

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



**TUESDAY, JULY 5, 2011**

**6:00 P.M.**

**Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, July 5, 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 Sonny Howard, Youth Pastor, Terra Verde Community Church

3.0 Pledges to U.S. and Texas Flags

- Led by Scout Troop #113

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

5.0 Presentations:

- Proclamation – **Employee Appreciation Week**, July 11-15, 2011

6.0 Reports and Announcements

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- **June 20-August 15** (skip July 4th) – **Tomball's Kids Club**, hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park**
- July 9, 2011 – **2nd Saturday at the Depot**
- July 18, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 18, 2011 – Regular City Council Meeting, with Special Council/Planning and Zoning Commission/Downtown Tomball Advisory Committee Workshop/Partners in Strategic Action – 6 p.m.
- July 20, 2011 – Strategic Planning Workshop – 9 a.m.-4 p.m.
- July 25, 2011 – Regular Tourism Advisory Committee Meeting – 3 p.m.
- July 25, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 26, 2011 – Special Council Meeting (Budget) – 4 p.m.
- August 5, 2011 – **Tomball Night**
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
  - Mike Baxter – Marketing Update

7.0 Approve the Minutes of the June 20, 2011 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2011-10, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 70, Plats and the Subdivision of Land, of the Code of Ordinances of the City of Tomball, Texas, by Amending Subsection (d) of Section 70-3 of Article I to Allow Joinder of Lots Under Common Ownership without Requiring a Plat, Provided that the Joinder of Lots does not Require the Dedication or Removal of any Public Rights-of-Way, Public Easements or Public Improvements; Providing a Penalty in an Amount of not more than \$2,000 per Offense for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings related Thereto.

9.0 New Business:

- 9.1 Approve Resolution 2011-11, a Resolution of the City Council of the City of Tomball, Texas, Supporting Request by Iglesia de Dios Taller Del Alfarero (Church of God the Potter's House) to Conduct a March/Walk on FM 2920/Main Street on Saturday, July 23, 2011.
- 9.2 Approve the HOT Funds Grant Request Submitted by the Spring Creek Historical Association (Tomball Museum Center) in the Amount of \$39,500.

- 9.3 Discussion and Possible Direction to Set Date for Workshop regarding Chapter 60. Signs
- 9.4 Set August 1, 2011 as the Date for the Submission of the Proposed FY2011-2012 Budget by the City Manager to Council and for the Public Hearing on the Proposed FY2011-2012 Budget
- 9.5 Discussion of Attendance and Participation in the September 2011 Telgte, Germany Market
- 9.6 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.071 – Consultation with Attorney regarding Potential Litigation
  - Sec. 551.072 – Deliberations Regarding Real Property

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 1st day of July 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](http://www.ci.tomball.tx.us).

Regular City Council  
Agenda Item  
Data Sheet

Meeting Date: July 5, 2011

**Topic:**

- Proclamation – **Employee Appreciation Week**, July 11-15, 2011

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Proclamation - Employee Appreciation Week 2011



Office of the Mayor  
Tomball, Texas

# Proclamation



- WHEREAS** Tomball's citizens are served every single day by public servants--the "unsung heroes" who do the jobs that keep our city working; and
- WHEREAS** public employees make great contributions to their communities by serving in areas such as crime prevention, fire protection, education, utility service and administration; and
- WHEREAS** the public employees of the City of Tomball are committed to exhibiting the highest standards of excellence, dedication, creativity and skills; and
- WHEREAS** day in and day out, they provide the quality and quantity of diverse services required and expected by the citizens of their local government with efficiency, effectiveness and integrity; and
- WHEREAS** without these public servants at every level, continuity of service would be impossible; and
- WHEREAS** the City of Tomball recognizes the dedication and talents of public employees, as well as the value of the services they render at all levels;

**NOW, THEREFORE, I, GRETCHEN FAGAN**, Mayor of the City of Tomball, do hereby proclaim July 11-15, 2011 as the:

## "7<sup>TH</sup> ANNUAL CITY OF TOMBALL EMPLOYEE APPRECIATION WEEK"

and I do thereby call upon all citizens to recognize and express their appreciation for the vital contributions made daily by all public employees throughout the City of Tomball:

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

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_





# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: July 5, 2011

### Topic:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- **June 20-August 15** (skip July 4th) – **Tomball's Kids Club**, hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park**
- July 9, 2011 – **2nd Saturday at the Depot**
- July 18, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 18, 2011 – Regular City Council Meeting, with Special Council/Planning and Zoning Commission/Downtown Tomball Advisory Committee Workshop/Partners in Strategic Action – 6 p.m.
- July 20, 2011 – Strategic Planning Workshop – 9 a.m.-4 p.m.
- July 25, 2011 – Regular Tourism Advisory Committee Meeting – 3 p.m.
- July 25, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 26, 2011 – Special Council Meeting (Budget) – 4 p.m.
- August 5, 2011 – **Tomball Night**
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
  - Mike Baxter – Marketing Update

### Background:

### Origination:

Various

### Recommendation:

N/A

### Funding:

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

2nd Saturday at the Depot  
Tomball Kids Club

# 2ND SATURDAY AT THE DEPOT

July 9

Tomball, TX



Special Visit from:  
"Stripes"  
The Zebra

Sno Cones,  
Chili Pies, &  
Hot Dogs  
by Sno Ball

Lots of  
Water Fun!!

Music by:  
The  
Traditions  
Classic  
Country & Rock

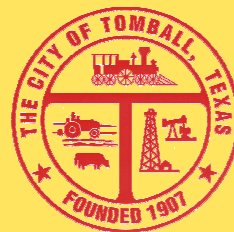
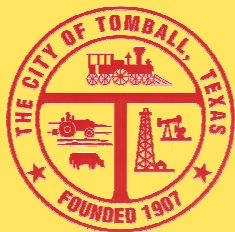
Pony Rides by:  
EJC Farms

## RACING STRIPES

**HISTORIC TOMBALL DEPOT PLAZA**  
201 South Elm ~ One block south of Main Street  
Opens at 6:30 PM ~ Movie begins at dark

Free family entertainment for all ages  
Bring your lawn chairs  
No Glass Containers!

For more information, please call  
Rosalie Dillon at 281-610-2595



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

# Tomball Kid's Club

Hosted by **H-E-B**

*Partnership with Buffalo Wild Wings*

Begins June 20-August 15<sup>th</sup> (Excluding July 4<sup>th</sup>)

Every Monday & Wednesday

*11am-1pm*

MLK Community Park- Tomball

## Event Type

- 8 Week **FREE** Summer Health & Nutrition/ Diversity Program
- Food donated by Tomball HEB

## Lunch Menu

- Cold cut & sliced cheese sandwiches
- Small apple or banana
- Juice Box
- HEB Gummies



## Audience

- Tomball community kids

| <u>Date</u>                     | <u>Activity</u>                                                          | <u>Guests</u>                       |
|---------------------------------|--------------------------------------------------------------------------|-------------------------------------|
| Monday, June 20 <sup>th</sup>   | Food Nutrition<br>Zumba Exercise                                         | Veggie Pals, Inc<br>Doll Star Dance |
| Monday, June 27 <sup>th</sup>   | Basketball Highlights                                                    | Ex- Chicago Bulls                   |
| Monday, July 11 <sup>th</sup>   | Buffalo Soldiers                                                         | Buffalo Soldiers                    |
| Monday, July 18 <sup>th</sup>   | Arts & Crafts                                                            | HEB                                 |
| Monday, July 25 <sup>th</sup>   | Special Project                                                          | Boys & Girls Scouts of America      |
| Monday, August 01 <sup>st</sup> | Contest Games                                                            | HEB                                 |
| Monday, August 08 <sup>th</sup> | Fire/Police                                                              | City of Tomball                     |
| Monday, August 15 <sup>th</sup> | End of Program Party<br>Anti- Bullying Campaign<br>Battle of the Mascots | HEB/Buffalo Wild Wings              |

**~ Program registration begins May 30<sup>th</sup> and is available at HEB Tomball, Buffalo Wild Wings or City Hall.**





**Partnership with HEB**

# Tomball Kid's Club

**Begins June 20th-August 15th (Excluding July 4th)**

**Every Monday & Wednesday  
11am-1pm**

**MLK Community Park-Tomball  
*Lunch Will Be Provided!!!***

| <b>Date</b>                                         | <b>Activity</b> | <b>Sponsorship</b>     |
|-----------------------------------------------------|-----------------|------------------------|
| Wednesday, June 22 <sup>nd</sup> <i>25</i>          | Scavenge Away   | Buffalo Wild Wings     |
| Wednesday, June 29 <sup>th</sup> <i>35 + 4 days</i> | Arts and Crafts | Buffalo Wild Wings     |
| Wednesday, July 6 <sup>th</sup>                     | Surprise Day    | Buffalo Wild Wings     |
| Wednesday, July 13 <sup>th</sup>                    | Contest Games   | THS Student Council    |
| Wednesday, July 20 <sup>th</sup>                    | Sports Day      | THS Student Council    |
| Wednesday, July 27 <sup>th</sup>                    | Wobble Dance    | Magnolia West Phillies |
| Wednesday, August 3 <sup>rd</sup>                   | Bingo Day       | THS Student Council    |
| Wednesday, August 10 <sup>th</sup>                  | Wet n' Wild     | Buffalo Wild Wings     |

**Program registration begins May 30th and is available at HEB Tomball,  
Buffalo Wild Wings, or City Hall.**

# Tomball Kids Club

*Hosted by H-E-B*

*Partnership with Buffalo Wild Wings*

## Registration Form

Name- Parent/Guardian

Address

City /State

Phone

Parent's Email Address

Child's Name

Child's Age

Day(s) Attending:

- ☐ Mondays
- ☐ Wednesdays
- ☐ Monday/Wednesday (Entire 8 weeks)

As a parent, you may grant or deny any photography or video recording of your child. If you do not wish for your child's photograph to be taken for publications, please note below.

Do you give permission to have your child's photo taken and used for publications?

Yes \_\_\_\_\_ No \_\_\_\_\_



# Regular City Council Agenda Item Data Sheet

Meeting Date: July 5, 2011

**Topic:**

Approve the Minutes of the June 20, 2011 Regular City Council Meeting

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Draft Minutes - June 20, 2011 Regular City Council Meeting

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



**MONDAY, JUNE 20, 2011**

**6:00 P.M.**

**1.0 Call to Order**

The Council meeting was called to order by Mayor Pro Tem Mark Stoll. Other members present were:

Councilman Hudgens  
Councilman Brown  
Councilman Dodson

Excused Absence: Gretchen Fagan  
Councilman Townsend

Others present:

City Manager – George Shackelford  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Director of Public Works – David Kauffman  
Fire Chief – Randy Parr  
Police Chief – Rob Hauck  
Finance Director – Glenn Windsor  
Assistant to City Manager – Shawn Cox  
Marketing Director – Mike Baxter  
Assistant City Engineer – Lori Lakatos  
Fire Inspector – Tommy Nicholson  
Executive Director-TEDC – Kelly Violette  
Chief-NWEMS – Brian Petrilla

**2.0** The invocation was given by Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce

**3.0** Pledge to the U. S. and Texas flags was led by members of the Junior Girl Scouts Troop 14223.

**draft**



4.0 The following public comments were received:

Mary Harvey - Spoke regarding Item 8.1, requesting City  
405 S. Walnut, 77375 support for Tomball Night, August 5, 2011

5.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- **June 20-August 15** (skip July 4<sup>th</sup>) – **Tomball's Kids Club**, hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park** – 40 children attended first-day activities.
- July 4, 2011 – **Fourth of July Celebration – Fireworks Display** – City offices closed
- July 5, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 5, 2011 – Regular Council Meeting – 6 p.m.
- July 9, 2011 – **2nd Saturday at the Depot**
- July 18, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 18, 2011 – Special Council/Planning and Zoning Commission/Downtown Tomball Advisory Committee Meeting – 5 p.m.
- July 20, 2011 – Strategic Planning Workshop – 9 a.m.-4 p.m.
- July 25, 2011 – Special Council Meeting (Budget) – 4 p.m.
- July 25, 2011 – Regular Tourism Advisory Committee Meeting – 6 p.m.
- July 26, 2011 – Special Council Meeting (Budget) – 4 p.m.
- August 5, 2011 – **Tomball Night**
- **Walk Tomball!** (every Saturday at 8:00 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 presented the results of the \$8,650,000 General Obligation Refunding Bonds Authorized by Council at the June 6, 2011 Council meeting.

6.0 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Minutes of the June 6, 2011 Regular City Council Meeting and the June 6, 2011 Special City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Kelly Violette answered questions regarding the proposed Resolution. Motion was made by Councilman Brown, second by Councilman Dodson, to approve, on Second Reading, Resolution No. 2011-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to Promote and Develop a New or Expanded Business Enterprise; Containing other Provisions relating to the Subject; and Providing for Severability - Approving, as a Project of the Corporation, an Agreement

with Stripes LLC to Make Direct Incentives to, or Expenditures for, Assistance with Infrastructure Costs related to the Development and Construction of a Commercial Building to be located at the northwest corner of FM 2920 and FM 2978 in Tomball, Texas. The estimated amount of expenditures for such Project is \$56,000.

Motion carried unanimously.

8.0 New Business:

- 8.1 Doris Speer presented information regarding the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Brown, to adopt Resolution No. 2011-10, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 39<sup>th</sup> *Annual Tomball Night* and Parade, to be held in Tomball on Friday, August 5, 2011.

Motion carried unanimously.

- 8.2 Lori Lakatos presented an overview of the proposed plats. Motion was made by Councilman Brown, second by Councilman Hudgens, to approve the following plats, as Recommended by Planning and Zoning Commission:

- **LESLIE'S PARK REPLAT**: A subdivision of 1.7291 acres of land in the Joseph House Survey, A-34, Harris County, Texas; being a partial Replat of Leslie's Park, originally recorded in Film Code No. 400005, Harris County Map Records
- **WAUKESHA PEARCE TOMBALL FINAL PLAT**: A subdivision of 5.7864 Acres; located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, TX.

Motion carried unanimously.

- 8.3 David Kauffman and James Wiatrek, Raba-Kistner, presented information regarding the Proposal. Motion was made by Councilman Hudgens, second by Councilman Brown, to approve the Proposal by Raba-Kistner Consultants, Inc. for Professional Environmental Consulting Services associated with the Modification of the existing Groundwater Monitoring System at the City of Tomball Closed Landfill, at a not-to-exceed cost of \$61,000.00.

Motion carried unanimously.

- 8.4 Doris Speer presented information regarding the proposed Agreements and the latest response from Harris County Elections Division regarding the County's inability to supply voting equipment for the May 2012 general elections. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Hart Voting System Master Agreement for the Purchase of Election Equipment from HartIntercivic, Inc. in the amount of \$25,752.00, and to approve Hart Voting System Warranty, License, and

Support Agreement for Future General City's Elections, in the amount of \$5,500.00 for the First City Election in which the Equipment and Software are used and Authorize the Mayor to Execute Agreements.

Motion carried unanimously.

- 8.5 Lori Lakatos presented an overview of the proposed Ordinance regarding Joinder Lots. Motion was made by Councilman Dodson, second by Councilman Brown, to read Ordinance No. 2011-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2011-10, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 70, Plats and the Subdivision of Land, of the Code of Ordinances of the City of Tomball, Texas, by Amending Subsection (d) of Section 70-3 of Article I to Allow Joinder of Lots Under Common Ownership without Requiring a Plat, Provided that the Joinder of Lots does not Require the Dedication or Removal of any Public Rights-of-Way, Public Easements or Public Improvements; Providing a Penalty in an Amount of not more than \$2,000 for Violation of any Provision Hereof; Providing for Saving and Severability; Providing for Publication; and Making Other Provisions and Finding related Thereto. Motion was made by Councilman Dodson to table consideration of Ordinance No. 2011-10; motion was withdrawn.

Motion was made by Councilman Hudgens, second by Councilman Brown, to amend Ordinance No. 2011-10 to include requirements for common ownership of lots and uniformity of ownerships by one owner in all lots, and to adopt, on First Reading, Ordinance No. 2011-10. Vote was as follows:

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

Motion, as amended, carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 5th day of July 2011.

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Doris Speer, TRMC  
City Secretary

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Gretchen Fagan  
Mayor

# Regular City Council

## Agenda Item

Meeting Date: July 5, 2011

## Data Sheet

### Topic:

Adopt, on Second Reading, Ordinance No. 2011-10, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 70, Plats and the Subdivision of Land, of the Code of Ordinances of the City of Tomball, Texas, by Amending Subsection (d) of Section 70-3 of Article I to Allow Joinder of Lots Under Common Ownership without Requiring a Plat, Provided that the Joinder of Lots does not Require the Dedication or Removal of any Public Rights-of-Way, Public Easements or Public Improvements; Providing a Penalty in an Amount of not more than \$2,000 per Offense for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings related Thereto.

### Background:

City Staff has been working with the City Attorney to determine the best way to address Council's concerns regarding the platting requirements for lots that are under one ownership and possibly have structures across existing lot lines. The City Attorney drafted a revision to Chapter 70 - Plats and the Subdivision of Land to allow joinder of lots under common ownership, which was presented to Council for consideration on June 20, 2011.

Council adopted Ordinance No. 2011-10 on first reading, requesting that the ordinance be amended to include requirements for common ownership of lots and uniformity of ownership by one owner in all lots prior to the second reading. The ordinance, as amended is attached for Council review.

### Origination:

City Council

### Recommendation:

N/A

### Funding:

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Ordinance No. 2011-10 - Joinder Lots



**ORDINANCE NO. 2011-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 70, PLATS AND THE SUBDIVISION OF LAND, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY AMENDING SUBSECTION (d) OF SECTION 70-3 OF ARTICLE I TO ALLOW JOINDER OF LOTS UNDER COMMON OWNERSHIP WITHOUT REQUIRING A PLAT PROVIDED THAT THE JOINDER OF LOTS DOES NOT REQUIRE THE DEDICATION OR REMOVAL OF ANY PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS OR PUBLIC IMPROVEMENTS; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

\* \* \* \* \*

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

**Section 1.** The Code of Ordinances of the City of Tomball is hereby amended by adding to Subsection (d) of Section 70-3, Exceptions, of Article I, Special Provisions, the language underscored below, the amended Subsection (d) to read as follows:

**“Sec. 70-3. Special provisions.**

\* \* \*

(d) *Exceptions.*

- (3) A division of land does not include the merger of two or more adjoining lots or tracts of land, with common ownership, that the owner(s) wish(es) to merge into one lot in order to avoid the creation of a technical violation of the City’s building, subdivision and zoning regulations relating to building setback lines. This exception applies only if:
- a. the lots or tracts had at least one (1) owner in common as of the effective date of this ordinance; and
  - b. the lots or tracts are located in the Recorded Plat Revised Map of Tomball Harris Co. Texas recorded July 9, 1912, a true and correct copy of which is attached hereto as Exhibit “A” and incorporated herein for all purposes; and
  - c. a structure existed on the lots or tracts, as of the effective date of this ordinance, provided, however, that this exception shall

- not apply in the event that sixty-percent (60%) or more of the square feet of the structure is removed or destroyed; and
- d. the joinder of lots or tracts does not require the dedication or removal of any public rights-of-way, public easements or other public improvements; and
  - e. the owner(s) agrees in writing on a form approved by the City that the merged lot may not be divided in the future unless a subdivision plat authorizing such division is approved by the City and filed of record in accordance with applicable state laws and City Ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exception and the form shall be filed in the County Clerk's office of the County in which the property is located. A property owner who has elected to join one (1) or more lots pursuant to this subsection may file an election with the City to reverse the joinder of lots so long as no violation of the City's setback requirements in the building, subdivision, or zoning regulations is created by the reversal.

Two or more platted lots joined together pursuant to this Subsection shall be considered one (1) joined lot for purposes of this Chapter; provided, however that nothing contained herein shall otherwise constitute an exception to the platting requirements imposed by this Chapter."

**Section 2.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 3.** It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) dollars for each offense with each day of violation constituting a separate offense.

**Section 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's home rule Charter.

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 20TH DAY OF JUNE 2011.

|                     |               |
|---------------------|---------------|
| COUNCILMAN HUDGENS  | <u>AYE</u>    |
| COUNCILMAN STOLL    | <u>AYE</u>    |
| COUNCILMAN BROWN    | <u>AYE</u>    |
| COUNCILMAN TOWNSEND | <u>ABSENT</u> |
| COUNCILMAN DODSON   | <u>AYE</u>    |

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.

|                     |       |
|---------------------|-------|
| COUNCILMAN HUDGENS  | _____ |
| COUNCILMAN STOLL    | _____ |
| COUNCILMAN BROWN    | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN DODSON   | _____ |

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# Regular City Council

## Agenda Item

Meeting Date: July 5, 2011

## Data Sheet

### Topic:

Approve Resolution 2011-11, a Resolution of the City Council of the City of Tomball, Texas, Supporting Request by Iglesia de Dios Taller Del Alfarero (Church of God the Potter's House) to Conduct a March/Walk on FM 2920/Main Street on Saturday, July 23, 2011.

### Background:

Iglesia de Dios Taller Del Alfarero, requests permission to hold a prayer walk on the morning of Saturday, July 23, 2011. The walk would begin at 9 a.m. at the Tomball Intermediate School on Main Street, and proceed East towards the Depot Plaza.

If approved, the Tomball Police Department would utilize a rolling barricade to block the far right lane of FM 2920 heading East. The walk would turn into the Depot Plaza from Elm Street.

Iglesia de Dios Taller Del Alfarero is requesting permission from the City to block the road and the use of City personnel to do so. Also, they are requesting to have the fees waived for the use of the Depot Plaza area and the Main Street Banner.

Approval of Resolution No. 2011-11 will allow the City to request permission from TxDOT to block a portion of FM 2920.

### Origination:

City Manager's Office

### Recommendation:

### Funding:

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

Shawn Cox - Assistant to the City Manager

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Request

Resolution No. 2011-11

## Shawn Cox

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**From:** carmen fuentes [spicyc9603@yahoo.com]  
**Sent:** Friday, June 10, 2011 5:43 PM  
**To:** Shawn Cox  
**Cc:** aixa ruiz  
**Subject:** Praying for Tomball



Iglesia de Dios Taller del Alfarero  
214 W. Main St, Tomball, TX 77375  
281-825-7606/7605

Dear Mr. Cox/City Manager:

Our Men & Women Ministry at Iglesia de Dios Taller del Alfarero (Church of God Potter's House), located on 214 West Main St. would like to have a march/walk on the streets of Tomball on July 23, 2011. The purpose of this march is to pray for our city, our families and our business.

We are planning to walk from the "Welcome to Tomball" sign located at 249 & 2920, down to Gazebo in Market St., if I'm not mistaken; between the hours 9 am through 11 am.

For that purpose, we are requesting your authorization and/or permit for the above mentioned date and time. We know that God is a God of order and that is how it should be done.

Please feel free to contact me at 832-889-9337 at anytime.

Sincerely,

Urias and Carmen Saenz

Ministry of Men and Women

Iglesia de Dios Taller del Alfarero

Pastors: Jorge Marcial and Aixa Ruiz



**RESOLUTION NO. 2011-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,  
TEXAS, SUPPORTING REQUEST BY IGLESIA DE DIOS TALLER DEL  
ALFARERO (CHURCH OF GOD POTTER'S HOUSE) TO CONDUCT A  
MARCH/WALK ON FM 2920/MAIN STREET ON SATURDAY, JULY 23,  
2011.**

\* \* \* \* \*

**WHEREAS** the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) will undertake a March/Walk, to be held in the City of Tomball on Saturday, July 23, 2011 from 9:00 a.m. through 11:00 a.m.; and

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

**WHEREAS** the purpose of the march/walk is to pray for the City, area families and businesses; and

**WHEREAS** the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) desires and requests the support and endorsement of the City of Tomball, including use of the Depot, in this community effort;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Tomball and its governing body endorses and supports the efforts of the Iglesia de Dios Taller del Alfarero (Church of God Potter's House) in promoting and undertaking the prayer march/walk and pledge to encourage this effort.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL  
HELD ON THE 5TH DAY OF JULY, 2011.**

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
DORIS SPEER, City Secretary

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: July 5, 2011

#### **Topic:**

Approve the HOT Funds Grant Request Submitted by the Spring Creek Historical Association (Tomball Museum Center) in the Amount of \$39,500.

#### **Background:**

The Spring Creek Historical Association, also known as the Tomball Museum Center, is requesting approval of their HOT Fund grant application in the amount of \$39,500.

The money will be used to update, repair, and expand the museum buildings. Additionally, a portion of the grant will allow for the expanded hours of operation (an additional two days per week.)

This item is being considered by the Tourism Advisory Board at their July 5, 2011 meeting at 4 p.m. for initial approval. If approved at that meeting, then we will bring the request to Council on July 5 at 6 p.m. for final approval.

#### **Origination:**

City Manager's Office

#### **Recommendation:**

#### **Funding:**

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

Shawn Cox - Assistant to the City Manager

| <b>ACTION TAKEN</b>                                      |                                                                                   |              |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|--------------|
| <b>APPROVAL</b>                                          | <b>READINGS PASSED</b>                                                            | <b>OTHER</b> |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |              |

#### **ATTACHMENTS:**

Request Letter  
Application Purpose  
Projects  
Application  
By-Laws  
Budget

June 20, 2011

George Shackelford  
City Manager

Dear George:

Attached is the application for grant funds from the Hotel/Motel Tax Revenue for the fiscal year of 2010 and 2011 to assist in the historical preservation of the Spring Creek County Historical Association (commonly referred to as the Tomball Museum Center).

We would appreciate your review of this application. Please forward to Mrs. Holly Cook, chairperson of the Tomball Convention and Visitor's Committee and the entire committee.

The Museum is very appreciative of the support we have received from the City. We are looking forward to expanding our Museum Complex by adding additional staff to keep the Museum open two additional days a week to accommodate more visitors.

Your assistance is greatly appreciated.

Charles Hall-President  
Spring Creek County Historical Association  
Home (281-351-0570)  
Cell (832-656-8181)

**Application For Grant Funds From The Hotel /Motel Tax for the  
Year 2010/2011 for The Spring Creek County Historical Association  
Commonly Referred to As the Tomball Museum**

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**Purpose:** To provide a Museum that represents the historical preservation of the City of Tomball and the surrounding Community and to attract visitors from around the country to tour the ten historical buildings that are furnished as they existed 100 years ago in the Tomball area.

**Plan:**

1. Extend the hours of operation for the Museum for 2 additional days each week to accommodate the demand of visitors coming to the Museum for guided tours of the facilities.
2. Promote the various activities of the Museum and publicize on both a state and local basis in various Travel and Tourist magazines and other publications. Also, we plan to expand our Web Site to get information to the general public through the Internet.
3. Expand our scope to accommodate various AARP groups that have inquired about visiting the Museum. Also, with expanding our hours of operation and adding additional staff, we will be able to have more school children for Texas history classes, church groups, private schools, girl and Boy Scout troops, and visitors who are visiting Tomball from other States and cities throughout the United States. It should be noted that in the past years, we have not been able to meet some of the travel plans for many visitors.
4. Develop an additional exhibit to include the original Tomball Jail for the Museum complex. This exhibit will require a concrete pad as a foundation and equipment to erect and weld the many sections of the jail to finalize this exhibit.
5. Continue numerous planned maintenance projects to improve the appearance and the preservation of the 10 historical buildings for future visitors.

Some of the required, as well as planned maintenance projects are:

- a. Painting of two buildings
- b. Drainage problems to control rain and run-off on the existing property.
- c. Revamp and repair the existing water sprinkler system.
- d. Install additional security lighting system.

- e. Repair the security alarm system.
- f. In cooperation with the City, expand the Candlelight Tours Celebration during the Christmas Season.
- g. Continue to recognize an individual or individuals at the Heritage Tea function in the Spring that has exhibited exceptional promotion of the City of Tomball.
- h. Coordinate special events to promote the Museum complex with the City of Tomball.

Please see the attached detail of projects and the estimated expenses for each building that requires maintenance for the historical preservation of the Museum complex.

## Projects for 2011 for Spring Creek County Historical Association

|                                                                                                                                                                                                                                                                                                                                       |                          |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------|
| <b>Griffin House</b>                                                                                                                                                                                                                                                                                                                  | <b>Estimated Expense</b> | <b>\$2000.00</b>  |
| <ul style="list-style-type: none"><li>1. Power wash areas<ul style="list-style-type: none"><li>a. Front Railings/Posts</li><li>b. Front Wall</li><li>c. Window Sills</li><li>d. Left side back corner</li></ul></li><li>2. Repair exterior blinds</li><li>3. Spot paint</li><li>4. Front porch floor on right – check beams</li></ul> |                          |                   |
| <b>Gazebo</b>                                                                                                                                                                                                                                                                                                                         | <b>Estimated Expense</b> | <b>\$500.00</b>   |
| <ul style="list-style-type: none"><li>1. Clean</li><li>2. Reset and nail flooring</li></ul>                                                                                                                                                                                                                                           |                          |                   |
| <b>Oil Camp House</b>                                                                                                                                                                                                                                                                                                                 | <b>Estimated Expense</b> | <b>\$1,000.00</b> |
| <ul style="list-style-type: none"><li>1. Clean</li><li>2. Re-nail lap boards – right side</li><li>3. Spot paint</li><li>4. Reset back porch support column</li></ul>                                                                                                                                                                  |                          |                   |
| <b>Fellowship Hall</b>                                                                                                                                                                                                                                                                                                                | <b>Estimated Expense</b> | <b>\$3,000.00</b> |
| <ul style="list-style-type: none"><li>1. Clean</li><li>2. Replace siding as necessary</li><li>3. Paint and caulk</li><li>4. Rework bottom of porch columns</li><li>5. Check and reset exterior doors</li><li>6. Reset back steps and hand rail</li></ul>                                                                              |                          |                   |
| <b>Doctor's Office</b>                                                                                                                                                                                                                                                                                                                | <b>Estimated Expense</b> | <b>\$2,000.00</b> |
| <ul style="list-style-type: none"><li>1. Repair rear screen and interior doors</li><li>2. Power wash steps and sidewalk</li></ul>                                                                                                                                                                                                     |                          |                   |

3. Repair siding on right side
4. Scrape and paint entire building

|                  |                          |                 |
|------------------|--------------------------|-----------------|
| <b>Faux Well</b> | <b>Estimated Expense</b> | <b>\$500.00</b> |
|------------------|--------------------------|-----------------|

1. Rebuild top cover and install latches on cover to well

|                              |                          |                   |
|------------------------------|--------------------------|-------------------|
| <b>Smoke House/Wash Room</b> | <b>Estimated Expense</b> | <b>\$3,000.00</b> |
|------------------------------|--------------------------|-------------------|

1. Replace siding on bottom
2. Replace rafter ends
3. Replace soffit
4. Paint and clean
5. Reset latches and hinges on gate at house

|                    |                          |                   |
|--------------------|--------------------------|-------------------|
| <b>Theis House</b> | <b>Estimated Expense</b> | <b>\$3,000.00</b> |
|--------------------|--------------------------|-------------------|

1. Re-nail siding at right and seal
2. Clean and paint (spot)
3. Power wash fence and sidewalk
4. Seal soffit seams and front
5. Needs floor support inside

|             |                          |                   |
|-------------|--------------------------|-------------------|
| <b>Barn</b> | <b>Estimated Expense</b> | <b>\$3,000.00</b> |
|-------------|--------------------------|-------------------|

1. Replace window sills in rear
2. Reset entry door
3. Move gutter down spout away from side door
4. Reset lap boards in front (nail)
5. Improve drainage on east side and back

|                     |                          |                   |
|---------------------|--------------------------|-------------------|
| <b>School House</b> | <b>Estimated Expense</b> | <b>\$4,000.00</b> |
|---------------------|--------------------------|-------------------|

1. Repair roof leak
2. Clean
3. Power wash sidewalk
4. Apply for a possible water tap in the area (faucet between Barn and Cabin)
5. Window trim on right –rotted
6. Window sill - Back window on right side
7. Window sill – left side, second from back



|             |                          |                   |
|-------------|--------------------------|-------------------|
| <b>Jail</b> | <b>Estimated Expense</b> | <b>\$4,000.00</b> |
|-------------|--------------------------|-------------------|

1. Assemble – Weld together on pad
2. Clean and paint
3. Install pole and electrical lights, switches, etc.

|                  |                          |                 |
|------------------|--------------------------|-----------------|
| <b>Corn Crib</b> | <b>Estimated Expense</b> | <b>\$500.00</b> |
|------------------|--------------------------|-----------------|

1. Check structure
2. Rework both top and bottom doors
3. Check interior

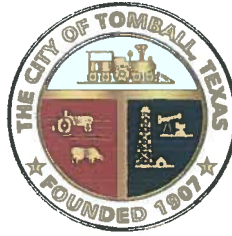
**Increased hours of operation**

|                                                                 |                    |
|-----------------------------------------------------------------|--------------------|
| <b>Two additional days per week. Estimated staffing expense</b> | <b>\$13,000.00</b> |
|-----------------------------------------------------------------|--------------------|

|                      |                    |
|----------------------|--------------------|
| <b>Total Expense</b> | <b>\$39,500.00</b> |
|----------------------|--------------------|

Charles R Hall, President, Spring Creek County Historical Association

Dated: June 20, 2011



**CITY OF TOMBALL**  
**APPLICATION FOR USE OF HOTEL OCCUPANCY TAX**  
**(Must be submitted no less than 45 days prior to the event)**

Applications may be mailed or hand delivered to:

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

Applicant Organization: Spring Creek County Historical Association

Organization Director: Mrs. Jean Alexander

Project or Event for which funding is requested: annual events and significant maintenance of facilities

Date of Event: N/A

Description of project or event for which funding is requested: \_\_\_\_\_

Visitors touring the Museum ex. school tours, Senior citizen tours, Christmas Candlelight Celebration, Spring Heritage Tea honoring individual or group making a significant contribution to the City of Tomball. Considerable maintenance expense is needed on numerous buildings as per attached detail.

These monies will be used to hire additional part time staff for 2 additional days per week to accomodate visitors to the Museum.

Location of project or event: \_\_\_\_\_

Tomball Museum Center

**GRANT AMOUNTS:**

|                                             |                       |
|---------------------------------------------|-----------------------|
| Amount Requested for 2010-2011              | <u>\$ \$39,500.00</u> |
| Amount Received for 2009-2010               | <u>\$ \$16,000.00</u> |
| % increase requested over last year's grant | <u>146 %</u>          |

## 2010-2011 Organization Budget Summary

|                                   | City Funds  | Other Funds | Total       |
|-----------------------------------|-------------|-------------|-------------|
| <b>Personnel</b>                  | \$13,000.00 | \$13,000.00 | \$26,000.00 |
| <b>Contracted Services</b>        | \$4,500.00  | \$1,000.00  | \$5,500.00  |
| <b>Travel</b>                     | N/A         | \$1,000.00  | \$1,000.00  |
| <b>Rental Expense</b>             | \$1,000.00  | \$1,000.00  | \$2,000.00  |
| <b>Depreciation/Mortgage</b>      | N/A         |             |             |
| <b>Advertising</b>                | \$1,000.00  | \$1,000.00  | \$2,000.00  |
| <b>Insurance</b>                  | \$4,000.00  | \$5,000.00  | \$9,000.00  |
| <b>Other Expenses</b>             | \$16,000.00 | \$27,000.00 | \$43,000.00 |
| <b>Volunteer Time</b>             | N/A         |             |             |
| <b>Donated<br/>Goods/Services</b> | N/A         |             |             |
| <b>Total</b>                      | 39,500.00   | \$49,000.00 | \$88,500.00 |

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  | \$16,000.00 |
| Corporate   | \$8,000.00  |
| Foundations | \$5,000.00  |

#### Fees

|              |            |
|--------------|------------|
| Admissions   | \$8,000.00 |
| Applications | 0          |
| Vendors      | 0          |
| Tuition      | 0          |

|                      |                       |
|----------------------|-----------------------|
| <u>Concessions</u>   | <u>0</u>              |
| <u>Memberships</u>   | <u>\$10,000</u>       |
| <u>Subscriptions</u> | <u>0</u>              |
| <u>Other</u>         | <u>\$2,000</u>        |
| Total                | <u>\$ \$49,000.00</u> |

How many people do you expect will visit Tomball from out-of-town as a result of this project or event?

Explain the basis for your answer to the preceding question: \_\_\_\_\_

2,500 people from surrounding communities, The United States, and foreign countries

Are attendees for this event or users of this project expected to stay overnight in Tomball hotels or motels? If

you answer to this question is Yes, state the basis for your answer: \_\_\_\_\_

not necessarily as most are guests or relatives of our community families. Some from out of town or other states, will be staying in motels.

Organization Contact Name, Title, Address and Phone Number: \_\_\_\_\_

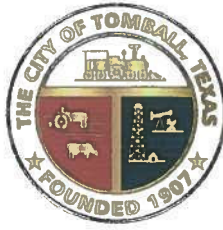
Charles R. Hall, President- Spring Creek County Historical Association

10715 Mahaffey Rd. , Tomball, Texas 77735

281-351-0570

Contact's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



### 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

Date

Charles R. Hall

Typed Name

President, Spring Creek County Historical Association

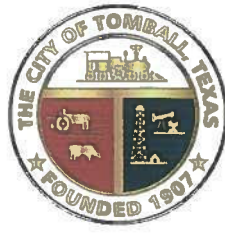
Title within Organization

281-351-0570

Telephone

crhall2@sbcglobal.net

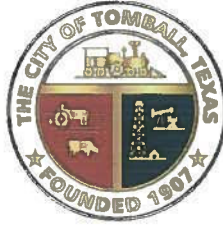
Email address



## NARRATIVE QUESTIONS

Please look at the criteria in the grant guidelines when you answer the following questions. **Be specific and give examples.** Answers to individual questions should be as brief as possible and should in no case exceed one page.

1. Describe the history and purpose of the organization.
2. Describe how any grant funds will be used.
3. List the programs and activities for the grant year.
4. Show evidence of growth in community support prior to the grant year. Include the number of performances, exhibitions, audience sizes, services or enrollment. Be sure to include specific information as to the percent of activities taking place within the City of Tomball.
5. How does your project/event qualify for use of Municipal Hotel Occupancy Tax funds as defined in the Hotel Occupancy Tax Guidelines?
6. How do you publicize your activities? How do you evaluate these efforts and what have you done to increase the effectiveness of your marketing efforts?
7. Explain the public benefits to the City of Tomball that will result from your organization's efforts.
8. What is your organization doing to bring visitors to Tomball, to stay in local hotels and otherwise support the hospitality industry?



## **OTHER REQUIRED DOCUMENTATION**

The following information is required to process the grant application:

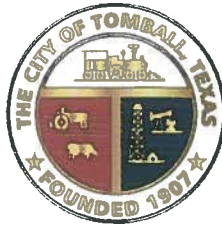
1. Articles of Incorporation, if applicable
2. Constitution and/or By-Laws
3. If your organization's budget exceeds \$100,000 (exclusive of in-kind) attach a copy of the last independent audit of financial records. If no audit was completed, explain why.
4. Schedule of Board of Directors meetings for the period of October 1, 2009 through September 30, 2010. Board of Directors meetings must occur at least once per quarter.
5. Resumes of principal staff and artists or relevant job descriptions.
6. Depending on the nature of the project or event for which grant funding is requested, the organization will obtain a Certificate of Insurance for liability coverage as outlined in the attached Exhibit A. The City of Tomball requires each grantee having an event in the City aimed to attract both residents and tourists to have liability insurance to protect the public for acts by the grantee. This mandated coverage does not cover the grantee or any of its members. We encourage the grantee to acquire insurance to cover itself and its members as it deems fit. Please see your insurance agent for the local government endorsement. The cost of the local government endorsement may be included as part of your budget to be considered for a grant.

## **OPTIONAL SUPPORTING DOCUMENTATION**

This should be additional material that you wish to attach that further explains the activities of your organization such as:

1. Long Range Plan – 3-5 years
2. One labeled videotape of performance(s), exhibits, workshops, capital project and /or other activities for which City of Tomball grant funds will be utilized.
3. Programs, publicity, articles, reviews, etc.
4. Letters of support from patrons or other organizations in the community.





## **EXHIBIT A**

Organization shall procure and maintain for the duration of the grant agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the services performed or to be performed hereunder by the Organization its agents, representatives, employees, volunteers, officers, directors or sub-contractors.

The organization shall maintain insurance with limits not less than \$500,000 per occurrence, \$1,000,000 aggregate and will be as broad as ISO Form Number GL 0002 (Ed 1/72) covering Comprehensive General Liability and ISO Form Number GL 0404 covering Broad Form Comprehensive General Liability, or ISO Commercial General Liability coverage ("occurrence for CG 0001). Coverage will include: A) Premises – Operations; B) Broad Form Contractual Liability, C) Broad Form Property Damage and D) Personal Injury.

The policy will be endorsed to contain the following provisions: The City, its officials, employees, volunteers, Boards and Commissions are to be added as "Additional Insured" in respect to liability arising out of any activities performed by or on behalf of the Organization. The policy shall contain no special limitations to the scope of coverage afforded to the City. The Organization's insurance shall be primary and any insurance or self-insurance shall be in excess of the Organization's insurance and shall not contribute with it. Certificate must include a waiver of subrogation as regards to the workers compensation policy. If your organization has no employees, and therefore does not carry workers compensation insurance, you must provide to the City of Tomball a letter stating that you have no employees and therefore do not carry workers compensation insurance.

Insurance shall be placed with insurers with an A.M. Best rating of no less than A:VI or a Standard & Poor rating of A or better.

The Organization shall furnish the City with a certificate of insurance which shows the coverage provided. The insurance policy will be endorsed to state that coverage shall not be suspended, voided, canceled, non-renewed, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

## **BY-LAWS OF THE SPRING CREEK COUNTY HISTORICAL ASSOCIATION**

### **ARTICLE I – Name**

**Sec. 1.** The name of the organization shall be the SPRING CREEK COUNTY HISTORICAL ASSOCIATION, pursuant to its Articles of Incorporation by the State of Texas, dated April 17, 1964 (Charter No. 203367), and hereinafter referred to as "The Association".

**Sec. 2.** The principal place of business and general office shall be the Museum Center, located in Tomball, Texas.

### **ARTICLE II – Purpose**

**Sec. 1.** Promotion of historical, cultural and educational pursuits.

**Sec. 2.** Discovery, collection, and preservation of any and all articles, materials, documents and other objects which may establish or illustrate the history, growth, or population, culture, education, resources, trade and daily life in the area of northern Harris County and contiguous areas.

**Sec. 3.** Maintenance of a museum center consisting of as many buildings as may be deemed expedient or necessary, consistent with resources of the Association; the collection, exhibition, and preservation of all such articles, property, and objects of historical value; and enlisting the interest and support of the people and institutions of the area in its historical background and its cultural ideals.

**Sec. 4.** To accept, receive, and acquire funds, stocks, securities, and property by donations, bequests, and devices, or otherwise; hold, invest, reinvest, convert, exchange, lease, sell, transfer, mortgage, pledge, and dispose of any and all funds, stocks, securities, and properties so received or acquired for the purpose of construction, providing, operating, and maintaining said museum; and to do all acts, exercise all powers, and assume all obligations necessary or incident thereto under and in accordance with provisions of the Texas Non-Profit Corporation Act.

**Sec. 5.** The Corporation shall have no capital stock and shall be a non-profit corporation.

### **ARTICLE III – Membership**

**Sec. 1.** Membership of The Association shall be available to persons interested in historical and educational pursuits and shall bear the following classifications and financial requirements:

- (a) Individual Member – dues shall be \$15.00 annually.
- (b) Family Membership – dues shall be \$25.00 annually.
- (c) Life Members – a single payment of \$250.00.
- (d) Corporate Members – dues shall be \$100.00 annually.
- (e) Corporate Life Member – a single payment of \$1,000.00

**Sec. 2.** All annual dues shall be due and payable at the April meeting of each year and shall be delinquent after August 1 of each year.

**Sec. 3.** All adult members shall be extended voting privileges.

**Sec. 4.** Any member of the Association who is receiving any type of compensation for services rendered to the Association may not at the same time be serving as a trustee of the Association.

#### **ARTICLE IV – Organization**

**Sec. 1.** The policies and affairs of The Association shall be determined and directed by the Board of Trustees, consisting of twelve (12) members. These members shall be elected to serve for a rotating term of three (3) years. Each year, four (4) members shall be elected at a General Membership Meeting of The Association held during the month of April unless the Association has determined another date. Any candidate for election shall have been a member for a minimum period of one (1) year before being eligible for election. A nominating committee consisting of three (3) members in good standing shall submit a slate of candidates. Any additional nominations must be submitted in writing to the nominating committee chairperson two (2) weeks prior to the general meeting. The nominating committee must certify all candidates. Elections may be by balloting in person or by absentee ballot. Any member desiring to vote absentee should arrange to obtain an absentee ballot from The Association office and return in the preaddressed envelope provided. All absentee ballots must be received by 12 midnight on Friday prior to the General Membership Meeting and election. Ballots will determine the election by simple majority, or by acclamation.

**Sec. 2.** Officers of the Association shall be elected from the Board of Trustees at the April General Membership Meeting following the Board of Trustees' election. The officers shall be President, Vice-President, Secretary and Treasurer.

**Sec. 3.** New Trustees will commence duties in May.

**Sec. 4.** Interim vacancies occurring on the Board of Trustees shall be filled for the unexpired term by appointment by the Board of Trustees. Any Trustee absent from three (3) consecutive meetings, except for reasons that are beyond his control, shall be deemed to have forfeited his position and shall be replaced by appointment by the Board of Trustees to fill the unexpired term.

**Sec. 5.** Special meetings of the Board of Trustees may be called into session by the President or upon the request of three (3) members of the Board of Trustees.

#### **ARTICLE V. – Executive Director**

**Sec. 1.** The Board of Trustees shall appoint an Executive Director from among persons that may have applied for such position or someone nominated by a member of The Association. The Director shall be responsible to the Board of Trustees for the day to day operations of The Association and its committees; be responsible for the recruitment, organization, training and assignment of docents; and be responsible for promoting and conducting their overall programs.

**Sec. 2.** The Board of Trustees shall outline the specific duties of the Director and establish compensation for the Director consistent with the requirements of the position and the financial ability of The Association. The Director shall be appointed for a term of One (1) year with a further extension of service dependent upon a review by the Board of Trustees.

**Sec. 3.** The Director shall attend all meetings of the Association, the Board of Trustees, and any major activities but shall not be entitled to vote in meetings of the Board of Trustees.

#### **ARTICLE VI. – Meetings**

**Sec. 1.** Regular General Membership Meetings of The Association shall be scheduled with times announced in the Newsletter. Election of Board Members shall take place at a general meeting in April. Meetings shall be held to conduct the business of The Association and to present an educational, historical, or social program.

**Sec. 2. (a)** Ten (10) members shall constitute a quorum for a General Membership meeting of The Association.

**(b)** Seven (7) members shall constitute a quorum for a meeting of the Board of Trustees.

## **ARTICLE VII. – Nominating Process**

In January, the President shall appoint a nominating committee to select candidates for positions on the Board of Trustees. The slate of candidates shall be selected in time to appear in the March or April Newsletter. The slate of candidates shall be presented at the April general meeting.

## **ARTICLE VIII. – Duties and Responsibilities of Board of Trustees**

The trustees shall be responsible for the formulation and implementation of policies, standards, conditions and operation of The Association and Museum, and the Executive Director shall execute such policies in the operation of the Museum.

The Trustees shall:

- (a) Establish the basic policies.
- (b) Adhere to the by-laws.
- (c) Employ and discharge the Executive Director as well as set duties and salary.
- (d) Purchase, acquire, sell or dispose of major properties of the Museum, subject to the approval of the General Membership of The Association.
- (e) Preserve the Museum's properties and collections.
- (f) Maintain The Association's financial integrity.
- (g) Approve an annual budget.
- (h) Support and attend the functions of The Association.

## **ARTICLE IX. – Duties of Officers**

### **1. PRESIDENT OF THE BOARD OF TRUSTEES AND THE ASSOCIATION**

- (a) shall be the chief executive officer of The Association and shall be responsible for overall implementation of policies, standards, conditions and operations with the advice and consent of the Board of Trustees.
- (b) Shall preside at all of the meetings of the Board of Trustees and the General Membership meetings of The Association.
- (c) shall serve ex-officio on all committees
- (d) shall appoint chairmen of committees.



- (e) shall sign all documents of The Association and perform such other duties as are usually considered appropriate to the office of President.
- (f) shall be able to sign checks for disbursements of The Association's funds as approved by the Board of Trustees.

## **2. VICE-PRESIDENT OF THE BOARD OF TRUSTEES AND ASSOCIATION**

- (a) shall in the absence of the President of the Board of Trustees perform the functions and duties of that office, and in the event of a vacancy, to assume the office of President of the Board of Trustees and The Association until the next regular election for officers.
- (b) may also be appointed to serve on committees.

## **3. SECRETARY OF THE BOARD OF TRUSTEES AND THE ASSOCIATION**

- (a) shall record and certify all minutes of all meetings of the Board of Trustees and The Association.
- (b) shall make available copies of minutes of the previous meetings of the General Membership and the Board of Trustees.
- (c) shall notify the Board of Trustees of approaching meetings.
- (d) shall conduct official correspondence and sign all official documents, resolutions and papers of The Association together with the President of the Board of Trustees.

## **4. TREASURER OF THE BOARD OF TRUSTEES AND THE ASSOCIATION**

- (a) shall act as custodian of all funds of The Association, sign checks, and make disbursements as approved by the Board of Trustees with the exception that items of a routine nature will not require such approval.
- (b) Shall keep and maintain, or cause to be kept and maintained, books reflecting an accurate record of transactions and the financial condition of The Association and to furnish regular written reports to the Association at the beginning of each General Membership Meeting.
- (c) shall submit the records for an annual audit.
- (d) shall allocate monies for the activities of The Association in accordance with the annual budget.
- (e) shall be responsible for seeing that non-routine expenditures in excess of \$100.00 have prior approval of the Board of Trustees.

## **ARTICLE X.- DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR**

The Director shall:

- (a) Operate the museum according to policies determined by the Board of Trustees.
- (b) Initiate and approve exhibitions and programs.
- (c) Handle the routine expenditures as allowed by a budget approved by the Board of Trustees. Non-routine and non-recurring items shall require final approval of the Board of Trustees before a purchase contract is completed.
- (d) Initiate publicity for the museum.
- (e) Publish a regular newsletter.

## **ARTICLE XI – COMMITTEES AND CHAIRMEN**

Committees and Chairmen, as needed, shall be appointed by the President of the Board of Trustees from the membership of The Association.

## **ARTICLE XII – AMENDMENT**

These By-Laws May be amended by an affirmative voted of two-thirds ( $\frac{2}{3}$ ) majority of the members present at any regular or special meeting of The Association at which a quorum is present. No amendment shall be made unless a formal notice of the proposed amendment has been presented at a previous meeting.

## **ARTICLE XIII – PARLIAMENTARY AUTHORITY**

Roberts' Rule of Order (Revised) shall govern in all cases to which they are applicable and in which they are not inconsistent with the Constitution and By-Laws of The Association.

## **ARTICLE XIV – DISSOLUTION OF ASSETS**

The Spring Creek County Historical Association upon dissolution will transfer its assets to the State of Texas, or to a charitable, religious, educational or other similar organization that is qualified as a charitable organization under Section 501 c (3) of the Internal Revenue Code.

Sec. 1. The policies and affairs of the Association shall be determined and directed by the Board of Trustees, consisting of twelve (12) members. These members shall be elected to serve for a rotating term of three (3) years. Each year, four (4) members shall be elected at a General Membership Meeting of the Association held during the month of April unless the Association has determined another date. Any candidate for election shall have been a member for a minimum period of one (1) year before being eligible for nomination. A nominating committee consisting of three members in good standing shall submit a slate of candidates. Any additional nominations must be submitted in writing to the nominating committee chairperson two weeks prior to the general meeting. The nominating committee must certify eligibility all candidates. Elections may be by balloting in person, or by absentee ballot. Any member desiring to vote absentee should arrange to obtain an absentee ballot from the Association Office and return in the preaddressed envelope provided. All absentee ballots must be received by 12 midnight on Friday prior to the General Membership Meeting and election. Ballots will determine the elections by simple majority, or by acclamation.



**SPRING CREEK COUNTY HISTORICAL ASSOCIATION  
2010 – 2011 BUDGET**

**REVENUES**

|                              |              |
|------------------------------|--------------|
| DONATIONS-UNDESIGNATED       | \$3,000      |
| DONATIONS-GRANTS             | \$2,000      |
| DONATIONS-OIL PATCH KIDS FUN | \$500        |
| DONATIONS-THEIS HOUSE        | \$0          |
| DONATIONS-OIL TOWN USA       | \$0          |
| BUILDING USE FEES            | \$14,500     |
| CITY HOTEL TAX REVENUE       | \$12,000     |
| MEMBERSHIP DUES              | \$2,200      |
| OIL/GAS ROYALTY INCOME       | \$3,000      |
| INTEREST INCOME              | \$10,000     |
| DONATIONS-CANDLELIGHT TOUR   | \$1,000      |
| MISCELLANEOUS INCOME         | \$500        |
| <br>TOTAL REVENUES           | <br>\$48,700 |

**EXPENSES**

|                           |              |
|---------------------------|--------------|
| SALARIES                  | \$11,000     |
| FICA EXPENSE              | \$1,000      |
| ACCOUNTING & BOOK-KEEPING | \$1,500      |
| CANDLELIGHT TOURS EXPENSE | \$1,000      |
| DUES & SUBSCRIPTIONS      | \$150        |
| BOOKS, RESEARCH MATERIAL  | \$0          |
| HERITAGE TEA EXPENSE      | \$500        |
| HISTORICAL TOUR EXPENSE   | \$0          |
| INSURANCE EXPENSE         | \$10,000     |
| JANITOR                   | \$1,000      |
| MISCELLANEOUS EXPENSES    | \$1,000      |
| OFFICE EXPENSE            | \$1,000      |
| POSTAGE                   | \$600        |
| REPAIRS & MAINTAINANCE    | \$5,000      |
| SECURITY EXPENSE          | \$550        |
| SUPPLIES                  | \$500        |
| TAXES - AD VALORUM        | \$100        |
| TELEPHONE                 | \$650        |
| UTILITIES                 | \$5,000      |
| BUILDING USE EXPENSE      | \$1,500      |
| PEST CONTROL              | \$950        |
| YARD MAINTAINANCE         | \$5,700      |
| <br>TOTAL EXPENSES        | <br>\$48,700 |

**NET REVENUE**

\$0

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: July 5, 2011

**Topic:**

Discussion and Possible Direction to Set Date for Workshop regarding Chapter 60. Signs

**Background:**

City Staff is currently in the process of reviewing and revising Chapter 60 - Signs. We request Council consideration to set a workshop date for August 15th to discuss possible changes to Chapter 60.

**Origination:**

City Manager's Office

**Recommendation:**

Engineering & Planning recommends setting the workshop for August 15, 2011 prior to the Regular City Council meeting.

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

Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: July 5, 2011

#### **Topic:**

Set August 1, 2011 as the Date for the Submission of the Proposed FY2011-2012 Budget by the City Manager to Council and for the Public Hearing on the Proposed FY2011-2012 Budget

#### **Background:**

The City's Charter and State Law require that a public hearing be held prior to the adoption of the City's annual budget.

The public hearing notice will be posted in the City's official newspaper and on the City's website.

A copy of the proposed budget will be available for public review in the City Secretary's office prior to the public hearing.

#### **Origination:**

Glenn Windsor, CPA, Finance Director/Treasurer

#### **Recommendation:**

Set August 1, 2011 as the Date for the Submission of the Proposed FY2011-2012 Budget by the City Manager to Council and for the Public Hearing on the Proposed FY2011-2012 Budget

#### **Funding:**

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

Glenn Windsor, CPA, Finance Director/Treasurer

| <b>ACTION TAKEN</b>                                      |                                                                                   |              |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|--------------|
| <b>APPROVAL</b>                                          | <b>READINGS PASSED</b>                                                            | <b>OTHER</b> |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |              |

Regular City Council  
Agenda Item  
Data Sheet

Meeting Date: July 5, 2011

**Topic:**

Discussion of Attendance and Participation in the September 2011 Telgte, Germany Market

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: July 5, 2011

**Topic:**

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

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

**Background:****Origination:**

City Manager

**Recommendation:**

N/A

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |