

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



MONDAY, NOVEMBER 7, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 7, 2011 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 Al Navarro, Puente para Cristo

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

- November 12, 2011 – **Farmers Market** – 9 a.m.-1:00 p.m. (Last Saturday)
- November 12, 2011 – **"Christmas at Give Thanks Tomball" 2nd Saturday at the Depot** – 6:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - **Special Walk Tomball** in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:30 p.m.–7:00 p.m. (Kelly McGuire)
- **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
 - Glenn Windsor – Quarterly Investment Report for Period Ending September 30, 2011
 - Randy Parr – Fall Festival Results
 - George Shackelford – Randy Parr has earned the level of active Peer Assessor Level 1 (PA-L1) from the Commission on Fire Accreditation International (CFAI)
 - George Shackelford - Doris Speer, City Secretary, has earned the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC)

6.0 Approve the Minutes of the following Council Meetings:

- Regular Council Meeting – October 17, 2011
- Special Council and Planning and Zoning Meeting – October 24, 2011

7.0 New Business:

- 7.1 Approve Resolution No. 2011-25, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District
- 7.2 Approve Resolution No. 2011-26, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).
- 7.3 Authorize the City Manager to Execute the Annual Compensation Amendment to the Interlocal Agreement for Fire Protection, Fire Suppression and Rescue Services between the City of Tomball and Harris County ESD #15. The compensation is increasing from \$45,000 in 2011 to \$60,000 in 2012.
- 7.4 Approve **J & A ENTERPRISE REPLAT**: A replat of Lot 22 and "Unrestricted Reserve" of ED-MICH TRACT replat into New Lot 22 in Block 61 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said Block 61 being situated in the William Hurd Survey (A-371).

8.0 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 3rd day of November 2011 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: November 7, 2011

Topic:

- November 12, 2011 – **Farmers Market** – 9 a.m.-1:00 p.m. (Last Saturday)
- November 12, 2011 – **"Christmas at Give Thanks Tomball" 2nd Saturday at the Depot** – 6:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - **Special Walk Tomball** in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:30 p.m.–7:00 p.m. (Kelly McGuire)
- **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
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 - George Shackelford – Randy Parr has earned the level of active Peer Assessor Level 1 (PA-L1) from the Commission on Fire Accreditation International (CFAI)
 - George Shackelford - Doris Speer, City Secretary, has earned the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC)

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

2nd Saturday at the Depot

46th Annual Holiday Parade

Tomball Art Walk

Quarterly Investment Report for Period Ending September 30, 2011

Randy Parr, Peer Assessor Level 1 (PA-L1), Commission on Fire Accreditation International (CFAI)

Doris Speer, City Secretary, Certified Municipal Clerk (CMC) Designation

2nd Saturday at the Depot

Christmas at Give Thanks Tomball!

November 12th

Live Classic Rock & Country music
by The Traditions

GREAT EATS FROM...

Cisco's Salsa Co.

The Original Rib Tickler

Summer Snow

Games & Crafts!

*Make your own photo frame and
Christmas card!*

Free Photo with Santa compliments of
D&K Photography
(while supplies last)

Bring canned food for TEAM!

Join us for the lighting of the Christmas Tree...

a Tomball, Texas tradition!

Get kid-sized holiday stocking
stuffers from select shops and
restaurants throughout downtown

Tomball beginning at 3 p.m.

Route maps available at the Depot.

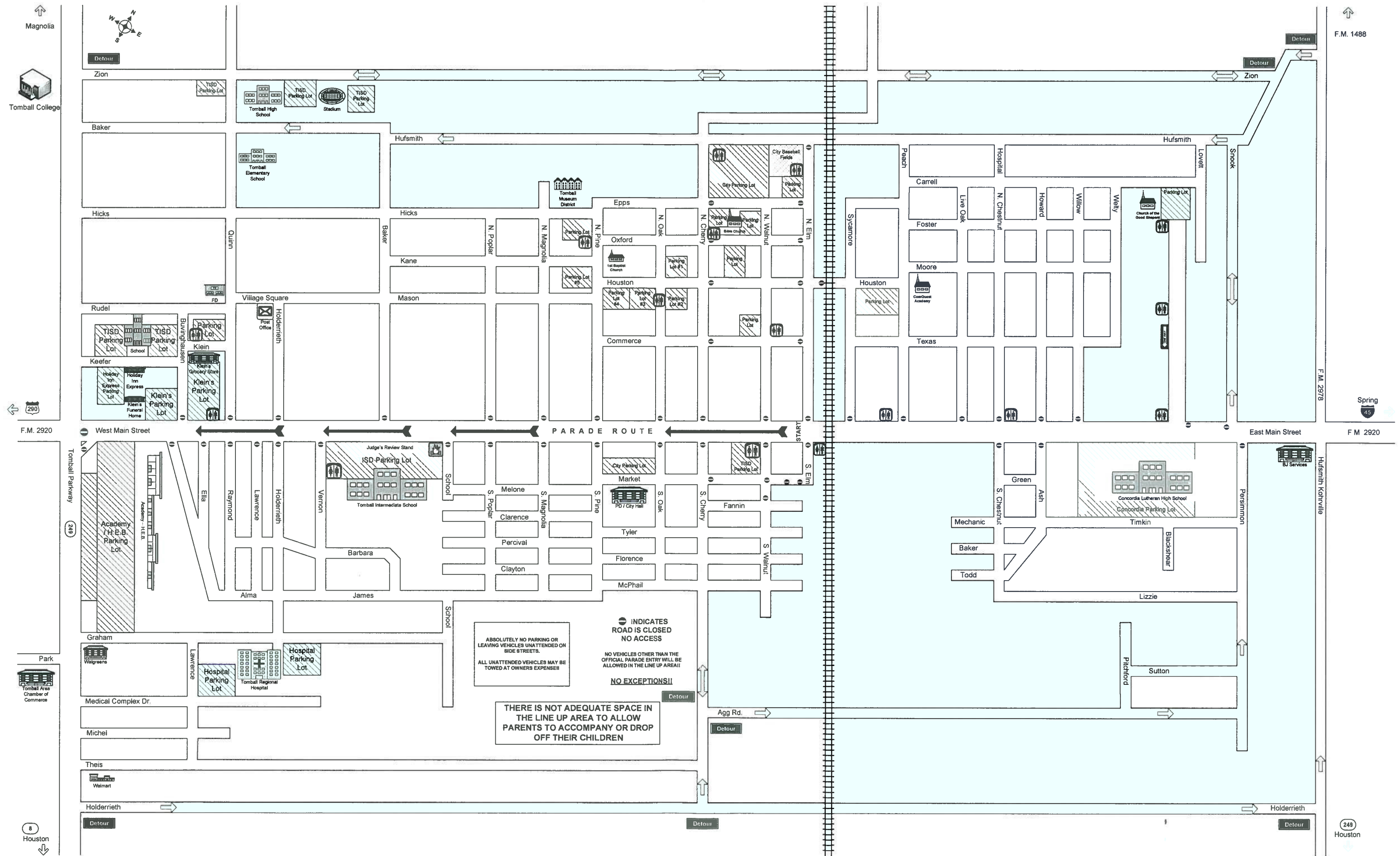
- Historic Tomball Depot Plaza
- 201 S. Elm - One block South of Main Street
- Opens at 5:00 PM— Movie begins at dark
- Bring your lawn chairs
- No glass containers!
- For more information, call Rosalie 281-610-2595



Featured Movie

A Special Visit from Santa and
the TPD gyroplane "Michael One"!

In case of rain, event moves to the Tomball Community Center, 221 Market St.



ART WALK

TOMBALL!

November 19th
from 10 a.m. – 6 p.m.

- View and buy original artwork and prints throughout the historic downtown district, meet the artists and enjoy wine, cheese and more along the route.

- Free Island-style concert from the Texas Gulf Coast troubadour, Kelly McGuire at Depot Plaza from 4:30 to 7:00 p.m.

- Beverages and eats by Cisco's Salsa Company during the concert.



Follow Tomball, Texas on [facebook](#) Call 281-351-5484 for info.

Remember . . . Tomball is Texan for Fun!

ART WALK

TOMBALL!

**Saturday,
November 19th
10 a.m. – 6 p.m.**

- More than two dozen downtown “art stops”
- More than 45 artists exhibiting and selling their creations.
- Live Island-style concert from Texas Gulf Coast troubadour, Kelly McGuire beginning at 4:30 p.m. at Depot Plaza.

**Call NOW!
281-351-5484
or scan the code
for details.**



Scan with
your smart
phone!

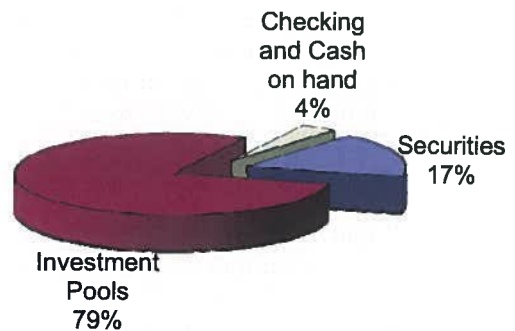
PORTFOLIO DIVERSIFICATION September 30, 2011

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 4,486,949	17.40%
Investment Pools	20,354,803	78.94%
Checking and Cash on hand	942,922	3.66%
Total Portfolio	<u>\$ 25,784,674</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

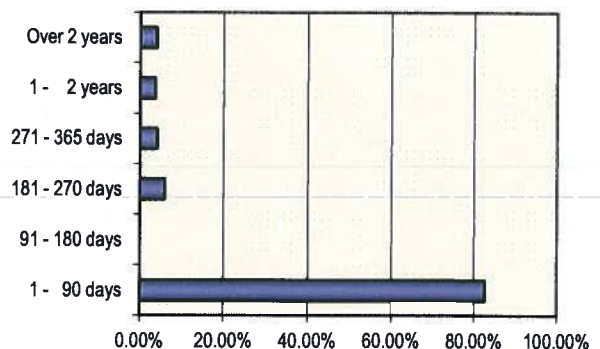


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 21,297,725	82.60%
91 - 180 days	-	-
181 - 270 days	1,515,090	5.88%
271 - 365 days	1,038,530	4.03%
1 - 2 years	931,831	3.61%
Over 2 years	1,001,498	3.88%
Total Portfolio	<u>\$ 25,784,674</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
September 30, 2011

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	4,594,382	4,504,527	0.9804	1.472%	0.19%
Purchases	1,000,000	1,000,000			
Maturities	1,056,440	1,000,000			
Change in value		17,578			
Sales					
End of period	4,537,942	4,486,949	0.9888	1.472%	0.13%

Total Accrued Interest at end of period: \$ 23,387

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 519 days.

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



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF SEPTEMBER 30, 2011**

SECURITY DESCRIPTION	CUSIP NUMBER	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 09/30/11	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) NE Iowa Community College- 3%	664212BE6	6/1/2012	2.950%	507,220	245	11.304%	27.70
2) Federal Home Loan Bank- 1.375%	3133XWKU2	6/8/2012	1.010%	1,007,870	252	22.462%	56.60
3) Texas State Water GO- 5%	882722GS4	8/1/2012	1.750%	1,038,530	306	23.146%	70.83
4) Federal Home Loan Bank- 1.75%	3133XVNT4	12/14/2012	1.245%	508,398	441	11.331%	49.97
5) Abilene TX CO- 3.75%	003446Z95	2/15/2013	1.000%	156,624	504	3.491%	17.59
6) Brenham TX- 2%	107115JW8	8/15/2013	1.000%	266,809	685	5.946%	40.73
7) Federal Home Loan Bank- 1.35%	313374YM6	11/17/2014	1.350%	1,001,498	1144	22.320%	255.34
TOTALS			1.472%	4,486,949	511	100.000%	518.76

CASH AND CASH EQUIVALENTS FOR QUARTER ENDING September 30, 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	\$ 2,260,540	\$ 6,699,556	\$ 416,500	\$ 2,078	\$ 9,378,674	\$ -	\$ 1,970,361	\$ 1,970,361	\$	\$ 11,349,035
Debt Service	\$ 502,342	\$ 266,754	\$ 801	\$ -	\$ 769,897	\$ -	\$ -	\$ -	\$	\$ 769,897
Enterprise	\$ 2,009,369	\$ 4,234,012	\$ 409,032	\$ 641	\$ 6,653,054	\$ -	\$ 2,516,588	\$ 2,516,588	\$	\$ 9,169,642
OTHER FUNDS										
Special Revenue	\$ 75,351	\$ 63,449	\$ 10	\$ -	\$ 138,810	\$ -	\$ -	\$ -	\$	\$ 138,810
Housing Trust	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$ -
Municipal Court Building Security	\$ 100,469	\$ 60,363	\$ 1,491	\$ -	\$ 162,323	\$ -	\$ -	\$ -	\$	\$ 162,323
Municipal Court Technology	\$ 60,281	\$ 139,391	\$ 553	\$ -	\$ 200,225	\$ -	\$ -	\$ -	\$	\$ 200,225
Hotel Tax	\$ 100,469	\$ 207,995	\$ 7,186	\$ -	\$ 315,650	\$ -	\$ -	\$ -	\$	\$ 315,650
Red Light Camera Program	\$ 251,171	\$ 314,161	\$ 34,141	\$ -	\$ 599,473	\$ -	\$ -	\$ -	\$	\$ 599,473
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	\$ 50,234	\$ 84,755	\$ 620	\$ -	\$ 135,609	\$ -	\$ -	\$ -	\$	\$ 135,609
Fleet Replacement	\$ 452,107	\$ 755,785	\$ 32	\$ -	\$ 1,207,924	\$ -	\$ -	\$ -	\$	\$ 1,207,924
Water Capital Recovery	\$ 100,469	\$ 477,560	\$ 22,496	\$ -	\$ 600,525	\$ -	\$ -	\$ -	\$	\$ 600,525
Sewer Capital Recovery	\$ 150,703	\$ 555,859	\$ 25,818	\$ -	\$ 732,380	\$ -	\$ -	\$ -	\$	\$ 732,380
Health Insurance Trust	\$ -	\$ 381,658	\$ 15,173	\$ -	\$ 396,831	\$ -	\$ -	\$ -	\$	\$ 396,831
TOTALS	\$ 6,113,505	\$ 14,241,298	\$ 940,203	\$ 2,719	\$ 21,297,725	\$ -	\$ 4,486,949	\$ 4,486,949	\$	\$ 25,784,674

From: rblack@publicsafetyexcellence.org [mailto:rblack@publicsafetyexcellence.org]
Sent: Tuesday, November 01, 2011 5:34 PM
To: Randy Parr
Subject: Peer Assessor Status - PA-L1



Commission on Fire Accreditation International

Fire Chief/EMC Parr,

You recently completed your first peer team site visit. Your team leader has completed your evaluation as a Peer Assessor Level 2 (PA-L2). On behalf of the Commission on Fire Accreditation International, I am pleased to inform you that you are approved as an active PA-L1.

Your role is critical to the success of the accreditation model. It is no longer presumed that you have the energy, drive and dedication necessary to work within this process; you have demonstrated your ability and capacity. You are encouraged to continue moving forward and eventually become a CFAI Team Leader. This requires a minimum of three tours as a peer assessor and a recommendation from two of the three team leaders. It also requires your understanding of the current [CFAI Policies and Procedures](#) as well as the [Peer Assessor Handbook](#). I will inform you when the next PA-L1 opportunity becomes available. In the meantime, you should participate in all quarterly peer assessor continuing education opportunities.

Each quarter, Peer Assessor Continuing Education is provided via webinar. In order to remain active as a peer assessor, you must complete 2 of the 4 webinars, in person, each year. You are encouraged to register and attend each CE session as this will be critical towards maintaining an up-to-date awareness of changes and continuous improvement of your role as Peer Assessor. Registration can always be found on the [peer assessor site](#) of the CPSE SharePoint system. You should check and make sure that you have set your [alerts](#) to all folders on this site so that you remain aware of new information added.

You are also encouraged to register and attend the monthly [Dayroom Discussions](#). While this monthly webinar is targeted for Accreditation Managers, you will find it helpful to maintain awareness and understanding of what is being taught to them.

I wish you the very best of success as you continue your journey. Should you have any questions, please email or call me at extension 866-866-2324 x 206.

Rick Black,

CFAI Program Manager

POWERED BY NET:FORUM



International Institute of Municipal Clerks

Professionalism in Local Government

October 20, 2011

Dear Doris Speer, CMC:

On behalf of the Board of Directors, it is my pleasure to inform you that you have been awarded the International Institute of Municipal Clerks' designation of Certified Municipal Clerk. Included in this package is your hard-earned CMC certificate, as well as your CMC lapel pin. We hope you wear it proudly.

IIMC grants the CMC designation only to those Municipal Clerks who complete demanding education requirements; and who have a record of significant contributions to their local government, their community and state.

In light of the speed and drastic nature of change these days, lifelong learning is not only desirable, it is necessary for all in local government to keep pace with growing demands and changing needs of the citizens we serve. We applaud your educational accomplishments and achievement of this milestone and congratulate you on your personal pursuit of professional excellence.

Sincerely,

Colleen J. Nicol, MMC
IIMC President

International Institute



Municipal Clerks

Hereby Confers The Title of

Certified Municipal Clerk

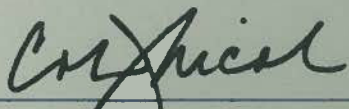
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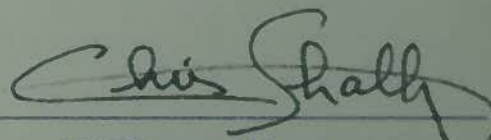
Doris Speer, CMC

who has completed the requirements prescribed by the
International Institute of Municipal Clerks for Certification.

(You must remain an active member for IIMC to recognize your CMC)

Certified This 20 Day Of October A.D. 2011


IIMC President


IIMC Director of Education

Regular City Council Agenda Item Data Sheet

Meeting Date: November 7, 2011

Topic:

Approve the Minutes of the following Council Meetings:

- Regular Council Meeting – October 17, 2011
- Special Council and Planning and Zoning Meeting – October 24, 2011

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

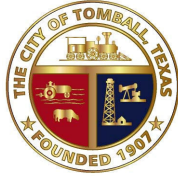
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - October 17, 2011 Regular Council Meeting

Draft Minutes - October 24, 2011 Special Council and Planning and Zoning Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 17, 2011
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
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant City Planner – Rodney Schmidt
Marketing Director – Mike Baxter
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

draft

2.0 The invocation was led by Brother James Roberson, Hufsmith Church of Christ

3.0 Pledges to U. S. and Texas Flags were led by Courtlynn Noack and Samuel Freeman, Members of the Tomball High School Student Council

4.0 The following public comments were received:

- | | |
|---|--|
| Marie Heffernan
13615 Country Meadows, 77375 | - Requested that the City issue proclamations for each new birth in Tomball |
| Rodney Hutson
9431 Rosie Lane, 77354 | - Expressed his support for the proposed tax rate increase |
| Mary Harvey
405 S. Walnut, 77375 | - Expressed her support for the proposed tax rate increase |
| Pat Bailey
1319 Dove Trails, 77375 | - Expressed her support for the proposed tax rate increase |
| Jim McKinney
1306 Dove Trails, 77375 | - Expressed his support for the proposed tax rate increase |
| Jack Ripley
14134 Castor Street, 77375 | - Expressed his opposition to the proposed tax rate increase |
| Bruce Hillegeist
20339 Telge, 77377 | - Expressed his support for Resolution 2011-21, regarding the 46 th Annual Tomball Holiday Parade |

5.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10-November 12)
- October 22, 2011 – **2nd Annual American Heart Association's Northwest Harris County Virtual Heart Walk** to support the American Heart Association – 9:30 a.m.; Heart Walk routes (1, 2 or 3 mile options) begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- October 24, 2011 – Tourism Advisory Committee Meeting – moved to 4:00 p.m.
- October 24, 2011 – Special Council and Planning and Zoning Commission Meeting regarding the Downtown Specific Plan – 6:00 p.m.
- October 28-29, 2011 – **Fire Department Fall Festival, 709 West Main** – 7:00 p.m.-12:00 Midnight
- November 1, 2011 – **Mayor's Coffee**, 5:30 p.m.-7:00 p.m., **Nona's Italian Grill**
- November 7, 2011 - Appointments to Tourism Advisory Committee for Terms expiring December 5, 2011
- November 12, 2011 – **2nd Saturday at the Depot – 5:00 p.m.**
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - **Special Walk Tomball** in the **Holiday Parade** behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.

- November 19, 2011 – **Tomball Art Walk**, 2:00 p.m.–6:00 p.m.; Free Concert at the Depot, 5:00 p.m.–7:30 p.m.
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - David Kauffman - **Fall Cleanup Week and E-Waste and Shredding Event**
 - Mike Baxter – October 8, 2011 **2nd Saturday at the Depot "Spooktacular"** and October 15, 2011 **Tomball Art Walk**

6.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the minutes of the following meetings:

- Regular Council Meeting – October 3, 2011
- Special Council Meeting – October 10, 2011

Motion carried unanimously.

7.0 New Business:

7.1 Doris Speer presented the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2011-21, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 46th Annual Tomball Holiday Parade, "**All Texas, All the Time**" to be held in Tomball on Saturday, November 19, 2011 and to Approve Requested Street Closures and In-kind Services.

Motion carried unanimously.

7.2 George Shackelford presented the City Manager's Amendment to the Amended Vested Rights Determination Letter dated September 21, 2011, regarding Timkin Office Park/Chestnut Business Park. Motion was made by Councilman Brown, second by Councilman Stoll, to receive the City Manager's Amendment to the Amended Vested Rights Determination Letter dated September 21, 2011, regarding Timkin Office Park/Chestnut Business Park.

Motion carried unanimously.

7.3 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt \$0.230000 as Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for FY 2012. Vote was as follows:

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

Councilman Dodson Aye

Motion carried, 3 votes Aye, 2 votes Nay.

- 7.4 Motion was made by Councilman Brown, second by Councilman Dodson, to adopt \$0.111455 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for FY 2012.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Brown, to read Ordinance No. 2011-19 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2011-19, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2011 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay. .

George Shackelford requested that Items 7.6 and 7.7 be postponed to allow City staff to gather additional information. Motion was made by Councilman Brown, second by Councilman Dodson to postpone the public hearing and consideration of Ordinance No. 2011-24 until City staff has gathered additional information.

- 7.6 Public Hearing regarding Proposed Ordinance No. 2011-24, Opting Out of the "Super Freeport Exemption" created by Senate Bill 1 and Providing for the Taxation of Tangible Personal Property in Transit ("Goods-in-Transit").

Public Hearing postponed.

- 7.7 Adopt, on First Reading, Ordinance No. 2011-24, an Ordinance of the City of Tomball, Texas, Providing for the Taxation of Tangible Personal Property in Transit, which would otherwise be Exempt from Taxation Pursuant to Texas Tax Code, Section 11.253; Repealing all Ordinances or Parts of Ordinances Inconsistent or In Conflict Herewith; and Providing for Severability.

Consideration of Ordinance No. 2011-24 postponed.

- 7.8 Rodney Schmidt presented the staff report on **ZONING CASE P11-354**: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family Estate Residential-20 District to the Agricultural District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-354** at 6:39 p.m.; the following public comments were received:

Pat Mackinnon
Executive Director, AAR
23310 Oak Hollow, 77377

- Expressed her support for the rezoning request.

Angie Fenton
10102 Crestwater Circle, 77354

- Requested that Ms. Mackinnon speak on her behalf regarding her support for the rezoning request.

Louise Owens
503 E. Hufsmith, 77375

- Expressed her opposition to the rezoning request.

George O. Rager
22123 Rosewood Trail, 77377

- Expressed his support for the rezoning request.

No further public comments being received, Mayor Fagan closed the public hearing at 6:48 p.m.

- Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2011-25 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt on First Reading, Ordinance No. 2011-25, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 5 acres of land, legally described as lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District; Said property being generally located Northerly of Hufsmith Road, Westerly of the unimproved Neal Street Right-of-Way; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 7.9 Rodney Schmidt presented the staff report on **ZONING CASE P11-359**: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a "Carpet and Rug Cleaning Plant." The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-359** at 7:08 p.m.; the following public comment was received:

Donald Downey
29918 Keen, 77377

- Expressed his support for the rezoning request

No further public comments being received, Mayor Fagan closed the public hearing at 7:14 p.m.

- Motion was made by Councilman Stoll, second by Councilman Brown, to read Ordinance No. 2011-26 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Brown, to adopt on First Reading, Ordinance No. 2011-26, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to M.H.B. Holdings LLC, to operate a “carpet and rug cleaning plant”; Said tract being an approximately 0.3214 acre site, and being legally described as lot 2, block 66, Tomball Townsite Amending Plat, generally located on the Westerly side of Live Oak Street, Northerly of Main Street at 212 East Main Street, Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

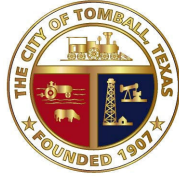
Meeting adjourned.

PASSED AND APPROVED this 7th day of November 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

**MINUTES OF SPECIAL CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, OCTOBER 24, 2011
5:30 P.M.**

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan.

Council members present were:

Councilman Stoll
Councilman Brown
Councilman Dodson
Councilman Hudgens

Council members absent were:

Councilman Townsend – Excused.

Planning and Zoning Commission Members present:

Commissioner Lori Wallace
Commissioner Barbara Tague
Commissioner James Kendler
Commissioner Michelle Beauvais
Commissioner Evelyn Torres-Chervenak

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor

draft

Assistant City Planner – Rodney Schmidt
Chief-NWEMS – Brian Petrilla
Partners for Strategic Action - Peggy Fiandaca

2.0 The following public comments were received:

- | | |
|---|--|
| Louise Owens
503 E. Hufsmith Road, 77375 | - Expressed her opposition to passage of Ordinance No. 2011-25. |
| Kevin Babb
507 E. Hufsmith Road, 77375 | - Did not attend; his opposition to passage of Ordinance No. 2011-25 was read into the record. |
| Donald Downey
29918 Keen Road, 77375 | - Expressed his support for passage of Ordinance No. 2011-25. |

3.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10-November 12)
- October 28-29, 2011 – **Fire Department Fall Festival, 709 West Main** – 7:00 p.m.-12:00 Midnight
- November 1, 2011 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m., **Bootsie's Heritage Cafe, 112 Commerce**
- November 7, 2011 - Appointments to Tourism Advisory Committee for Terms expiring December 5, 2011
- November 7, 2011 - Appointment to Fill Vacancy on Tomball Economic Development Corporation
- November 12, 2011 – **2nd Saturday at the Depot – "Christmas at Give Thanks Tomball"** – 5:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - *Special Walk Tomball* in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:00 p.m.–7:30 p.m.
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken

4.0 Old Business:

- 4.1 Motion was made by Councilman Dodson, second by Councilman Hudgens to adopt, on Second Reading, Ordinance No. 2011-19, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2011 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for

Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 4.2 Motion was made by Councilman Brown, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2011-25, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 5 acres of land, legally described as lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District; Said property being generally located Northerly of Hufsmith Road, Westerly of the unimproved Neal Street Right-of-Way; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

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

Motion carried unanimously.

- 4.3 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2011-26, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to M.H.B. Holdings LLC, to operate a “carpet and rug cleaning plant”; Said tract being an approximately 0.3214 acre site, and being legally described as lot 2, block 66, Tomball Townsite Amending Plat, generally located on the Westerly side of Live Oak Street, Northerly of Main Street at 212 East Main Street, Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

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

Motion carried unanimously.

5.0 New Business:

- 5.1 George Shackelford presented Resolution No. 2011-22. Motion was made by Councilman Hudgens, second by Councilman Dodson, to approve Resolution No. 2011-22, Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto.

Motion carried unanimously,.

- 5.2 George Shackelford presented the Tomball Sister City Organization's request for hotel occupancy tax funding. Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Tomball Sister City Organization's request for Support, Funding in the amount of \$35,000, and to approve Road Closures and In-Kind Support for the 2011 Tomball German Christmas Market, to be held December 9-11, 2011, and for the 2012 Tomball German Heritage Festival, to be held March 30-April 1, 2012, as Recommended by the Tourism Advisory Committee.

Motion carried unanimously.

- 5.3 Lori Wallace, Chair, called the Planning and Zoning Commission to order for the Joint City Council and Planning and Zoning Commission Meeting

Prior to receiving the presentation by PSA, Chair Lori Wallace requested a motion to table the presentation and discussion of the Downtown Specific Plan to allow City Staff, PSA, and the Planning and Zoning Commission additional time to study specific areas of the plan that the Planning and Zoning Commission believes needs additional study. Motion was made by commissioner Tague, second by Commissioner Beauvais to table Items, 5.3, 5.4, 5.5, 5.6, and 5.7.

Motion carried unanimously.

Mayor Fagan asked if anyone in attendance would like to speak regarding the Downtown Specific Plan; the following comments were received:

Dale Cobourn
407 Fannin Street, 77375

- Expressed his concern regarding the mixed use transitions to residential use in the DSP.

Chris (szar
21315 Cherry Canyon, 77375

- Expressed her concern regarding her property at the intersection of Baker and Hicks, currently commercial and designated as residential in the DSP.

5.4 Receive Presentation by Peggy Fiandaca of PSA, Inc. (Partners for Strategic Action, Inc.) regarding the City of Tomball Downtown Specific Plan. Item tabled – no action taken.

5.5 Consideration by Planning and Zoning Commission to Approve the Downtown Specific Plan.

- Conduct a Public Hearing regarding the **DOWNTOWN SPECIFIC PLAN (DSP)**: To receive testimony and written evidence from the public regarding the City's proposed adoption of the Tomball Downtown Specific Plan.

Item tabled – no action taken.

5.6 Consideration by Planning and Zoning Commission to Approve City-Initiated Text Amendments (DSP):

- Conduct a Public Hearing regarding the **CITY INITIATED TEXT AMENDMENTS (DSP)**: Public hearing to consider City-initiated text amendments to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) adding a new Article VII “Downtown Specific Plan,” Section 52 “Regulating Plan and General Elements,” Section 53 “Historic Main Street District (DSP-HMS),” Section 54 “Old Town Plaza District (DSP-OTP),” Section 55 “Old Town Commercial District (DSP-OTC),” Section 56 “Mixed Use Transition District (DSP-MUT),” Section 57 “Old Town Residential District (DSP-OTR),” and Section 58 “Museum Center District (DSP-MC);” and amending Appendix A “Summary of Area Regulations by District” and Section 45 “Definitions.”

Item tabled – no action taken.

5.7 Consideration by Planning and Zoning Commission to Approve City-Initiated Rezoning (DSP):

- Conduct a Public Hearing regarding **CITY INITIATED REZONINGS (DSP)**: Request by the City of Tomball to amend the City’s Comprehensive Zoning Ordinance to rezone the properties within the Old Town Area as defined by the Tomball Comprehensive Plan and including the properties located west of the

BNSF railroad, south of Fannin Street, east of South Elm Street, and north of Florence Street, starting at the DSP boundary in the southeast corner at the BNSF railroad and Florence Street westerly along Florence to South Pine Street, northerly along South Pine Street to Percival Street, westerly along Percival Street to School Street, northerly along School Street to Main Street, westerly along Main Street to Baker Street, northerly along Baker Street to Hicks Street, easterly along Hicks Street to North Magnolia Street, northerly along North Magnolia Street to unimproved right-of-way north of Hicks and Epps Streets, easterly along unimproved right-of-way north of Hicks and Epps Streets to North Cherry Street, southerly along North Cherry Street to Epps Street, easterly along Epps Street to North Elm Street, southerly along North Elm Street to Main Street, Main Street southerly along South Elm Street to unimproved Fannin Street, easterly along unimproved Fannin Street to right-of-way adjacent to BNSF railroad, southerly along right-of-way adjacent to BNSF railroad to Florence Street, within the City of Tomball, Harris County, Texas, from the SF-6, OT, & MU, and General Retail Districts to the DSP Historic Main Street, DSP Mixed Use Transition, DSP Museum Center, DSP Old Town Commercial, DSP Old Town Plaza Area, and DSP Old Town Residential Districts.

Item tabled – no action taken.

- 5.8 Motion was made by Commissioner Tague, second by Commissioner Kendler, to adjourn of the Planning and Zoning Commission.

Motion carried unanimously.

- 5.9 Possible Discussion by City Council regarding Presentation and Recommendations by Planning and Zoning Commission.

Joint meeting items tabled – no action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of November 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 7, 2011

Data Sheet

Topic:

Approve Resolution No. 2011-25, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District

Background:

In August, Harris County Appraisal District requested nominations for the two-year term beginning on January 1, 2012. The current representative for the 32 smaller cities and towns in Harris County, other than the City of Houston, on the six-member HCAD Board of Directors is Ed Heathcott, who has served on the board since January 1, 2008. On September 6, 2011, Council approved Resolution No. 2011-15, nominating Mr. Heathcott for a third term.

Mr. Heathcott was the only individual nominated for the board position representing cities other than the City of Houston. Harris County Appraisal District now asks Council to cast its ballot for Ed Heathcott for the position on the Board of Directors of the Harris County Appraisal District representing small cities other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2012.

Origination:

Jim Robinson, Chief Appraiser-HCAD and Ed Heathcott, Representative-Suburban Cities

Recommendation:

City staff makes no recommendation.

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2011-25

Request from HCAD

RESOLUTION NO. 2011-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, CASTING ITS BALLOT FOR THE
ELECTION OF A PERSON TO THE BOARD OF DIRECTORS
OF THE HARRIS COUNTY APPRAISAL DISTRICT**

* * * * *

WHEREAS, the Chief Appraiser of the Harris County Appraisal District, Harris County, Texas, has delivered to the Mayor of this City the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this City deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; **now, therefore**

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

Section 1. That the facts and recitations set forth in the preamble of this Resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City of Tomball, Texas, casts its vote and it does hereby cast its vote for **Ed Heathcott** to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the Mayor be, and she is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this Resolution to the Chief Appraiser of the Harris County Appraisal District no later than December 19, 2011.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 7TH DAY OF NOVEMBER, 2011.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

**CERTIFICATION OF BALLOT
FOR BOARD OF DIRECTORS
HARRIS COUNTY APPRAISAL DISTRICT**

I, Gretchen Fagan, Mayor of the City of Tomball, Texas, certify that on the 7th day of November 2011, the City Council of the City of Tomball, Texas, did by Resolution No. 2011-25 cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of Council's choice.)

Ed Heathcott [X]

I further certify that a true and correct copy of the Resolution No. 2011-25 casting such ballot is attached hereto.

WITNESS MY HAND this 7th day of November 2011.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

I, Doris Speer, City Secretary for the City of Tomball, Texas, do hereby certify that I am the custodian of the records of the City, and that the attached Resolution No. 2011-25, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District is a true and correct copy from the official records of the City of Tomball, Texas.

Doris Speer
City Secretary

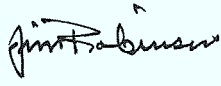
November 7, 2011
Date



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF THE CHIEF APPRAISER

TO: Presiding Officers of Taxing Units
Served by the Harris County Appraisal District

FROM: Jim Robinson, Chief Appraiser 

SUBJECT: Election of Board of Directors of the
Harris County Appraisal District

DATE: October 17, 2011

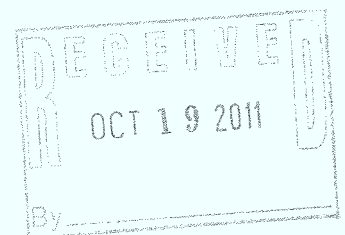
The nomination period for board candidates representing the small cities, school districts, and conservation & reclamation districts closed October 14, 2011. The names of all candidates officially nominated to me on or before that date are reflected on the enclosed "Certification of Ballot" forms.

Candidates for contested positions are listed alphabetically on the ballots in the manner required by the Texas Tax Code.

Bill Cheves and Katherine (Toni) Trumbull were nominated for the position representing school districts other than Houston ISD, and A. K. Babers, Kumar Bhattacharjee, Glenn Peters, and Gail Poston are nominees for the position representing the conservation and reclamation districts.

Ed Heathcott was the only person nominated for the board position representing cities other than the City of Houston.

To assist you in the election procedure, I have enclosed a Certification of Ballot and a suggested form of resolution for casting your vote for the candidate representing your type of taxing unit. ***Ballot forms for all three types of units are enclosed to make you aware of all nominees, even though only taxing units of a particular type may vote in the election applicable to that type of unit.*** The governing body of each taxing unit is entitled to one vote for the candidate of its choice from the names appearing on the appropriate Certification of Ballot.



No later than ***Monday, December 19, 2011***, each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. ***The vote must be by resolution.*** The resolution, or a certified copy thereof, together with the completed Certification of Ballot, must be delivered to Jim Robinson, Chief Appraiser, 13013 Northwest Freeway, Houston, Texas 77040, or mailed to P. O. Box 920975, Houston, Texas 77292-0975 ***to arrive before 5:00 p.m. Monday, December 19, 2011.*** The outside of the envelope should be marked "Ballot for Board of Directors."

On Tuesday, December 20, 2011, the chief appraiser will count the votes, declare the results, and notify the winners, the nominees, and the presiding officers of each taxing unit. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

These procedures do not apply to Harris County, the City of Houston, or the Houston Independent School District. Those units will select their board member by adopting a resolution appointing such member by December 19, 2011, and delivering an original or certified copy to the Office of the Chief Appraiser.

If you have questions about the board selection process, please call me at 713/957-5291.

Attachments

c: HCAD Board Members
 Tax Assessors
 Attorneys

Regular City Council

Agenda Item

Meeting Date: November 7, 2011

Data Sheet

Topic:

Approve Resolution No. 2011-26, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).

Background:

In April 2007, Council approved Resolution No. 2007-22 authorizing the establishment of PID No. 2 and approved the Development Agreement for the proposed residential subdivision, Raleigh Creek. The Development Agreement was executed by the Mayor on May 31, 2007. The agreement stipulated that the developer had 18 months from the date the Agreement was executed to complete or start the infrastructure improvements or the PID would expire.

This PID has received two prior, 18-month extensions:

- November 2008-May 2010--Resolution No. 2008-29
- May 2010-November 2011--Resolution No. 2010-08

With the continuing downturn in the economy, Mr. Spurlin is once again requesting an extension. This time; however, he is requesting a 24-month extension. He hopes that the market will turn around and he can begin development within the next 2 years.

Staff would like to propose to grant the extension, BUT remain on the 18-month cycle so as to not alter the original intent of the Development Agreement.

Origination:

Finance

Recommendation:

Staff recommends approving the extension for an 18-month period.

Funding:

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

Glenn Windsor, CPA, CGFO Finance Director

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

ATTACHMENTS:

Resolution No. 2011-26

RESOLUTION NO. 2011-26

**A RESOLUTION AMENDING THE TERMS OF THE
DEVELOPMENT AGREEMENT ESTABLISHING PUBLIC
IMPROVEMENT DISTRICT (PID) NO. 2 IN THE CITY OF
TOMBALL, TEXAS.**

* * * * *

WHEREAS, in April 2007, the City of Tomball City Council approved Resolution No. 2007-22 authorizing the establishment of PID No. 2 and approved the Development Agreement for the proposed residential subdivision, Raleigh Creek and said Development Agreement was executed by the Mayor on May 31, 2007; and

WHEREAS, the Agreement stipulated that the developer had 18 months from the date the Agreement was executed to start or complete the infrastructure improvements or the PID would expire; and

WHEREAS, on November 17, 2008, the City of Tomball City Council approved Resolution No. 2008-29, amending the terms of the development agreement establishing Public Improvement District (PID) No. 2 to provide an 18-month extension of the agreement; and

WHEREAS, on May 17, 2010, the City of Tomball City Council approved Resolution No. 2010-08, amending the terms of the development agreement establishing Public Improvement District (PID) No. 2 to provide a new 18-month extension of the agreement; and

WHEREAS, the housing market and the general economy has not yet recovered and the construction of the project improvements are still on hold; and

WHEREAS, the City Council has determined that it is in the City's best interest to provide additional time to complete the public improvements proposed in the PID No. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. Under Sections 2.02.c. and 6.01.b. of the Development Agreement for Public Improvement District Number Two, attached hereto as Exhibit "A," the amended Agreement will expire on November 16, 2011; however, the City of Tomball and LS Development, LLC wish to extend the term of the Development Agreement an additional eighteen (18) months.

Section 3. This Resolution to extend the term of the Development Agreement shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this _____ day of _____, 2011.

GRETCHEN FAGAN, Mayor
City of Tomball, Texas

Attest:

DORIS SPEER, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 7, 2011

Topic:

Authorize the City Manager to Execute the Annual Compensation Amendment to the Interlocal Agreement for Fire Protection, Fire Suppression and Rescue Services between the City of Tomball and Harris County ESD #15. The compensation is increasing from \$45,000 in 2011 to \$60,000 in 2012.

Background:

The City has executed an Interlocal Agreement with Harris County ESD #15 which provides for an annual amendment to the compensation to be received by the City.

Origination:

Fire Department

Recommendation:

Staff recommends approval.

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

Randy Parr

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

ATTACHMENTS:

Yearly Compensation Amendment to Interlocal Agreement

**YEARLY COMPENSATION AMENDMENT TO
INTERLOCAL AGREEMENT FOR
FIRE PROTECTION, FIRE SUPPRESSION,
AND RESCUE SERVICES**

This **AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION, FIRE SUPPRESSION AND RESCUE SERVICES** (herein "Agreement") is entered into effective the 1st day of January 2012, by and between **HARRIS COUNTY EMERGENCY SERVICES DISTRICT ESD NO. 15** ("District"), a political subdivision of the State of Texas, organized and operating pursuant to the provisions of Chapter 775 of the Health and Safety Code and **THE CITY OF TOMBALL, TEXAS** for TEN AND NO/100 (\$10.00) DOLLARS, the mutual covenants and agreements herein contained, and other good and valuable consideration. Accordingly, **DISTRICT** and **CITY OF TOMBALL** agree to the following:

I. RECITATIONS

The DISTRICT and CITY OF TOMBALL entered into an Interlocal Agreement For Fire Protection, Fire Suppression And Rescue Services (the Agreement) effective January 1, 2011 and terminating December 31, 2015. Each year the District and City must agree upon the amount of compensation under articles II and III of the Agreement in order for the Agreement to continue from year to year during the original term.

II. TERMS OF COMPENSATION

- a) During the Calendar Year 2011, the Compensation to be paid by DISTRICT to CITY OF TOMBALL for the services to be provided by CITY OF TOMBALL hereunder shall be as follows: DISTRICT to pay to CITY OF TOMBALL sixty thousand dollars (\$60,000.00) for calendar year 2012. Compensation for subsequent years will be determined by mutual agreement between the District and the City in each separate year as provided in Articles II and III of the Agreement contract and supported by independent resolutions of the governing bodies of the District and the City.

- b) In the event DISTRICT shall choose to terminate the Agreement during the term, the compensation paid to the date of termination shall be non refundable. In the event CITY OF TOMBALL terminates this Agreement during the term, the compensation paid or due and payable shall be refundable to DISTRICT based on a pro rata basis (to wit, the percentage of the term completed as of the termination date).
- c) The CITY OF TOMBALL has the sole discretion to determine how these funds are expended.
- d) All other terms and conditions under the original Agreement are still in full force and effect.

CITY OF TOMBALL, TEXAS

By: _____
Print Name: _____
Title: _____
Date: _____

Address for Notice:

401 Market
Tomball, Texas 77375

Acknowledged

TOMBALL FIRE DEPARTMENT

By: _____
Print Name: **Randall F. Parr**
Title: **Fire Chief**

Address for Notice:

1200 Rudel
Tomball, Texas 77375

**HARRIS COUNTY EMERGENCY
SERVICES DISTRICT NO. 15**

By: _____
Print Name: **Mike Meador**
Title: **District President**
Date: _____

Address for Notice:

P.O. Box 1709
Tomball, Texas 77377-1709

Copy for notices:

Coveler & Katz, P.C.
820 Gessner, Suite 1710
Houston, Texas 77024

Regular City Council

Agenda Item

Meeting Date: November 7, 2011

Data Sheet

Topic:

Approve **J & A ENTERPRISE REPLAT**: A replat of Lot 22 and "Unrestricted Reserve" of ED-MICH TRACT replat into New Lot 22 in Block 61 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, said Block 61 being situated in the William Hurd Survey (A-371).

Background:

The Planning and Zoning Commission approved J & A Enterprise Replat with contingencies on August 8, 2011. All comments have been addressed and the Replat is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Approve Plat as recommended by Planning and Zoning Commission.

Funding:

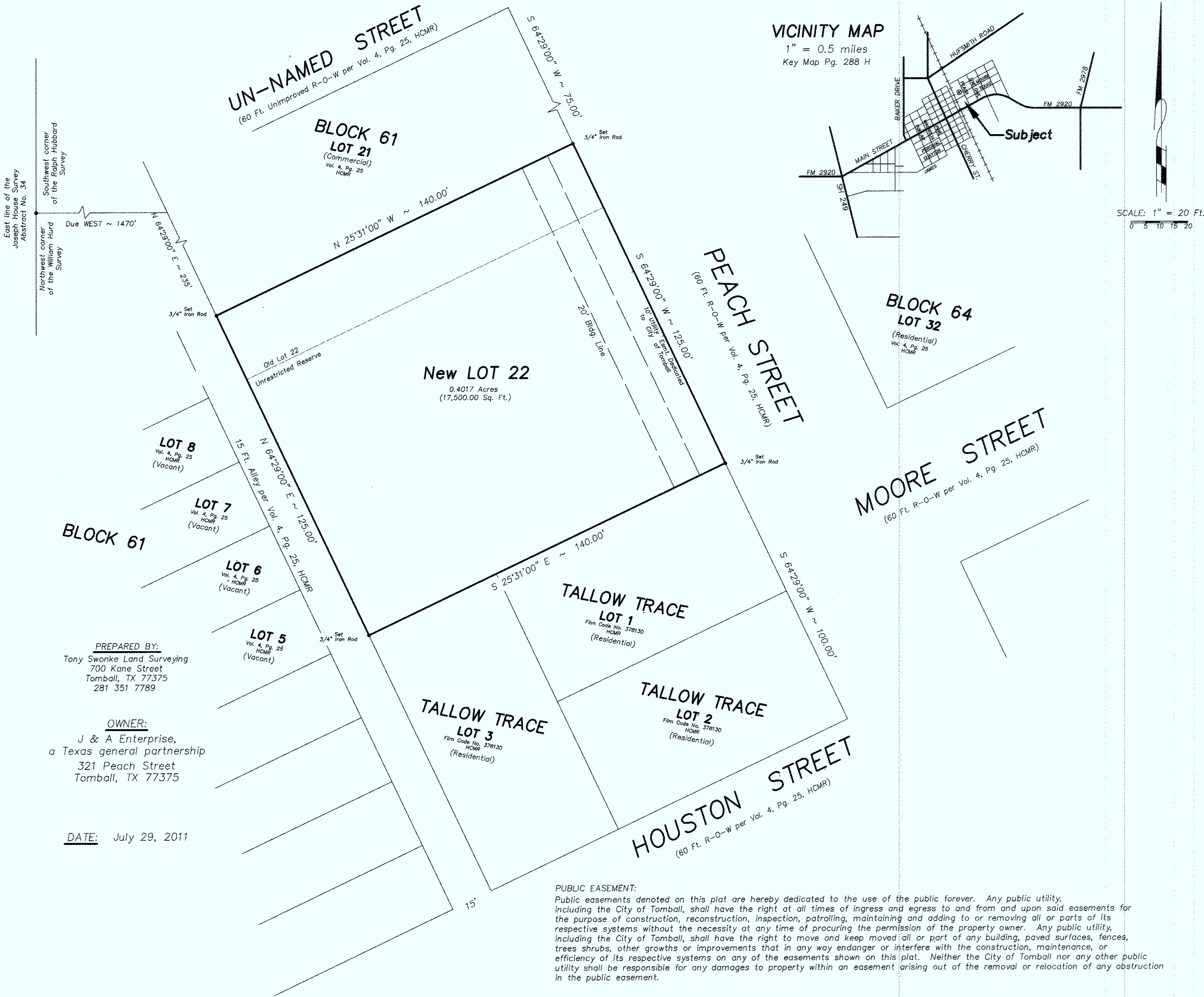
Party(ies) responsible for placing this item on agenda:

Engineering and Planning

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

ATTACHMENTS:

J & A Enterprise Replat



PREPARED BY:
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

OWNER:
J & A Enterprise,
a Texas general partnership
321 Peach Street
Tomball, TX 77375

DATE: July 29, 2011

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

Note #1 All oil/gas pipelines or pipeline easements through the subdivision have been shown.

Note #2 All oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3 No building or structure shall be constructed across any pipelines building lines, and/or easements. Building setback lines will be required, adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

NOTE #4: This plat does not attempt to amend or remove any valid restrictions or covenants.

NOTE #5: The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building line required by the City of Tomball Code of Ordinances at the time of the development of the property.

PUBLIC EASEMENT:
Public easements denoted on this plat are hereby dedicated to the use of 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 parts of its respective systems without the necessity at 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, paved surfaces, 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.

I, Thomas J. Colven, III, Trustee for Excel National Bank, owner and holder of a lien against the property described in the plat known as "J & A ENTERPRISE", said lien being evidenced by instrument recorded under Harris County Clerk's File No. 2010-0069725 of the Official Public Records of Real Property of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Thomas J. Colven, III, Trustee for Excel National Bank

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Thomas J. Colven, III, known to me to be the person whose name is subscribed to the foregoing instrument and has acknowledged to me that she has executed same for the purposes and consideration therein expressed, and in the capacity therein and herein stated, and as the act and deed of said leinholder.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27TH DAY OF SEPTEMBER, 2011.

Notary Public in and for the State of Texas
My Commission expires on the 17TH day of November, 2011.



STATE OF TEXAS
COUNTY OF HARRIS

We, Jerry Brake and Ananth Prabhu, owners of J & A ENTERPRISE, hereinafter referred to as owners of the 0.4017 acre tract described in the above and foregoing plat of "J & A ENTERPRISE", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground 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 one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS our hand, this 10 day of September, 2011.

Jerry Brake
Jerry Brake - Owner

Ananth Prabhu
Ananth Prabhu - Owner

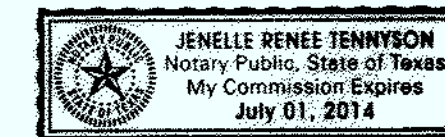
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jerry Brake and Ananth Prabhu, 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 owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 DAY OF September, 2011.

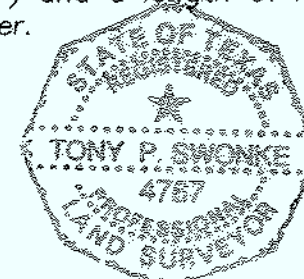
Jenelle Renee Tennyson
Notary Public in and for the State of Texas

My Commission expires on the 1 day of July, 2011.



I, Tony P. Swonke, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767



This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way 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 on this ___ day of ___, 2011.

Oretchen Fagan
Mayor

Doris Speer
City Secretary

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of "J & A ENTERPRISE" is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E.
Acting City Engineer

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "J & A ENTERPRISE", 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 on this ___ day of ___, 2011.

Lori Wallace
Chairman

Evelyn Torres-Chervenak
Vice-Chairman

I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the ___ day of ___, 20___, at ___ o'clock __ M., and was duly recorded on the ___ day of ___, 20___, at ___ o'clock __ M. and filed under Film Code No. ___ of the Map Records of Harris County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.
Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

REPLAT:

"J & A ENTERPRISE"

A replat of Lot 22 and "Unrestricted Reserve" of ED-MICH TRACT replat into New Lot 22 in Block 61 of
REVISED MAP OF TOMBALL,
an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.
Said Block 61 being situated in the William Hurd Survey (A-371).

Containing: 1 LOT / 1 BLOCK