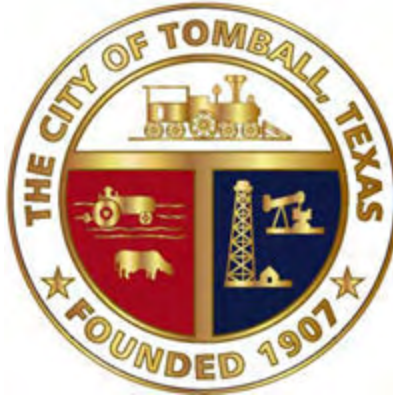


**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, FEBRUARY 6, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, February 6, 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 Abraham Jasso, Templo La Hermosa

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Reports and Announcements

- 2011 Tomball Police Department Annual Data Capture Report (SB 1074); report will be provided to Council and media at the meeting
- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday)
- February 4 through March 5, 2012 – Dates to File Application for Place on May 12, 2012 Ballot
- **Mayor's Coffee – Thursday**, February 9, 2012 – **Sol de Luna** (Cisco Salsa's banquet room), 207 Commerce – 5:00 p.m.
- February 20, 2012 – Appointments to Board of Adjustments for terms expiring 3/2/2012
- February 21, 2012 – **Trail Rider Reception** at the Depot – 1:00 p.m.
- February 29, 2012 – Deadline to Purchase Pavers for the Tomball Depot Fountain
- March 5, 2012 – Last Day to File Application for Place on May 12, 2012 Ballot – 5:00 p.m.
- March 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2012 – Candidate Orientation (tentative date)
- April 14, 2012 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 23-28, 2012 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 28, 2012 – Annual **Tomball Clean-up Recycling Day – E-Waste and Drug Take-Back Program**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- New Tomball online storefront at CafePress: **"Tomball - Texan for Fun"** at <http://www.cafepress.com/tomballtexanforfun>
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Glenn Windsor - Quarterly Investment Report for Quarter Ending December 31, 2011. The Texas Public Funds Investment Act requires that a report on investments be presented to the City Council on a quarterly basis. A report on our investments at 12/31/2011 is attached. The report presents information on each investment, the diversity of our portfolio, our various earnings rates, and the different maturities of each investment.
 - David Kauffman – Update on Pine Street No. 1 Water Well

6.0 Approve the Minutes of the January 16, 2012 Regular City Council Meeting

7.0 Old Business:

7.1 Approve on First Reading, Ordinance No. 2012-01, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Amending Section 45.2 ("Definitions") by Revising the Definition of "Recreational Vehicle (RV) Park/Campground" by Eliminating the Maximum Amount of Time a Recreational Vehicle, Travel Trailer, or Similar Vehicle can Reside, Park, or Lease Space in a Recreational Vehicle Park or Campground; Providing for Severability; Providing for a Penalty of an Amount not to exceed \$2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

7.2 Adopt, on First Reading, Ordinance No. 2012-02, an Ordinance of the City

Council of the City of Tomball, Texas, amending Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing any Reference to Recreational Vehicle Parks; amending Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing the Minimum Recreational Vehicle Unit Size, Removing the Requirement to have a Fence or Wall Constructed on the Two Sides and Rear of a Recreational Vehicle Park, Removing the Requirement that Recreational Vehicle Parking Pads be Constructed a Minimum of 20 Feet from an Adjacent Recreational Vehicle Unit Boundary and Replacing It with Language Allowing Recreational Vehicle Parking Pads to be a Minimum of 20 Feet Apart, and Removing the Requirement that Walkways be Constructed between the Recreational Vehicle Park Streets to all Community Facilities Provided for Park Residents and to all Service Buildings.

7.3 Discussion of City Sidewalks Update - Country Meadows Subdivision

7.4 Discussion of City Sidewalks Update - Spring Pines Estates

8.0 New Business:

8.1 Approve Request by The Regional Arts Council (TRAC) for Financial Support for Six Performances of "The Nutcracker" Ballet, held December 9-11, 2011, in the Amount of \$11,200.00

8.2 Approve Request for Grant Funding for Production of a City of Tomball Mascot Costume, in an Amount not to Exceed \$6,000.00

8.3 Approve Funding Request for the Tomball Honky Tonk Music Festival, to be Held on Saturday, March 24, 2012, in the Amount of \$13,000.00

8.4 Approve Funding Request for Spring **Art Walk, Tomball** and Afternoon Concert Event Scheduled for Saturday, April 21, 2012, in the Amount of \$5,000.00

8.5 Approve Request by the Tomball Lions Club for Support and Road Closures for the 2012 Annual Car Show, to be held Sunday, April 22, 2012

8.6 Approve Funding Request for the Rails & Tails Mudbug Festival at Depot Plaza, to be held May 5 and 6, 2012, for the Estimated Amount of \$26,000.00

8.7 Approve Funding Request for the Memorial Day Weekend Chili Challenge, Saturday, May 26, 2012 at Depot Plaza, in the Amount of \$7,500.00

8.8 Approve Professional Services Agreement with Jones & Carter, Inc. for Engineering Services for the Design and Construction for the Pine Street

Water Plant Emergency Generator, for a Not to Exceed Cost of \$50,000.00.

- 8.9 Request from Jacqueline Angelo for the City of Tomball to Apply for Grant Assistance for 13142 Holderrieth Road
- 8.10 Approve Agreement Letter to PAR Real Estate Holdings Regarding the Proposed Final Plat for "Tomball 2920", Approximately 59.8577 Acres.
- 8.11 Approve **TOMBALL 2920 FINAL PLAT**; A 59.790 acres tract of land being all of a called 13.97 acre tract, a called 37.024 acre tract, a called 8.383 acre tract, and a called 0.528 acre tract recorded in Harris County Clerk's File No. 20090504626 of the official public records of Harris County, in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 8.12 Approve **D'ANDREA SUBDIVISION REPLAT**: Being a Replat of Lot 1 and Lot 3 of D'Andrea Subdivision, Recorded under Harris County Film Code Number 474061, Map Records, Harris County, Texas, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.
- 8.13 Set Workshop Date and Time to Discuss/Consider the Medical Complex Project
- 8.14 Receive the City Manager's Vested Rights Determination Letter dated February 6, 2012, regarding 647 James Street
- 8.15 Adopt Resolution No. 2012-03 with Harris County for the Sharing of Resources in the Event of a Disaster and Authorize the Mayor to Execute the Bi-Annual Joint Resolution between the City of Tomball and Harris County, Documenting the Intentions of the City and the County to Work Together to Mitigate the Effects of Disaster Incidents Impacting Our Area.
- 8.16 Approve Request by Tomball Fire Department to Apply for a Two-Year Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$613,257.53 Annually
- 8.17 Consider and Act on the Creation of a Formal Rank Structure for Current and Future Full-Time Firefighter Positions.
- 8.18 Approve the Promotion of Current Full-Time Firefighters for up to Three Lieutenant Positions and up to Three Driver/Operator Positions.

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 2nd day of February 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer

City Secretary, TRMC

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

- 2011 Tomball Police Department Annual Data Capture Report (SB 1074); report will be provided to Council and media at the meeting
- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday)
- February 4 through March 5, 2012 – Dates to File Application for Place on May 12, 2012 Ballot
- **Mayor's Coffee – Thursday**, February 9, 2012 – **Sol de Luna** (Cisco Salsa's banquet room), 207 Commerce – 5:00 p.m.
- February 20, 2012 – Appointments to Board of Adjustments for terms expiring 3/2/2012
- February 21, 2012 – **Trail Rider Reception** at the Depot – 1:00 p.m.
- February 29, 2012 – Deadline to Purchase Pavers for the Tomball Depot Fountain
- March 5, 2012 – Last Day to File Application for Place on May 12, 2012 Ballot – 5:00 p.m.
- March 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2012 – Candidate Orientation (tentative date)
- April 14, 2012 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 23-28, 2012 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 28, 2012 – Annual **Tomball Clean-up Recycling Day – E-Waste and Drug Take-Back Program**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- New Tomball online storefront at CafePress: **"Tomball - Texan for Fun"** at <http://www.cafepress.com/tomballtexanforfun>
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Glenn Windsor - Quarterly Investment Report for Quarter Ending December 31, 2011. The Texas Public Funds Investment Act requires that a report on investments be presented to the City Council on a quarterly basis. A report on our investments at 12/31/2011 is attached. The report presents information on each investment, the diversity of our portfolio, our various earnings rates, and the different maturities of each investment.
 - David Kauffman – Update on Pine Street No. 1 Water Well

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

2011 Tomball Police Department Annual Data Capture Report

Mayor's Coffee - February 9, 2012

Depot Fountain Splash Pad Paver Application

2nd Saturday at the Depot - February 11, 2012

Quarterly Investment Report - Period Ending December 31, 2011

**TOMBALL POLICE
DEPARTMENT**

ANNUAL CONTACT DATA REPORT



2011

POLICE CONTACT DATA

OPENING STATEMENT



TOMBALL POLICE DEPARTMENT

Chief Robert S. Hauck

400 Fannin St., Tomball, TX 77375

Phone: (281) 351-5451 Fax: (281) 351-2615

<http://www.tomballpd.com>



February 1, 2012

Honorable Mayor and City Council
401 West Market Street
Tomball, TX 77375

RE: Annual Data Capture "Racial Profiling" Report

Dear Mayor and Councilmen:

Since January 1, 2002, the Tomball Police Department, in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data as it relates to identifying and responding to any concerns of racial profiling practices by our officers. We hope that the findings provided in this report will serve as evidence that the Tomball Police Department continues to maintain strong and positive relation with the community we serve.

In this report, you will find several sections designed to provide information on the rationale and objectives of the Texas Racial Profiling Law, and other sections related to information relevant to the policies adopted by the Tomball Police Department. This report also contains supporting documentation that demonstrates compliance with the Texas Racial Profiling Law. Further, the information contained within this report demonstrates the existence of an institutional policy banning racial profiling, and the implementation of a racial profiling complaint process.

The final section of this report provides statistical data relevant to the public contacts made during the period of January 1, 2011 through December 31, 2011. This information has been analyzed and compared to both the U.S. Census Bureau and the Texas Department of Public Safety data on motorists and citizens residing in the 77375 zip code. It is my hope that the information provided within this report helps you better understand the commitment of the Tomball Police Department to continually strengthen the positive relationship with the community leaders whom we represent and the citizens we serve.

Yours truly,

A handwritten signature in blue ink, reading "R. S. Hauck".

Robert S. Hauck
Chief of Police

TABLE OF CONTENT

TOMBALL POLICE DEPARTMENT

S.B. No. 1074 ANNUAL REPORT

2011



Table of Contents

(I) Introduction

- a) Opening Statement
- b) Table of Contents
- c) TCLEOSE Guidelines
- d) Historical and Demographical Information
- e) Partnership with the community and mission statement

(II) Responding to the Texas Racial Profiling Law

- a) Institutional Policy on Racial Profiling
- b) Educational Campaign Relevant to the Complaint Process—
Addressing Allegations of Racial Profiling Practices
- c) Racial Profiling Training of Law Enforcement Personnel
- d) Report on Complaints Filed Against Officers for Violating the Racial
Profiling Law (includes outcome of investigation)
- e) Police (Traffic-Related) Contact Information Table (2010)
- f) Video/Audio Equipment Usage
- g) Analysis and Interpretation of Data (2010)

(III) Summary

- a) Checklist
- b) Contact Information
- c) Recommendations

TCLEOSE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier One reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

HISTORICAL AND DEMOGRAPHICAL INFORMATION

Background Information

The City of Tomball

The City of Tomball was named in honor of Mr. Thomas H. Ball, who was a lawyer, banker, and a three- term mayor of Huntsville, Texas, and a four-term U.S. Congressman. He was instrumental in bringing the railroad system through Tomball. On December 02, 1907 in his honor, the name of the City known to all as Peck, Texas was changed to the City of Tomball.

The original settlers, who came to then Peck, Texas in the 1840's and 1850's, sought the "land of their dreams." These people wished to raise their families in peace, enjoy the freedom of worship and the freedom to have occupational choices without the system that discriminated against the mercantile industry and laboring class. The City of Tomball is rich with history and has a bright future; it is a community with traditional family values, advancing technology, and geographic significance.

The Tomball Police Department

During the 1940's and 1950's, the County Sheriff and a night watchman provided the protection for the City of Tomball. The first Chief of Police for the City of Tomball was hired in 1957, but it was not until 1976 that a city ordinance was passed, making it possible for the City to create the Tomball Police Department.

The Tomball Police Department today, is made up of a diversified group of men and women, who provide quality service to all residents of the City of Tomball. In 2002 the City of Tomball adopted policy in accordance with Senate Bill 1074 "Racial Profiling", in which the department prohibits any practice of racial profiling by any member of the Tomball Police Department.

Tomball Area Historic and Demographical Information

**Overall Population: 50,151
(Census 2010)**

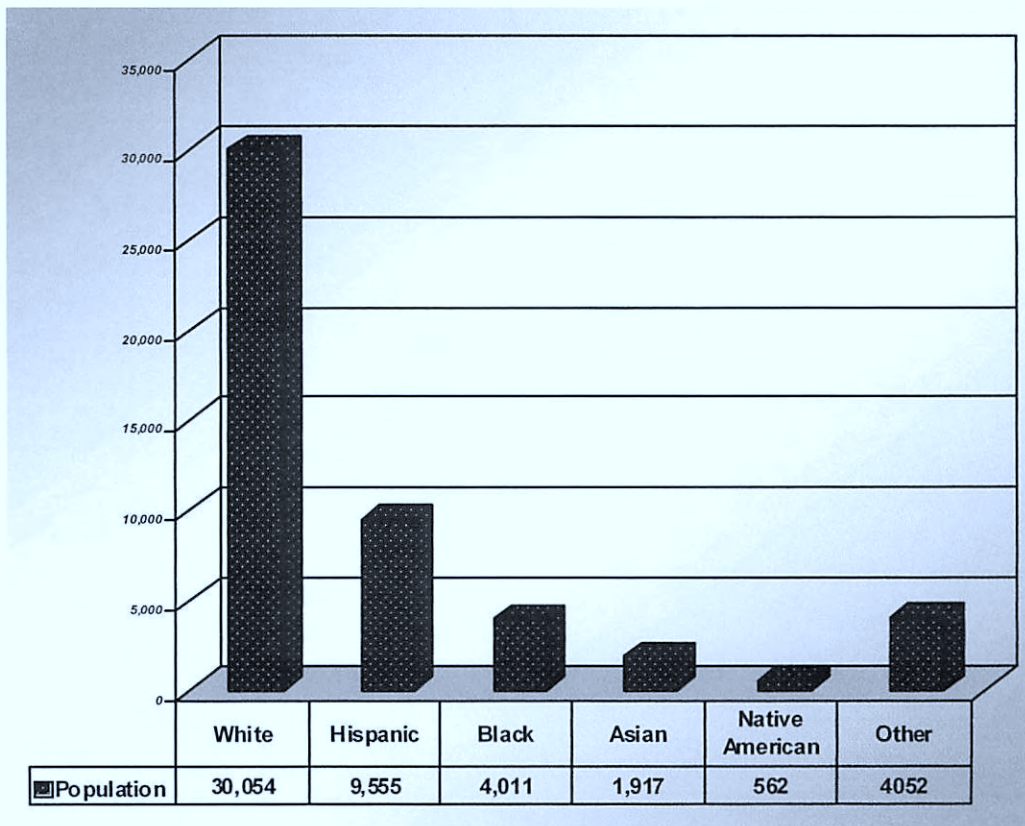


Figure1

Percentages

White	59.92%	Hispanic	19.05%
Black	7.99%	Asian	3.82%
Native American	1.12%	Other	8.07%

(Population information obtained from 2010 Census database for 77375 Zip Code)

**PARTNERSHIPS
WITH
COMMUNITY
MISSION STATEMENT**

The men and women of the Tomball Police Department created partnerships with all segments of the local community in order to build trust and confidence.

The Tomball Police Department again this year provided local children with the opportunity during the Christmas holidays to “Shop With A Cop” This long standing program affords those children from families who are experiencing financial difficulty the opportunity to spend a few hours with officers and other personnel from this department shopping at the local Wal-Mart.

Over the past few years, efforts have increased tremendously to reach out to all citizens of Tomball. In 2010 we successfully launched our first Explorer program for youth. This program is designed as a learning tool for life’s career and education for young men and women. The programs purpose is to provide experiences to help young people to mature and prepare them for the responsibly of adult life. We also completed our seventh adult Citizens Police Academy. These academies and youth programs promote citizen awareness and understanding of law enforcement functions. It also creates an open, positive relationship between the members of the Tomball Police Department and the citizens we serve.

Another program initiated was the Tomball Apartment Mangers Group. (T.A.M.G) This program has us to build a partnership between law enforcement, property owners, property managers and the residents. The goal is to improve the quality of life for residents of these multi-family dwellings. The program calls for a close working relationship between apartment mangers and law enforcement to reduce criminal activity and police calls for service to these locations.

Among the programs we offer (R.A.D.) Rape Aggression Defense is one of the most popular. This program is for women and taught by certified instructors to women’s groups in the Tomball schools, hospital, and any other setting where they could become possible victims of rape. The program is designed for women who are willing to consider as a viable option, defense in situations where their life is in jeopardy.

Tomball Police Department

Mission Statement

The mission of the Tomball Police Department is to protect and serve the citizens of Tomball. As members of the Tomball Police Department, we dedicate ourselves to providing fair impartial and ethical police service to all members of the community with the highest degree of integrity, professionalism and respect.

Oath of Honor

On my Honor I will never betray my Profession, my integrity, my Character, or the Public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution, my community, and the Agency I serve.

INSTITUTIONAL POLICY ON RACIAL PROFILING



DIRECTIVE

TOMBALL POLICE DEPARTMENT

RACIAL PROFILING

Issued: December 27, 2001

Revision Date: November 15, 2002

I. PURPOSE:

The purpose of this directive is to affirm the Tomball Police Department's commitment to unbiased policing; to provide guidelines for officers in their enforcement of local, state and federal laws; to ensure that citizen contacts are performed in a professionally unbiased manner, and to safeguard and protect the rights of officers and citizens alike in the legitimate performance of our law enforcement mission.

II. POLICY:

It is the policy of the Tomball Police Department to police and protect the community in a proactive manner, to aggressively investigate suspected violations of law, suspicious persons and circumstances, and to actively enforce local, state, and federal law in a responsible and professional manner without regard to race, ethnicity or national origin. The practice of "Racial Profiling" by any member(s) of the Tomball Police Officers is unacceptable and strictly prohibited in the performance of an officer's duties; including traffic contacts, field contacts, criminal investigations and in asset seizure/forfeiture efforts.

III. DEFINITIONS:

- A. Racial Profiling: A law enforcement initiated action based upon an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- B. Reasonable Suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch and is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his / her training and experience, and/or reliable information received from a credible outside source.
- C. Race or ethnicity: Means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

- D. Pedestrian Stop: An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- E. Department: Shall mean the Tomball Police Department.

IV. PROCEDURES:

- A. No person shall be detained without reasonable suspicion except where otherwise provided for in the law; i.e. detaining those individuals who present an immediate danger to themselves or to prevent injury.
- B. Officers shall make arrests only on the basis of probable cause that an individual has committed a specific offense.
- C. Each police vehicle regularly used to make traffic stops will record each traffic stop using audio/video equipment, if so equipped.
- D. Race, ethnicity, or national origin *may be* legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching or detaining, but at no time will it be the sole factor in justifying the stop or detention.
- E. This directive shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be lost, ill or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

V. REQUIREMENTS FOR TRAFFIC STOPS:

- A. Effective January 1, 2002, a peace officer who makes a traffic stop which results in the issuance of a citation or an arrest, shall record and report the following information:
 - 1. The race or ethnicity of the individual detained; and
 - 2. Whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to the search.

VII. COMPILATION AND REPORTING OF INFORMATION COLLECTED:

- A. The Department shall compile the information received in the reports collected under Section V. and submit an annual summary report to its governing body no later than March 1 of each year.
- B. This report will not include identifying information about a Tomball Police Officer who makes a stop or an individual who is stopped or arrested by the police officer.

VIII. EXEMPTION OF REPORTING REQUIREMENTS WHEN USE OF POLICE VIDEO AND AUDIO EQUIPMENT:

- A. A Tomball Police Officer is exempt from the reporting requirements under C.C.P. Article 2.133 and the Department is exempt from the compilation, analysis, and reporting requirements under C.C.P. Article 2.134 if:
 - 1. The Tomball Police Department police vehicle regularly used to make traffic and pedestrian stops is equipped with a video camera and the voice activated microphone equipment.
 - 2. Each traffic and pedestrian stop capable of being recorded is recorded; or
 - 3. The governing body of the City of Tomball and the Tomball Police Department certifies to the Department of Public Safety that the agency needs funds for equipment and the department does not receive sufficient state funds or equipment, as determined by DPS, to accomplish the purposes of this requirement.
- B. The Department shall retain the video and audio equipment documentation of each traffic or pedestrian stop for at least 90 days after the date of the stop. The tapes will be properly labeled with the start/end dates of recording and kept in a secured cabinet.
- C. Any police vehicle as defined in Section VII. A. (1.) (2.) that is found to have inoperable video/audio equipment will not be placed into service for normal patrol duty or used for traffic or pedestrian stops until the equipment is repaired or replaced and fully capable of video/audio recording.
- D. If a complaint is filed with the department alleging that a Tomball Police Officer has engaged in racial profiling with respect to a traffic or pedestrian stop, the department shall retain the video and audio recording of the stop until final disposition of the complaint.

IX. COMPLAINTS OF RACIAL PROFILING:

- A. An individual stopped, detained or arrested on the basis of suspected racial profiling or other improper treatment may file a complaint with the Tomball Police Department. No member of the department shall discourage, intimidate, or coerce any individual from filing such a complaint, nor discriminate against the person for filing such complaint.
- B. Any officer contacted by a person who wishes to file a complaint regarding racial profiling shall obtain the name and phone number of the person making the complaint, if they will provide it, and forward this information to his/ her immediate supervisor.
- C. Police Supervisors shall investigate all complaints of alleged racial profiling. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the investigating supervisor shall, upon commencement of the investigation of the complaint and upon written

notification by the officer, promptly provide a copy of the recording to the peace officer that is subject of the complaint. All such complaints shall be reviewed within a reasonable period of time and the results of the investigation and review shall be filed with the Chief of Police and the complainant notified of the outcome.

- D. The department shall provide education to the public concerning the racial profiling complaint process through its public information officer or person designated by the Chief of Police.

X. REVIEW PROCESS:

The Chief of Police or his designee shall appoint a committee consisting of at least two individuals, including one person of supervisory rank, to periodically review randomly selected sampling of video and audio recordings made recently by peace officers employed by this department. Any specific incident meriting further consideration for racial profiling review by this process shall be forwarded to the Chief of Police for an Internal Affairs unit review. The committee shall prepare a written report of their finding after each meeting for the Chief of Police. An annual administrative review of agency practices including citizen concerns will be conducted at the direction of the Chief of Police.

XI. CORRECTIVE ACTION:

- A. The prohibition against racial profiling, as stated before, does not preclude the use of race, ethnicity, or national origin as factors in a detention decision; however detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:
- Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity, or national origin.
 - Detaining the driver of a vehicle based on the determination that a person of that particular race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
 - Detaining an individual based upon the determination that a person of that particular race, ethnicity or national origin does not belong in a specific part of town or a specific place.
- B. Any Tomball Police Officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include a counseling, reprimand, diversity/sensitivity training or other appropriate training, paid or unpaid suspension; termination of employment, or other action(s) as deemed appropriate by the Chief of Police.

XII. TRAINING OF ENFORCEMENT PERSONNEL:

- A. All officers shall complete a TCLEOSE training and education program on racial

profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 01, 2003.

- F. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
- G. An individual appointed or elected as a Police Chief before the effective date of this Act shall complete the program on racial profiling establish under Subsection (j), Section 96.641, Education Code, as added by this act, not later than September 01, 2003.

XIII. PRIOR ORDERS:

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.

**ADDRESSING ALLEGATIONS
OF RACIAL PROFILING
PRACTICES
AND
INFORMING THE PUBLIC
ON COMPLAINT PROCESS**

Addressing Allegations of Racial Profiling

The purpose of the Tomball Police Department is to serve the citizens and visitors of the City of Tomball. While providing guidance and direction through written policy and procedure, it is realized that no directive or policy manual can address every possible incident that an officer may face, while performing his or her complex duties. The officers within this department are granted a certain amount of discretion in order to adjust to unusual or unpredictable situations. Sometimes, during those situations, it may cause concern on the part of a citizen, resulting in a wish to file a complaint.

The Tomball Police Department is sincerely interested in the welfare of all citizens and in taking action where its employees have acted or behaved in violation of the policies, procedures and practices of the department, including those of Racial Profiling. If an individual wishes to file a complaint it will be reviewed, and Investigated. All complaints will be handled thorough and timely.

Educational Campaign

In accordance with Senate Bill 1074, the Tomball Police Department has made significant efforts to launch an educational campaign aimed at informing the public on issues relevant to the complaint process as it pertains to any complaint including Racial Profiling.

Each year in the local paper and in the lobby of the Tomball Police Department a press release is made available informing the public that the department is actively seeking public feedback regarding our implementation efforts in compliance with Senate Bill 1074, additionally we make this information available via our web site and through word of mouth. We ask for any questions or concerns regarding this matter or any other matter That may improve the way we services all segments of the community.



PRESS RELEASE

#122811
TOMBALL POLICE DEPARTMENT



400 Fannin, Tomball, Texas 77375
(281) 351-5451 Fax: (281) 351-2615

For Immediate Release

Date: December 28, 2011
Contact: Captain Anthony Solomon
Phone: (281) 351-5451, ext 1328

“Citizen Input: Senate Bill 1074 - Racial Profiling”

As a result of the efforts of the 77th Texas Legislature, the State of Texas enacted legislation prohibiting the practice of racial profiling. This legislation went into effect in January of 2002.

The Tomball Police Department has a long history of working collaboratively with its citizenry and continuously seeks to enhance its mission to deliver fair and impartial police service to all segments of the community.

In an effort to assess our effectiveness in policy development and employee training, and to further our organizational philosophy of open communication with our citizens, the Tomball Police Department is actively seeking public feedback regarding our implementation efforts in compliance with Senate Bill 1074.

Anyone with a question or concern regarding this matter may contact any Tomball Police Department supervisor, or contact Captain Anthony Solomon, at 281-351-5451, ext. 1328 for assistance. Feedback may also be provided through the Tomball Police Department website at www.tomballpd.com. Any citizen wishing to commend the job performance of a Tomball Police Officer may also do so by notifying any department supervisor, or via our website.

The Tomball Police Department is very appreciative of the relationship we enjoy with our community and we value your perspective, comments and support.

RACIAL PROFILING TRAINING

Training

In compliance with the Texas Racial Profiling Law, the Tomball Police Department requires that all officers to adhere to Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Tomball Police Department are required to complete a TCLEOSE training and education program on racial profiling.

The satisfactory completion of the racial profiling training by all sworn personnel of the Tomball Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling.

In 2003 the Tomball Police Department began to take the training in racial profiling a step further by having each Sergeant certified in an Advanced Racial Profiling course. In 2004 we then had each sworn officer certified in an Advance Racial Profiling course that is given as a part of the Departments orientation for new hires.

This training is not given to fulfill a training requirement, but to increase the level of awareness as it pertains to racial profiling. Through this advance training we are attempting to challenge police officers in their thinking about race and race related matters. We feel that the interaction between police officers and members of the community will improve through education and culture awareness.

REPORT ON COMPLAINTS

Corrective Action

It is the policy of the Tomball Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the Chief of Police):

Any Tomball Police Officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include a counseling, reprimand, diversity/sensitivity training or other appropriate training, paid or unpaid suspension; termination of employment, or other action (s) as deemed appropriate by the Chief of Police.

Data on Corrective Action

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/10-12/31/10, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☒ X

Check above if the Tomball Police Department has not received any complaints, on any members of its police force for having violated the Texas Racial Profiling Law during the time period of 1/02/2011 to 12/31/2011

Complaints Filed for Possible Violations of S.R. 1074 (The Texas Racial Profiling Law)

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

TIER 1 DATA

CHART I

2011 Activity

DEMOGRAPHICS:

	NUMBER	PERCENTAGE
HISPANIC	9,555	19.05%
WHITE	30,054	59.92%
BLACK	4,011	7.99%
ASIAN	1,917	3.82%
AMERICAN INDIAN	562	1.12%
MIDDLE EASTERN	3	0.03%
OTHER	4,052	8.07%
TOTAL	50,151	100%

**NUMBERS OBTAINED FROM THE U.S. CENSUS BUREAU, CENSUS 2010 SUMMARY FILE

CONTACTS:

	CITATIONS	PERCENTAGE
HISPANIC	265	11.37%
WHITE	1,775	76.21%
BLACK	172	7.38%
ASIAN	35	1.5%
AMERICAN INDIAN	4	.17%
MIDDLE EASTERN	3	.12%
OTHER	75	3.22%
TOTAL	2,329	100%

**CITATIONS COUNT OBTAINED FROM TOMBALL RACIAL PROFILIN DATA AND TOMBALL MUNICIPAL COURTS

ARRESTS:

	ARREST/RESULT OF STOP	PERCENTAGE ARRESTED
HISPANIC	4	7.84%
WHITE	38	74.5%
BLACK	9	17.64%
ASIAN	0	0%
AMERICAN INDIAN	0	0%
MIDDLE EASTERN	0	0%
OTHER	0	0%
TOTAL	51	100%

**NUMBERS OBTAINED FROM TOMBALL RACIAL PROFILE DATA RECORDS

CHART II

2011 Activity

SEARCHED:

	NUMBER SEARCHED	PERCENTAGE OF TOTAL
HISPANIC	2	8.69%
WHITE	16	69.56%
BLACK	5	21.73%
ASIAN	0	0.00%
AMERICAN INDIAN	0	0.00%
MIDDLE EASTERN	0	0.00%
OTHER	0	0.00%
TOTAL	23	100%

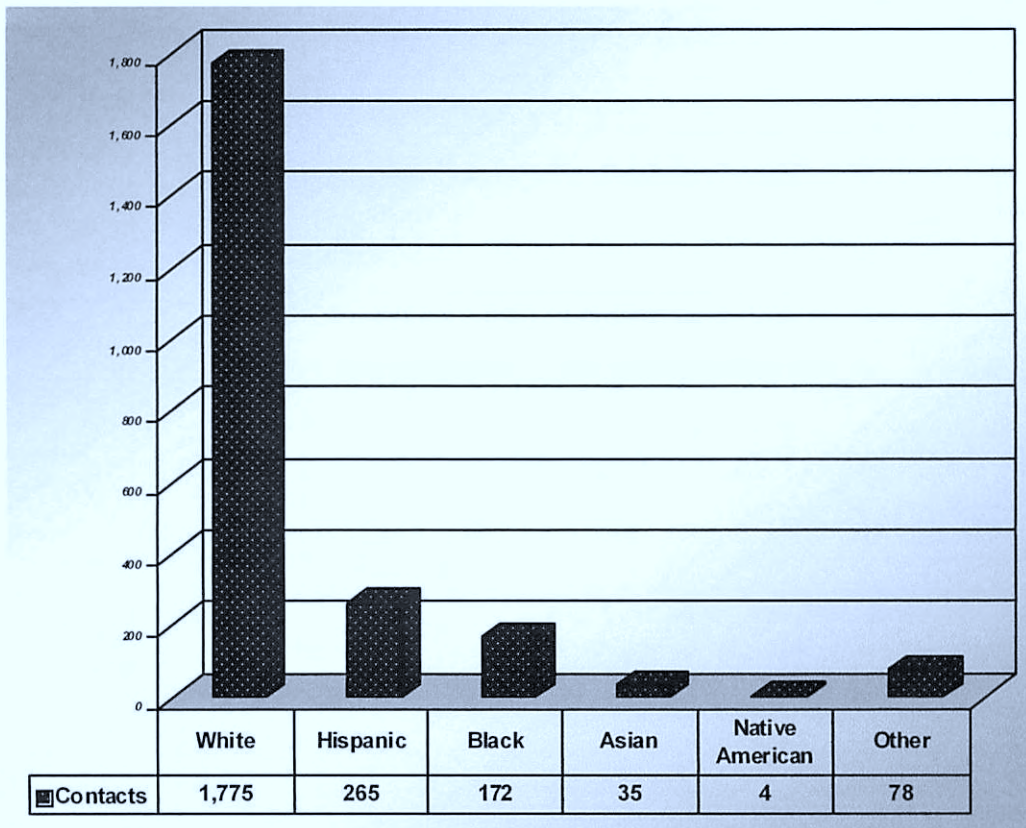
**INFORMATION RECORDED ON CITATIONS, NUMBERS OBTAINED FROM TOMBALL RACIAL PROFILING DATA.

SEARCHED - COMPARISON:

	CONSENSUAL SEARCH		PC/SEARCH	
HISPANIC	2	22.22%	0	0.00%
WHITE	6	66.66%	10	71.43%
BLACK	1	11.11%	4	28.57%
ASIAN	0	0.00%	0	0.00%
AMERICAN INDIAN	0	0.0%	0	0.00%
MIDDLE EASTERN	0	0.00%	0	0.00%
OTHER	0	0.00%	0	0.00%
TOTAL	9	100%	14	100%

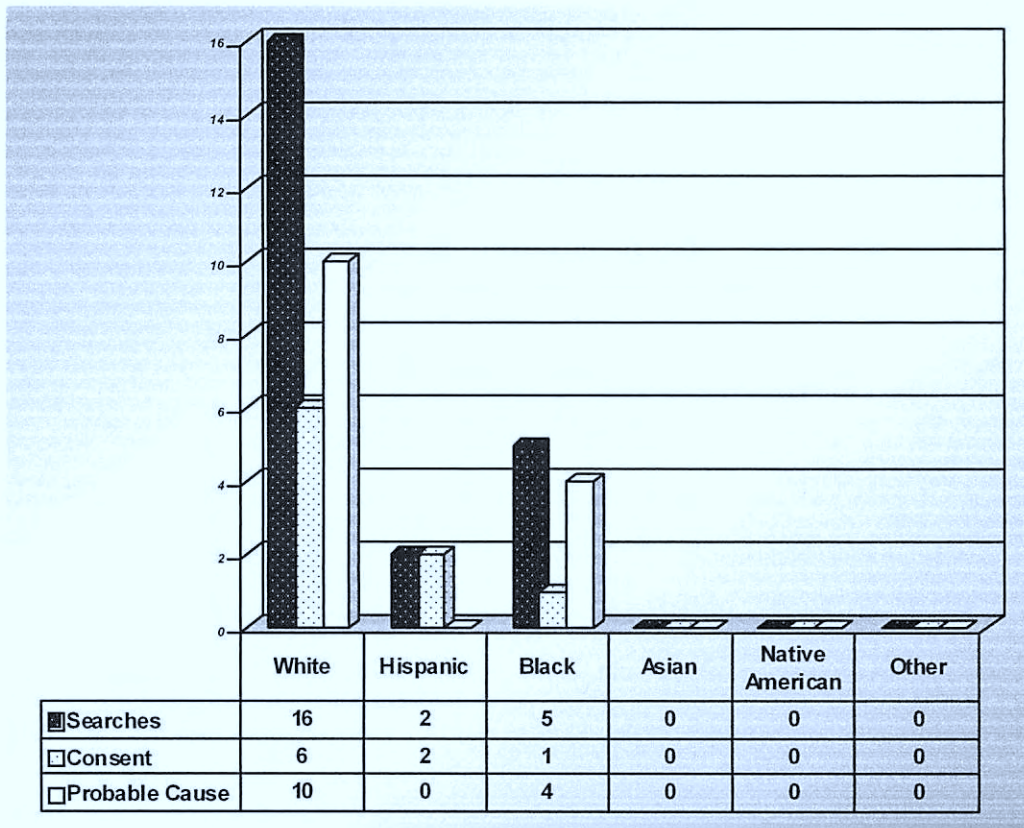
**City of Tomball
Tier 1 Data
(Contacts)**

**January 01, 2011 –
December 31, 2011**



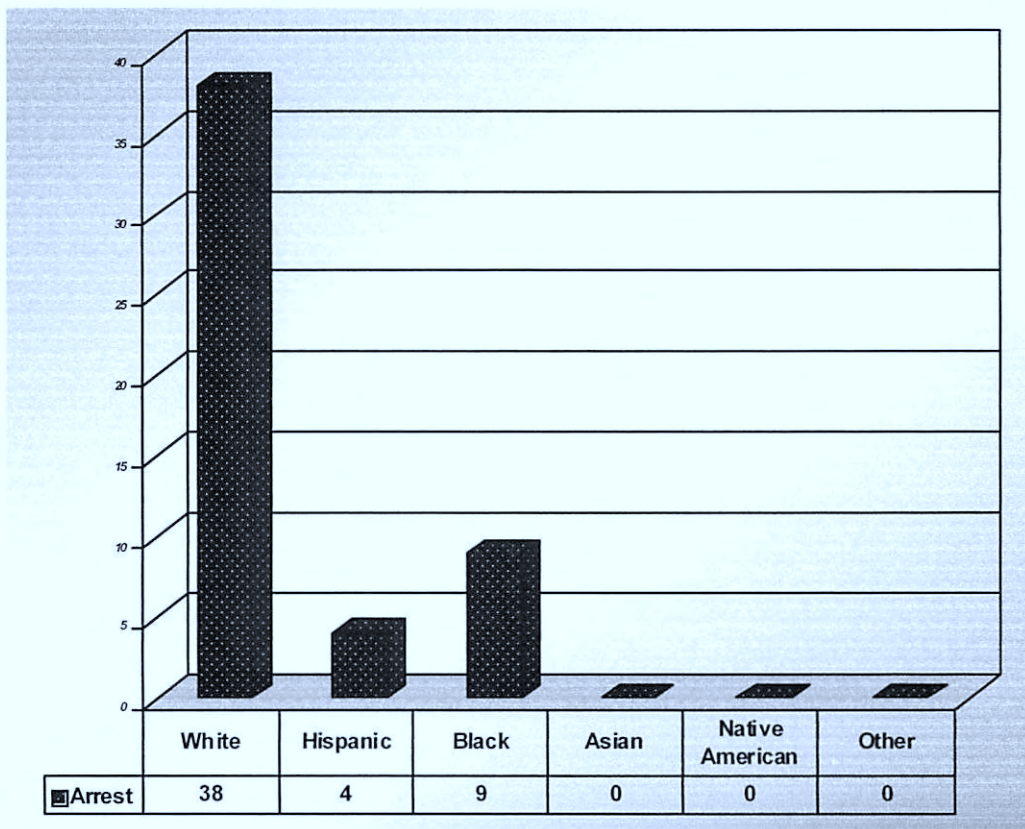
City of Tomball Tier 1 Data (Searches)

January 01, 2011 –
December 31, 2011



City of Tomball Tier 1 Data (Arrest)

January 01, 2011 –
December 31, 2011



POLICY ON USAGE OF VIDEO/AUDIO EQUIPMENT

Video usage

All police patrol vehicles regularly used by this department to make traffic and pedestrian stops are equipped with video camera and transmitter-activated equipment.

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by digital video and audio, or audio, as appropriate, is recorded.

It is the practice of this department to retain the digital video of each traffic and pedestrian stop for at least (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department retains the video of the stop until final disposition of the complaint.

The department recently acquired the L3 communication mobile system. This system gives each supervisor the ability to review digital video of officers traffic stops at anytime from his or her desk. This is not just to ensure that officers are recording their traffic and pedestrian stops, the review of these videos is also used to detect any possible racial profiling as well as any officer safety issues that may arise.

The video taping of traffic stops is also used as a training, and quality control mechanism. The Department's goal is to service the needs of the public, with officers and other staff members performing as professionals, and in a manner acceptable to our citizens.

If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, officers are required to properly record and report the appropriate information as required.

ANALYSIS AND INTERPRETATION OF DATA

Assessment of the Data Analysis

Problems such as racial profiling which are encountered within law enforcement agencies can be identified only after long-term evaluation, and from investigation of individual complaints of racial profiling. However, before we even attempt to make an accurate comparison a valid population baseline must be identified to which cumulative data can be compared.

Various law enforcement agencies across the state have made the decision to use as a baseline driver's license information collected by the Texas Department of Public Safety. Several concerned groups such as the ACLU (American Civil Liberties Union), NAACP (National Association for the Advancement of Colored People), LULAC (League of United Latin American Citizens), and TCJRC (Texas Criminal Justice Reform Coalition), recommended using census data on vehicle availability to calculate a statistical baseline. Racial Profiling Expert and Consultant Dr. Del Carmen suggest that comparing vehicle availability information against contact data is a flawed methodology and violates the basic rules of statistics. Vehicle availability data is based on the number of households that have access to vehicles. A comparison of this nature would pit individual based traffic stops against households, which may have multiple residents and /or several vehicles. According to Del Carmen, comparing these two sets of data would likely result in ecological fallacy. He maintains that the Texas Department of Public Safety data is the most reliable baseline information available.

It should be noted that comparing Tier One data against any available population baseline is insufficient to render a judgment on whether a racial profiling problem exists.

The Tomball Police Department is committed to identifying racial profiling and other racial biases within its own department if they are found to exist. If such problems are identified, the department is committed to taking the appropriate corrective action. However based on the Tier One data collected, and the fact that no complaints of racial profiling were filed during 2011 the department does not appear to have any identifiable problem with racial profiling.

"The sole reason we exist is to serve the citizens of Tomball"

SUMMARY STATEMENT REGARDING FINDINGS

Summary Statement

It is clear, from the information presented in this report that the Tomball Police Department has complied with the Texas Racial Profiling Law (SB 1074). The police department has, in compliance with SB 1074, taken the following measures:

- Clearly defined the acts or actions that constitute racial profiling
- Provided a statement indicating the prohibition of any peace officer employed by the Tomball Police Department from engaging in racial profiling
- Implemented a process by which an individual can file a complaint regarding racial profiling violations
- Disclosed the complaint policy in order to inform the public on how to file a racial profiling complaint
- Implemented disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law
- Collected and analyzed Tier 1 data
- Adopted a policy on standards for reviewing video and audio documentation
- Produced an annual report on police contacts (Tier 1) and presented this report to its local city council and the state before March 1, 2012

CHECKLIST AND CONTACT INFORMATION

Checklist

(I) The following requirements **were** met by the Tomball Police Department in accordance with Senate Bill 1074:

- ☒ Clearly defined act of actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Tomball Police Department from engaging in racial profiling
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
- ☒ Provide public education related to the complaint process
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2012.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

(II) For additional questions regarding the information presented in this report, please contact:

Anthony Solomon
400 Fannin St
Tomball TX
77375

Disclaimer: The author of this report, Anthony D. Solomon is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Capt. Anthony Solomon is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

Thursday, February 9, 2012

5:00 P.M.

Sol de Luna

(Cisco's Banquet Room)

207 Commerce

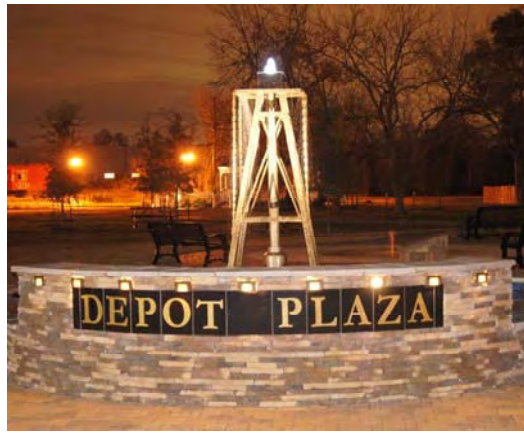
Mayor's Coffee

Stop by to get in
touch



Gretchen Fagan
Mayor

For more information call 281-290-1002 or visit ci.tomball.tx.us



Tomball Depot Fountain

You can still order a paver for your family!

Engraved 6x9 inch pavers will be randomly placed along the walkway. Each paver is \$150 and may contain up to three lines with a maximum of 17 characters (including spaces) per line. Words only, no graphics, all letters will be capitalized. Please use separate forms for additional pavers. Inscription subject to approval.

Deadline is February 29, 2012.

Name: _____

Phone: _____

Email address: _____

Inscription:

Send checks and completed form to:

City of Tomball
401 Market Street
Tomball, TX 77375
ATTN: Fountain Project



Tomball's 2nd Saturday at The Depot!

Showing February 11th!



*The fun
begins at
5:00 p.m.*

*In the case of rain,
the event will be
held at the Tomball
Community Center,
221 Market Street



- Country & Gospel music from Larry Youngblood
- Pony rides by EJC Farms
- Penguin Bowling and more
- Concessions

Historic Tomball Depot Plaza
201 South Elm Street
Bring your lawn chairs and blankets!
Call 281-351-5484 for information

Admission is Always Free!

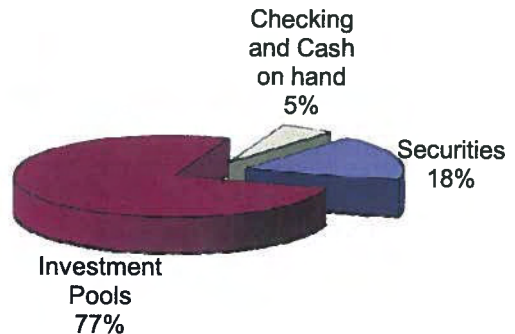
PORTFOLIO DIVERSIFICATION December 31, 2011

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 4,468,242	18.06%
Investment Pools	18,934,876	76.52%
Checking and Cash on hand	1,342,894	5.43%
Total Portfolio	<u>\$ 24,746,012</u>	

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

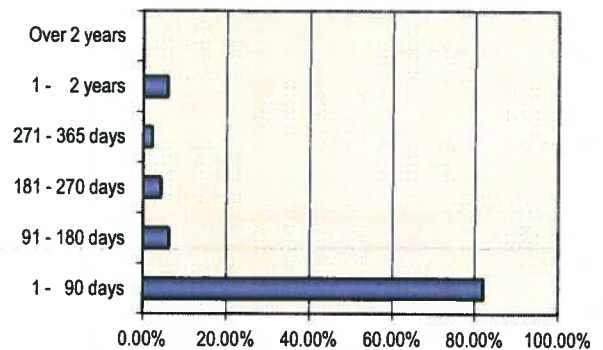


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 20,277,770	81.94%
91 - 180 days	1,509,931	6.10%
181 - 270 days	1,027,060	4.15%
271 - 365 days	507,224	2.05%
1 - 2 years	1,424,027	5.75%
Over 2 years	-	0.00%
Total Portfolio	<u>\$ 24,746,012</u>	

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



INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
December 31, 2011

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	4,537,942	4,486,949	0.9888	1.472%	0.13%
Purchases	999,800	999,800			
Maturities	1,000,000	1,000,000			
Change in value		18,507			
Sales					
End of period	4,537,742	4,468,242	0.9847	1.359%	0.12%

Total Accrued Interest at end of period: \$ 28,414

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 347 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 DECEMBER 31, 2011**

SECURITY DESCRIPTION	CUSIP NUMBER	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 12/31/11	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) NE Iowa Community College- 3%	664212BE6	6/1/2012	2.950%	504,530	153	11.291%	17.28
2) Federal Home Loan Bank- 1.375%	3133XWKU2	6/8/2012	1.010%	1,005,401	160	22.501%	36.00
3) Texas State Water GO- 5%	882722GS4	8/1/2012	1.750%	1,027,060	214	22.986%	49.19
4) Federal Home Loan Bank- 1.75%	3133XVNT4	12/14/2012	1.245%	507,224	349	11.352%	39.62
5) Abilene TX CO- 3.75%	003446Z95	2/15/2013	1.000%	155,487	412	3.480%	14.34
6) Brenham TX- 2%	107115JW8	8/15/2013	1.000%	265,925	593	5.951%	35.29
7) Fannie Mae- .55%	3135G0FN8	11/21/2013	0.560%	1,002,615	691	22.439%	155.05
TOTALS			1.359%	4,468,242	367	100.000%	346.77

**CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
December 31, 2011**

FUNDS		CASH AND CASH EQUIVALENTS				INVESTMENTS				TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS	
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	CERTIFICATE OF DEPOSIT	INVESTMENT SECURITIES	TOTAL INVESTMENTS			
General	\$ 2,261,444	\$ 4,247,054	\$ 755,900	\$ 2,061	\$ 7,266,459	\$ -	\$ 1,955,696	\$ 1,955,696	\$	\$ 9,222,155	
Debt Service	\$ 502,543	\$ 541,819	\$ 215,792	\$ -	\$ 1,260,154	\$ -	\$ -	\$ -	\$	\$ 1,260,154	
Enterprise	\$ 2,010,172	\$ 4,861,819	\$ 50,193	\$ 559	\$ 6,922,743	\$ -	\$ 2,512,546	\$ 2,512,546	\$	\$ 9,435,289	
OTHER FUNDS											
Special Revenue	\$ 75,381	\$ 63,463	\$ 2,831	\$ -	\$ 141,675	\$ -	\$ -	\$ -	\$	\$ 141,675	
Housing Trust	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$ -	
Municipal Court Building Security	\$ 100,509	\$ 60,377	\$ 5,969	\$ -	\$ 166,855	\$ -	\$ -	\$ -	\$	\$ 166,855	
Municipal Court Technology	\$ 60,305	\$ 139,423	\$ 6,149	\$ -	\$ 205,877	\$ -	\$ -	\$ -	\$	\$ 205,877	
Hotel Occupancy Tax	\$ 100,509	\$ 208,055	\$ 81,671	\$ -	\$ 390,235	\$ -	\$ -	\$ -	\$	\$ 390,235	
Red Light Camera Program	\$ 251,272	\$ 219,225	\$ 54,293	\$ -	\$ 524,790	\$ -	\$ -	\$ -	\$	\$ 524,790	
PD District Attorney Grant	\$ -	\$ -	\$ 440	\$ -	\$ 440	\$ -	\$ -	\$ -	\$	\$ 440	
Department of Justice Grant	\$ -	\$ -	\$ 3,591	\$ -	\$ 3,591	\$ -	\$ -	\$ -	\$	\$ 3,591	
Disaster Preparedness	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$ -	
Tomball "Fun Runs"	\$ -	\$ -	\$ 2,319	\$ -	\$ 2,319	\$ -	\$ -	\$ -	\$	\$ 2,319	
General Capital Projects	\$ 50,254	\$ 182,087	\$ 85,487	\$ -	\$ 317,828	\$ -	\$ -	\$ -	\$	\$ 317,828	
Fleet Replacement	\$ 452,289	\$ 755,957	\$ 32	\$ -	\$ 1,208,278	\$ -	\$ -	\$ -	\$	\$ 1,208,278	
Water Capital Recovery	\$ 100,509	\$ 534,677	\$ 16,060	\$ -	\$ 651,246	\$ -	\$ -	\$ -	\$	\$ 651,246	
Sewer Capital Recovery	\$ 150,763	\$ 615,995	\$ 13,349	\$ -	\$ 780,107	\$ -	\$ -	\$ -	\$	\$ 780,107	
Health Insurance Trust	\$ -	\$ 388,975	\$ 46,198	\$ -	\$ 435,173	\$ -	\$ -	\$ -	\$	\$ 435,173	
TOTALS	\$ 6,115,950	\$ 12,818,926	\$ 1,340,274	\$ 2,620	\$ 20,277,770	\$ -	\$ 4,468,242	\$ 4,468,242	\$	\$ 24,746,012	

Regular City Council Agenda Item Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve the Minutes of the January 16, 2012 Regular City Council Meeting

Background:**Origination:****Recommendation:****Funding:**

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

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

ATTACHMENTS:

Draft - 1/16/2012 Regular City Council Minutes

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JANUARY 16, 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 Smith
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce
Chief-NWEMS – Brian Petrilla

2.0 The invocation was led by Chaplain Gary Crowe, Tomball Police Department

3.0 Pledges to U. S. and Texas Flags were led by Courtlynn Noack, Tomball High School Student Council Secretary.

4.0 The following public comments were received:

- | | |
|-------------------------------------|--|
| Jarmon Wolfe
504 Kane, 77375 | - Expressed his concerns regarding overgrown lots in the City and the banning of smoking in restaurants. |
| Nancy Nygaard
517 W. Main, 77375 | - Expressed her appreciation for the Tribune being the official newspaper for Tomball in 2011 and her support for the Tribune being designated the official newspaper for Tomball in 2012. |

5.0 Mayor Fagan presented a Proclamation declaring January 16, 2012 as “**CONCORDIA LUTHERAN CRUSADERS VARSITY FOOTBALL TEAM DAY**” to the team members and coaching staff.

6.0 Reports and Announcements:

- January 24, 2012 – **Boards and Commissions Recruitment Reception** – Community Center, 221 Market Street, Room B, from 5:30 p.m.-7:30 p.m.
- **Farmers Market** – Opening Day is February 4, 2012, 9 a.m.-1:00 p.m.
- February 4 through March 5, 2012 – Dates to File Application for Place on May 12, 2012 Ballot
- February 11, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- February 20, 2012 – Appointments to Board of Adjustments (Terms expiring 3/2/2012)
- February 21, 2012 – **Trail Rider Reception** at the Depot – 12:30 p.m.
- March 5, 2012 – Last Day to File Application for Place on May 12, 2012 Ballot – 5:00 p.m.
- March 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2012 – Candidate Orientation (tentative date)
- April 14, 2012 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 16-20, 2012 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 21, 2012 – **Annual Tomball Clean-up Recycling Day**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Jim Patton, Cobourn, Linseisen & Ratcliff, provided an update on the timeline for Brown Road;
 - Dale Conger, Cobb Fendley & Associates, provided an update on the timeline for Medical Complex;
 - David Zuhlke, LJA Engineering, provided an update on the timeline for M121W;
 - Christal Weber provided information regarding the City’s plans to communicate project progress to the public;

- Randy Parr provided an update regarding the City's progress on the documentation for the creation of the TVFD Incentive Retention Plan, approved by Council on October 10, 2011
- George Shackelford provided information regarding the first SH 249 Corridor Coalition Interim Board Meeting, which will be held at Magnolia City Hall, 18111 Buddy Riley Boulevard, Magnolia, TX, on January 17, 2012 at 6:30 pm.

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the January 3, 2012 Regular Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Councilman Stoll advised that he would refrain from discussion and possible action on the Spring Pine Estates sidewalks portion and that he had filed a conflict of interest affidavit with the City Secretary. Lori Lakatos presented information regarding possible updates to the City Sidewalks (Country Meadows & Spring Pine Estates). Council requested additional information regarding the frequency of repairs to the sidewalks on Zion.

No action necessary.

9.0 New Business:

9.1 Mike Baxter presented information regarding the proposed request by Oilfield Helping Hands (OHH). Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request by Oilfield Helping Hands for City Support and Co-Sponsorship for the 2012 Car Show at Depot Plaza, to be held on Saturday, March 10, 2012.

Motion carried unanimously.

9.2 Glenn Windsor introduced Nathan Krupke, Belt Harris & Pechacek representative, who presented the status and results of the Annual Financial Report for Fiscal Year Ending September 30, 2011.

No action necessary.

9.3 Doris Speer presented information regarding the proposed Resolution to designate the City's official newspaper for 2012. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2012-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2012 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to hold the public hearing as posted, but to table any action on the Ordinances under Items 9.4 and 9.5 until the next regular Council meeting on February 6, 2012.

Motion to table consideration and possible action on Ordinance No. 2012-01 and Ordinance No. 2012-02, under Items 9.4 and 9.5, until the February 6, 2012 meeting carried unanimously.

Rodney Schmidt presented the staff report on **ZONING CASE P11-382**: Public hearing to consider a request by K.E. Jams Investments, Inc. to amend Section 45.2 (“Definitions”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by revising the definition of “Recreational Vehicle (RV) Park/Campground” to eliminate the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground.

Mike O’Brien, owner, presented information regarding his request to remove the time limit for recreational vehicles, travel trailers, etc.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-382** at 6:34 p.m.; the following public comments were received:

John C. Saunders
1402 S. Cherry #37, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Sharon Lyn Koschel
1402 S. Cherry #24, 77375

- Expressed her support to remove the 90-day maximum time limit from the zoning ordinance.

Davie Koschel
1402 S. Cherry #24, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Jac Horton
1402 S. Cherry #25-3, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance and provided copies of petition containing 188 signatures supporting removal of the time limit.

Sandra Susil
1402 S. Cherry #104, 77375

- Expressed her support to remove the 90-day maximum time limit from the zoning ordinance.

Dave Thurmond
1402 S. Cherry #150, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

John F. Holliday
1402 S. Cherry #23, 77375

- Left; his support to remove the 90-day maximum time limit from the zoning ordinance was read into the record.

Richard Brunner
1402 S. Cherry, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Charlene Moore
1402 S. Cherry #5A, 77375

- Expressed her support to remove the 90-day maximum time limit from the zoning ordinance.

Ralph E. Sterle
1402 S. Cherry #23A, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Louise Brock
1402 Cherry #32A, 77375

- Expressed her support to remove the 90-day maximum time limit from the zoning ordinance.

Steve Colby
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record.

Charles Duman
1402 S. Cherry #12A, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record.

Jennifer Hinnant
1402 S. Cherry #125, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record.

Mike Susil
1402 Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record.

Brenda Lohr
1402 S. Cherry #262, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record.

Clifford P. Lohr
25346 Gravel Run, 16403

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record.

Billy C. Fairchild
1402 Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Steven Fish
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Jody Fish
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Henry Soniat
1402 S. Cherry #8A, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Eldon Alford
1402 S. Cherry #124, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Charles Cannizzaro
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Lee Huddleston
1402 S. Cherry, 77375

- Did not wish to speak; requested that his/her support to remove the 90-day maximum time limit be read into the record

Helen Holliday
1402 S. Cherry #23

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Jim Hays
20821 Eva St. #134, 77356

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Laurie Hays
20821 Eva St. #134, 77356

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Lois Brunner
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Roy Karnitz
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Mary Karnitz
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Nancy Lau
1402 S. Cherry #2A, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Norma Evans
1402 S. Cherry #122, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Valarie Rice
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Ian Walker
1402 S. Cherry #14, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Johnny Ray Besier
23548 Coons Road, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Alfred L. Koon
1402 S. Cherry #129, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Debra Koon
1402 S. Cherry #129, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Ann Williams
1402 Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Larry Williams
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Jo Clark
1402 S. Cherry #25B, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Lori Theriot
1402 S. Cherry #159, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Dave Bacon
1662 SE 135th, 67074

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Twyla Bacon
1662 SE 135th, 67074

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Fred Gosch
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Chad Kirkfield
P. O. Box 145, 39649

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Joedey Solberg
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Robert Solberg
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

David Hopkins
1402 S. Cherry #162, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Rebecca Hopkins
1402 S. Cherry #162, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Receiving no further public comments, Mayor Fagan closed the public hearing at 7:34 p.m.

- **Tabled** - Adopt on First Reading, Ordinance No. 2012-01, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Amending Section 45.2 (“Definitions”) by Revising the Definition of “Recreational Vehicle (RV) Park/Campground” by Eliminating the Maximum Amount of Time a Recreational Vehicle, Travel Trailer, or Similar Vehicle can Reside, Park, or Lease Space in a Recreational Vehicle Park or Campground; Providing for Severability; Providing for a Penalty of an Amount not to exceed \$2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

- 9.5 **Tabled** - Adopt, on First Reading, Ordinance No. 2012-02, an Ordinance of the City Council of the City of Tomball, Texas, amending Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing any Reference to Recreational Vehicle Parks; amending Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing the Minimum Recreational Vehicle Unit Size, Removing the Requirement to have a Fence or Wall Constructed on the Two Sides and Rear of a Recreational Vehicle Park, Removing the Requirement that Recreational Vehicle Parking Pads be Constructed a Minimum of 20 Feet from an Adjacent Recreational Vehicle Unit Boundary and Replacing It with Language Allowing Recreational Vehicle Parking Pads to be a Minimum of 20 Feet Apart, and Removing the Requirement that Walkways be Constructed between the Recreational Vehicle Park Streets to all Community Facilities Provided for Park Residents and to all Service Buildings.

- 9.6 Lori Lakatos presented the proposed Plats. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the following Plats:

- **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC 3:** Being a Replat of Lots 469, 470, 471, 472, 473, 474, 475, and 476; Five Acre Tracts Tomball Townsite, Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 40.2077 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas.
- **FINAL PLAT OF FNR LLC:** Partial Replat of all of Outlot 183 and part of Outlots 179, 180 and 184 of Tomball Townsite; Containing 11.0886 Acres; located in the J. Pruitt Survey, A-629. (*Plat previously named Drachman Interests*)

Motion carried unanimously.

- 9.7 David Kauffman presented proposed amendment to the current Policy. George Shackelford requested an amendment item 12 of the policy to read “No piñatas or water recreation activities allowed, unless for a special event, as approved by City staff or Council”. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the proposed amendments to Administrative Policy No. 23, entitled “**PARK RESERVATION POLICY** (*Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park*)”.

Motion carried unanimously.

- 9.8 The City Council recessed at 7:46 p.m. to meet in Executive Session as authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:18 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2012.

Doris Speer, CMC, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve on First Reading, Ordinance No. 2012-01, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Amending Section 45.2 ("Definitions") by Revising the Definition of "Recreational Vehicle (RV) Park/Campground" by Eliminating the Maximum Amount of Time a Recreational Vehicle, Travel Trailer, or Similar Vehicle can Reside, Park, or Lease Space in a Recreational Vehicle Park or Campground; 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 November 29, 2011, the Engineering & Planning Department received a Zoning Ordinance text amendment application from Mike O'Brien on behalf of K.E. Jams Investments, Inc. to revise the definition of "Recreational Vehicle (RV) Park/Campground" by eliminating the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground. The applicant is requesting that a recreational vehicle, travel trailer, or similar vehicle be permitted to reside, park, or lease space in a recreational vehicle park or campground for an indefinite period of time and not be bound by a 90 day time limit currently required by the Section 45 ("Definitions") of the Zoning Ordinance.

The Public Hearing was held on January 16, 2012; Council tabled consideration of Ordinance No. 2012-01 to provide additional time to study the documents and materials provided.

Origination:

Mike O'Brien on behalf of K.E. Jams Investments, Inc.

Recommendation:

N/A

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

P11-382 Staff Report

Ordinance No. 2012-01

P11-382 and Chapter 46 Text Amendment Request Letters



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: January 9, 2012

ZONING CASE P11-382: Request by K.E. Jams Investments, Inc. to amend Section 45.2 (“Definitions”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by revising the definition of “Recreational Vehicle (RV) Park/Campground” to eliminate the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground.

BACKGROUND

On November 29, 2011, the Engineering & Planning Department received a Zoning Ordinance text amendment application (Exhibit “A”) from Mike O’Brien on behalf of K.E. Jams Investments, Inc. to revise the definition of “Recreational Vehicle (RV) Park/Campground” by eliminating the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground. The applicant is requesting that a recreational vehicle, travel trailer, or similar vehicle be permitted to reside, park, or lease space in a recreational vehicle park or campground for an indefinite period of time and not be bound by a 90 day time limit currently required by the Section 45 (“Definitions”) of the Zoning Ordinance.

As a matter of information, the applicant will be requesting four additional text amendments from Chapter 46 (“Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers and Other Mobile Structures”) of the Tomball Code of Ordinances from City Council on January 16, 2012 (Exhibits “B” and “C”). These text amendments include:

- Removing the minimum recreational vehicle unit size (Section 46-64.A);
- Removing the requirement to have a fence or wall constructed on the two sides and rear of a recreational vehicle park (Section 46-64.H);
- Removing the requirement that recreational vehicle parking pads be constructed a minimum of 20 feet from an adjacent recreational vehicle unit boundary and replacing it with language allowing recreational vehicle parking pads to be a minimum of 20 feet apart (Section 46-64.J.1); and
- Removing the requirement that walkways be constructed between the recreational vehicle park streets to all community facilities provided for park residents and to all service buildings (Section 46-64.L).

Following a determination by City Council on the requested text amendments, the applicant will then be bringing a conditional use permit application to the Planning & Zoning Commission and

City Council requesting an expansion of Coral Recreational Vehicle Park at 1402 South Cherry Street.

PROPOSED AMENDMENTS

RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease ~~on a temporary basis. For the purpose of this definition, "temporary" means a maximum 90 calendar day time period.~~ A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. Facility must be developed in accordance with Article III, Section 46 of the Tomball Code of Ordinances as adopted and may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on Monday, December 26, 2011 and, as of the writing of this staff report, no public comments were received regarding this request.

EXHIBITS

- A. Zoning Ordinance Text Amendment Application
- B. Text Amendment Request Letter #1
- C. Text Amendment Request Letter #2

Exhibit "A"
Zoning Ordinance Text Amendment Application



(90)
Revised 1/20/09

Zoning Text Amendment
Engineering & Planning Department



APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your request may be delayed until corrections or additions are received. **There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.**

Applicant

Name: Mike O'Brien Title: President
Mailing Address: 11767 QUAIL Creek City: HOUSTON State: TX
Zip: 77070
Phone: (713) 557-1821 Fax: (281) 205-1130 Email: MOB@HOUSTON RVPARK.COM

Property Owner

Name: K. E. JAMS IN.VINC. Title: _____
Mailing Address: 1402 South cherry City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2261 Fax: (281) 351-2264 Email: CORIALRUE@CORIALRVPARK.COM

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

EXISTING SECTION: SECTION 45 DEFINITIONS - 45.2 DEFINITIONS:
RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND (Page 168)
of the ZONING ordinance # 2008-1

(See Attachments)

General Description of Property Affected by Amendment (attach additional sheets as necessary):

(See ATTACH Letter)

This will help keep the purposed expansion
for CORIAL RV PARK in compliance with Zoning Text

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

(See Attachment)

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 Mike OBrien 10/23/11
Signature of Applicant Date

X Mike OBrien 10/23/11
Signature of Owner Date
Mike OBrien

Exhibit "B"
Text Amendment Request Letter #1

Zoning Text Amendment

Statement of Purpose/Affected by amendment/Justify the amendment

Date: Oct. 23, 2011

Corral RV Park expansion

1402 South Cherry

Tomball TX

Revision dated Dec. 12, 2011 (added #3;#4)

Location /existing section page 168: Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground

Statement of Purpose

Statement of Purpose: Proposed revised request /reason why:

Line 1) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.....

To Change/Remove "on a temporary bases" (no replacement language)

Why: When you make a statement to rent or lease it refers / means it will be temporary.

Line 2) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum 90 calendar day time period.....

To Remove / line 2: For the purpose of this definition, "temporary" means a maximum 90 calendar days time period.
(No replacement language)

Why: to request to remove any reference to limiting the amount of time a RV can be parked in a RV Park.

Revision one Dated to letter on Dec. 12.2011

- 3) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parg. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Why: Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this parag.

Why: One must think RV park not mobile home Park or subdivision Walkways are better in large lots not RV pads. The design would be infringing on your neighbors RV lot because walking way would go across where the RV lot/next to their are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

Below are the items request to change from the letter sent to City of Tomball manager

- 1) Re: to ordinances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. J line 1 Distance to adjacent Unit Boundary. No portion of a pad shall be located nearer than 20 feet from a unit boundary.

Request to change/Remove Unit Boundary and Boundary from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV designated parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables will not be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance now is you are unable to get to the RV parking area. above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary. Plus the RV Pad must be minimum 40 feet apart from the a jointing RV concrete pad..

- 2) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall include a concrete pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. Remove the line: No Unit shall be less than 2500 square feet in area. Why : because you have removed Boundary from paragraph one request there is no measurement required , the distance apart is the requirement now not sq. feet.

- 3) page 168: Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

Revision one Dated to letter on Dec. 12.2011

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclosure, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings
- Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

General Description of Property Affected by Amendment

Changing of the zoning ordinance will help the Corral RV Park to stay in compliance with the newly purposed schedule expansion schedule for next spring time.

Statement of facts Which the Applicant Believes Justify the Amendment

- 1) A major group of older retired and semi retired groups of people (RE: older generation but young at heart "our moto") have moved /joined a group of permanent RVer's. There cost of RV's range from \$30,000 to over a million dollar RV's and these people need a place to stay for a unlimited amount of time to park their RV
- 2) Winter Texan's who come from the north stay from Sept. to June and sometimes leave their RV though the summer, these people need a unlimited amount of time to park their RV
- 3) With the city of Tomball expanding their medical facilities and the new VA medical clinic, these people need a unlimited amount of time to park their RV
- 4) With disasters from hurricanes and the most recent fires, City of Tomball is the location that the insurance adjusters stay and the families from the disaster stay these people need an unlimited amount of time to park their RV.
- 5) Apartments, mobile homes, rental homes, outdoor storage, and business do not require a limited time frame when they rent or lease a property.
- 6) People are moving to Texas from out of state and need temporary housing /RV Park

Exhibit "C"
Text Amendment Request Letter #2

To: City Of Tomball

Date: Sept. 16, 2011

Att: City Manager

Att: George Shackelford

From: Corral RV Park

1402 South Cherry

Tomball TX

Revision #1 Dated Dec. 12 ,2011: Revision #2 Dec. 19,2011

(Added #4 and #5 parag.)

RE: Expansion of Corral RV Park

In order to keep up with the growth of City of Tomball I am reviewing to add an additional 30+/- RV Pads to Corral RV Park. This will help City of Tomball to handle families moving into the area plus handling family emergencies from hurricanes to the most recent wild fires from people being evacuated/losing their homes..... plus in helping families with RV's for a place to stay for medical treatment from the growth of the new medical facilities we now have and don't forget about our retirees which are a large portion which are now called permanent RVers .

I am asking to review the city ordinances for the expansion of Corral RV Park located at 1402 South Cherry Street. I have met with the city engineering group and they requested for me to meet with the city manager to review the points below to see what type of action we should/could take.

- 1) Re: to ordnances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. J line 1 Distance to adjacent Unit Boundary. No portion of a pad shall be located nearer than 20 feet from a unit boundary.

Request to change/Remove Unit Boundary and Boundary from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV designated parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables will not be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance could mean that you are unable to get to the RV to the parking area. Above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary (RE. Has to be 20

feet from the road and the boundary is the edge of the road so the concrete pad can't connect to the road) Plus the RV Pad must be minimum 40 feet apart from the a jointing RV concrete pad. A house only requires 10 feet.

- 2) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall include a concrete pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. Remove the line: No Unit shall be less than 2500 square feet in area. Why : because you have removed Boundary (from paragraph one request) there is no Square feet measurement required , the distance apart is the requirement now not sq. feet. Or request to 1200 Sq. feet if needed. Note this is a temporary parking lot not a permeate structure.

- 3) page 168: Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

Revision one Dated to letter on Dec. 12.2011

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

As of now these are the main points I have found that need to be review to move forward. I do have engineered expansion drawings I had completed a few years ago for your review. The City of Tomball engineering group had stated about using CUP; Text amendments; and possible other vehicles for the changes if they meet City of Tomball approvals. If additional information is required or if I can be of any help please call me on my cell phone at 713-557-1821 or the Corral RV Park office at 281-351-2761

Regards

Mike OBrien
President
KE JAMS Inv.
Corral RV Park
1402 South Cherry
Tomball TX. 77375
Off.281-351-2761 fax 281-351-2764
E-mail: mob@houstonrvpark.com

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 45.2 (“DEFINITIONS”) BY REVISING THE DEFINITION OF “RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND” BY ELIMINATING THE MAXIMUM AMOUNT OF TIME A RECREATIONAL VEHICLE, TRAVEL TRAILER, OR SIMILAR VEHICLE CAN RESIDE, PARK, OR LEASE SPACE IN A RECREATIONAL VEHICLE PARK OR CAMPGROUND; 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, K.E. Jams Investments, Inc. has requested that the City amend its Zoning Ordinance by revising the definition of “Recreational Vehicle (RV) Park/Campground” to eliminate the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground; and

Whereas, the Planning and Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend the definition of “Recreational Vehicle (RV) Park/Campground”; and

Whereas, the Planning and Zoning Commission failed to recommend approval that the City Council amend the definition of “Recreational Vehicle (RV) Park/Campground” by eliminating the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground; and

Whereas, the City Council has determined that eliminating the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground would be appropriate, that the proposed change would not adversely affect the public health, safety, morals or general welfare but would benefit the community, and that the proposed change is in accord with the City’s comprehensive plan;

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

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

Section 2. The Comprehensive Zoning Ordinance of the City of Tomball, Texas, is hereby amended by amending Section 45.2 (“Definitions”) to read as follows:

RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease. A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. Facility must be developed in accordance with Article III, Section 46 of the Tomball Code of Ordinances as adopted and may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF
JANUARY 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 6TH DAY OF
FEBRUARY 2012.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Zoning Text Amendment

Statement of Purpose/Affected by amendment/Justify the amendment

Date: Oct. 23, 2011

Corral RV Park expansion

1402 South Cherry

Tomball TX

Revision dated Dec. 12, 2011 (added #3;#4)

Location /existing section page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground**

Statement of Purpose

Statement of Purpose: Proposed revised request /reason why:

Line 1) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.....

To Change/Remove "on a temporary bases" (no replacement language)

Why: When you make a statement to rent or lease it refers / means it will be temporary.

Line 2) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum 90 calendar day time period.....

To Remove / line 2: **For the purpose of this definition, "temporary" means a maximum 90 calendar days time period.**
(No replacement language)

Why: to request to remove any reference to limiting the amount of time a RV can be parked in a RV Park.

Revision one Dated to letter on Dec. 12.2011

- 3) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parg. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed **on the two sides and rear** of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Why: Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this paragraph.

Why: One must think RV park not mobile home Park or subdivision Walkways are better in large lots not RV pads. The design would be infringing on your neighbors RV lot because walking way would go across where the RV lot/next to their are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

Below are the items request to change from the letter sent to City of Tomball manager

- 1) Re: to ordinances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. J line 1 Distance to adjacent **Unit Boundary.** No portion of a **pad** shall be located nearer than **20 feet from a unit boundary.**

Request to change/**Remove Unit Boundary and Boundary** from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV **designated** parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables **will not** be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance now is you are unable to get to the RV parking area. above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary. Plus the RV Pad must be minimum 40 feet apart from the a joining RV concrete pad..

- 2) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall **include** a **concrete pad**, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. Remove the line: No Unit shall be less than 2500 square feet in area. Why : because you have removed Boundary from paragraph one request there is no measurement required , the distance apart is the requirement now not sq. feet.

- 3) page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground** restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings
Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

Revision #3 Jan. 9 2012:

- 6) **Sec. 46-22. - Nonconforming manufactured home parks and recreational vehicle parks.**

Manufactured home parks **and recreational vehicle parks** lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall restored, rebuilt, or repaired unless in conformity with this article.

(Ord. No. 2000-04, § 2, 6-17-00)

Request to remove “ **Recreational Vehicle Parks** ” from this section as Highlighted above

General Description of Property Affected by Amendment

Changing of the zoning ordinance will help the Corral RV Park to stay in compliance with the newly purposed schedule expansion schedule for next spring time.

Statement of facts Which the Applicant Believes Justify the Amendment

- 1) A major group of older retired and semi retired groups of people (RE: older generation but young at heart “our moto”) have moved /joined a group of permanent RVer’s. There cost of RV’s range from \$30,000 to over a million dollar RV’s and these people need a place to stay for a unlimited amount of time to park their RV
- 2) Winter Texan’s who come from the north stay from Sept. to June and sometimes leave their RV though the summer, these people need a unlimited amount of time to park their RV
- 3) With the city of Tomball expanding their medical facilities and the new VA medical clinic, these people need a unlimited amount of time to park their RV
- 4) With disasters from hurricanes and the most recent fires, City of Tomball is the location that the insurance adjusters stay and the families from the disaster stay these people need an unlimited amount of time to park their RV.
- 5) Apartments, mobile homes, rental homes, outdoor storage, and business do not require a limited time frame when they rent or lease a property.
- 6) People are moving to Texas from out of state and need temporary housing /RV Park

To: City Of Tomball

Date: Sept. 16, 2011

Att: City Manager

Att: George Shackelford

From: Corral RV Park

1402 South Cherry

Tomball TX

Revision #1 Dated Dec. 12 ,2011: Revision #2 Dec. 19,2011 Revision #3 jan 9,2012

(Added #4 and #5 parag.)

RE: Expansion of Corral RV Park

In order to keep up with the growth of City of Tomball I am reviewing to add an additional 30+/- RV Pads to Corral RV Park. This will help City of Tomball to handle families moving into the area plus handling family emergencies from hurricanes to the most recent wild fires from people being evacuated/losing their homes..... plus in helping families with RV's for a place to stay for medical treatment from the growth of the new medical facilities we now have and don't forget about our retirees which are a large portion which are now called permanent RVers .

I am asking to review the city ordinances for the expansion of Corral RV Park located at 1402 South Cherry Street. I have met with the city engineering group and they requested for me to meet with the city manager to review the points below to see what type of action we should/could take.

- 1) Re: to ordnances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. J line 1 Distance to adjacent **Unit Boundary**. No portion of a **pad** shall be located nearer than **20 feet from a unit boundary**.

Request to change/**Remove Unit Boundary and Boundary** from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV **designated** parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables **will not** be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance could mean that you are unable to get to the RV to the parking area. Above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary (RE. Has to be 20

feet from the road and the boundary is the edge of the road so the concrete pad can't connect to the road) Plus the RV Pad must be minimum 40 feet apart from the a jointing RV concrete pad. A house only requires 10 feet.

- 2) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall **include a concrete pad**, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. **Remove the line: No Unit shall be less than 2500 square feet in area.** Why : because you have removed Boundary (from paragraph one request) there is no Square feet measurement required , the distance apart is the requirement now not sq. feet. Or request to 1200 Sq. feet if needed. Note this is a temporary parking lot not a permeate structure.

- 3) page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground** restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

Revision one Dated to letter on Dec. 12.2011

- 4) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed **on the two sides and rear** of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

6) **Sec. 46-22. - Nonconforming manufactured home parks and recreational vehicle parks.**

Manufactured home parks **and recreational vehicle parks** lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall be restored, rebuilt, or repaired unless in conformity with this article.

(Ord. No. 2000-04, § 2, 6-17-00)

Request to remove “ **Recreational Vehicle Parks** ” from this section as Highlighted above

As of now these are the main points I have found that need to be review to move forward. I do have engineered expansion drawings I had completed a few years ago for your review. The City of Tomball engineering group had stated about using CUP; Text amendments; and possible other vehicles for the changes if they meet City of Tomball approvals. If additional information is required or if I can be of any help please call me on my cell phone at 713-557-1821 or the Corral RV Park office at 281-351-2761

Regards

Mike OBrien
President
KE JAMS Inv.
Corral RV Park
1402 South Cherry
Tomball TX. 77375
Off.281-351-2761 fax 281-351-2764
E-mail: mob@houstonrvpark.com

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2012-02, an Ordinance of the City Council of the City of Tomball, Texas, amending Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing any Reference to Recreational Vehicle Parks; amending Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing the Minimum Recreational Vehicle Unit Size, Removing the Requirement to have a Fence or Wall Constructed on the Two Sides and Rear of a Recreational Vehicle Park, Removing the Requirement that Recreational Vehicle Parking Pads be Constructed a Minimum of 20 Feet from an Adjacent Recreational Vehicle Unit Boundary and Replacing It with Language Allowing Recreational Vehicle Parking Pads to be a Minimum of 20 Feet Apart, and Removing the Requirement that Walkways be Constructed between the Recreational Vehicle Park Streets to all Community Facilities Provided for Park Residents and to all Service Buildings.

Background:

On September 16, 2011, the City of Tomball received a request from Mike O’Brien, on behalf of K.E. Jams Investments, Inc., to revise Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) of the Tomball Code of Ordinances. The proposed changes include:

1. Removing any reference to recreational vehicle parks from Section 46-22 thereby allowing the extension or enlargement of a nonconforming recreational vehicle park;
2. Removing the minimum recreational vehicle unit size (Section 46-64.A);
3. Removing the requirement to have a fence or wall constructed on the two sides and rear of a recreational vehicle park (Section 46-64.H);
4. Removing the requirement that recreational vehicle parking pads be constructed a minimum of 20 feet from an adjacent recreational vehicle unit boundary and replacing it with language allowing recreational vehicle parking pads to be a minimum of 20 feet apart (Section 46-64.J.1); and
5. Removing the requirement that walkways be constructed between the recreational vehicle park streets to all community facilities provided for park residents and to all service buildings (Section 46-64.L).

Following a determination by City Council on the requested text amendments, the applicant will then bring a conditional use permit application to the Planning & Zoning Commission and City Council requesting an expansion of Coral Recreational Vehicle Park at 1402 South Cherry Street.

On January 16, 2012, Council tabled consideration of Ordinance No. 2012-02 to provide additional time to study the documents and materials provided.

Origination:

Mike O’Brien, on behalf of K.E. Jams Investments, Inc.

Recommendation:

N/A

Funding:

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

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

ATTACHMENTS:
Ordinance No. 2012-02
Proposed Changes to Chapter 46
P11-382 and Chapter 46 Text Amendment Request Letters

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING SECTION 46-22 (“NONCONFORMING MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS”) OF CHAPTER 46 (“MANUFACTURED HOMES, MOBILE DWELLING STRUCTURES, AND RECREATIONAL VEHICLES”) BY REMOVING ANY REFERENCE TO RECREATIONAL VEHICLE PARKS; AMENDING SECTION 46-64 (“TECHNICAL AND PHYSICAL REQUIREMENTS”) OF CHAPTER 46 (“MANUFACTURED HOMES, MOBILE DWELLING STRUCTURES, AND RECREATIONAL VEHICLES”) BY REMOVING THE MINIMUM RECREATIONAL VEHICLE UNIT SIZE, REMOVING THE REQUIREMENT TO HAVE A FENCE OR WALL CONSTRUCTED ON THE TWO SIDES AND REAR OF A RECREATIONAL VEHICLE PARK, REMOVING THE REQUIREMENT THAT RECREATIONAL VEHICLE PARKING PADS BE CONSTRUCTED A MINIMUM OF 20 FEET FROM AN ADJACENT RECREATIONAL VEHICLE UNIT BOUNDARY AND REPLACING IT WITH LANGUAGE ALLOWING RECREATIONAL VEHICLE PARKING PADS TO BE A MINIMUM OF 20 FEET APART, AND REMOVING THE REQUIREMENT THAT WALKWAYS BE CONSTRUCTED BETWEEN THE RECREATIONAL VEHICLE PARK STREETS TO ALL COMMUNITY FACILITIES PROVIDED FOR PARK RESIDENTS AND TO ALL SERVICE BUILDINGS; PROVIDING A PENALTY OF UP TO \$2,000.00 FOR VIOLATIONS WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

* * * * *

WHEREAS, the City Council has determined it appropriate to allow the extension or enlargement of nonconforming recreational vehicle parks;

WHEREAS, the City Council has determined it appropriate to remove the minimum recreational vehicle unit size;

WHEREAS, the City Council has determined it appropriate to remove the requirement to have a fence or wall constructed on the two sides and rear of a recreational vehicle park;

WHEREAS, the City Council has determined it appropriate to remove the requirement that recreational vehicle parking pads be constructed a minimum of 20 feet from an adjacent recreational vehicle unit boundary and replacing it with language allowing recreational vehicle parking pads to be a minimum of 20 feet apart; and

WHEREAS, the City Council has determined it appropriate to remove the requirement

that walkways be constructed between the recreational vehicle park streets to all community facilities provided for park residents and to all service buildings;

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

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

Section 2. Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) of the Code of Ordinances of the City of Tomball, Texas is hereby deleted in its entirety and a new Section 46-22 (“Nonconforming Manufactured Home Parks”) is hereby added with the new Section 46-22 to read as follows:

Sec. 46-22 - Nonconforming Manufactured Home Parks

Manufactured home parks lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall be restored, rebuilt, or repaired unless in conformity with this article.

Section 3. Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) of the Code of Ordinances of the City of Tomball, Texas is hereby deleted in its entirety and a new Section 46-64 (“Technical and Physical Requirements”) is hereby added with the new Section 46-64 to read as follows:

Sec. 46-64 - Technical and Physical Requirements

- a) Unit size. Each unit shall include a designated concrete recreational vehicle pad, which shall have a minimum size of nine (9) feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.
- b) Street specifications. Each recreational vehicle park shall have hard surface streets, properly drained in accordance with the existing requirements of the city. All streets shall be at least 20 feet in width throughout.
- c) Parking. Each unit shall be provided with a minimum of one (1) off-street parking Space. No on-street parking shall be permitted. Parking areas shall be constructed of the same material as the adjoining street unless the adjoining street does not contain a hard surface.

In such event the parking areas shall be constructed with materials so as to provide a hard surface.

- d) Pads. Each unit within a recreational vehicle park shall be provided with a concrete pad, a minimum of nine feet by 40 feet (360 square feet), to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park. No recreational vehicle park within a recreational vehicle park shall be placed within such park except upon a pad.
- e) No shared utility hookups. Two recreational vehicles shall not be permitted to share a unit or to share utility hookups.
- f) Water lines and sewer connections. Each unit shall be provided with water lines and sanitary sewer connections, suitable for hookup to recreational vehicles, and subject to all applicable ordinances, rules and regulations of the city.
- g) Public inspection. Duly authorized representatives of the city shall be permitted access to the recreational vehicle park, the street, utility lines and connections, and structures thereon, when performing city business, as a condition to the issuance, renewal, or suspension of a permit.
- h) Fence. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the recreational vehicle park.
- i) Utilities. All utilities, including but not limited to, electrical, telephone, television, and cable, shall be buried and shall conform to the ordinances of the city.
- j) Density and set-back requirements. Each recreational vehicle park shall comply with the following minimum density and set-back requirements:
 - 1) Distance to adjacent designated concrete recreational vehicle pad. No portion of a designated concrete recreational vehicle pad shall be located nearer than 20 feet from an adjacent designated concrete recreational vehicle pad. Additional concrete pad space for vehicle parking and or outdoor tables will not be considered as part of the designated concrete recreational vehicle pad. When the concrete pad is larger than the minimum nine (9) feet by 40 feet (or 360 square feet) required for the designated concrete recreational vehicle pad, a minimum nine (9) feet by 40 feet (or 360 square feet) area will be designated as the recreational vehicle pad.
 - 2) Maximum number of units per acre. The total number of units within a recreational vehicle park shall not exceed 15 per acre. Partial acreage shall be calculated proportionately.
 - 3) Other city set-back requirements. No recreational vehicle shall be located so as to violate any set-back requirement as may otherwise be established by ordinance or regulation with respect to the area in which the recreational vehicle park is located.

- k) Recreational area. There shall be provided additional open space not to be considered part of the minimum unit size for use as recreational area in ratio of 100 square feet per unit, located in a central location within the park boundaries. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed five to one. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.
- l) Electrical service. Each unit within the recreational vehicle park shall be provided with electrical service connections of at least one 30-amp connection and one 50-amp connection. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular recreational vehicle by the park owner or operator.
- m) Minimum size. No recreational vehicle park shall be permitted within the city unless the same shall be at least three acres in area.
- n) Soil and ground cover. Exposed ground surfaces in all parts of every recreational vehicle park shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust or shall be paved or covered with stone screening or other solid material.
- o) Drainage. The ground surface in all parts of the recreational vehicle park shall be graded and equipped to drain all surface water in a safe, efficient manner, and in accordance with applicable ordinances of the city.

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 16TH DAY OF JANUARY 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 6TH DAY OF FEBRUARY 2012.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Sec. 46-22. - Nonconforming manufactured home parks,

Deleted: and recreational vehicle parks

Manufactured home parks lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall be restored, rebuilt, or repaired unless in conformity with this article.

Deleted: and recreational vehicle parks

Sec. 46-64. - Technical and physical requirements.

- a) Unit size. Each unit shall include a designated concrete recreational vehicle pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.
- b) Street specifications. Each recreational vehicle park shall have hard surface streets, properly drained in accordance with the existing requirements of the city. All streets shall be at least 20 feet in width throughout.
- c) Parking. Each unit shall be provided with a minimum of one (1) off-street parking Space. No on-street parking shall be permitted. Parking areas shall be constructed of the same material as the adjoining street unless the adjoining street does not contain a hard surface. In such event the parking areas shall be constructed with materials so as to provide a hard surface.
- d) Pads. Each unit within a recreational vehicle park shall be provided with a concrete pad, a minimum of nine feet by 40 feet (360 square feet), to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park. No recreational vehicle park within a recreational vehicle park shall be placed within such park except upon a pad.
- e) No shared utility hookups. Two recreational vehicles shall not be permitted to share a unit or to share utility hookups.
- f) Water lines and sewer connections. Each unit shall be provided with water lines and sanitary sewer connections, suitable for hookup to recreational vehicles, and subject to all applicable ordinances, rules and regulations of the city.
- g) Public inspection. Duly authorized representatives of the city shall be permitted access to the recreational vehicle park, the street, utility lines and connections, and structures thereon, when performing city business, as a condition to the issuance, renewal, or suspension of a permit.

Deleted: No unit shall be less than 2500 square feet in area.

h) Fence. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the recreational vehicle park.

Deleted: A six-foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious.

i) Utilities. All utilities, including but not limited to, electrical, telephone, television, and cable, shall be buried and shall conform to the ordinances of the city.

j) Density and set-back requirements. Each recreational vehicle park shall comply with the following minimum density and set-back requirements:

i) Distance to adjacent designated concrete recreational vehicle pad. No portion of a designated concrete recreational vehicle pad shall be located nearer than 20 feet from an adjacent designated concrete recreational vehicle pad. Additional concrete pad space for vehicle parking and or outdoor tables will not be considered as part of the designated concrete recreational vehicle pad. When the concrete pad is larger than the minimum nine feet by 40 feet (or 360 square feet) required for the designated concrete recreational vehicle pad, a minimum nine feet by 40 feet (or 360 square feet) area will be designated as the recreational vehicle pad.

Deleted: unit boundary

Deleted: pad

Deleted: unit boundary

Deleted: .

ii) Maximum number of units per acre. The total number of units within a recreational vehicle park shall not exceed 15 per acre. Partial acreage shall be calculated proportionately.

iii) Other city set-back requirements. No recreational vehicle shall be located so as to violate any set-back requirement as may otherwise be established by ordinance or regulation with respect to the area in which the recreational vehicle park is located.

k) Recreational area. There shall be provided additional open space not to be considered part of the minimum unit size for use as recreational area in ratio of 100 square feet per unit, located in a central location within the park boundaries. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed five to one. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

Formatted: Bullets and Numbering

Deleted: ¶

¶ Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings.

Formatted: Bullets and Numbering

l) Electrical service. Each unit within the recreational vehicle park shall be provided with electrical service connections of at least one 30-amp connection and one 50-amp connection. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular recreational vehicle by the park owner or operator.

m) Minimum size. No recreational vehicle park shall be permitted within the city unless the same shall be at least three acres in area.

Formatted: Bullets and Numbering

| n) Soil and ground cover. Exposed ground surfaces in all parts of every recreational vehicle park shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust or shall be paved or covered with stone screening or other solid material.

Formatted: Bullets and Numbering

| o) Drainage. The ground surface in all parts of the recreational vehicle park shall be graded and equipped to drain all surface water in a safe, efficient manner, and in accordance with applicable ordinances of the city.

Formatted: Bullets and Numbering

Zoning Text Amendment

Statement of Purpose/Affected by amendment/Justify the amendment

Date: Oct. 23, 2011

Corral RV Park expansion

1402 South Cherry

Tomball TX

Revision dated Dec. 12, 2011 (added #3;#4)

Location /existing section page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground**

Statement of Purpose

Statement of Purpose: Proposed revised request /reason why:

Line 1) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.....

To Change/Remove "on a temporary bases" (no replacement language)

Why: When you make a statement to rent or lease it refers / means it will be temporary.

Line 2) RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum 90 calendar day time period.....

To Remove / line 2: **For the purpose of this definition, "temporary" means a maximum 90 calendar days time period.**
(No replacement language)

Why: to request to remove any reference to limiting the amount of time a RV can be parked in a RV Park.

Revision one Dated to letter on Dec. 12.2011

- 3) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parg. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed **on the two sides and rear** of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Why: Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this paragraph.

Why: One must think RV park not mobile home Park or subdivision Walkways are better in large lots not RV pads. The design would be infringing on your neighbors RV lot because walking way would go across where the RV lot/next to their are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

Below are the items request to change from the letter sent to City of Tomball manager

- 1) Re: to ordinances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. J line 1 Distance to adjacent **Unit Boundary.** No portion of a **pad** shall be located nearer than **20 feet from a unit boundary.**

Request to change/**Remove Unit Boundary and Boundary** from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV **designated** parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables **will not** be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance now is you are unable to get to the RV parking area. above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary. Plus the RV Pad must be minimum 40 feet apart from the a jointing RV concrete pad..

- 2) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements paragraph. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall **include** a **concrete pad**, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. Remove the line: No Unit shall be less than 2500 square feet in area. Why : because you have removed Boundary from paragraph one request there is no measurement required , the distance apart is the requirement now not sq. feet.

- 3) page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground** restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

- 4) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings
Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

Revision #3 Jan. 9 2012:

- 6) **Sec. 46-22. - Nonconforming manufactured home parks and recreational vehicle parks.**

Manufactured home parks **and recreational vehicle parks** lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall restored, rebuilt, or repaired unless in conformity with this article.

(Ord. No. 2000-04, § 2, 6-17-00)

Request to remove “ **Recreational Vehicle Parks** ” from this section as Highlighted above

General Description of Property Affected by Amendment

Changing of the zoning ordinance will help the Corral RV Park to stay in compliance with the newly purposed schedule expansion schedule for next spring time.

Statement of facts Which the Applicant Believes Justify the Amendment

- 1) A major group of older retired and semi retired groups of people (RE: older generation but young at heart “our moto”) have moved /joined a group of permanent RVer’s. There cost of RV’s range from \$30,000 to over a million dollar RV’s and these people need a place to stay for a unlimited amount of time to park their RV
- 2) Winter Texan’s who come from the north stay from Sept. to June and sometimes leave their RV though the summer, these people need a unlimited amount of time to park their RV
- 3) With the city of Tomball expanding their medical facilities and the new VA medical clinic, these people need a unlimited amount of time to park their RV
- 4) With disasters from hurricanes and the most recent fires, City of Tomball is the location that the insurance adjusters stay and the families from the disaster stay these people need an unlimited amount of time to park their RV.
- 5) Apartments, mobile homes, rental homes, outdoor storage, and business do not require a limited time frame when they rent or lease a property.
- 6) People are moving to Texas from out of state and need temporary housing /RV Park

To: City Of Tomball

Date: Sept. 16, 2011

Att: City Manager

Att: George Shackelford

From: Corral RV Park

1402 South Cherry

Tomball TX

Revision #1 Dated Dec. 12 ,2011: Revision #2 Dec. 19,2011 Revision #3 jan 9,2012

(Added #4 and #5 parag.)

RE: Expansion of Corral RV Park

In order to keep up with the growth of City of Tomball I am reviewing to add an additional 30+/- RV Pads to Corral RV Park. This will help City of Tomball to handle families moving into the area plus handling family emergencies from hurricanes to the most recent wild fires from people being evacuated/losing their homes..... plus in helping families with RV's for a place to stay for medical treatment from the growth of the new medical facilities we now have and don't forget about our retirees which are a large portion which are now called permanent RVers .

I am asking to review the city ordinances for the expansion of Corral RV Park located at 1402 South Cherry Street. I have met with the city engineering group and they requested for me to meet with the city manager to review the points below to see what type of action we should/could take.

- 1) Re: to ordnances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. J line 1 Distance to adjacent **Unit Boundary**. No portion of a **pad** shall be located nearer than **20 feet from a unit boundary**.

Request to change/**Remove Unit Boundary and Boundary** from this line to: a designated area will be located on the portion of the concrete pad. Portion of a RV **designated** parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables **will not** be considered as part of the RV designated parking pad. When the concrete pad is larger than the designated RV parking area then a location area on the concrete pad will be designated for the RV parking space only (9x40). These spaces shall not be located nearer than 20 feet from the next designated RV parking area.

Why: The interpretation of the ordinance could mean that you are unable to get to the RV to the parking area. Above states that the RV pad must be 20 feet from the boundary. The RV concrete pad can't connect to the road because it has to be 20 feet from the boundary (RE. Has to be 20

feet from the road and the boundary is the edge of the road so the concrete pad can't connect to the road) Plus the RV Pad must be minimum 40 feet apart from the a jointing RV concrete pad. A house only requires 10 feet.

- 2) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall **include a concrete pad**, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

Request to change /add: "each unit shall include a designated area on the concrete pad when the pad is larger than the RV parking area RE: for the parking/and concrete area for picnic tables. **Remove the line: No Unit shall be less than 2500 square feet in area.** Why : because you have removed Boundary (from paragraph one request) there is no Square feet measurement required , the distance apart is the requirement now not sq. feet. Or request to 1200 Sq. feet if needed. Note this is a temporary parking lot not a permeate structure.

- 3) page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground** restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV'sPlus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

Revision one Dated to letter on Dec. 12.2011

- 4) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (h) Fence. A six foot high fence or wall, constructed of wood or masonry, shall be constructed **on the two sides and rear** of the recreational vehicle park, such fence or wall to be 95 percent impervious. A decorative enclose, not less than five feet in height shall be constructed along the front of the recreational vehicle park.

Request: to removeon the Two sides and rear

Putting up the fence around the park will remove the deer who have made their home in the woods in the park. We have set up feeders for the animals in the area

- 5) Re: to ordnance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles: Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parag. (L)Walkways. Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings

Request to remove this parag. One must think RV park not mobile home Park or subdivision. The design would be infringing on your neighbors RV lot because the walk way would go across where the cars are parked or where their picnic table would be at RE: a big Motor home would be next to the walkway possible disturbing their privacy.

6) **Sec. 46-22. - Nonconforming manufactured home parks and recreational vehicle parks.**

Manufactured home parks **and recreational vehicle parks** lawfully operating prior to the effective date of this article, but which do not conform with the regulations contained herein, may be continued. Provided however, no such park shall be extended or enlarged, and no such park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this article. Provided further, no such park shall be rebuilt in case of total destruction by fire or other causes except in conformity with the regulations contained in this article, and no such park which is partially destroyed by fire or other causes in excess of 50 percent of the value of the park's facilities shall be restored, rebuilt, or repaired unless in conformity with this article.

(Ord. No. 2000-04, § 2, 6-17-00)

Request to remove “ **Recreational Vehicle Parks** ” from this section as Highlighted above

As of now these are the main points I have found that need to be review to move forward. I do have engineered expansion drawings I had completed a few years ago for your review. The City of Tomball engineering group had stated about using CUP; Text amendments; and possible other vehicles for the changes if they meet City of Tomball approvals. If additional information is required or if I can be of any help please call me on my cell phone at 713-557-1821 or the Corral RV Park office at 281-351-2761

Regards

Mike OBrien
President
KE JAMS Inv.
Corral RV Park
1402 South Cherry
Tomball TX. 77375
Off.281-351-2761 fax 281-351-2764
E-mail: mob@houstonrvpark.com

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Discussion of City Sidewalks Update - Country Meadows Subdivision

Background:

During the December 5, 2011 City Council meeting Council asked for estimated costs for new sidewalk along the north and south side of Zion Rd east of Quinn Rd.

Attached is the exhibit of the proposed and existing sidewalks in the area and estimated costs for new and replacement sidewalks along Zion Rd. The estimated costs do not include land or easement acquisition. Any sidewalk placed in the right-of-way east of Quinn Rd will have to be coordinated with Harris County, as it is County right-of-way.

Origination:

City Council

Recommendation:

N/A

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

Engineering and Planning

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

ATTACHMENTS:

Proposed and Existing Sidewalks Exhibit
Sidewalk Cost Estimate



G:\GISData\Projects\Sidewalks\Sidewalks.mxd

Estimated Cost for Sidewalk Projects Along Zion Rd.

Replacement Sidewalk to Spring Pine Estates	
Sidewalk, 5-ft, Alice St to West of TJHS Driveway	
TOTAL CIP	\$352,820.00

Northside of Zion East of Quinn to Country Meadows	
Sidewalk, 5-ft, East of Quinn Rd to Country Meadows Dr.	
TOTAL CIP	\$48,204.00

Southside of Zion East of Quinn to Spring Forest Estates	
Sidewalk, 5-ft, Quinn Rd to Green Tree Dr	
Sidewalk, 5-ft, Green Tree Dr to RR Tracks	
TOTAL CIP	\$159,120.00

TOTAL for East of Quinn Rd to RR Tracks	\$207,324.00
--	---------------------

TOTAL for all sidewalks	\$560,144.00
--------------------------------	---------------------

This does not include any property or easement acquisition.
Sidewalks east of Quinn Rd will have to be coordinated with Harris County.

Regular City Council Agenda Item Data Sheet

Meeting Date: February 6, 2012

Topic:

Discussion of City Sidewalks Update - Spring Pines Estates

Background:

During the December 5, 2011 City Council meeting Council asked for estimated costs for replacement of the existing sidewalk along Zion Rd west of Quinn Rd.

Attached is the exhibit of the proposed and existing sidewalks in the area and estimated costs for new and replacement sidewalks along Zion Rd. The estimated costs do not include land or easement acquisition. Any sidewalk placed in the right-of-way east of Quinn Rd will have to be coordinated with Harris County, as it is County right-of-way.

At the January 16, 2012 City Council meeting a request was made for repair information on the existing sidewalk west of Quinn Rd. The average cost for repairs for sidewalk failures along Zion Rd. is as follows:

- Stabilized sand = \$650.00
-

Labor = \$1,414.00

- Equipment = \$804.00
- Total = \$2,868.00

On average, sidewalk repairs are made for this area 4 times per year at an annual cost of \$11,472.00.

Origination:

City Council

Recommendation:

N/A

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

Engineering and Planning

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

ATTACHMENTS:

Proposed and Existing Sidewalks Exhibit
Sidewalk Cost Estimate



G:\GISData\Projects\Sidewalks\Sidewalks.mxd

Estimated Cost for Sidewalk Projects Along Zion Rd.

Replacement Sidewalk to Spring Pine Estates	
Sidewalk, 5-ft, Alice St to West of TJHS Driveway	
TOTAL CIP	\$352,820.00

Northside of Zion East of Quinn to Country Meadows	
Sidewalk, 5-ft, East of Quinn Rd to Country Meadows Dr.	
TOTAL CIP	\$48,204.00

Southside of Zion East of Quinn to Spring Forest Estates	
Sidewalk, 5-ft, Quinn Rd to Green Tree Dr	
Sidewalk, 5-ft, Green Tree Dr to RR Tracks	
TOTAL CIP	\$159,120.00

TOTAL for East of Quinn Rd to RR Tracks	\$207,324.00
--	---------------------

TOTAL for all sidewalks	\$560,144.00
--------------------------------	---------------------

This does not include any property or easement acquisition.
Sidewalks east of Quinn Rd will have to be coordinated with Harris County.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Request by The Regional Arts Council (TRAC) for Financial Support for Six Performances of "The Nutcracker" Ballet, held December 9-11, 2011, in the Amount of \$11,200.00

Background:

The Regional Arts Council (TRAC) has requested \$11,200 for financial support for the six performances of "The Nutcracker" ballet this past December 9th through 11th, 2011.

The amount requested is \$11,200.00. This is a 6.6% percent over last year's grant amount of \$10,500.00.

This request was submitted "post event", and technically, according to the City of Tomball guidelines, the request is supposed to be submitted "a minimum of 30 days prior to the date of the event. However, this request has been granted each year in the past and it actually appears as a line item in our 2011-2012 City Budget. The approved line item amount in the budget is \$ 10,500, but, if approved by the TAC Board, there isn't an issue with approving the \$ 11,200 amount, as we will not be exceeding the total amount authorized in the budget for the Hotel Motel tax fund.

The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. The "Nutcracker Ballet" meets the requirements of the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Finance Director

Recommendation:

Approved TRAC's request for financial support

Funding: Yes

Account Number: 240 Grant Funds Available

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

Finance Director

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

ATTACHMENTS:

TRAC Request for Nutcracker Ballet Financial Support



Celebrating **24** years of serving the
community with quality arts
1987 - 2011
BRINGING PEOPLE & THE ARTS TOGETHER

MISSION – The Regional Arts Council supports and brings quality performing and visual arts to the greater Northwest Harris, Southern Montgomery Counties, and surrounding areas through the implementation and promotion of arts education.

**Support the Arts
By Joining Us Now!**

All contributions are tax deductible (Tax ID #76-0235134)

December 28, 2011

Glenn Windsor, Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375

Re: Application for City of Tomball Grant for The Regional Arts Council

Dear Mr. Windsor,

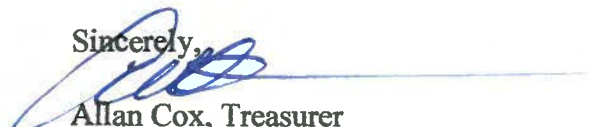
This binder includes an application from The Regional Arts Council (TRAC) for Grant Funding from The City of Tomball Occupancy Tax fund to present “The Nutcracker Ballet” held December 9th, 10th and 11th at Tomball High School Auditorium. This is the 13th year that TRAC has presented this event and over the years, based on our best analysis, we have shown the production to approximately 38,000 people with an estimated 32,000 coming from outside of Tomball.

Our grant is presented on “The City of Tomball Application For Use of Hotel Occupancy Tax” and includes “Exhibits and Schedules” detailing requested exhibits and other supplemental items. We have also including a DVD from the 2010 performance. This grant request is submitted post event due to certain last minute changes that prevented us from submitting earlier. The information is similar to last years request with the exception of us reducing the public performances from five (5) to four (4); eliminating the weakest performance, Friday night; and have added an extra student (free) performance on Friday during the school day, as requested by TISD.

Our funding request is targeted to The Nutcracker which is our event that guides the largest number of non residents to Tomball, thus meeting your grant guidelines. Funds raised provide student scholarships and other fine arts presentations, most free of charge.

We thank you in advance for your consideration.

Sincerely,


Allan Cox, Treasurer
The Regional Arts Council

Application may be mailed or hand delivered to:

Glenn Windsor, Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375

*****The following application for grant utilizes the format required by the City of Tomball; however, the information has been transcribed in its entirety to provide accurate format of information. Certain schedules and exhibits have been added to supplement to request*****

Applicant Organization: The Regional Arts Council (TRAC)

Organizational Director: Allan K. Cox – Treasurer and Board Member

Project or Event for which funding is requested: The Nutcracker Ballet – 2011

Date of Event: December 9th, 10th and 11th (setup / practice Dec 7th and 8th)

Description of project or event for which funding is requested: Six (6) performances of “The Nutcracker” Ballet – December 9th through 11th, 2011. TRAC has brought “The Nutcracker” ballet to Tomball for the past 13 years, with the first productions, Act II only starting in 1998 and; beginning in 2001, presented the magical full-length production, spanning 3 days, and showing to an audience of over 3,000 each year. Beginning this year, we are presenting two (2) performances on Friday, Dec 9th, for the 3rd grade students in Tomball. This is a totally free performance covering many youngsters who are underserved and might be unable to attend the other performances. Since last years student performance was well received, we added the 2nd performance this year.

Location of project or event: The Tomball High School Theater in the Leonard Chambers Fine Arts Wing at Tomball High School, 30330 Quinn Road, Tomball, TX.

GRANT AMOUNTS:

Amount Requested for 2009 – 2010 (See Exhibit A for Support Doc)	<u>\$ 11,200.00</u>
Amount Requested for 2008 – 2009	<u>\$ 10,500.00</u>
% increase requested over last year’s grant	<u>6.6 %</u>

2010 – 2011 Organization Budget Summary (The Nutcracker – TRAC)

	City Funds	Other Funds	Total
Personnel	0	0	0
Contract Services	*\$11,200	0	0
Travel	0	0	0
Rental Expense	0	0	0
Depreciation/Mortg	N/A	0	0
Advertising (Fliers)	0	1,150	1,150
Insurance (% of GL)	0	800	800
Other Expense (Retail, Card Fees,etc)	0	10,525	10,525
Volunteer Time (**)	N/A	0	0
Donated Goods / Services	N/A	0	0
Total	11,200	12,475	23,675

* Funds Requested for this Grant Project - Pd to TISD Ancillary Support
and for security required by TISD

(See **Exhibits A & B** for last years TISD Invoice and Invoice for Security)

(**) Hundreds of free man hours spent by parents and other volunteers

Grants to an organization will not exceed 25% of the organization's adopted budget for 2010-2011

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

Government

Amount of Funds

Local	\$ 0
County	\$ 0
State	\$ 0
Federal	\$ 0

Other Investors / Contributors

Individual	\$ 0
Corporate (Rotary/Exxon)	\$ 0
Foundations	\$ 0

Fees

Admissions (Ballet Tickets)	\$44,600
Applications (Ad Sales)	\$ 1,000
Vendors	\$ 0

Tuition	\$ 0
<u>Concessions (Boutique)</u>	<u>\$13,400</u>
<u>Memberships</u>	<u>\$ 300</u>
<u>Subscriptions</u>	<u>\$ 0</u>
<u>Other (Silent Auction)</u>	<u>\$ 3,700</u>
Total	<u>\$58,400</u>

How many people do you expect will visit Tomball from out of town as a result of this project or event? 2,700 Explain the basis for your answer to the preceding question: The 2,700 for 2011 is based on the attendance average for the last four (4) years (2,950) and does not include the 1,500 students that will attend the two (2) 3rd grade performances. Of the 2,700 attendees, based on zip code analysis, approx 384 have a Tomball zip code and could reduce that out of town visitor number to around 2,316. The attendance information for the 2010 performances, showing patron zip codes and hometowns, is detailed on Exhibit C - 4 Pages. We discovered that the Tomball zip code numbers are a little high since many Tomball residence purchase tickets and leave them at Will Call for their out of town guests and friends.

Are attendees for this event or users of this project expected to stay overnight in Tomball hotels or motels? Yes If your answer to this question is "Yes", state the basis for your answer: Many family and friends from out of town have reported that they have secured reservations at the local hotels / motels for one or more nights during the Nutcracker weekend. The local hotels were not able to provide occupancy information to us for the first week in December 2010 and how it compares to other weeks of the year.

Organization Contact Name, Title, Address and Phone Number: Allan Cox, Treasurer, The Regional Arts Council (TRAC), P O Box 1321, Tomball, TX, TRAC Voice Mail (281) 251-2787, Allan's Office (281) 255-8100, Allan's Cell (713) 201-1008

Contacts Signature: _____

Date: Dec 28, 2011

VALIDATION OF APPLICATION

The signatory declares that he/she is an authorized official of the applicant, is authorized to make this application, and certifies that the information in this application is true and correct to the best of his/her knowledge. Signatory further declares that applicant, if previously funded by the City of Tomball, has successfully fulfilled all prior Grant contract obligations.



Signature of Authorizing Official

Dec 28, 2011
Date

Allan K. Cox

Treasurer and Board Member
The Regional Arts Council (TRAC)

281-351-2787, 713-201-1008

cox.a@sbcglobal.net
Email address

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Request for Grant Funding for Production of a City of Tomball Mascot Costume, in an Amount not to Exceed \$6,000.00

Background:

As we continue to increase public awareness of the City of Tomball, we need to consider additional ways of branding ourselves locally, regionally and at the state level. One successful way of doing that is with walk around mascot characters.

Creation of a mascot to be used at public events, festivals, tourism oriented trade shows, etc., will increase visitors awareness of Tomball. This mascot could then be used at City festivals, events, parades and trade shows, photo shoots, PR situations, television commercials and promotional video, media events, visits to hospitals, charity events and schools, business openings, sporting events, and travel summits. As an educational tool, mascots can be used to build brand loyalty in children at a young age; a contest to Name the Mascot is, in itself, an excellent opportunity to increase awareness of the City of Tomball.

A proposal for the production of a City of Tomball Mascot costume is attached for your review and consideration. The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. A City of Tomball Mascot will address the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Marketing Director

Recommendation:

Approve Grant Funding Request for a City of Tomball Mascot Costume.

Funding: Yes

Account Number: 240 Grant Funds Available

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

Marketing Director

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

ATTACHMENTS:

Proposal for City of Tomball Mascot

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Funding Request for the Tomball Honky Tonk Music Festival, to be Held on Saturday, March 24, 2012, in the Amount of \$13,000.00

Background:

The Tomball Honky Tonk Music Festival will be a one-day event celebrating old-style Country music through live performances, food, vendors and family-oriented activities.

Music presented will reflect the days when country music as not so “pop” in nature—Patsy Cline, George Jones and other “hardwood dance floor” favorites. This event will not only appeal to a general Country music audience, but can be promoted to retirement communities and an older demographic.

The performances will be staged from the gazebo.

The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. The Tomball Honky Tonk Music Festival will address the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Mike Baxter, Marketing Director

Recommendation:

Approve funding request for the Tomball Honky tonk Music Festival

Funding: Yes

Account Number: 240-243-6358

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

Marketing Director

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

ATTACHMENTS:

Proposal for Tomball Honky Tonk Music Festival

Funding Request

Tomball Honky Tonk Music Festival - #243-6358

To: Members of the TAC Board
From: Mike Baxter
CC: File
Date: 1/19/2012
Re: Tomball Honky Tonk Music Festival

The following is a description and cost estimate for a planned old style Honky Tonk music event scheduled for March 24, 2012. Please review the presentation and give me your comments so that I can refine it and present to the appropriate groups for approval. I need to give the chosen bands final approval soon - they can't be expected to hold the dates for long since this is during prime festival season.

EVENT: Tomball Honky Tonk Music Festival

DATES: March 24, 2012

LOCATION: Depot Plaza

TIME: 11 a.m.– 6 p.m.

CONCEPT: The Tomball Honky Tonk Music Festival will be a one-day event celebrating old-style Country music through live performances, food, vendors and family oriented activities.

Music presented will reflect the days when country music as not so “pop” in nature – Patsy Cline, George Jones and other “hardwood dance floor” favorites. This event will not only appeal to a general Country music audience, but can be promoted to retirement communities and an older demographic.

The performances will be staged from the gazebo.

FOOD: A food vendor or two, such as Cisco's Salsa Company, Rib Ticklers or the new Dickey's Barbecue, would be invited to sell food and beverages. Since this is a first time event with no guarantee in attendance or sales, I suggest giving the vendors 100% of their take for this event.

BEVERAGES: We would again approach a local vendor to coordinate the sale of beer and wine. They will need to provide their own TABC licensing/permits.

MUSIC: Final negotiations are underway with potential bands through our event promoter, James Sloan. I have worked with Sloan on Country music and Bluegrass events since the mid 1990s.

Saturday, March 24th

The Headliner: Longtime Nashville country music performer David Ball looks to be available for our event. In addition to his own records and music videos, Ball has performed on albums with talent such as Willie Nelson, Tanya Tucker, Randy Travis, Suzy Bogguss and others.

Additional acts throughout day will include local and regional honky tonk style Country bands.

KIDS' ZONE: A kid's zone could be set up with 2nd Saturday style activities.

VENDORS: Vendors selling merchandise of interest to our guests might include the Klein Bros. packaged foods, Simply Southern Cupboard foods, barnwood birdhouse builders, rustic Texas merchandise, local wineries and local businesses from the downtown area.

PARTNERS: Partners will be sought out to help underwrite expenses and promote to their customer base.

ESTIMATED COST:

The estimated cost for this one day event is approximately \$13,000. I have listed expenses below for your review.

CATEGORY	DAY/USE	COST	DETAIL
PACKAGE FEE:	Saturday	\$5,400.00	All inclusive
MUSIC:	Saturday		David Ball and opening bands
SOUND:	Saturday		Provided in the package
STAGE:	Saturday		Gazebo stage
EVENT COORDINATION:			
TENTS:	NA		
TABLES:	NA		
CHAIRS:	NA		
PORTALETTS:	Saturday	\$500.00	5 standard/1 handicap /1sanitizer
SIGNAGE:		TBD	
ADVERTISING	Print	\$1,000.00	Woodlands Villager, Trib
	Radio	\$5,000.00	KILT and Texas Mix 105.3
	Online	TBD	
	Television	NA in 2012	
VIDEOGRAPHY		\$ 250.00	For use in future events
PROMOTIONAL ITEMS		\$ 500.00	logoed mdse for giveaway
MISC. EXPENSES		\$ 500.00	unexpected expenses

ADDITIONAL MEDIA: Each band performing will contact its own fan base through social media to promote their appearance at the event.

We will coordinate additional free media through Facebook, press releases and other vehicles.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Funding Request for Spring **Art Walk, Tomball** and Afternoon Concert Event Scheduled for Saturday, April 21, 2012, in the Amount of \$5,000.00

Background:

Art Walk, Tomball is a downtown-specific event placing artists in various restaurants, shops and open areas with the intent of driving visitors into participating locations.

Based on the comments of participants from our Art Walks last fall, I propose reducing the number of Art Walks to one in the springtime and a second event in the fall.

Following a day of art, a live concert would be staged from the gazebo at Depot Plaza.

The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. The **Art Walk, Tomball** events address the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Mike Baxter, Marketing Director

Recommendation:

Approve funding request for Tomball Art Walk events.

Funding: Yes

Account Number: 240-243-6358

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

Marketing Director

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

ATTACHMENTS:

Proposal - Spring Art Walk, Tomball

Art Walk, Tomball! – Springtime - #243-6358

To: TAC Board members
From: Mike Baxter
CC: File
Date: 1/19/2012
Re: Art Walk, Tomball! - Spring

The following is a description and cost estimate for a planned springtime Art Walk, Tomball and afternoon concert event scheduled for Saturday, April 21, 2012.

EVENT: Art Walk, Tomball!

DATES: April 21, 2012

LOCATION: Depot Plaza and downtown Tomball

TIME: 10 a.m.– 7 p.m.

CONCEPT: Art Walk, Tomball! is a downtown specific event placing artists in various restaurants, shops and open areas with the intent of driving visitors into participating locations. Based on the comments of participants from our Art Walks last fall, I propose reducing the number of Art Walks to one in the springtime and a second in the fall.

Following a day of art, a live concert would be staged from the gazebo at Depot Plaza.

FOOD: Cisco's Salsa Company has agreed to again provide food for the event and we may consider adding another local vendor as well.

BEVERAGES: We would again approach a TABC permitted vendor to sell beer and wine during the event

MUSIC: The music genre has yet to be determined.

ON-SITE ACTIVITIES: I suggest that this year we provide activities for the kids during the afternoon/evening concert such as a bounce house, crafts, etc.

PARTNERS: Partners will be sought out to help underwrite expenses and provide additional funding for advertising and promotion.

Continued . . .

ESTIMATED COST:

The estimated cost for this one day event is approximately \$5,000.00. I have listed expenses below for your review.

CATEGORY	DAY/USE	COST	DETAIL
MUSIC:	Saturday	\$1,500.00	
SOUND:	Saturday	To be provided by the band	
STAGE:	Saturday	The gazebo stage will be used	
TENTS:	NA		
TABLES:	NA		
CHAIRS:	NA		
PORTALETS:	Saturday	\$400.00	3 standard/1 handicap, 1 sanitizer
SIGNAGE:		\$ TBD	
ADVERTISING	Print	\$2,000.00	Local media, Houston Press
	Radio	NA	
	Online	NA	
	Television	NA	
	School fliers	\$ TBD	
VIDEOGRAPHY		\$150.00	
PROMOTIONAL ITEMS		\$500.00	logoed mdse i.e. t-shirts, etc.
MISC. EXPENSES		\$500.00	unexpected costs

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Request by the Tomball Lions Club for Support and Road Closures for the 2012 Annual Car Show, to be held Sunday, April 22, 2012

Background:

The Tomball Lions Club is requesting City support as follows:

1. Street Closures, from approximately 6:30 a.m. until 5:30 p.m. on April 22:
 - (a) South Walnut at Main;
 - (b) South Elm at Main;
 - (c) South Walnut at Fannin;
 - (d) Market at South Cherry; and
 - (e) the alley where the TISD parking lot is located, at South Cherry.
2. Barriers provided by the Public Works Department, to be placed in position by volunteers.
3. Waiver of the rental fee for the Gazebo.
4. Personnel support from the Police and Public Works Departments.
5. Operation of the splash pad.

The Lions Club will provide portable toilets and plans to use the dumpster behind the Gazebo at Fannin.

This event is approximately 11 hours long; the estimated cost of personnel and in-kind services should be \$950 for personnel support from the Public Works (\$400) and Police Departments (\$300) and the \$250 rental fee for the Gazebo.

The Lions Club request falls within the scope of the City's Strategic Initiative to focus on building our economy by encouraging events in the downtown area that advance our tourism efforts.

Origination:

Mike Baxter, Marketing Director

Recommendation:

Approval of support and road closures for the 2012 Annual Car Show.

Funding:

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

Marketing Director

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

ATTACHMENTS:

Lions Club/COT Special Event Team Notes

Tomball Lions Club Annual Car Show with the City of Tomball to be held April 22, 2012

As of 01/24/12

Placement of Vehicles

- 1) Entrance on S. Walnut street and FM2920
 - a) Physical Car Pictures as they come in.
 - b) Give Cars their number
 - c) The entrance is still to be decided.
- 2) Cars will be aligned on the following streets for showing
 - a) S. Elm Street East Side of road
 - b) Market Street South Side of Road accessible all the way to Cherry if need be
 - c) S. Walnut East Side of Road
 - d) Driveway by Brown Building South Side of Road
 - e) Over flow will start back @ Elm on West side of road
 - f) Remaining overflow will put in the TISD parking lot.
 - g) We can also park cars along the path to the Gazebo on both sides just off of the path.
 - h)

Use of TISD Parking Lot

- 1.) We have already confirmed with John Neubauer that we could use the TISD parking lot; however, no alcohol can be on school property. We need to provide signage to cover this situation. The sign must say "NO BEER ALLOWED BEYOND THIS POINT".
- 2.) Will have obtained in writing from John & his departments the OK to use parking lot.
- 3.) Al has signed the TISD Facility Use Application and resolved this issue.

Street Closure

- 1.) Met with the Tomball Special Events Team to determine how the streets are to be blocked. City Expectations and Lions responsibilities
- 2.) This area can hold 200 Cars
- 3.) The following streets will be closed for this event.
 - a. S. Walnut @ Main
 - b. S. Elm @ Main
 - c. S. Walnut @ Fannin
 - d. Market @ S. Cherry
 - e. The alley where TISD parking lot is @ S. Cherry
- 4.) The Public Works Department will provide the barriers for these locations and we will set them out at the appropriate time of day for this event.

Special items

- 1) Special Lions Shirts – Need Sponsorship \$500
- 2) We need flyer ready for Dec 15, 2011
- 3) City cost and distribution of money earned
- 4) Cost - \$250 for permits & rental of Gazebo. City does not want any funds that are raised by the lions club. Will ask \$250 to be waived @ council meeting.

Security

- 1) The Tomball police Department will have some people assigned, but it is the recommendation of Chief Hauck to have 2 off duty officers also in place. About \$30/hr with 4 hour minimum/ officer. We need this from 11am-3pm
- 2) We will be looking to the ROTC or LOTC to help maintain integrity of the barriers for admissions.
- 3) Fire and Ambulance?????
- 4) Officer Chambers if he is not on duty will be one of the officers.

Port a Potties

- 1) Recommendation to have at least 2 handicapped port a potties located in TISD parking lot.
- 2) Other locations will be the following
 - a) 2 behind tax office where the empty lot is
 - b) 3 over by the depot on S. Elm
 - c) 3 behind the building over by the Brown Building.
 - d) Get hand sanitizer for each port a potties

Marketing

- 1) Get together with Michael ASAP with some antique cars in front of Depot.
 - a) He will take pictures and we can use this as advertising the show with the Depot in the background.
 - b) Al to take the picture on Tuesday 01/31/12.
- 2) City will issue press releases as will we with the local papers.
- 3) City will advertise in the e:newsletter that goes out
- 4) Banner over Main Street is only available March 12th-19th. Secure ASAP by calling Sandra Martin with Public Works Dept. 281-290-1425. she will also help us secure the Gazebo and present to city council as not to be charged for Gazebo during this time.
- 5) Chamber newsletter & emails that go out.
- 6) Auto trader magazine the Bob always uses
- 7) Have flyers in business throughout the month of April advertising the Car Show.
- 8) Get Channel 13 may be able to cover event.

Food & Beverage

- 1) Temporary Health permit has been obtained. Al submitted a request to Harris County Health Temporary permit on 01/22/12 4:25 pm. We are awaiting a response.
 - a) Carolyn Howard from HCPHES stated as per Conversion with Tim Fowler (Pres.) & Al Gerhardt (Sec) on 01/25/12. As a 501C(4) charitable organization is not required to obtain a temporary food permit and with that said, there are no monies that are required by the Tomball Lions Club.
- 2) Must get with Laura Wilson @ Cisco Food Company to discuss use of Beer License
 - a) They will handle all Beer and Wine sales. Lions club will get 15% of income in excess of \$1000.
- 3) BBQ pit will be of Brown Building Driveway over by Depot
- 4) Must have enough Briquettes for about 1000 people. Turkey Legs and Sausage on stick
- 5) Will have credit card use available.
- 6) Depot Shops – Soda Shops, Wine Bars, and Steak House.
- 7) Beer & Raffle Benefits.

Entertainment

- 1) We are looking to secure 1 or 2 bands plus a dj for this event. Need Sponsorship \$1500
- 2) Shay Doman has been secured and the cost is \$800-\$1000.
- 3) Tracy Hood (Braid) - \$300-\$400
- 4) DJ – Auto-Trader - \$300
- 5) The stage on Depot is not available to use (the upper level platform", must be where pavers are or the concrete area in front.

- 6) The splash pad will be open for kids with a possibility of a jumpy jump for younger ones to play on.
- 7) See about getting some entertainment for kids going on. Balloons, etc....

Admissions

- 1) The Club has always charged \$5.00 per car in the past, but we are talking about a bigger event. band bracelets and if they purchase a band bracelet for \$5.00 and anyone under 13 gets in free
 - a) Family members of car owners who pay \$25 will be in free.
- 2) We will print armbands in two colors. One color for the Car Owner and one color for everyone else.
- 3) We will have LOTC & ROTC and other Lions policing people as they walk in for payment @ the areas of entry.

Awards Ceremony

- 1) Presently we are looking at bringing the cars up the driveway by the brown building, but there are some concerns about accessibility, so we may look at bringing them up market and presenting by the depot and elm.
- 2) Bob Erwin is putting together a Top 10 category proposal for the trophies.
- 3) We need to purchase Trophies – Need Sponsorship - \$1500
- 4) Presentation of awards is typically about 3Pm

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Funding Request for the Rails & Tails Mudbug Festival at Depot Plaza, to be held May 5 and 6, 2012, for the Estimated Amount of \$26,000.00

Background:

The Rails & Tails Mudbug Festival will be a two-day food and music festival to be held on May 5-6, 2012 at Depot Plaza, celebrating crawfish through food, music, merchandise sales and family-oriented activities and offering crawfish, a variety of music styles, vendors, a kids area and more.

The event is intentionally themed crawfish versus Cajun in order to allow for more diversity in our entertainment package. More emphasis will be put on the food, not the overall cultural aspect as found at most Cajun festivals.

The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. The Rails & Tails Mudbug Festival will address the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Marketing Director

Recommendation:

Approve funding request for the Rails and Tails Mudbug Festival.

Funding: Yes

Account Number: 240-243-6358

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

Marketing Director

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

ATTACHMENTS:

Proposal - Rails and Tails Mudbug Festival

Funding Request

Purpose: Rails & Tails Mudbug Festival - #243-6358

To: Members of the TAC Board
From: Mike Baxter
CC: File
Date: 1/19/2012
Re: Rails & Tails Mudbug Festival at Depot Plaza

I am asking for approval of HOT funds to stage the following event.

EVENT: Rails & Tails Mudbug Festival at Depot Plaza

DATES: May 5-6, 2012

LOCATION: Depot Plaza

TIME: 11 a.m.– 7 p.m.

CONCEPT: The Rails & Tails Mudbug Festival will be a two-day event celebrating crawfish through food, music, merchandise sales and family oriented activities.

The event is intentionally themed *crawfish* versus *Cajun* in order to allow for more diversity in our entertainment package. More emphasis will be put on the food, not the overall cultural aspect as found at most Cajun festivals.

FOOD: I have received confirmation that the French Quarter Restaurant on Highway 6 at FM 529 will serve as our primary food vendor. Fred and Janice Foteh have catered my Cajun festivals for the past 12-years. They are also a large volume crawfish wholesaler so there will be little chance of running out of food product. They would also sell soft drinks and water.

Since the French Quarter Restaurant is a full-service restaurant, their menu will include items such as boiled crawfish, crawfish po-boys, crawfish etouffee', Louisiana-style sausage on a stick and boudin balls. They are used to selling to large crowds in a festival setting, and dealing with the Harris Country Health Department.

There would still be room for a local restaurant or two wanting to sell crawfish based food items such as grits and crawfish, and gumbo, as well as barbecue and other southern dishes.

For a first time event with no guarantee of sales, so I don't plan on requesting a percentage of food sales from our food vendors in 2012. That is something to be negotiated once we have a track record.

BEVERAGES: We would approach an outside vendor to coordinate the sale of beer and wine with Silver Eagle Distributing. They would also sell soft drinks and water.

MUSIC: I have confirmed bands for both days of the event, including headliners that have a strong following promising to generate good attendance.

Saturday, May 5th

Noon – 1:30 p.m. – The Joel Martin Project (traditional Cajun/swamp pop) - Louisiana

2:15 – 3:45 p.m. – Bayou Roux (Cajun rock/classic rock) - Houston

4:30 – 6:00 p.m. – The Fab 5 (class rock/Beatles tribute band) - Houston

Sunday, May 6th

Noon – 1:30 p.m. – The Grateful Geezers (classic rock/Motown) - Houston

2:15 – 3:45 p.m. – Bayou Roux (Cajun rock/classic rock) - Houston

4:30 – 6 p.m.- Waylon Thibodeaux the “Rockin’ Louisiana Fiddler” (Traditional Cajun/swamp pop) - Louisiana

Bayou Roux will play the middle set on both days and act as our event MC/announcers. They will also perform a Mardi Gras style musical parade at Depot Plaza on both days.

During the switch-over between bands there will be recorded music from the main stage.

ON-SITE ACTIVITIES: There will be staged events during the band breaks on both days.

Boudin ball eating contest – a boudin ball is a ping-pong sized ball of fried boudin (a Cajun variation on *Boudin blanc* but instead of the filling being stuffed into pork casings, it is rolled into a ball, battered, and deep fried). The contest would see who could eat the most boudin balls in a 30-second period. A tie carries the competition to a second round and so-forth until a winner is found. If after three rounds no winner has been determined, a simple coin flip will decide the winner.

Crawfish racing – a 4x4-foot plywood sheet will be painted with bulls-eye style rings. A number of crawfish marked with a colored dot will be placed in the center of the board and restrained until the start of the race. Once the race is on, the spectators cheer for their favorite contender as the crawfish move outward from the center with one eventually crossing the outer ring and declared winner. Several heats can be run before choosing a final winner. The winners could be released in the small pond near the caboose as a reward. The others . . . returned to the cooking pot!

Event themed silicone wristbands in the racing colors of each crawfish could be created for the kids as souvenirs of the day’s activities. A virtual sample is attached to this proposal for your review.

KIDS’ ZONE: A kid’s zone could be set up with 2nd Saturday style activities as well as the activities staged on the grass during the German Christmas Market: the bungee bounce, the rock wall, a bounce house, etc. As with the food vendors, we would offer the ride operators the full 100% revenue this first year.

VENDORS: Appropriate vendors selling merchandise of interest to our guests might include the Klein Bros. packaged foods, Simply Southern Cupboard foods, wooden birdhouses and feeders, rustic Texas merchandise, local wineries and local businesses from the downtown area.

ADDITIONAL ACTIVITIES: Other activities could be incorporated to make the event larger such as Art Cars or a mini-car show, a local business or non-profit based gumbo cook-off, etc.

PARTNERS: Partners will be sought out to help underwrite expenses. Any dollars would go against the event to either off-set expenses or else help boost our advertising budget.

ESTIMATED COST:

The estimated cost for this weekend event is \$26,000 +/- . I have listed expenses below for your review.

CATEGORY	DAY/USE	COST	DETAIL
MUSIC:	Saturday	\$4,100.00	The Fab 5, Bayou Roux, Joel Martin
	Sunday	\$5,200.00	Waylon Thibodeaux, Bayou Roux, Grateful Geezers
SOUND:	Weekend	\$2,000.00	Equipment and operator
STAGE*:	Weekend	\$1,000.00	
TENTS:	Weekend	\$2,800.00	One 40 x 100 for diners Two 20 x 20 for other activities
TABLES:	Weekend	\$ 600.00	60 tables
CHAIRS:	Weekend	\$ 300.00	300 chairs
PORTALETS:	Weekend	\$1,200.00	8 standard/2 handicap accessible
SIGNAGE:		\$ TBD	
ADVERTISING	Print	\$1,500.00	Woodlands Villager, Trib, Chron Tomball
	Radio	\$5,000.00	KILT and Texas Mix 105.3
	Online	TBD	
	Television	NA in 2012	
VIDEOGRAPHY		\$ 500.00	For use in future events
PROMOTIONAL ITEMS		\$1,000.00	logoed mdse for giveaway/sale
MISC. EXPENSES		\$1,000.00	unexpected expenses

*Silver Eagle Distributing may provide the Zeigenbock Stage for the event at no charge.

If you have any questions, please let me know as soon as possible so that we can move forward on this event.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Funding Request for the Memorial Day Weekend Chili Challenge, Saturday, May 26, 2012 at Depot Plaza, in the Amount of \$7,500.00

Background:

This event will be a one-day chili cook-off sanctioned by Chili Appreciation Society International (CASI). This event will involve both professional cook-teams and local business teams, live music, vendors and more. CASI-sanctioned cook-offs award points making the winning teams eligible to compete at the annual International cook-off in Terlingua, Texas later this year.

The Tourism Advisory Committee approved the funding request on January 23, 2012, which is now presented to Council for consideration. The Memorial Day Weekend Chili Challenge will address the Strategic Initiative of investing HOT funds most effectively for maximum return to the City through the partnership with the hotel and tourism industry on joint marketing events in which those funds are invested.

Origination:

Marketing Director

Recommendation:

Approve funding request for the Memorial Day Weekend Chili Challenge.

Funding: Yes

Account Number: 240-243-6358

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

Marketing Director

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

ATTACHMENTS:

Memorial Day Weekend Chili Challenge Proposal

Memorial Day Weekend Chili Challenge – #243-6358

To: Members of the TAC Board
From: Mike Baxter
CC: file
Date: 1/19/2012
Re: Memorial Day Weekend Chili Challenge

The following is a description and cost estimate for a planned chili cook-off and music event scheduled for Saturday, May 26, 2012 at Depot Plaza.

This event will be a CASI (Chili Appreciation Society International) sanctioned cook-off awarding points to make the winning teams eligible to compete at the annual International cook-off in Terlingua, Texas later this year.

CONTACT: Keith Karaff – KDKONE@aol.com/ 281-850-6387 cell

WORKING TITLE: The Tomball Memorial Day Weekend Chili Challenge

DATE: Saturday, May 26, 2012 is suggested date because there is only one other sanctioned cook-off within 300 miles of Houston that weekend – Wichita Falls.

TIME: Cook teams set up beginning at 9 a.m. with breakdown around 5 p.m.

PARTNERS: Partners will be sought out to help underwrite basic expenses as well as assist in advertising the event.

CHARITABLE BENEFICIARY: Being that the event is on Memorial Day Weekend, it has been suggested by the event organizers that we approach the Tomball VFW and American Legion for help in finding a suitable group to benefit local veterans.

CATEGORIES: This first year event would be limited to chili only. There would be no competitions for beans, or any other food product.

DIVISIONS 1) CASI teams – estimated at 40+, and 2) local business/restaurant chili challenge – estimated at 10+

ADDITIONAL COMPETITIONS: It was suggested that as a part of the chili event we stage a *Margarita Pour-off* limited to registered cook teams and local business participants. This competition would be judged by participants and with no sampling or availability to the general public.

The popular Margarita Pour-off was staged recently at the CASI World Championship Chili Cook-off in Terlingua, Texas and at several other CASI events.

CITY OF TOMBALL TO PROVIDE:

- We would provide a 20x20 tent for judging and registration to be set on the paved parking area behind the brown buildings at the Depot.
- We would provide 10 – 4x8 tables and 60 chairs for judging and registration.
- Electricity and water available at the judging tent.
- We would need to provide bottled water and palate cleansers such as crackers, cheese, celery and carrots for judging.
- We would provide our PA system of use in making announcements and the awarding of prizes from the gazebo.
- We would advertise and promote the event in general market media, online and in the Terlingua Trails – the official publication of CASI – to solicit teams statewide.
- We would solicit business cook teams and margarita teams from the Tomball area.
- We would coordinate entertainment for the day
- We would coordinate a kids' area with bounce house, etc.
- Street closures would be South Elm from Main to Market, and Market from South Elm to South Walnut.
- We would bring in additional food and beverage vendors. Also, non-profit group, such as the VFW, American Legion or THS Student Council could be brought in to sell Frito pies. We or a partner would provide canned chili and the fritos, cheese, onions, spoons, etc. with proceeds benefiting the non-profit.

CASI TO PROVIDE:

- CASI would provide all pre-event and event day coordination of the cook-off.
- They would solicit traditional cook-teams and margarita teams from CASI membership
- They would promote the event in CASI publications, newsletters, email blasts, at other events, etc.

TROPHIES The cost of event trophies would be shared with the likely scenario being that the CASI representatives would provide trophies for the cookers, with the City providing trophies for the business winners and Margarita Pour-off winners. These trophies would be more display worthy to be exhibited in their businesses for the public to view.

REGISTRATION: It was suggested that we might provide CASI registrants with a packet of Tomball goodies to promote the City. This could involve logoed merchandise and coupons from downtown shops and restaurants.

SET-UP:

- The judging/registration tent would be on the parking lot behind the brown buildings

- CASI cook teams would set up their 10x10 tents beneath the trees west of the Gazebo
- Business division cook teams would set up their 10x10 tents east of the Gazebo and around the caboose.
- Entertainment would be on the gray concrete area at the Depot.
- If we opt to invite vendors to sell merchandise during the event, they would set their tents on the Depot patio.
- The bounce house and other kids activities would be near the splash pad and fountain
- Food and beverage vendors would be in the grass along Market Street.
- Cookers would park on South Elm along the railroad tracks or in the ISD parking lot.
- CASI event workers would park behind the Gazebo, in front of the brown buildings on Walnut, on Fannin and other available nearby locations.

ESTIMATED COST:

The estimated for this one-day event should not exceed \$ 7,500.00 . I have listed expenses below for your review.

CATEGORY	DAY/USE	COST	DETAIL
MUSIC	Saturday	\$2,000.00	One band One breaker
SOUND	Saturday	NA	Provided by bands
STAGING	NA	NA	Will use the Gray pad at the Depot
TENTS	Saturday	\$300.00	Two 20x20 -One for judging -One for bands
TABLES	Saturday	\$100.00	Ten for judging
CHAIRS	Saturday	\$ 60.00	60 for judging
PORTALETS	Saturday	\$700.00	Six standard Two handicap Two Sani-stations
SIGNAGE		TDB	
ADVERTISING		\$2,500.00	Local print/radio
VIDEOGRAPHY		\$ 250.00	
PROMOTIONAL ITEMS		\$ 500.00	
TROPHIES		\$ 300.00	
MISC. EXPENSES		\$ 500.00	

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Approve Professional Services Agreement with Jones & Carter, Inc. for Engineering Services for the Design and Construction for the Pine Street Water Plant Emergency Generator, for a Not to Exceed Cost of \$50,000.00.

Background:

The City's Pine Street Water Plant consists of three wells (School, Pine #1, Pine #2), one ground storage tank (400,000 gal), one elevated storage tank (750,000 gal), three booster pumps, a disinfection system, and the necessary lighting and controls.

The existing emergency power system for this plant consists of a single diesel-powered gear-drive unit that only powers the Pine #2 water well. Therefore, during a power outage event, the City can only operate wells 5 & 6 (this plant has a backup generator), and Pine 2. The disinfection system for Pine 2 is operated with a portable generator.

The emergency generator selected for the Pine Street Water Plant consists of a 600KW diesel generator, sound-attenuated enclosure, 1,500-gallon fuel tank (36 hrs), and an automatic transfer switch. The proposed system is sized to run the full load of Pine #1 and 2 water wells, all three booster pumps, the disinfection system, and all of the controls and lighting.

The estimated total cost for this project, including engineering and construction is \$422,000.00.

Origination:

Director of Public Works

Recommendation:

Staff recommends approval of PSA agreement with Jones & Carter.

Funding: Yes

Account Number: 600-613-6409

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

Director of Public Works

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

ATTACHMENTS:

PSA - JonesCarter - Pine Generator

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
PINE STREET WATER PLANT GENERATOR ADDITION
(_____)**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

THIS AGREEMENT made on the _____ day of _____, 2012 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and Jones & Carter, Inc. ("Engineer").

WITNESSETH:

WHEREAS, the City desires to construct the Pine Street Water Plant Generator Addition (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to provide design, advertising, bidding and construction phase services, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to the construction of the Pine Street Water Plant Generator Addition;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering surveying, and right of way acquisition services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance

of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Work is three hundred and ninety (390) days beginning from the execution date of the Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

Engineer shall and does hereby agree to indemnify and hold harmless the City, its officers, agents, and employees from any and all damages, loss or liability of any kind whatsoever, by reason of death or injury to property or third persons caused by the negligent act or omission of Engineer, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Agreement, and Engineer will, at its cost and expense, defend, pay on behalf of, and protect the City, its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims,

demands, damages, costs, expenses and attorney fees arise in whole or in part from the negligence of Engineer.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the Scope of Work plus reimbursable expenses, on the basis set forth in Attachment "A," up to an amount not to exceed \$50,000, as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving seven (7) days prior written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer performed under this Agreement bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Jones & Carter, Inc.
6335 Gulfton, Suite 100
Houston, Texas 77081
Attn: Mr. Kenneth J. Martinec, P.E.

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
501 James Street
Tomball, Texas 77375
Attn: Mr. David Kauffman

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

SECTION XVII MISCELLANEOUS PROVISIONS

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Contractor further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the City Manager of said City and attested by the City Secretary and _____, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 2012.

ENGINEER:

JONES & CARTER, INC.

By: _____

Name: Gregory S. Baird, P.E.

Title: Electrical Department Manager

ATTEST: _____

CITY OF TOMBALL, TEXAS

George Shackelford, City Manager

ATTEST:

Doris Speer, City Secretary

ATTACHMENT "A"

SCOPE OF SERVICES

AND

BASIS OF COMPENSATION

A. Design Engineering Phase – Compensation for this phase will be on a lump sum basis in the amount of \$25,000.

1. Consult with CITY to define and clarify CITY's additional requirements for the Project and available data.
2. Identify and evaluate potential solutions available to CITY; and after consultations with CITY, recommend to CITY those solutions which in ENGINEER's judgment meet CITY's requirements for the Project.
3. Initial facility inspection by ENGINEER.
4. Obtain existing plans from CITY and/or recreate electrical load analysis, one-line diagram and control diagrams from information collected during onsite inspection. Site layout will be created using existing plans and/or LiDAR and existing aerial photos.
5. Provide Structural Engineering services through subconsultant, Stanley Spurling & Hamilton, Inc., on the re-use of the existing right-angle drive concrete pad, proposed concrete pad if required and the alternate addition of a generator catwalk.
6. Provide Geotechnical Engineering services through subconsultant, Aviles Engineering Corp., on soil boring surveys as required.
7. Identify, consult with, and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project designed or specified by the ENGINEER.
8. Acquire plan approvals from Harris County.
9. Prepare updated cost estimate for review by CITY.
10. Coordinate with the local Electric Service Provider and Electric Utility for modifications to the electrical service as required.

11. Advise CITY of any adjustments to the Project schedule and the opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
12. Make appropriate recommendations to the CITY to adjust Project size, quality or budget if at any time the ENGINEER's estimate of the probable Construction Cost or Total Project Cost exceeds the CITY's budget.
13. Prepare a preliminary submittal of 50% drawings for the proposed standby generator addition (the "50% Submittal") which will, as appropriate, contain schematic layouts illustrating the scale and relationship of the improvements, sketches, schedule of events and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved and those alternate solutions available to CITY which ENGINEER recommends. Preliminary selections of construction materials shall be noted on the drawings or otherwise described in writing in the 50% Submittal.
14. Provide and furnish one (1) full-size review hard copy and one (1) digital copy of the 50% Submittal for the CITY's review and comment within sixty (60) calendar days of authorization to begin design engineering phase services and review it with CITY.
15. Revise the documents in response to CITY's and other parties' comments, as appropriate.
16. Provide and furnish one (1) full-size review hard copy and one (1) digital copy of 90% documents for the CITY's review and comment within fourteen (14) calendar days of receiving CITY's comments on the 50% Submittal and review it with CITY.
17. Revise the documents in response to CITY's and other parties' comments, as appropriate, and furnish one (1) final hard copy and one (1) digital copy of the 100% Bidding Documents and a revised opinion of probable Construction Cost to the CITY within thirty (30) days after completion of reviewing 90% documents with CITY.

B. Bidding or Negotiation Phase – Compensation for this phase will be on a lump sum basis in the amount of \$8,000.

1. Assist CITY in advertising for and obtaining bids or negotiating proposals for the Work.
2. Issue Addenda as appropriate to clarify, correct or change the Bidding Documents.

3. Consult with CITY as to the acceptability of subcontractors, suppliers and other individuals and entities proposed by Contractor for those portions of the Work as to which such acceptability is required by the Bidding Documents.
4. Attend the Pre-Bid Conference and the Bid opening, prepare bid tabulation sheets, assemble contract documents and assist CITY in both evaluating bids or proposals and awarding contracts for the Work.
5. Assist in connection with Bid protests, rebidding or re-negotiating contracts for construction, materials, equipment or services.
6. Assist the CITY in securing and analyzing bids or negotiated proposals and recommend award of the construction contract.

C. Construction Phase – Compensation for this phase will be on a lump sum basis in the amount of \$17,000.

1. Consult with the CITY during construction; transmit instructions of the CITY to the Contractor; periodically visit the construction site to observe progress and quality of work; interpret drawings and specifications; review shop drawings, material and equipment tests, and Contractor's pay estimates; observe the completed construction for conformity to contract documents; and provide "Notice of Acceptability of Work".
2. Provide once-daily resident project representation service during construction, as necessary.
3. Provide one (1) copy of the final project record drawings to the CITY in written and digital format.
4. Coordinate with local Electric Utility, CITY and Contractor on switchover of new electric service as required. Costs to extend or improve services to the site and possible set-up fees are not included.
5. Provide Geotechnical Engineering services through subconsultant, Aviles Engineering Corp., on concrete testing of new generator pad as required.

D. Special Considerations

1. Additional or extended services during construction made necessary by work damaged by fire or other cause during construction, defective or neglected work of contractor, prolongation of construction contract time by more than 20%, acceleration of work schedule involving services beyond normal working hours, or default under construction contract due to delinquency or insolvency shall constitute Additional Services. Compensation for Additional Services will be on the

basis of the ENGINEER's current Hourly Rates plus Reimbursable Expenses as defined below, and are not a part of the proposed lump sum fees.

- a. Hourly Rates: Charges for hourly services will be made in accordance with the attached SCHEDULE OF HOURLY RATES. Hourly rates are subject to annual revision in January of each year that this Agreement is in force. The CITY will be provided a schedule of rates for any services rendered which are not included in the basic SCHEDULE OF HOURLY RATES.
 - b. Reimbursable Expenses: Expenses shall include transportation and subsistence to points other than ENGINEER's or CITY's offices and project site, cost of ENGINEER's field office if required, reproduction, computer services, subcontracts, surveying expenses, and similar items. Reimbursable expenses are subject to annual revision in January of each year that this Agreement is in force. Such expenses shall be reimbursed in accordance with the attached SCHEDULE OF REIMBURSABLE EXPENSES.
2. Any review or permit fees associated with the project shall be paid by the CITY, or if paid by ENGINEER, shall be considered as a Reimbursable Expense not included in any lump sum fees proposed.
3. The proposed fees shall be considered in their entirety for the scope of services. Should the CITY wish to contract with the ENGINEER for only a portion of the work, the ENGINEER reserves the right to negotiate individual scope items on their own merits.

ATTACHMENT "B"

INSURANCE

To Be Provided by ENGINEER

SCHEDULE OF HOURLY RATES

Effective January 2012

Subject to Annual Revision in January 2013

ENGINEERING PERSONNEL

Engineer I	\$ 78
Engineer II	\$ 84
Engineer III	\$ 93
Engineer IV	\$103
Engineer V	\$118
Engineer VI	\$130
Staff Engineer	\$145
Project Engineer	\$155
Sr. Project Engineer	\$160
Sr. Project Manager	\$165
Department Manager	\$175
Division Manager	\$185
Officer – Regional Manager	\$190
Officer – Corporate Manager	\$200
Officer – President	\$225

ELECTRICAL ENGINEERING PERSONNEL

Electrical Engineer I	\$90
Electrical Engineer II	\$100
Electrical Engineer III	\$110
Electrical Engineering IV	\$120
Electrical Engineer V	\$130
Electrical Engineer VI	\$135
Electrical Project Representative	\$60

CONSTRUCTION PERSONNEL

(includes mileage)	
Project Representative I	\$ 50
Project Representative II	\$ 57
Project Representative III	\$ 67
Project Representative IV	\$ 77
Project Representative Coordinator	\$ 82
Construction Engineer I	\$ 78
Construction Engineer II	\$ 84
Construction Engineer III	\$ 93
Construction Engineer IV	\$103
Construction Engineer V	\$118
Construction Manager	\$155

OFFICE PERSONNEL

Office Assistant	\$ 25
Clerk	\$ 30
Engineer's Assistant I	\$ 45
Engineer's Assistant II	\$ 60
Secretary I	\$ 37
Secretary II	\$ 45
Secretary III	\$ 55
Contract Coordinator	\$ 60
Bookkeeper	\$ 65
Staff Assistant	\$ 70
Chief Accountant	\$ 90

SURVEYING PERSONNEL

4-Man Field Crew	\$150
3-Man Field Crew	\$140
2-Man Field Crew	\$120
4-Man Field Crew w/Robotic Survey System	\$180
3-Man Field Crew w/Robotic Survey System	\$170
2-Man Field Crew w/Robotic Survey System	\$150
1-Man Field Crew w/Robotic Survey System	\$125
4-Man Field Crew w/GPS System	\$210
3-Man Field Crew w/GPS System	\$200
2-Man Field Crew w/GPS System	\$170
1-Man Field Crew w/GPS System	\$150
Survey Technician I	\$ 52
Survey Technician II	\$ 62
Project Surveyor I	\$ 67
Project Surveyor II	\$ 80
Project Surveyor III	\$ 92
Chief of Survey Crews	\$ 92
Registered Prof. Land Surveyor	\$135
Survey Manager	\$145

DESIGNERS/DRAFTING PERSONNEL

CAD Operator I	\$ 43
CAD Operator II	\$ 49
CAD Operator III	\$ 58
CAD Operator IV	\$ 68
CAD Operator V	\$ 78
CAD Manager	\$ 92
Designer I	\$ 82
Designer II	\$ 92
Chief Designer	\$ 95
Design Coordinator	\$105
Design Coordinator II	\$115
GIS Operator I	\$ 55
GIS Operator II	\$ 75
GIS Operator III	\$ 90
GIS Operator IV	\$100
Computer Tech	\$ 50
Computer Manager	\$100

JC2012FinalStandard

SCHEDULE OF REIMBURSABLE EXPENSES

Effective January 2012
Subject to Annual Revision in January 2013

1. Reproduction performed in office

<u>Size</u>	<u>Black & White</u>	<u>Color</u>
8½" x 11" (single-sided)	\$0.05/page	\$.50/page
8½" x 11" (double-sided)	\$0.15/page	\$ 1.00/page
8½" x 14"	\$0.15/page	\$.75/page
11" x 17"	\$0.20/page	\$ 1.00/page
<u>Large Document Prints/Plots</u>	<u>Black & White</u>	<u>Color</u>
Translucent Bond	\$0.20/sq ft	\$ 4.00/sq ft
Color Bond	\$0.30/sq ft	\$ 5.00/sq ft
Photographic Bond	\$4.00/sq ft	\$ 8.00/sq ft
Vellum	\$1.00/sq ft	N/A
Mylar (4 mil)	\$2.00/sq ft	N/A
<u>Aerial Backgrounds</u>		
All sizes	\$5.00/sheet (plus above sq. ft. cost)	

2. Facsimiles sent: \$1.00/each
3. Transportation (mileage): \$0.50/mile
4. Audio/Video Conferencing
 - a. Audio Conferencing \$0.15/minute/person
 - b. Video Conferencing \$0.50/minute/person
 - c. Audio/Video Conferencing \$0.65/minute/person
5. Subcontracts and all other outside expenses and fees: Actual cost plus 10% service charge
6. Surveying Expenses
 - a. Crew Rates: Includes time charged portal to portal and the first 120 miles of transportation and standard survey equipment
 - b. Special Rental Equipment: Actual cost plus 10%
 - c. Stakes: Cost plus 10% service charge where an excessive number of wooden stakes or any special stakes are required
 - d. Iron Rods and Pipes: Cost plus 10%
 - e. All-Terrain Vehicle (ATV): \$150/day
 - f. Overnight Stays: \$190/night
 - g. Overtime Rates: Jobs requiring work on weekends or holidays billed at 1.5 times the standard rate
 - h. Sales Tax: To be paid on boundary-related services.
 - i. Deliveries, abstracting services, outside reproduction costs, and other reimbursable expenses charged at cost plus 10%

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Request from Jacqueline Angelo for the City of Tomball to Apply for Grant Assistance for 13142 Holderrieth Road

Background:

Ms. Angelo is requesting the City of Tomball apply for federal grants (Pre-Disaster Mitigation or Hazard Mitigation Program). City staff has reviewed her requests. There are multiple issues that need to be considered when reviewing the request.

1. Use of Property, Zoning
2. Eligibility for Grants, PDM, HMGP, or SRL
3. Major Thoroughfare Plan, School Street

Origination:

Jacqueline Angelo

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

Engineering and Planning

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

ATTACHMENTS:

13142 Holderrieth Rd Presentation
13142 Holderrieth Rd
13142 Holderrieth Rd - Floodplain Map
Proposed School St. Alignment
Major Thoroughfare Plan



13142 Holderrieth Rd

Grant Application Request

Jacqueline Angelo

13142 Holderreith Rd



Possible Eligible Grants

- Pre-Disaster Mitigation Program
 - Benefit Cost =1
 - 75% Federal / 25% Local Cost Share
- Hazard Mitigation Grant Program
 - Elevated within the footprint of the original home.
 - 75% Federal / 25% Local Cost Share
- Severe Repetitive Loss Program
 - Elevate or Relocate
 - 90% Federal / 10% Local Cost Share
- Residence has to be the Primary Residence

Considerations

- Use of Property
 - Zoning District – Commercial
 - Legal Non-Comforming Use must be within the previous 6 months to be allowed to continue.
- Major Thoroughfare Plan
 - Proposed School St. impacts the property.
 - Potential damages to existing structure if acquired.

[illegible]

Jacqueline Angelo
13142 Holderrieth Rd

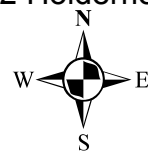


0 50 100 Feet



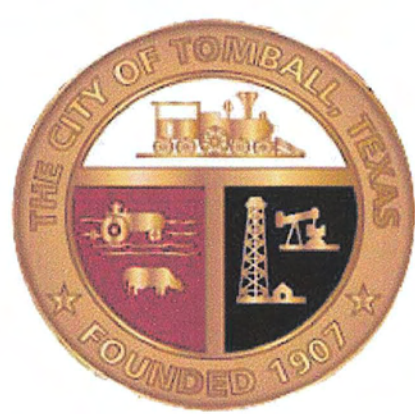
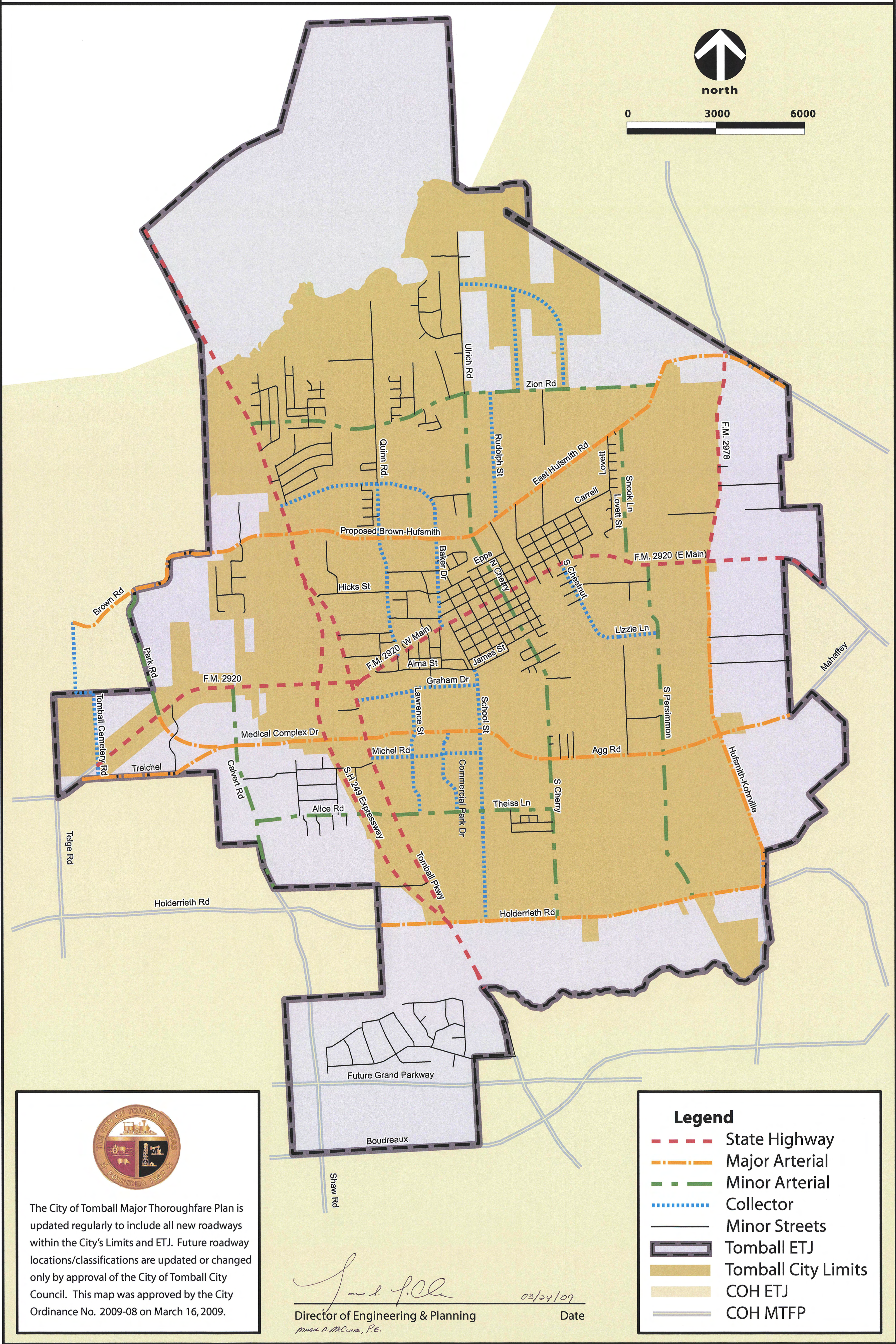


Jacqueline Angelo
13142 Holderrieth Rd



0 100 200 Feet

City Of Tomball Major Thoroughfare Plan



The City of Tomball Major Thoroughfare Plan is updated regularly to include all new roadways within the City's Limits and ETJ. Future roadway locations/classifications are updated or changed only by approval of the City of Tomball City Council. This map was approved by the City Ordinance No. 2009-08 on March 16, 2009.

James P. McElroy
Director of Engineering & Planning
03/24/09
Date
MARIA A. McCLURE, P.E.

Legend

- State Highway
- Major Arterial
- Minor Arterial
- Collector
- Minor Streets
- Tomball ETJ
- Tomball City Limits
- COH ETJ
- COH MTFP

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve Agreement Letter to PAR Real Estate Holdings Regarding the Proposed Final Plat for "Tomball 2920", Approximately 59.8577 Acres.

Background:

PAR Real Estate Holdings requested the City of Tomball approve the final plat of "Tomball 2920". PAR Real Estate Holdings has also requested the City enter into an agreement for the ROW that is being dedicated for the M124 Drainage Channel. The letter is being presented to City Council for consideration and approval. The letter addresses the following:

- ROW dedication
- Detention capacity
- City assistance with the relocation and/or removal of any pipelines or other private improvements within the M124 Channel.

City Staff and PAR Real Estate Holdings have meet and agree upon the items listed in the attached letter.

Origination:

City Manager's Office

Recommendation:

Funding:

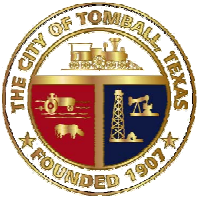
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

ATTACHMENTS:

Par Real Estate Holding Letter



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

February 6, 2012

PAR Real Estate Holdings, LLC, its successors and assigns
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380

Re: Proposed Final Plat for "TOMBALL 2920,"
Approximately 59.8577 Acres

Ladies and Gentlemen:

You have requested that the City of Tomball (the "City") approve your final plat (the "Plat") for TOMBALL 2920, a 59.8577 acre tract of land located within the City of Tomball in the Joseph House Survey, Abstract No. 34 (the "Property"), a copy of which is enclosed with this letter. The City of Tomball's Planning and Zoning Commission (the "P&Z Commission") has approved the Plat subject to certain conditions. The City's staff has requested that the Plat include, and the proposed plat approved by the P&Z Commission provides for, a dedicated drainage right of way approximately 200 feet wide that crosses the Property (the "ROW"). The City proposes that its proposed M124 Drainage Channel (the "M124 Channel") ultimately be located within the ROW. The area within the ROW is currently unimproved. The Plat is now subject to final approval by the City Council.

Due to the amount of area included within the ROW and the uncertain timing of the future drainage improvements within the ROW, the City and PAR Real Estate Holdings, LLC (the "Developer"), as the current owner of the Property, have discussed the future use of the ROW. The City has now prepared this letter agreement (this "Agreement") regarding future development within the Property and the construction of drainage/detention facilities within the ROW.

In consideration of the dedication of the ROW and the mutual covenants set forth herein, the sufficiency of which is hereby acknowledged, the City and the Developer agree as follows:

1. The City acknowledges that but for the City's entering into this Agreement, the Developer would not have agreed to dedicate the ROW as provided in the Plat. The City further acknowledges, as consideration received by the City from the Developer, that the location and width of the ROW provided in the Plat are made to accommodate the request and the needs of the City.
2. The City acknowledges that there is sufficient area within the ROW, both now and in the future, for the construction of 10.0 acre-feet of stormwater detention.
3. The Developer may, but is not required to, at any time and from time to time, construct up to 10.0 acre feet of stormwater detention (the "Detention Facilities") within the ROW to accommodate the stormwater detention requirements, if any, for any future development on the Property.

4. The Developer may, but is not required to, construct the proposed M124 Channel public drainage improvements within the ROW; however, the Developer is not required to construct any public improvements within the ROW as a condition of the platting of the Property.
5. If the M124 Channel public drainage improvements are constructed within the ROW (whether by the City, the Developer, or others), then the City will credit 10.0 acre-feet of stormwater detention to the Property to accommodate the stormwater detention requirements, if any, for any future development on the Property as provided in Chapter 38 of the City's Code of Ordinances (the "Detention Credit").
6. The Detention Credit provided for in paragraphs 3-6 above shall not exceed a total of 10.0 acre-feet. The Developer may allocate the Detention Credit for future development of the Property in any increments it desires by letter to the City Manager that references and attaches this letter. The Developer may assign or transfer to one or more parties all or a portion of the Detention Credit to accommodate the stormwater detention requirements, if any, for any future development on the Property.
7. If the Developer elects to construct the Detention Facilities or the M124 Channel within ROW, then the City shall assist with the relocation and/or removal of any pipelines or other private improvements that are lawfully located within the M124 Channel. In no event, however, shall the City be obligated by this Agreement to expend more than \$25,000 in public funds for such relocation and/or removal efforts.
8. If public improvements are constructed within the ROW, then the City shall maintain the public improvements consistent with the City's policies for maintaining all other similar public improvements within City right-of-ways/easements.
9. The City agrees that this Agreement constitutes a contract for the provision of goods or services pursuant to Chapter 271 of the Texas Local Government Code.
10. The City and the Developer agree that in the event of any violation or threatened violation of any provision of this Agreement by any party hereto, the other party or parties shall have the right to enjoin such violation or threatened violation in any court of competent jurisdiction. The parties acknowledge and agree that the aggrieved party's remedy at law for violation of this Agreement would be adequate.
11. In the event any party hereto institutes any action or proceeding against the other party or parties relating to the interpretation or enforcement of the provisions of this Agreement or any violation hereunder, the unsuccessful party or parties in such action or proceeding shall reimburse to the successful party or parties its or their reasonable attorney's fees and court costs.

The City requests that PAR Real Estate Holdings, LLC acknowledge the receipt and acceptance of this Agreement by its signature below.

Sincerely,

CITY OF TOMBALL, TEXAS

George Shackelford
City Manager

Received and accepted:

PAR Real Estate Holdings, LLC,
a Texas limited liability company

By: _____
Name: _____
Title: _____

Cc: Mayor and Council
City Secretary
City Attorney
City Engineer

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Approve **TOMBALL 2920 FINAL PLAT**; A 59.790 acres tract of land being all of a called 13.97 acre tract, a called 37.024 acre tract, a called 8.383 acre tract, and a called 0.528 acre tract recorded in Harris County Clerk's File No. 20090504626 of the official public records of Harris County, in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the **TOMBALL 2920 FINAL PLAT** with contingencies on Monday, September 12, 2011. Corrections have been made and the plat is being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Tomball 2920 Final Plat

STATE OF TEXAS
COUNTY OF HARRIS

We, PAR REAL ESTATE HOLDINGS, LLC, owners, hereinafter referred to as owners of the 59.790 acre tract described in the above and foregoing plat of TOMBALL 2920, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property with the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (1 3/4 square feet) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby covenant and agree that all the property with the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, plantings, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly in this easement except by means of an approved drainage structure.

This Dedication is made and accepted subject to the following exceptions:

- all presently recorded and validly existing oil and/or gas pipeline easements; and
- all rights of parties granted pursuant to documents presently recorded in the Real Property Records of Harris County.

IN TESTIMONY WHEREOF, the PAR REAL ESTATE HOLDINGS, LLC has caused these presents to be signed by

Michael H. Richmond, thereunto authorized, attested by
and its common seal hereunto affixed this 23 day of January, 2012.

PAR REAL ESTATE HOLDINGS, LLC

BY: Michael H. Richmond
NAME: Michael H. Richmond
TITLE: President

ATTEST:
BY: Charles A. Vernon
NAME: Charles A. Vernon
TITLE: Executive Vice President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Michael H. Richmond and Charles A. Vernon, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said PAR REAL ESTATE HOLDINGS, LLC.

Charles A. Vernon
Notary Public in and for the State of Texas
My commission expires March 24, 2015

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of TOMBALL 2920 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorize the recording of this plat this 23 day of January, 2012.

By: Lori Wallace, Chairman By: Evelyn Chelnyak, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, Texas, do hereby certify that the plat of TOMBALL 2920 is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager
Lori Wallace
Acting City Engineer

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all the dedicated public easements and conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this 23 day of January, 2012.

Gretchen Fagan
Mayor
Doris Speer
City Secretary

Mets and Bounds Description

Being a Tract of land containing 59.790 acres (2,604,435 square feet), situated in the Joseph House Survey, Abstract No. 34, Harris County, Texas, and consisting of 4 tracts of land as described in that certain Special Warranty Deed from Woodforest National Bank to Par Real Estate Holdings, LLC as recorded under Harris County Clerk File Number (H.C.C.F. No.) 20090504626 in the Official Public Records of Harris County, (O.P.R.P.H.C.), Texas as follows: a called 13.97 acre tract of land being the same tract of land described under Harris County Clerk File (H.C.C.F. No.) Y284790, a called 37.024 acre tract of land being the same tract of land described under H.C.C.F. No. Y199045, a called 8.383 acre tract of land being the same tract of land described under H.C.C.F. No. X095550, and a called 0.528 acre tract of land being the same tract of land described under H.C.C.F. No. Y731248 all as recorded in the O.P.R.P.H.C., Texas. Said 59.790 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2-inch iron rod in the north right-of-way line of FM 2920 also known as Waller-Tomball Road, based on 120 foot wide right-of-way, having coordinates X=3,029,587.39, Y=13,959,658.28, Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983 (N.A.D. 83), and being the southwest corner of said 13.97 acre tract, said corner point also being the northwest corner of said 13.97 acre tract of land and the southwest corner of Reserve "A" of Spring Creek Estates Subdivision Replat, as recorded under Harris County Film Code No. 520108 of the Map Records of Harris County (M.R.H.C.), Texas;

THENCE North 02° 11' 24" West, a distance of 1941.48 feet with west line of the said 13.97 acre tract of land common with the west line of the herein described tract and the east line of the said 40.0 acre tract of land to a point for the most westerly northwest corner of the herein described tract of land from which bears North 02° 11' 24" West a distance of 0.36 feet a found 5/8-inch iron rod, said corner point also being the northwest corner of said 13.97 acre tract of land and the southwest corner of Reserve "A" of Spring Creek Estates Subdivision Replat, as recorded under Harris County Film Code No. 520108 of the Map Records of Harris County (M.R.H.C.), Texas;

THENCE North 87° 02' 41" East, a distance of 337.29 feet (called 337.82 feet) with the north line of said 13.97 acre tract of land and the south line of said Reserve "A" to a point for corner in the herein described tract also being the southeast corner of said Reserve "A" and being in the west line of a called 2.9051 acre tract of land described under H.C.C.F. No. H860821 of the O.P.R.P.H.C., Texas from which bears North 87° 02' 41" East a distance of 0.79 feet a found 5/8-inch iron rod, and North 02° 05' 15" East, a distance of 153.09 feet a found 5/8-inch iron rod marking the northwest corner of said 2.9051 acre tract of land and the southeast corner of a called 1.790 acre tract of land described under H.C.C.F. No. Y811765 of the O.P.R.P.H.C., Texas;

THENCE South 02° 04' 18" East, a distance of 223.42 feet pass a found 5/8-inch iron rod marking the southwest corner of the said 2.9051 acre tract of land and the northwest corner of a certain called 3.8630 acre tract of land described under H.C.C.F. No. X935550 of the O.P.R.P.H.C., Texas, and being in the east line of the said 13.97 acre tract of land and continuing another 500.94 feet for a total distance of 724.36 feet to a found 5/8-inch iron rod marking a re-entrant corner in the herein described tract, same being common with the southwest corner of the said 3.8630 acre tract of land, and the northwest corner of said 8.383 acre tract of land;

THENCE North 87° 32' 18" East, a distance of 335.79 feet (called 335.86 feet) with the north line of the said 8.383 acre tract of land and the south line of the said 3.8630 acre tract of land to a found 5/8-inch iron rod in the west line of the said 37.024 acre tract of land marking a re-entrant corner in the herein described tract of land, also being the southeast corner of the said 3.8630 acre tract of land and the northeast corner of the said 8.383 acre tract of land;

THENCE North 02° 02' 24" West, a distance of 1109.78 feet (called 1109.63 feet) with the east line of the said 8.383 acre tract of land, the east line of the said 2.9051 acre tract of land, and the east line of said 1.790 acre tract of land, and the west line of the said 37.024 acre tract of land to a found 5/8-inch iron rod with a plastic cap marking an angle point in the west line of the said 37.024 acre tract of land, same marking the common corner in the said Replat of Spring Creek Estates Subdivision and said 1.790 acre tract of land;

THENCE North 02° 14' 28" West, a distance of 2710.81 feet (called 2711.14 feet) with the east line of the said Spring Creek Estates Subdivision and the west line of the said 37.024 acre tract of land to a found 5/8-inch iron rod in a curve to the right, in the south right-of-way line of Brown Road, based on 60' width as recorded under Volume 3196 Page 441, and Volume 3486, Page 443 in the Deed Record of Harris County, Texas, for a corner in the herein described tract, also marking the northeast corner of the said Replat of Spring Creek Estates Subdivision and the northwest corner of the said 37.024 acre tract of land;

THENCE along the south right-of-way line of Brown Road, a distance of 341.46 feet along the arc of a curve to the right and having a radius of 1115.92 feet, an central angle of 17° 31' 55", a chord bearing of North 77° 29' 20" East, a chord distance of 340.13 feet to a found 5/8-inch iron rod with cap for the northeast corner of the herein described tract, also marking the northeast corner of the said 37.024 acre tract of land and the northwest corner of a called 4.858 acre tract of land described under H.C.C.F. No. 20090504081 of the O.P.R.P.H.C., Texas;

THENCE South 02° 04' 57" East, a distance of 790.41 feet with the east line of the said 37.024 acre tract of land and the west line of the said 4.858 acre tract of land to a found 1/2-inch iron rod marking an angle point in the east line of the said 37.024 acre tract of land, and the southwest corner of the said 4.858 acre tract of land and the northwest corner of a called 24.615 acre tract described under H.C.C.F. No. 20090504079 of the O.P.R.P.H.C., Texas same being the Unrestricted Reserve "B" of Tomball Center III subdivision as recorded under Film Code Number 551080 H.C.M.R.;

THENCE South 02° 08' 21" East, a distance of 4212.26 feet along the west line of said 24.615 acre Unrestricted Reserve "B" and the east line of said 37.024 acre tract of land and continuing along west lines of Tomball Center 111-82 Replat No. 2 recorded under Film Code 635009 H.C.M.R. and Reserve "A-1" of Tomball Center 111-A recorded under Film Code No. 589253 H.C.M.R., to the southwest corner of said Reserve "A-1" of Tomball Center 111-A, and the southeast corner of said 37.024 acre tract of land, to a point in a power pole in the north right-of-way line of said F.M. 2920 for the southeast corner of the herein described tract;

THENCE South 87° 41' 32" West, a distance of 214.55 feet (called 214.75 feet) with the north right-of-way line of said F.M. 2920 in the found 5/8-inch iron rod for a corner in the herein described tract and the southeast corner of a called 0.8556 acre tract of land described under H.C.C.F. No. 2417949 of the O.P.R.P.H.C., Texas;

THENCE North 02° 04' 43" East, a distance of 363.67 feet with the east line of the said 0.8556 acre tract of land to a found 5/8-inch iron rod with cap for a re-entrant corner in the herein described tract and the northeast corner of the said 0.8556 acre tract of land;

THENCE South 87° 41' 32" West, a distance of 102.50 feet pass the northwest corner of said 0.8556 acre tract and continuing another 7.50 feet along a 7.50 foot wide remainder of a called 37.842 acre tract described in the deed to Ken D. Parr, as recorded under H.C.C.F. No. U495904 of the Deed Records of Harris County, Texas for a total distance of 110.00 feet to a point for a re-entrant corner in the herein described tract of land;

THENCE South 02° 04' 43" East, a distance of 363.67 feet with the west line of the said 7.50 foot wide remainder to a point for corner in the herein described tract in the north right-of-way line of FM 2920 from which bears North 87° 41' 32" East a distance of 7.50 feet a found 5/8-inch iron rod with cap in the north right-of-way line of said F.M. 2920 marking the southwest corner of said 0.8556 acre tract.

THENCE South 87° 41' 32" West, along the north right-of-way line of said F.M. 2920 at 7.62 feet pass a found 5/8-inch iron rod with cap marking the southeast corner of said 0.528 acre tract of land, at 30.02 feet pass a found 5/8-inch iron rod marking the southwest corner of the said 0.528 acre tract of land and continuing another 319.48 feet pass a found 5/8-inch iron rod marking the common southwest corner of said 8.383 acre tract of land and the southeast corner of said 13.97 acre tract of land and continuing another 319.74 feet (called 319.74 feet) for a total of 678.90 feet to the southwest corner of the said 13.97 acre tract of land, same being the southeast corner of said 40.00 acre tract of land for the southwest corner and the POINT OF BEGINNING of the herein described tract and containing 59.790 acres (2,604,435 square feet) of land.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	173° 50'	1115.92'	341.46'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 02° 14' 28" W	211.81'
L2	S 02° 04' 57" E	20.01'

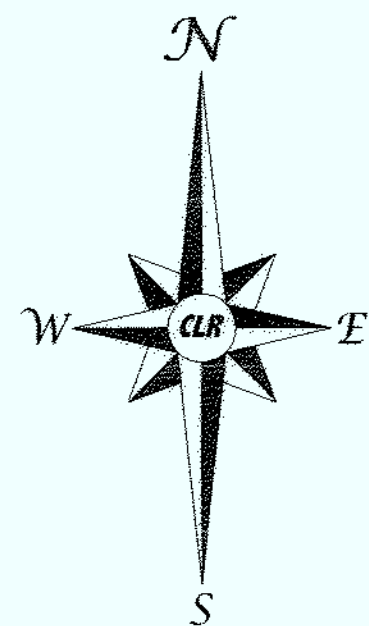
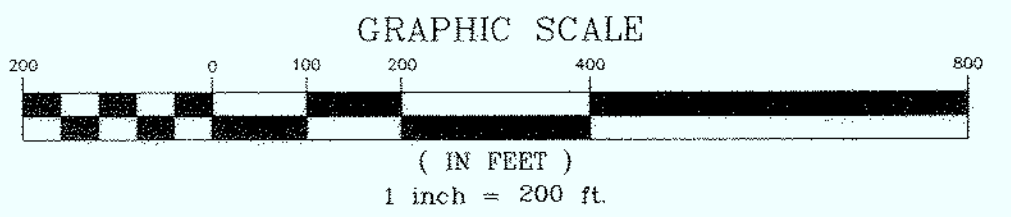
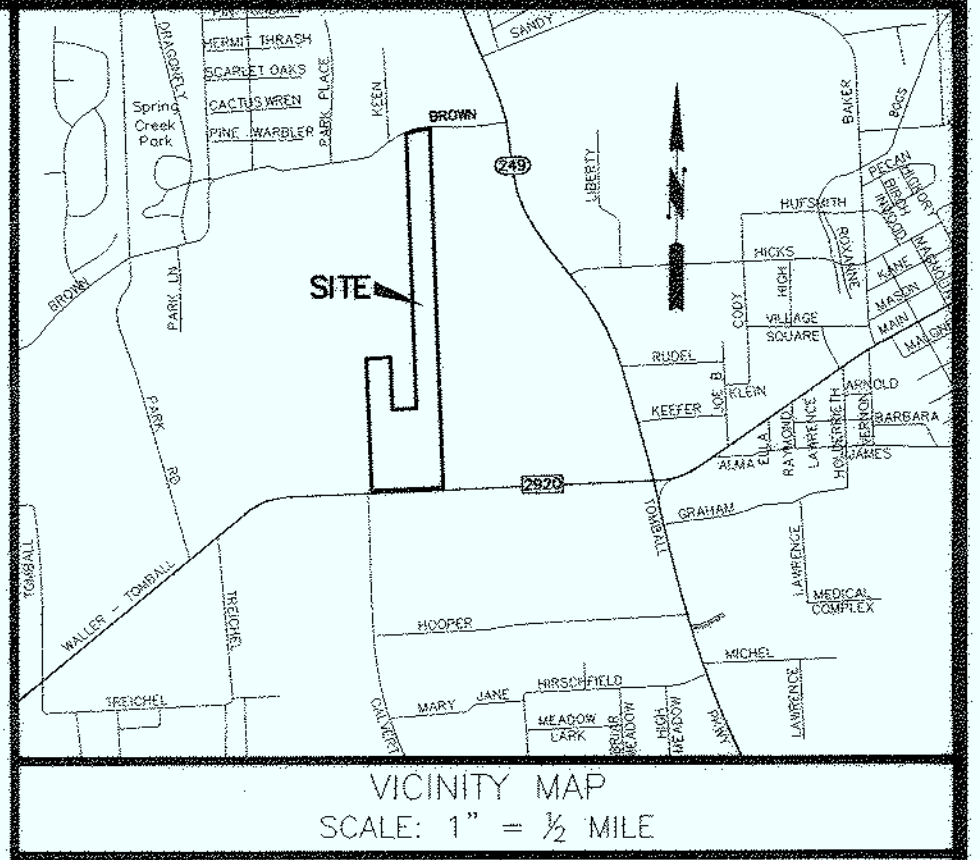
R=1095.92'
Δ=173° 50'
L=341.46'
CH=N 77° 17' 44" E ~ 340.29'
FND 5/8" IR. W/CAP

20' WIDE
0.1568 ACRE
(6,831.26 SQ. FT.)
HEREBY DEDICATED FOR
STREET RIGHT-OF-WAY

AREA SUMMARY			
DESCRIPTION	SQ. FT.	ACRES	
LOT 1	1,150,891.02	26.4208	
LOT 2	1,125,796.86	25.8447	
UNRESTRICTED RESERVE A	176,067.98	4.0420	
ROW-EAST	77,653.10	1.7827	
ROW-WEST	67,194.84	1.5426	
BROWN ROAD DEDICATION	6,831.26	0.1568	
TOTAL	2,604,435.06	59.7896	

LEGEND

U.E. - UTILITY EASEMENT
C.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
B.L. - BOUNDARY LINE
H.C.C.F. - HARRIS COUNTY CLERK'S FILE
H.C.M.R. - HARRIS COUNTY MAP RECORD
H.C.D.R. - HARRIS COUNTY DEED RECORD



NOTES:

Flood Information:
According to FEMA Firm Panel No. 48201C0210L (effective date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

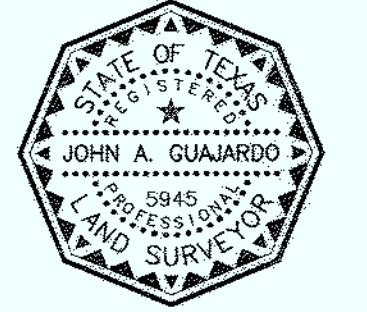
Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Subject to the Exceptions in the Dedication, any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat; and neither the City of Tomball nor any public utility shall be responsible for the replacing or reimbursing the property owner due to removal or relocation of any obstruction on the public easements.

- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83. The surface coordinates and distances shown may be converted to grid by multiplying by a factor of 0.999947.
- All property corners found are as noted. "SET I.R.C." and set corners for drainage easement are 3/4-inch iron rod with plastic cap marked "JAG ENG 5945".
- There is hereby dedicated an unobstructed aerial easement 30 feet wide from a plane 16 feet above the ground level upward, centered on all 14-foot wide utility easements (14' U.E.) and an unobstructed aerial easement 20 feet wide from a plane 16 feet above the ground level on all 14-foot wide perimeter utility easements, shown hereon.
- The City of Tomball shall permit up to two vehicular crossings over the M124 Channel right-of-way being dedicated on this plat. Crossing location(s) shall be coordinated and mutually agreed between the City and the Property Owner(s). Crossings shall be designed and constructed in accordance with applicable City of Tomball design criteria and specifications.

I, John A. Guajardo, am authorized by the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground, that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-fourths (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner.

John A. Guajardo
John A. Guajardo, RPLS
Registered Professional Land Surveyor No. 5945
JAG Engineering, Inc.



STATE OF TEXAS
COUNTY OF HARRIS

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the written instrument with its certificate of authentication was filed for registration in my office on 2012 at o'clock of the Map Records of Harris County for said county and duly recorded on 2012, at o'clock of M.

Witness my hand and seal of office, at Harris County, Texas, the day and date last above written.

Stan Stanart
County Clerk
Harris County, Texas

By: Deputy

FINAL PLAT TOMBALL 2920

A 59.790 ACRE (2,604,435 SQ. FT) TRACT OF LAND BEING ALL OF A CALLED 13.97 ACRE TRACT, A CALLED 37.024 ACRE TRACT, A CALLED 8.383 ACRE TRACT, AND A CALLED 0.528 ACRE TRACT RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20090504626 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER:

SURVEYOR / ENGINEER:

PAR Real Estate Holdings, LLC
1330 Lake Robbins Dr., Suite 100
The Woodlands, TX 77380
832-375-2520

CLR, Inc.

Engineers • Surveyors • GIS
19530 FM-362, Waller, Texas 77484
Phone: (713) 462-0993 Fax: (713) 462-2732

2 LOTS 1 RESERVE

SCALE: 1"=200' JANUARY, 2012

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Approve **D'ANDREA SUBDIVISION REPLAT**: Being a Replat of Lot 1 and Lot 3 of D'Andrea Subdivision, Recorded under Harris County Film Code Number 474061, Map Records, Harris County, Texas, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the D'ANDREA SUBDIVISION REPLAT with contingencies on Monday, August 8, 2011. Comments have been addressed and the Replat is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Funding:

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

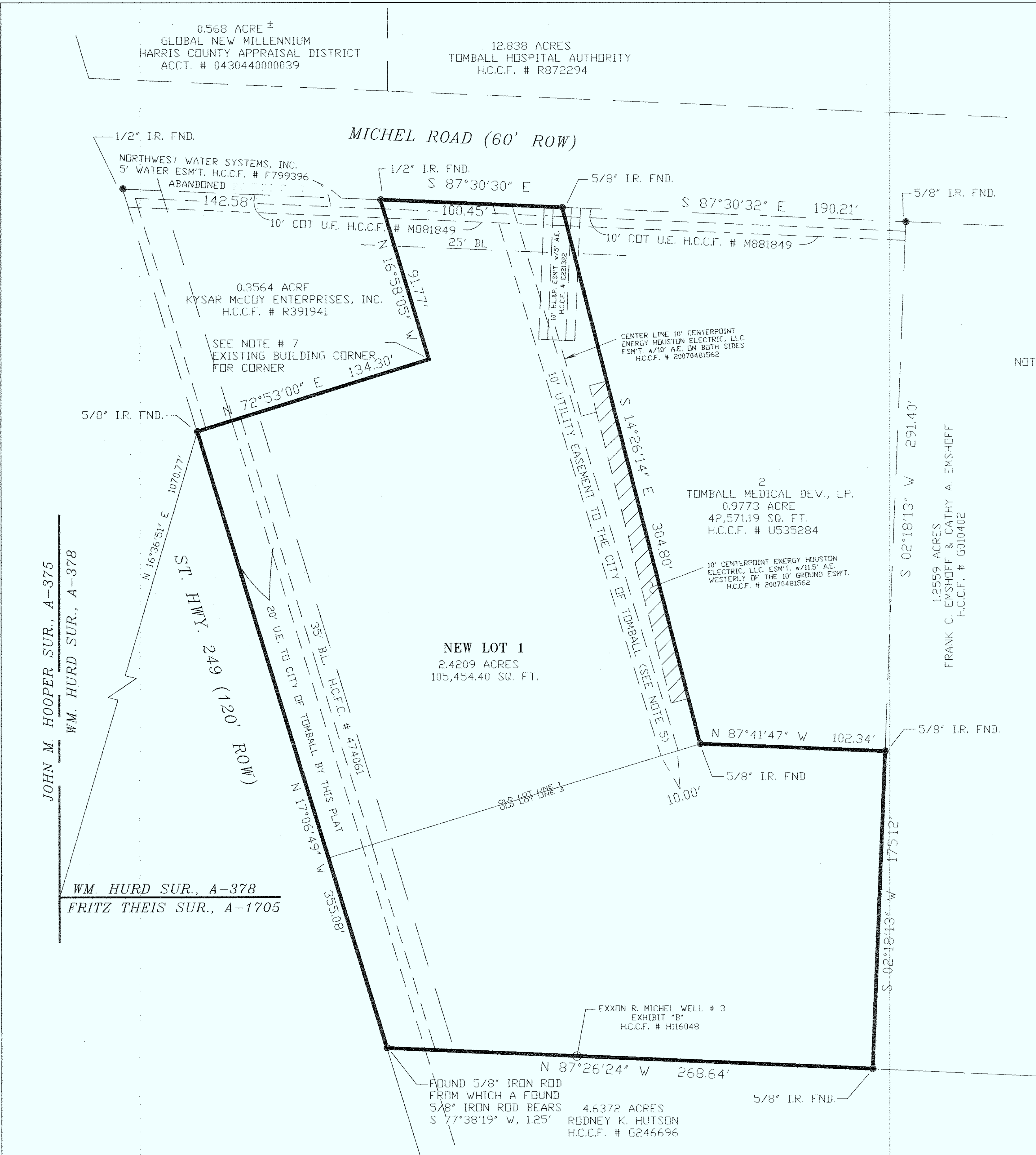
Engineering and Planning

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

ATTACHMENTS:

D'Andrea Subdivision Replat Pg. 1 of 2

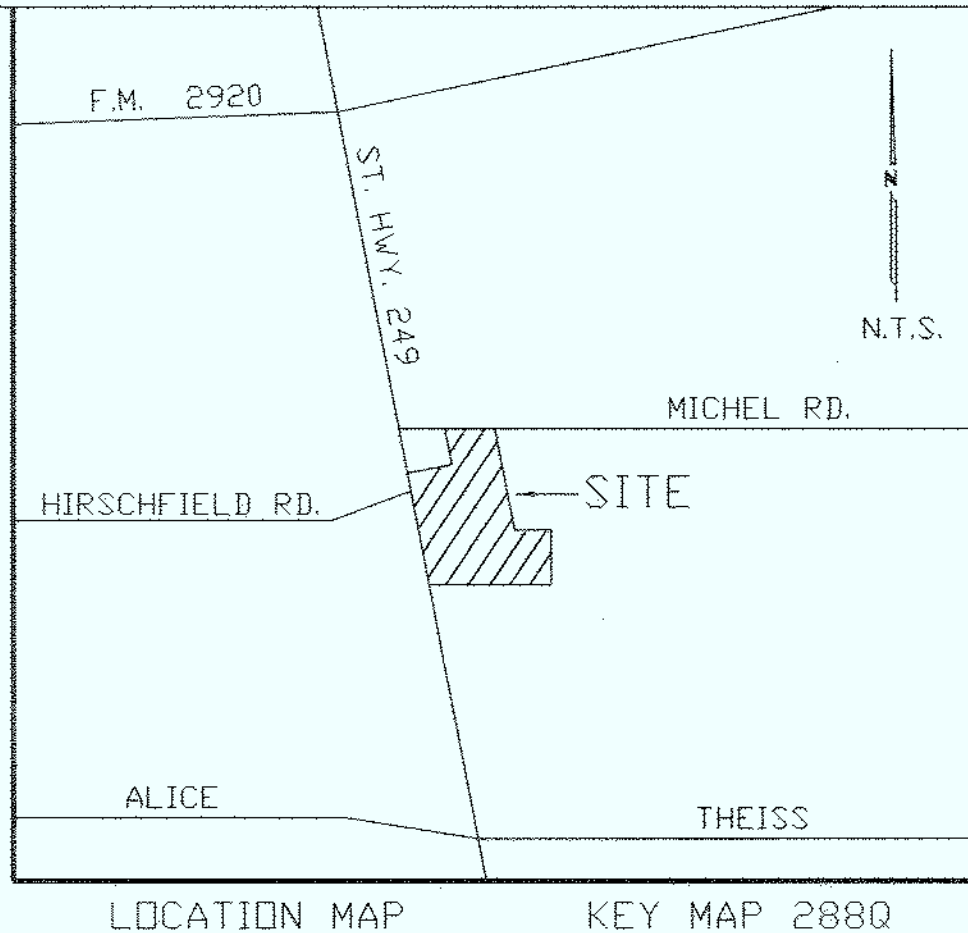
D'Andrea Subdivision Replat Pg. 2 of 2



LEGEND

I.R. = IRON ROD
B.L. = BUILDING LINE
P.P. = POWER POLE
L.P. = LIGHT POLE
U.E. = UTILITY EASEMENT
A.E. = AERIAL EASEMENT
COT = CITY OF TOMBALL

0 15' 30' 60'
ORIGINAL SCALE: 1" = 30'



NOTES:

1. ● = SET 3/4" IRON ROD w/PLASTIC CAP UNLESS OTHERWISE NOTED.
2. NO STRUCTURE TO BE BUILT ACROSS ANY PIPELINE OR DEDICATED EASEMENT OR BUILDING LINE. FUTURE CONSTRUCTION TO ABIDE BY TOMBALL'S CITY ORDINANCES.
3. MAJOR VISIBLE AND APPARENT IMPROVEMENTS ARE BEING SHOWN.
4. BEARINGS ARE BASED ON THE RECORDED SUBDIVISION.
5. EXISTING 10' EASEMENT DEDICATED TO THE CITY OF TOMBALL, RECORDED UNDER H.C.C.F. # V424900 IS ABANDONED BY THIS PLAT.
6. SUBJECT TO EASEMENTS AND TERMS, CONDITIONS AND STIPULATIONS AS SET FORTH IN CROSS PARKING AND INGRESS AND EGRESS EASEMENT, H.C.C.F. # R393746.
7. THE ENCRDACHMENT OF THE BUILDING LINE BY THE EXISTING BUILDING IS HEREBY GRAND FATHERED AND ALLOWED TO REMAIN, PROVIDED THAT NO FURTHER IMPROVEMENTS BE MADE TO THE BUILDING WITHIN THAT BUILDING LINE AND NO SIGNAGE SHALL BE PLACED ON THE BUILDING WITHIN THE BUILDING LINE. IF THE BUILDING IS DESTROYED OR DEMOLISHED WITHIN THE BUILDING LINE, THE ENCRDACHMENT APPROVAL SHALL BE VOIDED WITH THE BUILDING LINE THEN FULLY OBSERVED.
8. ALL OIL OR GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
9. ALL OIL OR GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) WITHIN THE LIMITS OF THE SUBDIVISION HAVE BEEN SHOWN.
10. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND OR EASEMENTS. BUILDINGS SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL OR GAS PIPELINES. THE SETBACK AT A MINIMUM SHOULD BE 15' OFF CENTERLINE OF LOW PRESSURE GAS LINE AND 30' OFF THE CENTERLINE OF HIGH PRESSURE GAS LINE.
11. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
12. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCE AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
12. ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS, MAP NUMBER 48201C0230 L; MAP REVISED: JUNE 18, 2007, SHOWS THIS TRACT TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN.

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

OWNER: FE & RA INVESTMENTS, INC.
28048 TOMBALL PARKWAY, STE. B
TOMBALL, TEXAS 77375
PHONE 281-351-9677

LIEN HOLDER: STANDARD INSURANCE COMPANY AND
UNITED OF OMAHA LIFE
INSURANCE COMPANY
19225 NW TRNASBOURNE DR. 3RD FLOOR
HILLSBORO, OR 97124
PHONE 971-321-6100

PREPARED BY: FIELD DATA SERVICE, INC.
2307 BRISTOL BAND
KATY, TEXAS 77450
PHONE 281-351-7153
JOB NUMBER 2010-097

D'ANDREA SUBDIVISION REPLAT

CONSISTING OF 1 LOT, 1 BLOCK

A REPLAT OF LOT 1 AND LOT 3 (2.4209 ACRES), OF D'ANDREA SUBDIVISION, RECORDED UNDER HARRIS COUNTY FILM CODE NUMBER 474061, MAP RECORDS, HARRIS COUNTY, TEXAS, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS.

DATE: OCTOBER 28, 2011

THE PURPOSE OF THIS REPLAT IS TO COMBINE LOT 1 AND LOT 3 INTO 1 LOT.

THE STATE OF TEXAS
COUNTY OF HARRIS

LOTS 1 AND 3
WE, FE & RA INVESTMENTS, INC., ACTING BY AND THROUGH FELIPE GURRUSQUIETA, PRESIDENT, BEING OFFICER OF FE & RA INVESTMENTS, INC., OWNER
HEREINAFTER REFERRED TO AS OWNERS OF THE 2.0205 ACRE TRACT, (LOT 1) AND A 0.4004 ACRE TRACT, (LOT 3), DESCRIBED IN THE ABOVE AND
FOREGOING PLAT OF D'ANDREA SUBDIVISION REPLAT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS,
DEDICATIONS, RESTRICTIONS AND NOTATIONS OF SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS,
WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY
BIND OURSELVES, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN
UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT
TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE
THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF
WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN THREE QUARTERS SQUARE FEET (18" DIAMETER) WITH CULVERTS
OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

IN TESTIMONY WHEREOF, FE & RA INVESTMENTS, INC., HAS CAUSED THESE PRESENTS TO BE SIGNED BY FELIPE GURRUSQUIETA, IT'S PRESIDENT, THEREUNTO
AUTHORIZED, ATTESTED BE ITS SECRETARY, RENE BENITEZ, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS _____ DAY OF _____, 2010.

FE & RA INVESTMENTS, INC.

BY: *Felipe Gurrusqueta*
FELIPE GURRUSQUIETA, PRESIDENT

ATTEST:

BY: *René Benítez*
RENE BENITEZ, SECRETARY

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, FELIPE GURRUSQUIETA, PRESIDENT, FE & RA INVESTMENTS, INC., KNOWN TO
ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE
PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, AND AS THE ACT AND DEED OF SAID
CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30th DAY OF September, 2011.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: July 12, 2014



LIENHOLDER

WE, STANDARD INSURANCE COMPANY, AN OREGON CORPORATION AND STANCORP MORTGAGE INVESTORS, LLC, AN OREGON LIMITED
LIABILITY COMPANY AS ADMINISTRATIVE REPRESENTATIVE FOR UNITED OF OMAHA LIFE INSURANCE COMPANY, A NEBRASKA
CORPORATION, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS D'ANDREA
SUBDIVISION REPLAT, SAID LEIN BEING EVIDENCED BY INSTRUMENT OF RECORD UNDER HARRIS COUNTY CLERK'S FILE NUMBER
20080593780, 20080593781, 20090115696, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE
PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT AND WE
HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART
THEREOF.

cc BY: *Amy Frazey*
AMY FRAZEY, ASSISTANT VICE PRESIDENT

ATTEST BY: *Gregg Harrod*

TITLE: Assistant Vice President

STATE OF OREGON)
COUNTY OF WASHINGTON) SS:

On this 29th day of September, 2011, before me appeared AMY FRAZEY and GREGG HARROD, both to me personally
known, who being duly sworn did say that she, the said AMY FRAZEY is the Assistant Vice President, and he, the
said GREGG HARROD is the Assistant Vice President of STANDARD INSURANCE COMPANY, and STANCORP MORTGAGE
INVESTORS, LLC, as administrative representative for United of Omaha Life Insurance Company, a Nebraska
corporation the within named corporation, and that the seal affixed to said document is the corporate seal of said
corporation, and that the said document was signed and sealed in behalf of said corporation by authority of its
Board of Directors, and AMY FRAZEY and GREGG HARROD acknowledged said document to be the free act and deed of
said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Dora Amezcua
Dora Amezcua

Notary Public for Oregon

My Commission Expires: Oct. 26, 2012



I, WILLIAM L. ANDERSON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING
AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE
PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND
OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN
OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT
THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

William L. Anderson
WILLIAM L. ANDERSON
TEXAS REGISTRATION NUMBER 2053



THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION
OF D'ANDREA SUBDIVISION REPLAT IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS
SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2011.

BY: *Lori Wallace*
LORI WALLACE, CHAIRMAN

BY: *Evelyn Chavez*
EVELYN CHAVEZ, VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED
PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND
AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2010.

BY: *Gretchen Fagan*
GRETCHEN FAGAN, MAYOR

BY: *Doris Speer*
DORIS SPEER, CITY SECRETARY

WE, THE CITY MANAGER AND THE *City Engineer* OR *City Engineer* FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES
WITH THE CITY OF TOMBALL'S ORDINANCES.

George Shackelford
GEORGE SHACKELFORD, CITY MANAGER

Lori Lakatos
LORI LAKATOS, P.E., *Acting City Engineer*

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS
FILED FOR REGISTRATION IN MY OFFICE ON _____, 2011, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____
OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

Stan Stanart
STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

LIEN HOLDER: STANDARD INSURANCE COMPANY AND
UNITED OF OMAHA LIFE
INSURANCE COMPANY.
19225 NW TANASBOURNE DR, 3RD FLOOR
HILLSBORO, OR 97124
PHONE# 971-321-6100

OWNER: FE & RA INVESTMENTS, INC.
28048 TOMBALL PARKWAY, STE. B
TOMBALL, TEXAS 77375
PHONE 281-351-9677

PREPARED BY: FIELD DATA SERVICE, INC.
2307 BRISTOL BAND
KATY, TEXAS 77450
PHONE 281-351-7153
JOB NUMBER 2010-097

D'ANDREA SUBDIVISION REPLAT

CONSISTING OF 1 LOT, 1 BLOCK

A REPLAT OF LOT 1 AND LOT 3 (2.4209 ACRES), OF D'ANDREA SUBDIVISION, RECORDED UNDER HARRIS
COUNTY FILM CODE NUMBER 474061, MAP RECORDS, HARRIS COUNTY, TEXAS, SITUATED IN THE WILLIAM
HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS.

DATE: OCTOBER 28, 2011

THE PURPOSE OF THIS REPLAT IS TO CHANGE THE SIZE OF LOT 1 AND LOT 3.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Set Workshop Date and Time to Discuss/Consider the Medical Complex Project

Background:

A Professional Services Agreement was executed with Cobb, Fendley and Associates on July 23, 2008 to obtain the Preliminary Design and Feasibility Study Report for Agg Rd./Medical Complex Drive Expansion and provide Phase I - Preliminary Design Memorandum/Feasibility Study Report services. City Council approved the contract on July 21, 2008. The Preliminary Engineering Report (PER) was completed in March 2009 and Cobb, Fendley provided a PER presentation to City staff on June 18, 2009.

A complete copy of the PER is available for viewing on the City web page (reference the "Eng/Planning" tab and click "Capital Improvements").

The purpose of the PER is to provide the City with engineering analysis, preliminary design, and recommendations for construction of Medical Complex Drive expansion from approximately 1790 feet west of the intersection of Park Road and FM 2920 and Park Road to its eastern terminus at the Mahaffey Road and FM 2920 intersection. The PER provides recommendations for the following improvements:

- Roadway improvements
- Horizontal and vertical pavement geometric design
- Drainage analysis and impact
- Preliminary storm sewer design
- Traffic study
- Environmental site assessment
- Wetlands delineation
- Preliminary ROW mapping
- Preliminary signing and pavement markings
- Bridge alignments
- Construction phasing and segmentation

The PER was approved and accepted by City Council on July 6, 2009.

When the workshop date is set, the Consultant will be present to provide a brief Powerpoint overview of the project and to respond to questions.

Origination:

City Manager's Office

Recommendation:

Set date and time for workshop.

Funding:

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

Engineering and Planning

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

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Receive the City Manager's Vested Rights Determination Letter dated February 6, 2012, regarding 647 James Street

Background:

On January 18, 2012, SM WP GC LLC requested a determination of vested rights for their property at 647 James Street, legally described at Lots 1 and 3, James Place Limited Subdivision. The property currently has a 22,100 square foot professional building and is zoned Duplex District.

Under Chapter 245 of the Texas Local Government Code, a property owner or developer has the right to complete a project under the rules, regulations and ordinances in effect at the time the project was first initiated through a permit application. If it is determined that a project has vested rights, any ordinances passed after the date the project is initiated shall not apply to the project (except specific exceptions, such as building codes, fees, etc.).

After reviewing the vested rights request, the City records, and in consultation with the City's Attorney, the City Manager is issuing the attached vested rights determination in accordance with Section 48.5 of the City's Zoning ordinance. The attached determination letter defines the project as the 22,100 square foot professional building and defines the date of first permit as February 7, 2008.

The letter states that all of the City's current ordinances, including the City's Zoning Ordinance adopted February 4, 2008 are applicable to the Property Owner, Property and Project EXCEPT as follows:

1. Articles III and IV of the Zoning Ordinance; and
2. Section 40 (Landscaping Requirements) of the Zoning Ordinance.

The Property shall be deemed to have a prior classification of O-Office District. Until rezoned by the City of Tomball, the Property may be used for any of the following uses, and the listed uses only:

1. Any use permitted by right by the Zoning Ordinance under Section 25 and Section 38 of the Zoning Ordinance for the O-Office District.

The issuance of the vested rights determination is a legal decision based on plans presented to the City and permits issued by the City to 647 James Street relative to the project prior to the City's adoption of the Zoning Ordinance.

Origination:

City Manager's Office

Recommendation:

Receive the Vested Rights Determination Letter from the City Manager

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:

647 James Street Vested Rights Letter Request

647 James Street Vested Rights Determination Letter

SM WP Partners, L.P.

21931 Kobs Road, Suite 100 ~ Tomball, TX 77377
281-357-1465

January 17, 2012

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

Re: 647 James Street
Vested Rights Request Letter

Dear Mr. Shackelford,

I am writing this letter in regards to the property at 647 James Street, legal description: Lot 1, James Place Limited. The project consists of a 22,100 square foot professional building on 2.29 acres of land.

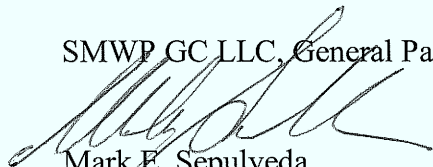
The project was shown to the City of Tomball 3-4 months prior the adoption of the new zoning ordinance. Plans were submitted to the city by James Medcom LTD, on February 8, 2008 and permits were granted on April 21, 2008. These permits were granted after the adoption of the zoning ordinance so it clearly indicates the willingness of the city to grandfather the use of the property as permitted.

Under Chapter 245 of the Texas Local Government Code and under Section 48.4 of the Zoning Ordinance, we are hereby requesting a Vested Rights Determination so that the property can be used under the Office or General Retail zoning regulations as was intended when it was completed.

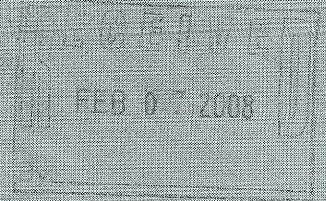
The property currently has one tenant, Dr. Laura Davidson whose use is for the purposes of a gynecologists' office. We have entered into a lease with Ergo Rehabilitation, another medical related use and require this Vested Rights Determination to obtain our permits for the interior build-out. Your prompt attention to this matter is greatly appreciated.

Sincerely,

SMWP GC LLC, General Partner



Mark E. Sepulveda
President



ENGINEERING & PLANNING DEPARTMENT
PROJECT

REVIEW/ROUTING

(THIS SHEET MUST BE WITH ALL SUBMITTALS THROUGH THE FINAL SIGNOFF)

Applicant: Complete only this Section to Request a Plan Review

Project Name: Tomball Medical Building

Submittal Date: 2-7-08

Project Location:
Project Address: James St

Proposed Use: Medical Office

Utilities
Private: ☒ Public: ☐ City Limits
Inside City Limits: ☒ ETJ: ☐

Engineering Firm: DPK Engineering

Address: 32719 Windsor Terrace

Phone: 281-346-2616 Email: david.kelly@dpkengineering.com

Contact Person: David Kelly

Owner/Agent
Contact/Company:

Address:

Phone:

02/29/08
Send to Fire Marshall
for review. mm

FOR OFFICE USE ONLY:

ENGINEERING REVIEW	BUILDING OFFICIAL REVIEW	FIRE CODE REVIEW
REVIEW/APPROVAL NOT REQUIRED	REVIEW/APPROVAL NOT REQUIRED	REVIEW/APPROVAL NOT REQUIRED
BY: DATE:	BY: DATE:	BY: DATE:
NOT REVISED/SUBJECT TO CORRECTIONS	NOT REVISED/SUBJECT TO CORRECTIONS	NOT REVISED/SUBJECT TO CORRECTIONS
BY: <u>[Signature]</u> DATE: <u>04/11/08</u> <u>02/29/08</u>	BY: DATE:	BY: <u>D. SANDERSON</u> DATE: <u>4-14-08</u> <u>FIRE LINES</u>
APPROVED	APPROVED	APPROVED
BY: <u>0.7076</u> DATE: <u>04/14/08</u> <u>2.8173 AC</u>	BY: DATE:	BY: DATE:

11121 W Imperial Fire Dr 2.8173 AC 3001.56 14,234.07
Sea. Wags AC 10,592.22

Mark M. Chure



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

February 6, 2012

Mr. Mark Sepulveda
SM WP Partners, L.P.
21931 Kobs Road, Suite 100
Tomball, TX 77377

Re: Vested Rights Determination Letter
Lots 1 and 3, James Place Limited Subdivision
647 James Street

Dear Mr. Sepulveda:

By letter dated January 17, 2012, you have asserted a vested right pursuant to Chapter 245 of the Texas Local Government Code with respect to a development of approximately 2.75 acres of land located at 647 James Street in Tomball. After reviewing your vested rights request, the City's records, and consulting with the City's attorney, I issue this vested rights determination in accordance with Section 48.5 of the City's Zoning Ordinance.

Property Owner:	SWMP GC LLC, General Partner % Mark Sepulveda, President 21931 Kobs Road, Suite 100 Tomball, TX 77377
Property:	2.75 acres of land, legally described as Lots 1 and 3, James Place Limited Subdivision, located at 647 James Street, Tomball, Texas
Project:	22,100 square foot professional building
Date of First Permit:	February 7, 2008

Regulations Applicable to Property Owner, Property and Project:

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

1. Articles III and IV of the Zoning Ordinance; and
2. Section 40 (Landscaping Requirements) of the Zoning Ordinance.



City of Tomball

*Gretchen Fagan
Mayor*

*George Shackelford
City Manager*

The Property shall be deemed to have a prior classification of O-Office District. Until rezoned by the City of Tomball, the Property may be used for any of the following uses, and the listed uses only:

1. Any use permitted by right by the Zoning Ordinance under Section 25 and Section 38 of the Zoning Ordinance for the O-Office District.

This letter has certain legal consequences. The Property Owner and/or the City Council may appeal this determine to the City's Board of Adjustments if either believes that this vested rights determination is in error. Any appeal of this determination must be filed with the Zoning Board of Adjustments within fifteen (15) calendar days of the date of this letter. If this determination is not timely appealed to the Board of Adjustments, it shall be considered binding upon the City and the Property Owner for the duration of the Project.

Sincerely,

George Shackelford
City Manager

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Adopt Resolution No. 2012-03 with Harris County for the Sharing of Resources in the Event of a Disaster and Authorize the Mayor to Execute the Bi-Annual Joint Resolution between the City of Tomball and Harris County, Documenting the Intentions of the City and the County to Work Together to Mitigate the Effects of Disaster Incidents Impacting Our Area.

Background:

The Joint Resolution is executed, on a bi-annual basis, to provide newly elected mayors and other elected officials the opportunity to evaluate the City's continued participation with Harris County in the preparation and maintenance of a comprehensive emergency management plan for the area.

Origination:

Harris County Office of Homeland Security and Emergency Management and City of Tomball Office of Emergency Management

Recommendation:

Staff recommends approval

Funding:

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

Randy Parr, Fire Chief

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

ATTACHMENTS:

Resolution No. 2012-03 - Joint Resolution_COT and HCty

JOINT RESOLUTION NO. 2012-03

WHEREAS, the City of Tomball by City ORDINANCE No. 92-16, and Harris County by Commissioners Court Order dated _____, have established similar programs of comprehensive emergency management which includes the mitigation, preparedness, response and recovery phases of emergency management; and

WHEREAS, the City and the County find that vulnerability to many potential hazards is shared by residents of the City of Tomball and the unincorporated portions of Harris County; and

WHEREAS, the City and the County further find that the common goal of emergency management can best be achieved through an organization which shares the combined resources of the City and the County; and

WHEREAS, the contemplated action is specifically authorized by the aforementioned ORDINANCE and Court Order;

THEREFORE, BE IT RESOLVED that there is hereby established the Harris County Emergency Management organization which shall consist of the officers and employees of the City and of the County as designated in an interjurisdictional emergency management plan, together with such organized volunteer groups as that plan may specify; and

BE IT FURTHER RESOLVED that the Mayor of Tomball and the Harris County Judge shall agree on the appointment of an Emergency Management Coordinator to coordinate all aspects of the Harris County program of comprehensive emergency management, including the preparation and maintenance of an interjurisdictional emergency management plan for the City of Tomball and Harris County in accordance with this resolution.

BE IT FURTHER RESOLVED that this joint resolution will be reviewed and resubmitted every two years to be in compliance with the election of new mayors. The county or the city may terminate this resolution, with or without cause, prior to the expiration of the term set forth above, upon thirty (30) days prior written notice to the other party

RESOLVED this the ____ day of _____ 2012.

Mayor, City of Tomball

Harris County Judge

ATTEST:

City Secretary

County Clerk

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Approve Request by Tomball Fire Department to Apply for a Two-Year Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$613,257.53 Annually

Background:

Each year, the federal government makes available to fire departments funding to hire firefighters. The competitive grant opportunity must address a community need to increase fire protection services by providing additional full-time firefighter positions to reduce the risk to firefighters and the community.

The Tomball Fire Department has been transitioning from a volunteer-based service supported by part-time and full-time paid firefighters to a full-time paid system supported by part-time paid and volunteer firefighters. The growth of the community and reduction in the availability of volunteer members necessary to achieve the Department's safety and response time goals has necessitated this shift to the service delivery model.

The SAFER Grant (Staffing for Adequate Fire and Emergency Response) will provide 100% of the funding for salaries and benefits of personnel hired under the grant for a two year period. It is anticipated the Department will request funding for 9 positions to insure that Station 2 is minimally staffed on a 24 hour per day basis, 365 days per year.

Should the City receive the SAFER grant, it is anticipated that an annual savings of approximately \$175,000 would be realized through the reduction of part-time personnel.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding:

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

Randall Parr, Fire Chief

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

ATTACHMENTS:

Estimated costs of personnel obtained through the SAFER Grant

Tomball Fire Department
SAFER Grant Application - Fiscal 2011

Proposed Positions	Number	Rate per Schedule	Rate per Hour	Number of Hours	Overtime per Hour	Number of Hours	Total
Captains	3	53,927.00	17.97	2,756	26.96	164	161,837.82
Driver/Operator	3	43,181.00	14.38	2,756	21.57	164	129,506.28
Firefighters	3	38,275.00	12.75	2,756	19.13	164	<u>114,826.50</u>
Total annual increase in compensation							406,170.60
Payroll burden based on compensation							
FICA Taxes	7.65%						31,072.05
Retirement	14.00%						56,863.88
State Unemployment	2.70%						1,701.00
Health Insurance Cost	9	12,500.00					112,500.00
Life Insurance Cost	9	150.00					1,350.00
Workers Compensation Cost	9	400.00					<u>3,600.00</u>
							<u>207,086.93</u>
Total Salary and Benefits							613,257.53

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 6, 2012

Topic:

Consider and Act on the Creation of a Formal Rank Structure for Current and Future Full-Time Firefighter Positions.

Background:

The Tomball Fire Department is transitioning from one that is volunteer-based and supported by paid and part-time paid to a paid department supported by volunteer and part-time paid firefighters. In doing so, the full-time shift firefighters are being expected to take on positions of authority and responsibility in the agency. Similar to police, public works and EMS agencies, a recognized rank structure creates an organization with manageable groups; in FD terminology, companies. Each company has a leader who has completed a nationally recognized certification course relative to his responsibility and authority. Through this process firefighter safety is enhanced, management of the organization is more efficient, and the recruiting and retention of highly trained and motivated personnel is obtained.

The City of Tomball Strategic Plan has identified a goal of creating a highly efficient, service-oriented culture within the city in the Focus Area of Organizational Effectiveness. Action Strategy Number 3, Develop and implement a program to retain organizational knowledge and ensure adequate staffing in the Fire Department is addressed with this proposed creation of the rank structure.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding: No

Funds will be transferred from Account: to Account:

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

Randy Parr, Fire Chief

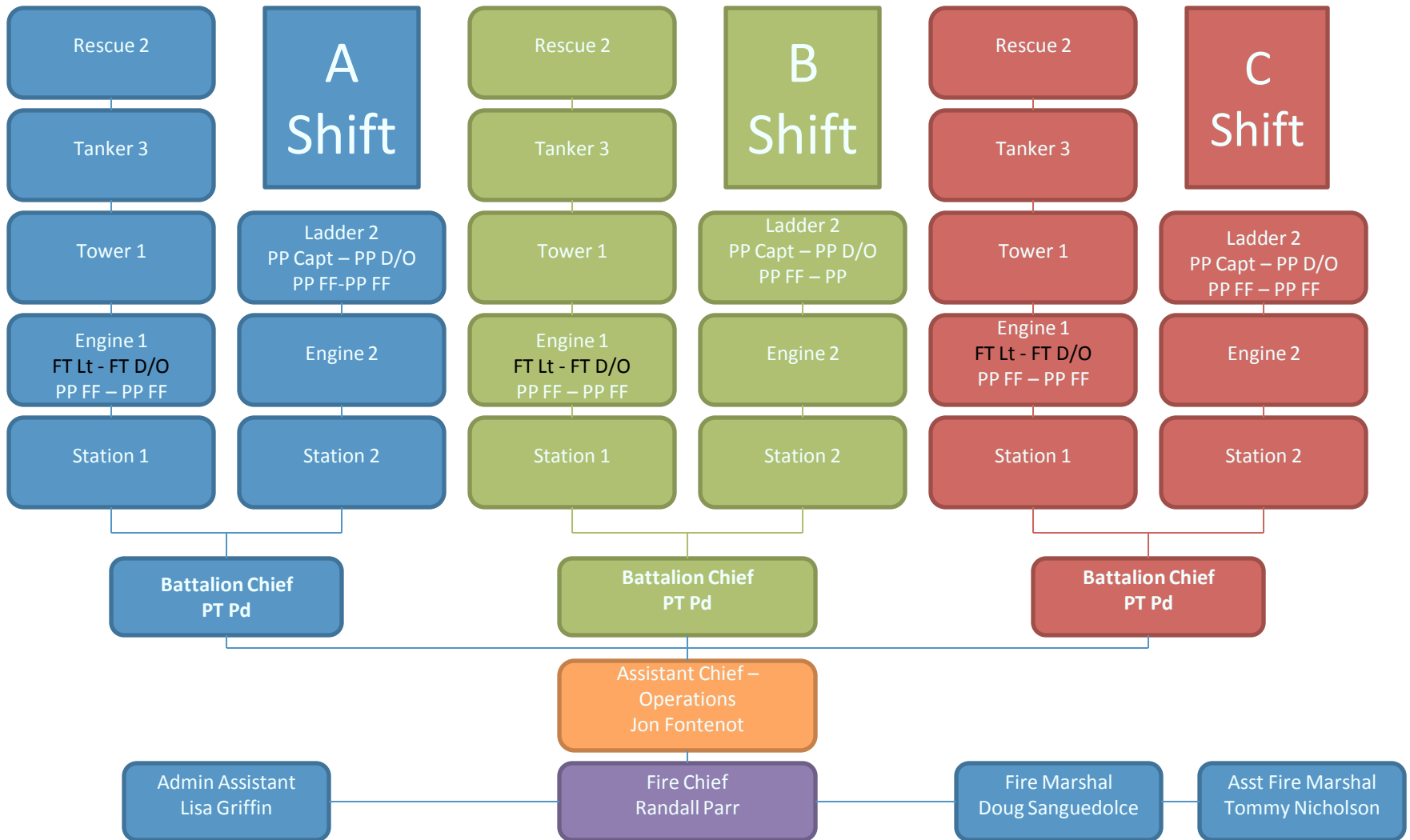
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Fire Department Organization Chart

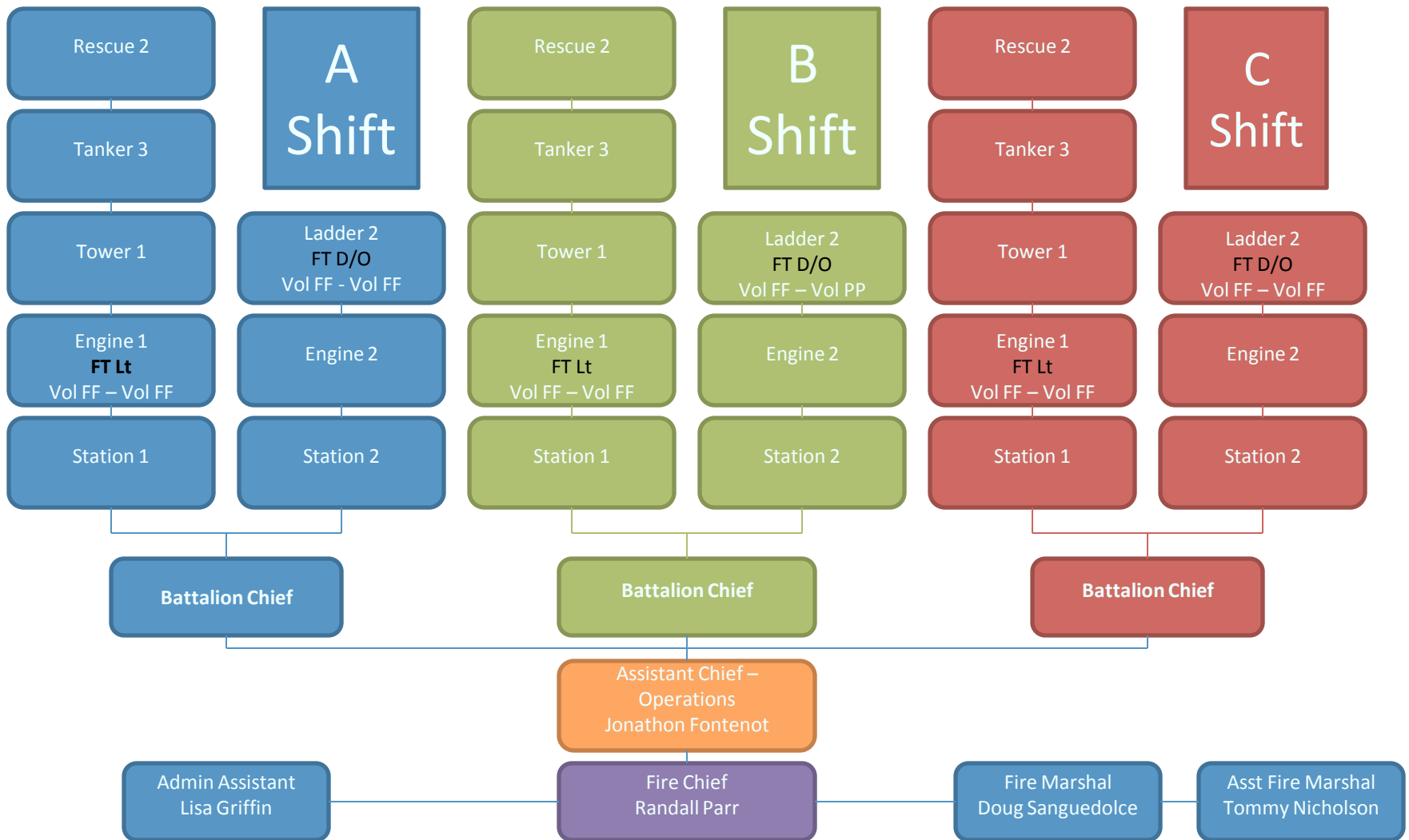
Justification statements

Tomball Fire Department Organization Chart – Day-time Staffing



Tomball Fire Department

Organization Chart – Night-time Staffing



Tomball Fire Department

Justification Statements for the Creation of an Officer Rank Structure

- 1) Firefighter Safety – A firefighting “Company” is typically composed of a minimum of 3 but preferably 4 personnel, each with specific duties on an incident scene. A driver/operator is responsible to get the apparatus safely to the scene and then to efficiently operate all of the equipment on the rig. Two firefighters do the work including stretching and advancing hand-lines, forcible entry, search and rescue. But there must be someone to lead, manage and direct their efforts and insure the team operates in a safe manner. That person is the company officer. The company officer is an individual with considerable experience and who has obtained advanced certification classes including, but not limited to, Fire Instructor I and Fire Officer I for the initial officer position of Lieutenant and, additionally, Fire Officer II for the next level identified as a Captain. All of the above mentioned certification classes have been developed to meet the national standards contained in NFPA 1041 (Standard for Fire Service Instructor) and 1021 (Standard for Fire Officer Professional Qualifications). Additionally, the driver/operator of the apparatus is required to have successfully completed an 80 hour driver certification course that meets the national standard NFPA 1002 (Standard for Fire Apparatus Driver/Operator Professional Qualifications).
- 2) Recent and expected growth of the Tomball area is creating a greater public safety exposure to emergency responders. A report titled “The Community Assessment of North Harris County”, dated September, 2009 and prepared by TIP Strategies, Inc. for the Lone Star College System indicates the region to be one of Houston’s most rapidly growing areas. The report states that growth has been driven by residential development with commercial development following. Tomball has seen this with residential development occurring primarily outside the city limits but the commercial activity occurring inside the city limits, especially at the Four Corners area. As commercial growth continues, the traffic on the area’s roadways will increase. As more commercial buildings are constructed and occupied, the threat to firefighter safety is increased. TFD needs to be prepared to meet this growth.
- 3) A Fire Department organization functions in a paramilitary manner with a similar rank structure. Similar to an infantryman fresh from recruit school, a firefighter is brought into the “company” and nurtured by more senior firefighters, driver/operators and officers. The new firefighter’s responsibilities are minimal. As the infantryman and the new firefighter progress through their careers, gain experience and more training, each expect to move forward within their respective systems. As each grows, more responsibility is placed on them and each is rewarded with an increase in rank and pay. This promotional system continues until each has reached their desired pinnacle.
- 4) Recruiting and Retention – Similar to other careers, most firefighters are attracted to the industry by the belief that, as they gain experience, learn management skills, obtain advanced certifications and are given more responsibilities, they will be given the opportunity to advance in their profession. The path for the fire service is Firefighter, Driver/Operator, Lieutenant,

Captain, Assistant Chief and ultimately, Fire Chief. These positions are not “handed out” to member/employees, but have significant additional education, certification and experience requirements. These positions are awarded based on achievement, merit and a competitive testing process. With TFD in its infancy in relationship to other area career oriented departments, we must offer these positions of authority and responsibility or risk becoming a training ground for other departments seeking highly competent and motivated fire officer candidates. Two individuals that meet the requisite requirements and that have been functioning in the role of a lieutenant for the past year will be appointed full-time to the position.

- 5) These positions will be expected to participate in not only managing their crews but participating in Department level projects as well. Each of the positions will be assigned department level activities and projects such as responsibility for apparatus maintenance, self-contained breathing apparatus, fire hose, training, technology, communications, etc. Being in charge of these programs or projects will require they become well versed in budgeting and projecting useful lives of assets, basically “learning the business” of the fire department.
- 6) Implementation – we anticipate, if the program is approved, the first promotional tests to be held within 45 days of the approval of this rank structure. It would be our goal to promote one more person to the rank of Lieutenant and three to the rank of D/O. This will place all of our full-time personnel into the initial positions of authority and have each them certified to the national standard for their position. Individuals that meet the requisite requirements and have been serving in the role of a Lieutenant for the past year will be appointed full-time to that position.
- 7) Funding - \$15,000 of the estimated \$28,000 cost for the remaining current budget period will be funded from the increase in the funding from the ESD. The balance will come from a reimbursement of fiscal 10-11 costs associated with the Riley Rd Fire over Labor Day or from reductions in other operating costs.
- 8) Continued funding for future years would be from the current increased revenues from ESD #15 (\$15,000) as well as expected future increases from the ESD contract with the rest being incorporated as approved budgeted operating costs for the department.

Regular City Council

Agenda Item

Meeting Date: February 6, 2012

Data Sheet

Topic:

Approve the Promotion of Current Full-Time Firefighters for up to Three Lieutenant Positions and up to Three Driver/Operator Positions.

Background:

The Tomball Fire Department functions in a paramilitary manner. Similar to the military or any other entity, an organizational structure is required to insure that organizational objectives are achieved. In the case of the Fire Department, the most critical organizational is the safety of the firefighters. Fireground operations typically appear to be chaos but are actually carefully choreographed activities, each usually dependent on the other for a successful outcome to the incident. This is due to each apparatus containing its own "team" of personnel. Each apparatus is designed to carry, optimally, four persons; a driver who operates the apparatus and all of its equipment, two firefighters to perform task level activities and an officer to insure that orders received from the incident commander are conducted in an efficient and safe manner.

All of the members of the "team" are trained firefighters, but those that function in roles of additional responsibility such as drivers/operators and officers have many more years of experience and have received additional training and certifications that meet national standards for the position held. Each of the full-time firefighters has been given additional responsibilities in the organization. Each has been assigned responsibility over sections of the organization such as self-contained breathing apparatus and related apparatus maintenance, training, turnout gear, equipment, etc. With the state and national requirements for testing, recertifying and record-keeping for each of these sections, each of the full-time personnel spend at least 20% of their day working on their section activities.

The Tomball Fire Department has been, for the past three years, in a state of transition. Prior to 2001, the Department was comprised totally of volunteer members. In 2001, the first part-time paid duty crew employees were hired to address a concern of the lack of available volunteers during the day-time hours. As the Department continued its transition, in 2008, the first two full-time (24-hour shift workers) were hired. Two additional full-time employees were hired a year later and two more this past October, bringing the number of full-time firefighters on our staff to six. This staffing was necessary to insure that a very minimal number of persons would be in the stations 24 hours per day, seven days per week.

In the attached worksheet, the Department projects the maximum cost of the promotions, if all six promotions occur, to be approximately \$28,000 for the balance of the current budget period (March 1 through September 30. Of this amount, \$15,000 is available from the increased funding from the service contract with Harris County ESD 15. The remaining approximately \$13,000 will come from a reimbursement of costs associated with the Department's response to the Riley Road Fire, reductions in training costs and related travel expenditures and other operating expenses.

Last year, in order to maintain a minimal organizational and leadership structure, the two most senior full-time firefighters were given the title of lieutenant. This was done from organizational necessity to establish that the full-time firefighters were the leaders of and responsible for the safe and efficient operation of the organization during the night-time shifts. These two firefighters would be exempt from the promotional test and, in effect, grandfathered into the positions by virtue of their performance. Both of these individuals meet the training, certification and experience requirements of the Lieutenant's position.

The Department is seeking approval from the Council to, subject to successful completion of promotional exams and oral interviews, promote up to one firefighter to the rank of Lieutenant and up to three firefighters up to the rank of Driver/Operator effective March 1, 2012. The other two Lieutenant's positions would be filled as mentioned above.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding: No

Funds will be transferred from Account: to Account:

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

Randy Parr

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

ATTACHMENTS:

Estimated implementation costs

Tomball Fire Department

Estimated Cost of Implementation of Rank and Pay Structure - 2011/2012 Budget

Proposed Positions	Number	Rate per Schedule	Rate per Hour	Number of Hours	Overtime per Hour	Number of Hours	Total
Lieutenant	3	48,855.00	16.27	2,756	24.41	164	146,527.62
Driver/Operator	3	43,181.00	14.38	2,756	21.57	164	129,506.28
Existing Firefighter positions							
Firefighter 1	1	40,617.06	13.53	2,756	20.30	164	40,617.06
Firefighter 2	1	40,617.06	13.53	2,756	20.30	164	40,617.06
Firefighter 3	1	39,416.26	13.13	2,756	19.70	164	39,416.26
Firefighter 4	1	39,416.26	13.13	2,756	19.70	164	39,416.26
Firefighter 5	1	38,275.50	12.75	2,756	19.13	164	38,275.50
Firefighter 6	1	38,275.50	12.75	2,756	19.13	164	<u>38,275.50</u>
							<u>236,617.64</u>
Total annual increase in compensation							39,416.26
Payroll burden based on compensation							
FICA Taxes	7.65%						3,015.34
Retirement	14.00%						<u>5,518.28</u>
							<u>8,533.62</u>
Total increase in compensation - annualized							47,949.88
Maximum Increase in compensation - estimated - March through September							27,970.76
Source of funding for program:							
Increase in ESD #15 fee				60,000.00	45,000.00		<u>15,000.00</u>
Amount to fund from other budget items							12,970.76