.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the city building code.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-28. Electrical requirements.

All electrical fixtures, equipment, and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the city building code.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-29. Height limitation.

No ground sign shall be established, constructed, or erected which exceeds an overall height of 42 1/2 feet including cutouts extending above the rectangular border, measured from the highest point on the sign to

the natural grade level of the ground surface in which the sign supports are placed. A roof or wall sign shall not at any point exceed eight feet above the roof level.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-30. Size limitation.

No on-premises sign, other than an on-premises wall sign and a ground sign permitted by subsection 60-8(c)(3), shall be established, constructed, or erected which has a face area exceeding 300 square feet, including cutouts, but excluding uprights.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-31. Method of determining area of sign.

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-32. Clearances.

Signs shall be located at a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors, which are energized in excess of 750 volts.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-33. Portable signs.

(a) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports, or other means acceptable to the sign administrator to prevent overturning in high winds.

(b) Portable signs shall, for the purposes of this chapter, be considered nonmobile, nonportable ground signs and thereby are subject to all provisions of this chapter, including the structural requirements, permitting fee requirements, on-premises and off-premises provisions, and all other provisions of this chapter applicable to ground signs unless a provision which applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs shall control.

(Ord. No. 2002-12, § 2, 5-6-02)



↑ **D·R·HORTON** DHI
Listed
NYSE
America's Builder

↑ **MeritageHomes**

↑ **TEXAS
BIG** A MERITAGE
COMPANY

↑ **VILLAGE
BUILDERS**



National Sign Plazas PL49 713-673-2590

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 21, 2012

Topic:

Set Date for Sign Workshop

Background:

At Council's request, City staff is ready to provide information regarding proposed changes to the City's sign ordinance for consideration and possible action at a special-called workshop.

Council is requested to set a date and time for this workshop.

A meeting schedule for regular and special joint Council, Planning and Zoning, the Downtown Advisory Committee meetings is attached, along with the latest timetable from PSA.

Origination:

George Shackelford

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:

Meetings Schedule



MEETINGS SCHEDULE

June 2012

Monday, June 4 – CC/P&Z/DTAC Meeting – 5 PM

Monday, June 4 – Council Meeting – 7 PM

Monday, June 11 – CIPAC Meeting – 5:30 PM

Monday, June 11 – Planning and Zoning – 6 PM

**Monday, June 18 – Council Meeting – 6 PM
(Budget Workshop @ 4 PM or 5 PM?)**

July 2012

**Monday, July 2 – Council Meeting – 6 PM
(Budget Workshop @ 4 PM or 5 PM?)**

Monday, July 9 – Planning and Zoning – 6 PM

**Monday, July 16 – Joint Public Hearing with P&Z and Budget Workshop @ 5 PM?
Council Meeting – 6 PM (Public Hearing on FY 2012-2013 Proposed Budget)
(if 2nd Public Hearing on Budget is necessary, move 1st reading to 8/6/12)
1st reading of Budget Ordinance and Utility Rate Ordinance**

August 2012

**Monday, August 6 – Council Meeting – 6 PM
(Budget Workshop @ 5 PM if 2nd Public Hearing is needed at Council Meeting)
If no additional Public Hearings are required, proceed with
2nd reading of Budget Ordinance and Utility Rate Ordinance – Budget ADOPTED**

**Wednesday, August 8, 2012 – Joint City Council and P&Z Meeting – 5PM or 6PM
(First Reading of Ordinance to Adopt Downtown Specific Plan)**

Monday, August 13 – Planning and Zoning – 6 PM

**Monday, August 20 – Council Meeting – 6 PM
(First Reading of Ordinance to Adopt Downtown Specific Plan)**

September 2012

PSA to produce final deliverables to Council (date to be determined)

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

Set Date and Time for Joint City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting, to Consider the Draft Tomball Downtown Specific Plan, and Move Starting Time for the City Council Meeting on June 4, 2012 to 7:00 p.m.

Background:

The Tomball Downtown Specific Plan will be ready for presentation by Partners for Strategic Action (PSA) and discussion in a joint workshop between City Council, the Planning and Zoning Commission, and the Downtown Tomball Advisory Committee members on June 4, 2012. The workshop is expected to require approximately two hours.

Council is requested to set the date and time for the Joint City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting for June 4, 2012 at 5:00 p.m. and to move the starting time for the City Council Meeting to 7:00 p.m.

A meeting schedule for regular and special joint Council, Planning and Zoning, the Downtown Advisory Committee meetings is attached, along with the latest timetable from PSA.

Origination:

Community Development Department

Recommendation:

N/A

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Meetings Schedule



MEETINGS SCHEDULE

June 2012

Monday, June 4 – CC/P&Z/DTAC Meeting – 5 PM

Monday, June 4 – Council Meeting – 7 PM

Monday, June 11 – CIPAC Meeting – 5:30 PM

Monday, June 11 – Planning and Zoning – 6 PM

**Monday, June 18 – Council Meeting – 6 PM
(Budget Workshop @ 4 PM or 5 PM?)**

July 2012

**Monday, July 2 – Council Meeting – 6 PM
(Budget Workshop @ 4 PM or 5 PM?)**

Monday, July 9 – Planning and Zoning – 6 PM

**Monday, July 16 – Joint Public Hearing with P&Z and Budget Workshop @ 5 PM?
Council Meeting – 6 PM (Public Hearing on FY 2012-2013 Proposed Budget)
(if 2nd Public Hearing on Budget is necessary, move 1st reading to 8/6/12)
1st reading of Budget Ordinance and Utility Rate Ordinance**

August 2012

**Monday, August 6 – Council Meeting – 6 PM
(Budget Workshop @ 5 PM if 2nd Public Hearing is needed at Council Meeting)
If no additional Public Hearings are required, proceed with
2nd reading of Budget Ordinance and Utility Rate Ordinance – Budget ADOPTED**

**Wednesday, August 8, 2012 – Joint City Council and P&Z Meeting – 5PM or 6PM
(First Reading of Ordinance to Adopt Downtown Specific Plan)**

Monday, August 13 – Planning and Zoning – 6 PM

**Monday, August 20 – Council Meeting – 6 PM
(First Reading of Ordinance to Adopt Downtown Specific Plan)**

September 2012

PSA to produce final deliverables to Council (date to be determined)

Regular City Council

Agenda Item

Meeting Date: May 21, 2012

Data Sheet

Topic:

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

- Sec. 551.072 – Deliberations Regarding Real Property

Background:

Origination:

George Shackelford

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	

**Regular City Council
Agenda Item
Data Sheet**

Meeting Date: May 21, 2012

Topic:

Approve 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

Background:

Origination:

George Shackelford, City Manager

Recommendation:

Approval of Purchase

Funding:

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

George Shackelford, City Manager

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

**Regular City Council
Agenda Item
Data Sheet**

Meeting Date: May 21, 2012

Topic:

Approve 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

Background:

Origination:

George Shackelford, City Manager

Recommendation:

N/A

Funding:

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

George Shackelford, City Manager

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

ATTACHMENTS:

Agreement to Purchase and Sell

AGREEMENT TO PURCHASE AND SELL

This Agreement to Purchase and Sell (this "Agreement") is made and entered into by and between Tomball Independent School District (the "Seller"), and the City of Tomball, Texas a home-rule municipal corporation created and operating under the authority of the Constitution and laws of the State of Texas (the "Buyer"). The effective date of this Agreement (the "Effective Date") shall be the first calendar day on which this Agreement has been executed by both the Seller and the Buyer.

1. Purchase of Property. Subject to the terms, provisions, and conditions of this Agreement, the Buyer agrees to purchase, and the Seller agrees to sell, all of the Seller's right, title, and interest in the following property (the "Property"):

Reserve A, Block 9, Tomball Partial Replat (commonly known as 217 W. Main)
HCAD 0352580090006

Reserve B, Block 9, Tomball Partial Replat (commonly known as 221 W. Main)
HCAD 0352580090007

Reserve C, Block 9, Tomball Partial Replat (commonly known as 221 W. Main)
HCAD 0352580090008

More particularly described in Exhibit "A" attached hereto and incorporated herein by this reference for all purposes.

2. Purchase Price. The Property shall be sold by the Seller and purchased by the Buyer for the total purchase price (the "Purchase Price") of TWO-HUNDRED NINETY-NINE THOUSAND NINE-HUNDRED AND NO/100 DOLLARS (\$299,900) payable in cash or in immediately available funds at the closing (the "Closing") of the act of sale under private act conveying the Property to the Buyer (the "Deed").

3. The Deposit. At the time of the execution of this Agreement by the Buyer, the Buyer shall deposit with the Title Company of _____ to the attention of _____ whose mailing address and phone number is _____ the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) (the Deposit). The Deposit shall be applied to the Purchase Price at the Closing. The Deposit shall be held in a non-interest bearing account at a bank, which may be the Seller, acceptable to the Seller. The Seller shall have no responsibility in the case of the failure or suspension of the bank holding the Deposit.

4. Title Examination and Inspection.

(A) The Buyer shall have one-hundred eighty (180) calendar days following the Effective Date (such day period being hereinafter referred to as the "Inspection Period") to do the following, all at the cost and expense of the Buyer:

- (a) obtain a title insurance commitment (the "Commitment") to insure title to the Property from a title insurance company (the "Title Company");

- (b) obtain a survey (the "Survey") of the Property; and
- (c) notify the Seller of any specific defects, encumbrances, or objections to the title to the Property (the "Title Defects") and of the requirements necessary to clear the title.

(B) The Buyer and the Seller agree that the following shall not constitute Title Defects:

- (a) Encroachments, overhangs, covenants, easements, servitudes, leases, restrictions, and reservations affecting the Property that do not adversely affect the Property's normal use; and
- (b) Taxes not yet due and payable.

(C) The Survey shall be conducted by a surveyor registered by the State of Texas and shall be certified correct to the Buyer, the Seller, and the Title Company. A copy of the Survey and the Commitment shall be furnished to the Seller no later than the end of the Inspection Period. If, prior to the end of the Inspection Period, the Buyer fails to obtain the Survey or the Commitment or to notify the Seller of any Title Defects, and the Buyer does not cancel this Agreement pursuant to paragraph 5(E), all Title Defects shall be conclusively deemed to have been accepted by the Buyer, and the Buyer shall take title to the Property subject to the Title Defects. Also, the Buyer shall be conclusively deemed to have accepted any matters affecting or relating to title to the Property, notice of which is not given to the Seller prior to the end of the Inspection Period.

(D) Upon receipt of notice of any Title Defects, the Seller, at the Seller's option, shall have a reasonable time, but no less than thirty (30) calendar days, within which to remedy the Title Defects. If the Seller elects to remedy the Title Defects, the Seller shall notify the Buyer, and the Closing Date set forth in paragraph 6 shall be extended by the number of calendar days specified by the Seller in the Seller's notice to the Buyer. If the Seller elects not to, or cannot, remedy the Title Defects, the Buyer shall have the right to cancel this Agreement. If the Seller is unable, or elects not, to convey title to the Property free of Title Defects, then the Buyer has the right to either cancel this Agreement or to waive the Title Defects and take title to the Property subject to such Title Defects and without a reduction in the Purchase Price. If this Agreement is canceled by the Buyer because of the Seller's election not to remedy, or its inability to remedy, the Title Defects, the Seller's sole obligation shall be to refund the Deposit, and both the Seller and the Buyer shall be relieved and released from any further obligations or liability under this Agreement except for any liability that might arise under the indemnity provisions of this Agreement. It is understood and agreed by the Buyer and the Seller that nothing in this Agreement shall obligate the Seller to incur any expense or to bring any action to clear any Title Defects or to render the title to the Property merchantable.

(E) During the Inspection Period, the Buyer and its representatives shall have the right to enter the Property for the purpose of conducting building surveys, inspections, and such other examinations of the Property as the Buyer wants to conduct, all at the Buyer's cost and expense. The Buyer shall obtain the Seller's prior approval regarding the scope and execution of the inspection, shall repair all damage caused by reason of the inspection, and shall indemnify,

defend, and hold the Seller, the Seller's parent corporation, and the officers, directors, agents, and employees of the Seller or the Seller's parent corporation (collectively, the "indemnified Parties") harmless from any and all costs, losses, attorneys fees, damages, claims, actions, suits, liabilities, judgments, penalties, fines, liens, causes of action, demands, rights, and expenses (collectively, the "Indemnity Claims") in connection with the inspection and examination of the Property, to the maximum extended allowed by the laws and Constitution of the State of Texas. The Buyer shall not interfere with the Seller's operations on the Property or with the operations of the Seller's tenants or occupants, and the Buyer shall give the Seller reasonable advance notice of the inspections and examinations the Buyer plans to conduct on the Property. The Buyer shall be deemed to have approved the condition of the Property, unless the Buyer gives the Seller notice prior to the end of the Inspection Period that the Buyer elects to cancel this Agreement because of the unsatisfactory condition of the Property. If this Agreement is cancelled by the Buyer because of the unsatisfactory condition of the Property, the Seller's sole obligation shall be to refund the Deposit, and both the Seller and the Buyer shall be released from any further obligations or liability under this Agreement, except for any liability that might arise under the indemnity provisions of this Agreement.

5. Closing. Unless additional time is required for the Seller to cure any Title Defects pursuant to paragraph 5(D) or to repair damages to the Property by fire or other casualty pursuant to paragraph 7, the Closing, at the expense of the Buyer, shall take place not later than, 20 (the "Closing Date"), before the Buyer's or the Lender's notary public at a time and place approved by the Seller. All documents to be executed at the Closing must be approved as to content and form by the Seller's attorneys, who may be employees of the Seller, prior to the Closing.

At the Closing the following shall occur:

- (a) All real estate taxes, rentals, and other revenue from the Property, if any, and utility bills shall be prorated to the date of the Closing. All security deposits, if any, in the possession of the Seller and keys to the property in the possession of the Seller shall be turned over to and receipted for by the Buyer. All costs and fees for necessary certificates under Seller's name shall be paid by the Seller. The cost of the Survey, the Commitment, and the title insurance policy issued pursuant to the terms of the Commitment shall be paid by the Buyer to the extent such costs have not already been paid. Buyer shall pay any and all Owners' Association fees resulting from the transfer of the Property from the Seller to the Buyer. No proration shall be made with respect to delinquent rentals, if any, existing as of the date of the Closing, but the Buyer shall make a good faith effort to collect such rentals for the Seller's benefit after the Closing. However, the Buyer shall not be required to institute any lawsuit to collect the rentals. Any delinquent rentals collected after the Closing shall be remitted promptly to the Seller after they are received by the Buyer, but the Buyer may apply collections for delinquent rentals first to rentals then due for any period after the Closing. The Buyer will have no obligation to attempt to collect rentals that are more than

ninety (90) calendar days delinquent prior to the Closing.

- (b) The Seller shall execute and deliver to the Buyer the Deed conveying all of the Seller's right, title, and interest in the Property to the Buyer. The Deed shall contain the waiver and exclusion of warranties provided for in paragraph 9 below. The Deed shall include an assignment by the Seller of the Seller's right, title, and interest in any leases affecting the Property (the "Leases") and of the Seller's obligations under any service contracts and other agreements affecting the Property (the "Contracts").
- (c) The Buyer shall deliver or cause to be delivered to the Seller at the time of the Closing the Purchase Price in cash or in immediately available funds.
- (d) The Buyer shall execute the Deed, agree to assume all of the obligations of the Seller arising after the Closing under the terms of any Leases or Contracts, and agree to indemnify, defend, and hold the Indemnified Parties harmless against any and all Indemnity Claims arising out of or under the Leases or the Contracts after the Closing.
- (e) The Buyer shall deliver to the Seller legally sufficient evidence that each person executing the Deed and all other documents (the "Other Documents") executed at the Closing has full right, power, and authority to execute the Deed and the Other Documents.

6. Damage, Destruction, or Condemnation. (A) The risk of loss or damage by fire or other casualty to the Property until the Closing is assumed by the Seller. In the event such loss or damage occurs prior to the Closing, the Seller may, at its option, by giving notice to the Buyer within a reasonable period after the loss or damage occurs, extend the Closing Date for a reasonable period not to exceed sixty (60) calendar days after the occurrence of the loss or damage to enable the Seller to repair or replace the loss or damage. If the Seller does not repair or replace the loss or damage prior to the Closing Date, as it may have been extended, the Buyer shall have the option (1) to terminate this Agreement, in which case the Seller shall refund to the Buyer the Deposit, and both parties shall be released and relieved from any further obligation or liability under this Agreement except for any liability that might arise under the indemnity provisions of this Agreement, or (2) to complete the purchase in accordance with the terms of this Agreement, in which case all insurance proceeds recovered on account of the loss or damage shall be paid to the Buyer, provided, however, that if insurance proceeds are not yet available, all of the Seller's claims for the proceeds shall be assigned to the Buyer, and the Buyer shall take title to the Property without reduction of the Purchase Price. If the Buyer does not exercise one of the foregoing options by written notice to the Seller received by the Seller before the extended Closing Date, the Buyer shall be conclusively deemed to have exercised its option to complete the purchase in accordance with the terms of this Agreement. Nothing in this Agreement shall obligate the Seller to perform any repairs or curative work relating to the Property.

(B) If, prior to the Closing, all or a substantial part of the Property is condemned by a governmental or other authority, the Buyer shall have the option to (1) terminate this Agreement, in which case the Seller shall refund to the Buyer the Deposit, and both parties shall be released

and relieved from any further obligation or liability under this Agreement except for any liability that might arise under the indemnity provisions of this Agreement, or (2) to complete the purchase in accordance with the terms of this Agreement, in which case all condemnation proceeds shall be paid to the Buyer, provided, however, that if the condemnation proceeds are not yet available, all of the Seller's claims for the proceeds shall be assigned to the Buyer, and the Buyer shall take title to the Property without reduction of the Purchase Price. If the Buyer does not exercise one of the foregoing options by notice to the Seller received by the Seller before the Closing Date, the Buyer shall be conclusively deemed to have exercised its option to complete the purchase in accordance with the terms of this Agreement.

7. Default. If the Buyer defaults under the terms of this Agreement, the Seller shall be entitled to retain the Deposit as liquidated damages, whereupon this Agreement shall become null and void, and neither party shall have any further rights against the other, except for any liability that might arise under the indemnity provisions of this Agreement or the Seller shall be entitled to specific performance of this Agreement. If the Seller defaults in the performance of this Agreement, the Buyer shall be entitled to the return of the Deposit, whereupon this Agreement shall become null and void, and neither party shall have any further rights against the other, except for any liability that might arise under the indemnity provisions of this Agreement or the Buyer shall be entitled to specific performance of this Agreement. If the Seller employs legal counsel to enforce any of the terms of this Agreement, the Buyer shall pay all court costs, attorneys' fees, and witness fees incurred by the Seller in connection with the enforcement of this Agreement.

8. Waiver and Negation of Warranties. The Seller has given notice to the Buyer that the Property may contain materials, conditions, or substances that affect the Property that are regulated or prohibited by federal, state, or local laws, rules, regulations, codes, ordinances, judgments, orders, decisions, directives, or guidelines relating to (a) the use or condition of the Property, (b) activities conducted thereon, (c) the environment, (d) flammable, explosive, carcinogenic, toxic, or hazardous materials, wastes, or substances, including, without limitation, petroleum, its products, by products, and derivatives, other hydrocarbons, oil, crude oil, natural or synthetic gas, polychlorinated biphenyls, asbestos, urea formaldehyde, radon, radioactive materials, and thermal irritants, (collectively, "Hazardous Materials"), (e) health, or (f) safety, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq., the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6901 et seq., the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 U.S.C. § 1251 et seq., the Toxic Substances Control Act of 1976, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. § 2601 et seq., the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. § 11001 et seq., the Clean Air Act of 1966, 42 U.S.C. § 7401 et seq., the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, the Endangered Species Act of 1973, 16 U.S.C. § 1521, et seq., the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 et seq., the Safe Drinking Water Act of 1974, 42 U.S.C. § 300(f) et seq., the Hazardous Materials Transportation Act, 49 U.S.C.

§ 1801, et seq., the Pollution Prevention Act of 1990, 42 U.S.C. § 13101 et seq., and any and all Texas acts or laws, as all of the foregoing statutes have been and hereafter may be amended from time to time, (collectively, the "Environmental Laws"). Therefore, because the Seller will sell the Property to the Buyer only on an "as is" basis without any warranty or recourse of any kind whatsoever, the Seller and the Buyer agree that anything in this Agreement or otherwise to the contrary notwithstanding, but subject to Texas law;

- (a) The Buyer shall be given the opportunity during the Inspection Period to inspect, examine, and investigate each and every aspect of the Property either independently or through agents of the Buyer's choosing. In the Deed, the Buyer shall acknowledge that it has inspected, examined, and investigated or been given the opportunity to inspect, examine, and investigate the physical condition of the Property, including, without limitation, the interior, the exterior, the structure, the paving, the utilities, and all other physical and functional aspects of the Property. The Buyer shall also acknowledge in the Deed that it has inspected, examined, and investigated or been given the opportunity to inspect, examine, and investigate the Property for the presence or absence of Hazardous Materials. The Buyer shall assume in the Deed the risk of all adverse past, present, or future physical characteristics and conditions of the Property whether or not they may have been revealed by its inspection, examination, or investigation.
- (b) The Seller makes and shall make to the Buyer no warranty regarding the Property of any nature, kind, or character whatsoever, either expressed or implied, including without limitation, any warranty as to (1) the quality, nature, adequacy, and physical condition of the Property, including, but not limited to, the structural elements, foundation, roof, appurtenances, access, landscaping, parking facilities, and electrical, mechanical, HVAC, plumbing, sewage, and utility systems, facilities, and appliances, (2) the quality, nature, adequacy, and physical condition of soils, geology, and any groundwater, (3) the existence, quality, nature, adequacy, and physical condition of utilities serving the Property, (4) the development potential, income potential, or operating expenses of the Property, (5) the Property's value, use, habitability, or merchantability, (6) the fitness, suitability, or adequacy of the Property for any particular use or purpose, (7) the zoning or other legal status of the Property or any other public or private restrictions on the use of the Property, (8) the compliance of the Property or its operation with all applicable codes, laws, rules, regulations, statutes, ordinances, covenants, judgments, orders, directives, decisions, guidelines, conditions, and restrictions (collectively, the "Laws") of any governmental or quasi-governmental entity or of any other person or entity, including, without limitation, the Environmental Laws, (9) the presence of Hazardous Materials on, under, or about the Property or the adjoining or neighboring property, (10) the quality of any labor and materials used in any improvements included in the Property, (11) the title to the Property, (12) any leases, service contracts, or other agreements affecting the Property, (13) the economics of the operation of the Property, (14) the freedom of the Property, including all improvements located

thereon, from vices or defects, (15) the freedom of the Property from either latent or apparent defects, (16) peaceable possession of the Property, (17) environmental matters of any kind or nature whatsoever relating to the Property, including all improvements located thereon, and (18) any other matter or matters of any nature or kind whatsoever relating to the Property.

- (c) The Property shall be conveyed by the Seller to the Buyer a General Warranty Deed.

10. Notices. Any notice required or permitted to be given under this Agreement shall be in writing and must be given by depositing the notice in the United States mail, addressed to the party to be notified, postage prepaid and certified with return receipt requested, by sending the notice by overnight courier service to such party, or by delivering the notice in person to such party, or by sending by facsimile. For purposes of notice, the addresses and facsimile phone numbers of the parties shall be as follows:

Seller: Tomball Independent School District

Attn:

Buyer: City of Tomball, Texas

Attention: City Manager
401 Market Street
Tomball, Texas 77375
(281) 351-5484

11. Successors and Assigns. This Agreement shall inure to the benefit of and be binding on the Seller and the Buyer and their respective heirs, legal representatives, successors, and assigns. Notwithstanding the foregoing, the Buyer shall not have the right to assign this Agreement, or any of the Buyer's rights or obligations under this Agreement, without the prior written consent of the Seller.

12. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any claims arising under this Agreement shall be exclusively in state and federal courts located in Harris County, Texas.

13. Heading and Captions. The headings and captions in this Agreement are for convenience only and shall not be deemed in any way to modify the substantive provisions of this Agreement,

14. Time of Essence. Time is of the essence of this Agreement.

15. Entire Agreement. This Agreement constitutes the entire agreement of the Buyer and the Seller concerning the sale of the Property. This Agreement may only be amended by a written document executed by the Buyer and the Seller.

16. Invalid Provisions. If any provision of this Agreement or the application of the provision to any person, entity, or circumstance is or becomes, to any extent, invalid or unenforceable, the remainder of this Agreement shall not be affected and shall remain fully enforceable in accordance with its terms.

17. Binding offer. If this Agreement has not been signed by the Buyer and the Seller within thirty (30) calendar days after it was executed by the first party to execute it, this Agreement shall be null and void.

18. Interlocal Agreement. Each party to this agreement shall pay any and all obligations arising under this agreement from current revenues available to such party.

This Agreement has been duly executed by the parties on the dates set forth below.

SELLER: Tomball Independent School District

By: _____
Name: _____
Title: _____
Date: _____, 2012

BUYER: City of Tomball, Texas

By: _____
Gretchen Fagan, Mayor
Date: _____

ATTEST:

Doris Speer, City Secretary