

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



MONDAY, JANUARY 17, 2011

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 17, 2011 at 7:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The 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 Reverend John Holiday, Powerhouse Church of God in Christ

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

5.0 Presentations:

Proclamation to Concordia Lutheran High School Crusaders Football Team, proclaiming Monday, January 17, 2011 as ***“Concordia Lutheran High School Crusaders – 2010 TAPPS Division II, District 4 Champions Day”***

6.0 Reports and Announcements

- January 22 and 29, 2011 – ***Walk Tomball!*** – Depot Plaza – 9:00 a.m.
- January 24, 2011 – First Meeting of the **Tourism Advisory Committee**, 6:00 p.m.
- January 25, 2011 – **2nd Annual Boards and Commission Recruitment Reception**, 5:30 p.m.-7:00 p.m. – Room B, at the Community Center
- February 12, 2011 – **2nd Saturday at the Depot** – 5:00 p.m.
- February 13, 2011 – **Unveiling of the Beckendorf Statue** – 2:00 p.m., reception to follow, 2:00 p.m.-3:30 p.m., at the Community Center, hosted by Rose Hill United Methodist Church
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Belt Harris – Auditor Report
 - Glenn Windsor/Shawn Cox – 3rd Annual 5K Bunny Run – April 9, 2011
 - Glenn Windsor – Replacement Vehicles in Fire Marshal’s Office
 - David Kauffman – Utility Infrastructure Replacement Program
 - Mayor Fagan - Appointment of Holly Cook as Chairperson for the Tourism Advisory Committee

7.0 Approve the Minutes of the January 3, 2011 Regular City Council Meeting

8.0 Old Business:

8.1 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):

- Section 551.071 Consultation with Attorney regarding the following matters: Demands related to a Slope Failure at 31422 Rigel Court

9.0 New Business:

9.1 Approve Request from Tomball Area Health Awareness Organization for In-Kind Services in Connection with Tomball Health Expo

9.2 Request City Council to Designate Downtown Parking Lot Locations and Direct Engineering and Planning Department to Negotiate and Prepare Professional Services Contract

9.3 Discussion of Appointments to the Downtown Tomball Advisory Committee

(DTAC).

- 9.4 Discussion regarding Philip O'Sullivan's Request to Abandon City Right-of-Way (a Portion of Ash Street) and Direct City Attorney and Engineering and Planning Staff to Prepare Abandonment Policy for the Abandonment of City Right-of-Way
- 9.5 Receive the City Manager's Vested Rights Determination Letter dated January 10, 2011, regarding Brandt Development
- 9.6 Receive the City Manager's Vested Rights Determination Letter dated January 11, 2011, regarding Tomball Marketplace
- 9.7 Approve Resolution No. 2011-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election, to be Held in the City of Tomball on Saturday, May 14, 2011; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of such Election

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 14th day of January 2011 by 4:00 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: January 17, 2011

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Meeting Date: January 17, 2011

Data Sheet

Topic:

Proclamation to Concordia Lutheran High School Crusaders Football Team, proclaiming Monday, January 17, 2011 as *“Concordia Lutheran High School Crusaders – 2010 TAPPS Division II, District 4 Champions Day”*

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:

Concordia Lutheran Proclamation

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, the Concordia Crusaders, Concordia Lutheran High School's Varsity football team, finished 6-1, and won the Division II, District 4 title in the Texas Association of Private and Parochial Schools (TAPPS) in 2010; and

WHEREAS, the Crusaders placed four members on the TAPPS Division II All-State team, led by first-team running back Chance Gray, who earned the Division II, District 4 MVP title, along with senior offensive lineman Jordan Miller, senior defensive lineman Ryan Bell, and senior tight end Christian Wilke; and

WHEREAS, the 2010 Concordia Crusader Football Team won the Area Championship team and repeated as finalists in the Regional Championship with a 9-4 record; and

WHEREAS, the City Council wishes to congratulate Coach Bobby Lindquist and the members of the 2010 Concordia Crusader Football Team—Cullen Eubanks, Jake Bahr, Josh Amelunke, Nathan Shaw, Nathan Potter, Michael Burks, Tyler Endlich, Zach Seldenrust, Clayton Dupree, Chance Gray, Joe Davis, Seth Little, Josh Rodriguez, Tyler Lawrence, Eddie Brucculeri, Mitchell Bethea, Jacob Burks, Mark Schroeder, Jordan Miller, Adam Fingleman, Caleb Barber, Bobby Frankino, Matt Durkin, Matt Nevins, Chris Syzdek, Chad Sikes, Ryan Bell, Tyler Brandenburg, Chase Carpenter, Jacob Lowery, Jacob Roth, Adam Oller, Dylan Cress, Christian Wilke, Cody Huffmeister,—for an excellent season;

NOW, THEREFORE, by virtue of the authority vested in me as **Mayor of the City of Tomball**, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim **January 17, 2011**, as:

**“CONCORDIA LUTHERAN CRUSADER FOOTBALL TEAM –
2010 TAPPS DIVISION II, DISTRICT 4 CHAMPIONS DAY”**



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

ATTEST:

Betsy Gates

DATE:

01-13-11

Regular City Council

Agenda Item

Meeting Date: January 17, 2011

Data Sheet

Topic:

- January 22 and 29, 2011 – **Walk Tomball!** – Depot Plaza – 9:00 a.m.
- January 24, 2011 – First Meeting of the **Tourism Advisory Committee**, 6:00 p.m.
- January 25, 2011 – **2nd Annual Boards and Commission Recruitment Reception**, 5:30 p.m.-7:00 p.m. – Room B, at the Community Center
- February 12, 2011 – **2nd Saturday at the Depot** – 5:00 p.m.
- February 13, 2011 – **Unveiling of the Beckendorf Statue** – 2:00 p.m., reception to follow, 2:00 p.m.-3:30 p.m., at the Community Center, hosted by Rose Hill United Methodist Church
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Belt Harris – Auditor Report
 - Glenn Windsor/Shawn Cox – 3rd Annual 5K Bunny Run – April 9, 2011
 - Glenn Windsor – Replacement Vehicles in Fire Marshal's Office
 - David Kauffman – Utility Infrastructure Replacement Program
 - Mayor Fagan - Appointment of Holly Cook as Chairperson for the Tourism Advisory Committee

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:

Boards and Commission Recruitment Reception - 1/25/2010

Unveiling of the Beckendorf Statue

Auditor's Report

All Aboard!



Please join us for our 2nd Annual
Boards and Commissions
Recruitment Reception.

Come meet and greet current
Board members and
register to be a potential member
of a Tomball Board!

Date: Tuesday, January 25, 2011

Time: 5:30—7:30 P.M.

Location: Tomball Community Center
221 Market St., Room B

*Be sure not to miss your opportunity to
“Get on a Board” or Commission and serve
on your community “train”!*

FREE REGISTRATION & FOOD

Page 9 of 82



*Please join the Mayor and City Council
for the unveiling of the*

Beckendorf Statue

*Presented to the City of Tomball by:
Lone Star College Foundation
Tomball Independent School District
Tomball Regional Medical Center
Tomball Rotary Club*

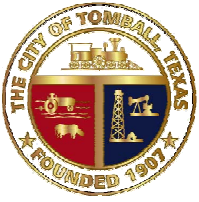
Sunday, February 13, 2011

2:00 p.m.

Depot Plaza, 201 South Elm Street

Reception to follow

*Tomball Community Center, 221 Market Street
Reception hosted by Rose Hill United Methodist Church*



City of Tomball

*Gretchen Fagan
Mayor*

*George Shackelford
City Manager*

Date: January 12, 2011

To: George Shackelford, City Manager
Doris Speer, City Secretary

From: Glenn Windsor, CPA, Finance Director/Treasurer

Subject: Auditor's Report, Agenda item for Council Meeting, January 17, 2011

The City of Tomball City Charter requires that the independent auditor present a report to the City Council "within one hundred twenty (120) days from the closing date of the City's fiscal year."

In accordance with the Charter provision, a representative from the firm of Belt, Harris, Pechacek, LLLP will be at the meeting to present a report on the audit of the September 30, 2010 financial statements.

Please feel free to let me know if you have any questions relating to the audit presentation.

Regular City Council Agenda Item Data Sheet

Meeting Date: January 17, 2011

Topic:

Approve the Minutes of the January 3, 2011 Regular City Council Meeting

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

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

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

ATTACHMENTS:

Draft Minutes - 1/3/2011 Regular City Council Meeting

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



MONDAY, JANUARY 3, 2011

7:00 P.M.

1.0 Call to Order

Other Council members present:

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant to City Manager – Shawn Cox
Municipal Court Clerk – Virginia Young
Assistant City Secretary – Betsy Gates
Vital Statistics Registrar – Debbie Owens
Administrative Assistant-CSO – Wendy Torres

draft

2.0 The invocation was led by Councilman Brown.

3.0 Pledges to the U. S. and Texas flags were led by Randy Parr, Fire Chief

4.0 The following public comments were received:

Mary Harvey
405 S. Walnut, 77375

- Expressed her concerns regarding the proposed
Oilfield Helping Hands event.

Calvin Beaulier
10585 Bluebell, 77318

- Expressed his concerns regarding his recent arrest by Tomball Police Department and requested sensitivity training for TPD officers.

5.0 Presentations:

- Mayor Fagan presented a plaque to Virginia Young, Municipal Court Clerk, honoring her 34 Years of Service with the City of Tomball.
- Mayor Fagan presented a plaque to Debbie Owens, Betsy Gates, and Wendy Torres, City Secretary's Office, for earning the 2010 Five-Star Local Registrar Vital Registration Award from the Texas Department of Health, and Certificates to Debbie Owens and Betsy Gates, City Secretary's Office, for their accomplishments as Master Registrars

6.0 Reports and Announcements:

- January 8, 2011 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 8, 15, 22 and 29, 2011 – **Walk Tomball!** – Depot Plaza – 9:00 a.m.
- January 17, 2011 – **Special Meeting with Planning and Zoning Commission** – 5 p.m.
- January 15, 2011 – **Re-Grand Opening of MLK, Jr. Park** – 11:30 a.m.
- January 16, 2011 – **Memorial Tree Planting** at the Depot Plaza – 2:00 p.m.
- January 25, 2011 – **Annual Boards and Commission Recruitment Reception** – 5:30 p.m.-7:00 p.m.
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mayor Fagan announced that the unveiling of the Beckendorf statue will be held on February 13, 2011 at 2:00 p.m., with a reception following
 - Shawn Cox provided an update regarding the recent visit by YaoZhung Sister City representatives to Tomball on December 23, 2011
 - George Shackelford announced that the Greater Tomball Area Chamber of Commerce has schedule a trip to Austin on January 11, 2011, which is the start of the Legislative Session and has invited the Council to attend.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the following minutes:

- December 20, 2010 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting
- December 20, 2010 Regular City Council Meeting, as corrected on Item 9.11.

Motion to approve the minutes, as corrected, carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to move Item 9.1 before Old Business items.

Motion carried unanimously.

Shawn Cox presented an overview of the proposed Request from Oilfield Helping Hands. Motion was made by Councilman Stoll, second by Councilman Dodson to approve the Request from Oilfield Helping Hands to use Depot Area and Close Streets for Oilfield Helping Hands 3rd Annual Classic Car Show and Motorcycle Rally to be held on Saturday, March 12, 2011. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

8.0 Old Business:

- 8.1 Executive Session: The City Council recessed at 7:36 p.m. p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- Section 551.071 Consultation with Attorney regarding the following matters:
- Possible Civil Action to Enforce Ordinances regarding Construction of Building and Use of Land at 30702 State Highway 249

Councilman Dodson recused himself from discussion during Executive Session and stated that he had filed a Conflict of Interest Affidavit with the City Secretary.

Upon reconvening into regular session at 8:03 p.m., the following action was taken:

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Attorney to File Civil Action to Enforce City Ordinances regarding Construction of Building and Use of Land at 30702 State Highway 249. Councilman Dodson recused himself from voting on the motion and stated that he had filed a Conflict of Interest Affidavit with the City Secretary. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Abstain</u>

Motion carried unanimously.

- 8.3 Doris Speer presented an overview of the proposed changes to Chapter 54 and advised that Benny Corn's request for a renewed 12-month vendor permit will be granted under the current requirements. Motion was made by Councilman Townsend, second by Councilman Brown, to Provide Direction to City Attorney and City Staff regarding Chapter 54, Peddlers and Solicitors, of the Code of Ordinances of the City of Tomball, Texas.

Motion carried unanimously.

Consensus of Council was unanimous to direct the City Attorney to bring back information regarding the following possible amendments to Chapter 54:

- a. changing the hours of solicitation to between 8:00 a.m. and 8:00 p.m., Monday through Saturday;
- b. prohibiting door-to-door solicitation on Sundays;
- c. establishing a time limit for temporary vendors to occupy a particular area;
- d. establishing a limit on the number of permits and/or renewals for temporary vendors;
- e. determining what constitutes temporary building materials and/or temporary vendors;
- f. defining, more specifically, each type of vendor to be licensed;
- g. specifically defining organizations that will be exempted from the permitting requirements.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this ____ day of _____ 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 17, 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):

- Section 551.071 Consultation with Attorney regarding the following matters: Demands related to a Slope Failure at 31422 Rigel Court

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
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 17, 2011

Topic:

Approve Request from Tomball Area Health Awareness Organization for In-Kind Services in Connection with Tomball Health Expo

Background:

The Tomball Area Health Awareness Organization (TAHAO) is looking to hold a Health Expo on April 9, 2011. This expo will highlight the exceptional health resources Tomball available to residents of Tomball and the surrounding area.

The Health Expo will take place on the same day as the planned Bunny Run and the April 2nd Saturday at the Depot. In an effort to increase promotion, and create "A Day of Healthy Living" in Tomball, the TAHAO is asking for the City to support the expo and provide in-kind services in the form of shared advertisements. If approved, all advertisements for the Run and 2nd Saturday will include information promoting the Expo as well.

Our goal is to provide a whole day of activities aimed at keeping visitors in the City of Tomball to promote our local attractions and resources and to increase visits to our local shops and restaurants.

Members of TAHAO represent numerous areas of the healthcare industry, including senior living, insurance, nutrition, and rehab.

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
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 17, 2011

Topic:

Request City Council to Designate Downtown Parking Lot Locations and Direct Engineering and Planning Department to Negotiate and Prepare Professional Services Contract

Background:

The City of Tomball (City) in coordination with the Houston-Galveston Area Council (HGAC) and the Texas Department of Transportation (TxDOT) conducted a Livable Centers Downtown Plan in coordination with the FM 2920 Access Management Plan. The Access Management Plan calls for the removal of the on-street parking that is currently within the limits of downtown Tomball along FM 2920 and as such the Livable Center Downtown Plan identified five (5) potential parking lot locations that could serve to replace the parking that will be lost along FM 2920 during the implementation of the Access Management Plan. The City Council has programmed funding to move one or more of the parking lot projects forward during the current fiscal year. The Livable Centers Downtown Plan available from H-GAC depicts parcel locations for each of the 5 potential parking facilities on Page 38 of the final report (attached). In addition, Engineering and Planning Department prepared an exhibit depicting the 5 potential parking facilities noted above, plus a parking facility easterly of North Elm and a parking facility southerly of the Depot area along South Elm. The project is a currently listed 2011 budgeted CIP project.

Origination:

Engineering and Planning Department

Recommendation:

The Engineering and Planning Department request City Council designation of the parking lot locations to be considered and to direct staff to negotiate and prepare the Professional Services Contract for a follow-up Council meeting approval.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Potential Parking Lot Locations
downtown map
Dr. Hutson Letter
Access Management Plan



RECOMMENDED LAYOUT

The recommended layout of parking and development has been created as a guide for accommodating future public parking needs in conjunction with redevelopment (as shown in figure 4.8).

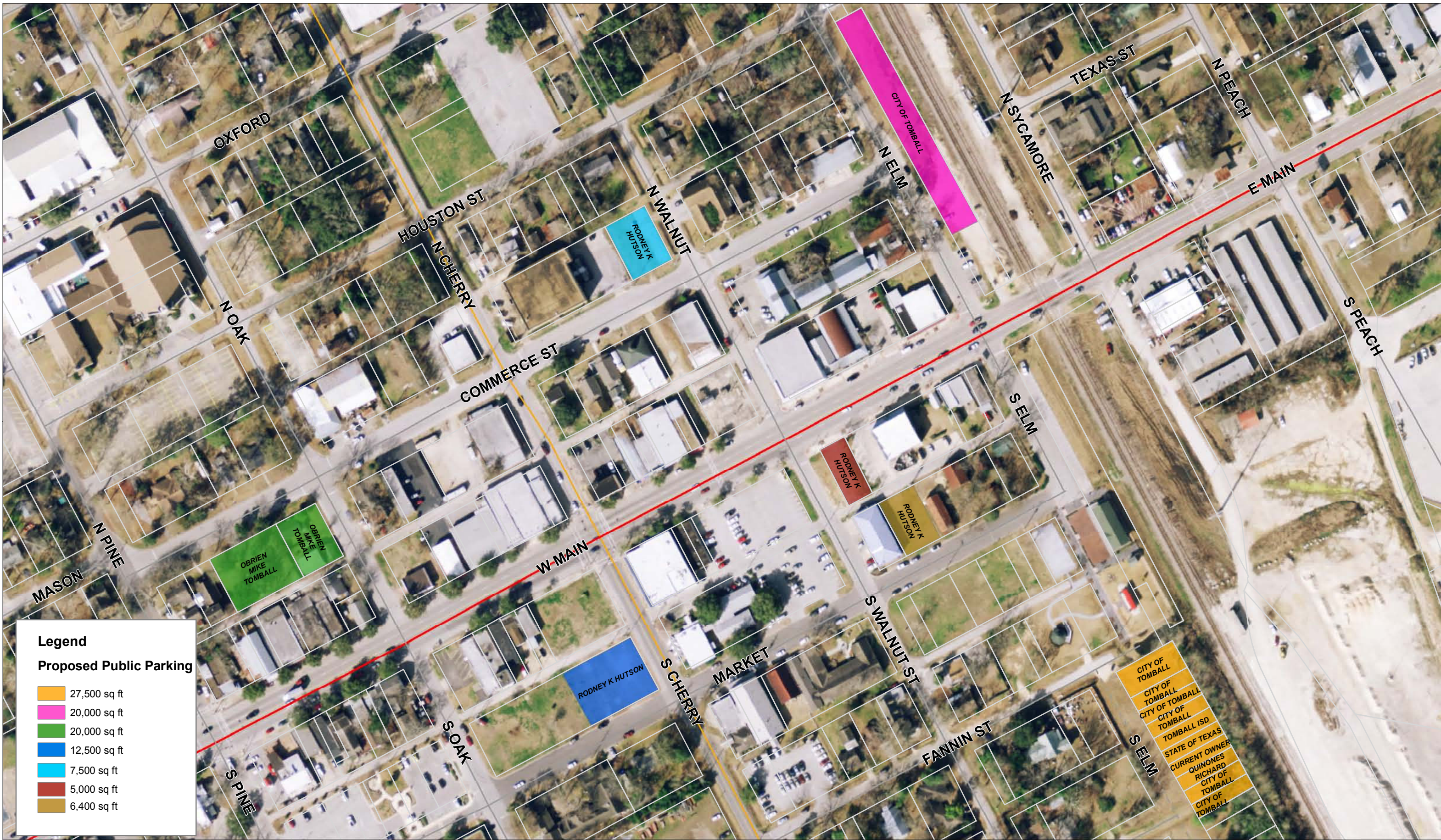
An important design criterion was to minimize the instances of multiple small parking lots serving individual properties occurring off Main Street. In contrast, consolidated public parking lots would be distributed behind the Main Street corridor. This, coupled with the additional new development, would help to create a more aesthetically pleasing view along Main Street in which the building facades are the dominant feature as opposed to parking lots. Parking, whenever possible, should be located on the other side of the alley, as shown in the layout.

Another goal of this layout was to ensure that the parking capacity for Downtown Tomball was adequate now and in the future, especially in light of the Main Street on-street parking replacement. Currently there are 818 parking spaces in the downtown, the recommended plan of 919 spaces meets and exceeds the necessary parking requirements associated with the present and future development scenario depicted.

This layout is only a recommendation and is not the only alternative layout possible due to private development. It is, however, one that best accommodates the needs of the Downtown area while still having the desired balance of parking and development.



Figure 4.8



501 James St.
Tomball, Tx. 77375

Disclaimer:
The City of Tomball assumes no responsibility for any errors which might have occurred.
Any use made thereof is the responsibility of the user.

This map has been prepared in the coordinate system of
State Plan NAD 83, Texas South Central, US, feet, Grid.

Sources: HCAD, Harris Co.

Data Compiled by : Chiu-Wen Ray 01/12/2011



Proposed Public Parking City of Tomball, Texas

100 50 0 100 200 300
Feet

RODNEY K. HUTSON, MD

9431 ROSIE LN, STE 100

(281) 356-4305

rkhutson@sbcglobal.net

January 15, 2010

To: City of Tomball Mayor
City of Tomball City Council

Gretchen Fagan, Mayor
David Quinn Derek Townsend
Mark Stoll Warren Driver
Bill Webb

From: Rodney K. Hutson

Subject: City of Tomball Downtown Parking Plan

During the past six months, the City of Tomball has been involved with The Livable Center Downtown Plan. One of the major problems addressed by this plan was how to handle the need for downtown parking when TXDOT removes the parallel parking from Main Street. The total number of parallel parking spaces to be removed is 76. To replace these parking spaces, the Livable Center study proposed five sites for off-street public parking for a total of 187 new parking spaces. Four out of five of these sites are vacant land and ideally suited for public parking. However, the remaining proposed site at the corner of N. Oak Street and Commerce Street has two buildings as well as a number of large trees. The technical aspects of converting this into a viable public parking site would represent an expensive and significant problem to overcome. This is in contrast to the remaining vacant land sites, which present a more viable and less costly solution. Because of their unique prime locations, these sites may become developed and unavailable in the near future. Therefore, there is a sensitive time frame for the City to secure their use as future public parking.

I would like to present a solution to this problem. The four remaining vacant sites are owned by one individual. Since I have always said that it takes the combined efforts and cooperation of the City, land owners and businesses to solve common problems, I offer the following proposal:

1. The City of Tomball would obtain the use of land as public parking by entering into long term leases with land owners. This allows the City to eliminate expensive land acquisition costs, while still obtaining the land for use as public parking.

2. The City would then develop each site at its own expense into public parking. Although the City will incur the actual construction costs of any new parking site, this expense would be more than adequately offset by the savings achieved by not having to dedicate funds to acquire land.

Obviously the details of this arrangement will need to be addressed, but the overall concept of cooperation of land owners and the City working to solve a common problem is the most important and significant part of this arrangement. When we realize that we all have an obligation and vested interest to cooperate and work together to solve problems, and not rely on any one entity to do so, we will see our city and community prosper and grow.

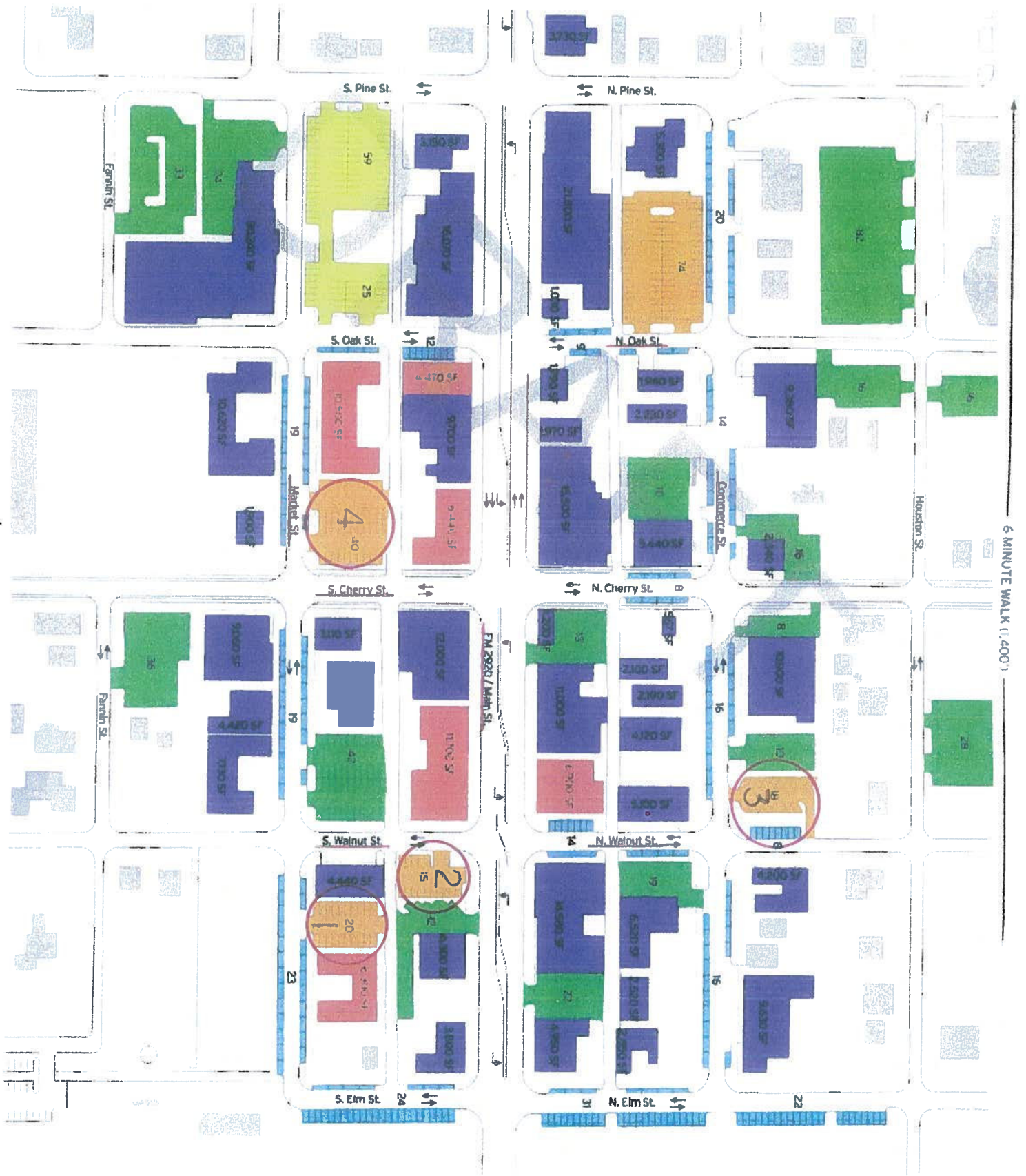
I look forward to our joint cooperation to solve a problem that confronts us all, and not just the City of Tomball.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney K. Hutson, MD". The signature is stylized with a large "R" and "H".

RODNEY K. HUTSON, MD

Enclosure: Livable Centers Proposed Downtown parking map



DEVELOPMENT LEGEND

Existing Development
125,000 Total SF

Proposed New Developments
144,310 Total SF

TOTAL DEVELOPMENT

PARKING LEGEND

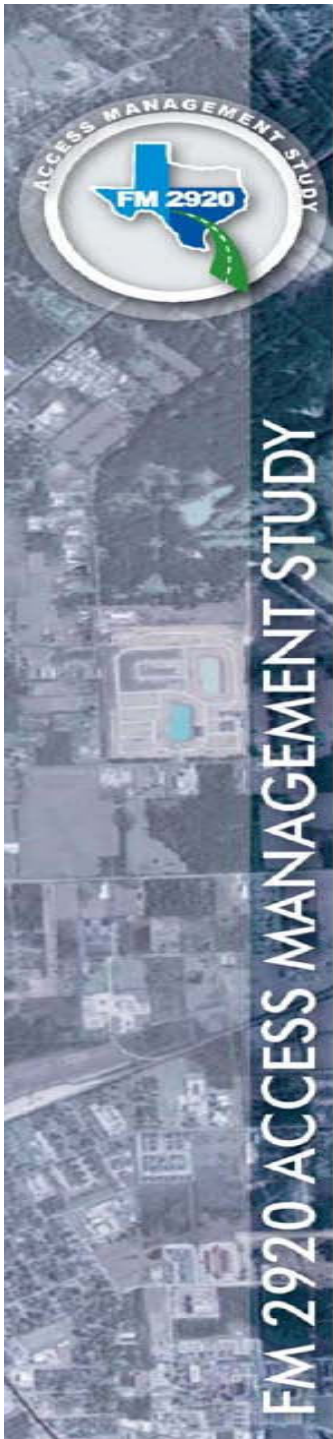
On-Street Parking (P)
12,248 Total Spaces

Existing Off-Street (F)
184 Total Spaces

Existing Off-Street (I)
1,387 Total Spaces

Proposed Off-Street
187 Total Spaces

Parking Required by Code (1 per 200)



FM 2920 ACCESS MANAGEMENT STUDY

Houston-Galveston Area Council

In partnership with:

City of Tomball

City of Waller

Harris County

Houston Northwest Chamber of Commerce

North Houston Association

Texas Department of Transportation

Greater Tomball Area Chamber of Commerce

CONSULTANT TEAM:

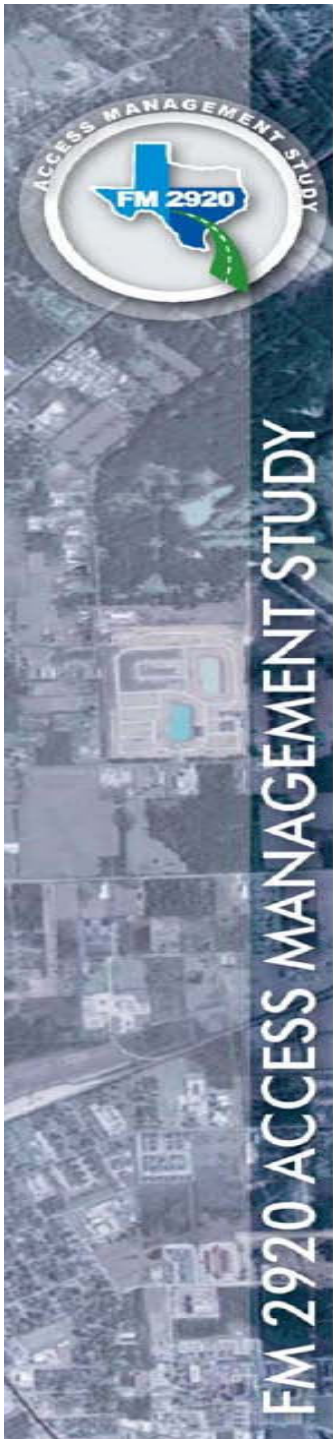
HNTB CORPORATION

In professional association with:

Wilbur Smith & Associates

Gunda Corporation





Study Limits:

Hempstead (Southwest of US 290) to Lexington Rd.
(East of IH 45)

Study Length:

32 miles

Facility Type:

Farm-to-market road (FM)

No. of Lanes:

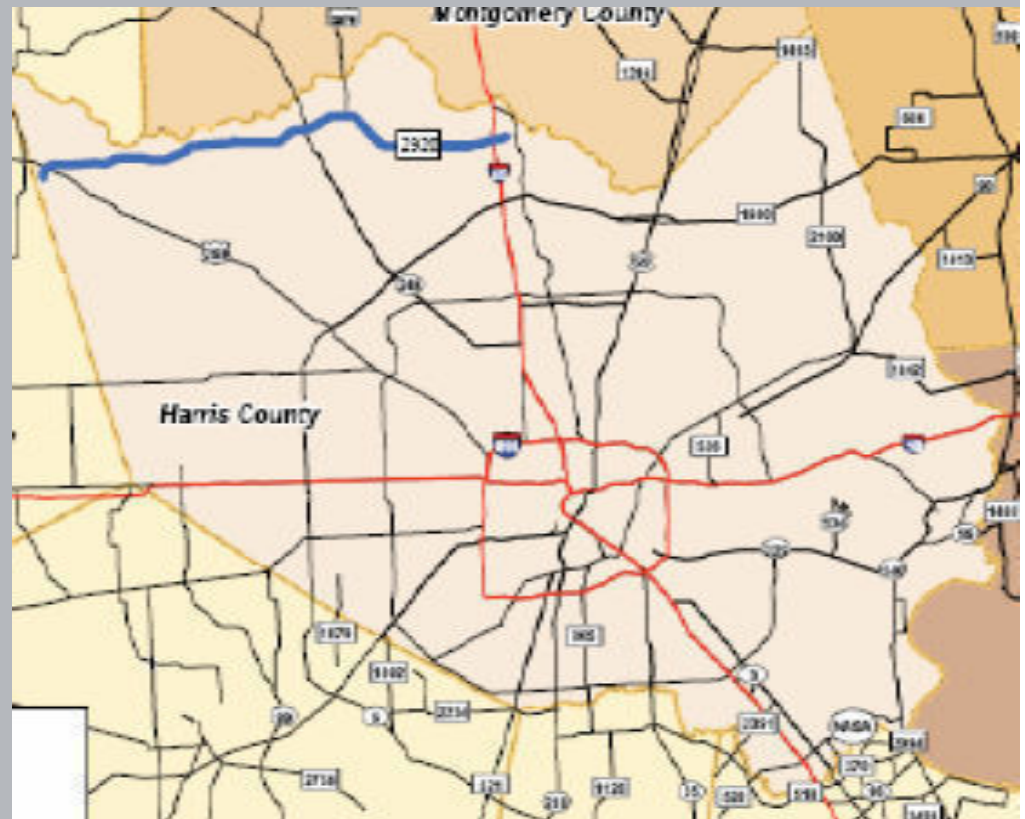
Varies from 2 to 5 lanes

ROW Width:

120 feet usual, 100 and 60
feet in some areas

Ownership:

Texas Department of
Transportation (TxDOT)



FM 2920 Project Workflow

Develop Project Goals & Objectives

Data Collection

- Aerial mapping
- Traffic & crash data
- Signals inventory / field visits
- Roadway conditions and land use

Traffic Operations & Analysis

- Develop base map
- Analyze traffic and crash data
- Review and analyze roadway existing geometric conditions and land use

Community
Meeting
11/07

May
2007

Develop Access Management Plan

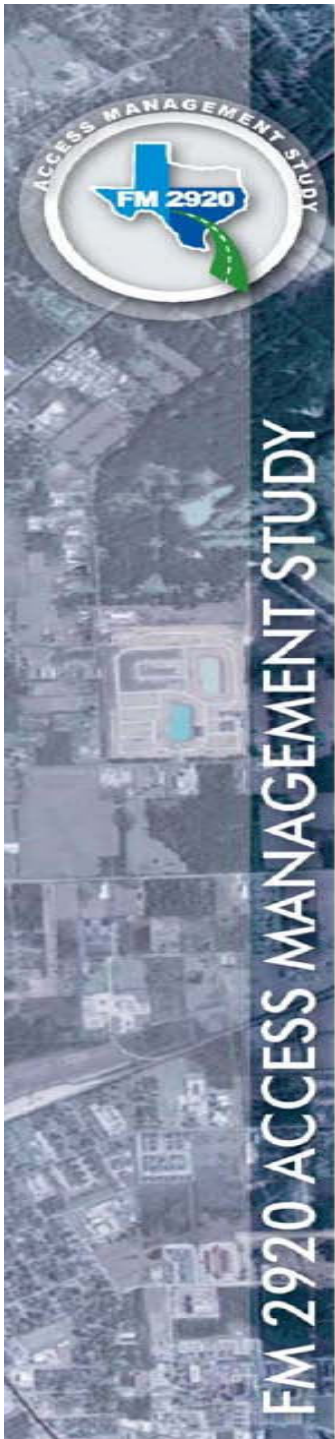
- Identify mobility alternatives
- Identify short, medium and long range projects
- Develop cost estimate and implementation plan

Community
Meeting
3/08

October
2008

Prepare Final Documentation

- Refine project list & project details
- Preliminary cost estimate
- Funding sources
- Prepare and release report



FM 2920 – Summary of Existing Conditions

Traffic Conditions

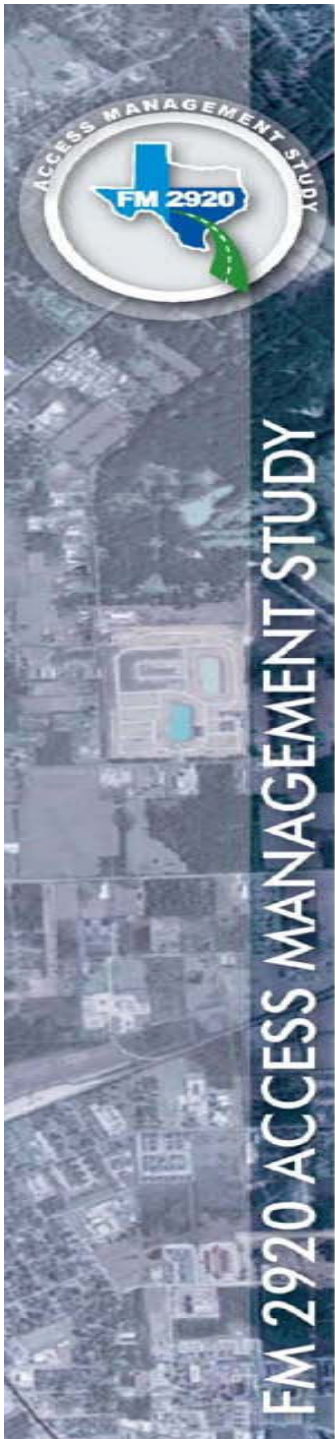
- 7,010 to 58,860 vehicles per day
- Roadway sections east of Kuykendahl and in Tomball are at a level of service F
- 47 signalized intersection and 84 non-signalized Intersections

Crash Data

- 875 crashes between the year 1999 and 2001
- Section in Tomball has the highest crash rates

Roadway Conditions

- Driveway density in some sections as high as 57 driveways/mile
- Sidewalks only in downtown Tomball
- Urban and rural typical sections
- Designated bike route



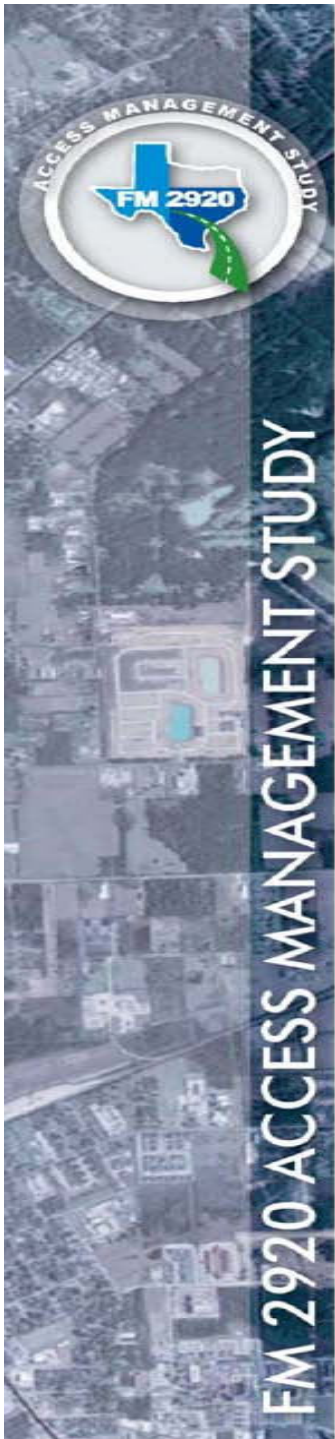
FM 2920: First Series of Public Meetings

First Series of Public Meetings – November 2007

- Number of attendees: **82**
- Comments received: **80**

Summary of Public Priorities

- Signal synchronization
- Evaluate intersection geometry
- Develop reasonable solutions through Tomball and provide adequate parking to support businesses
- Maintain a safe bicycle route along the corridor



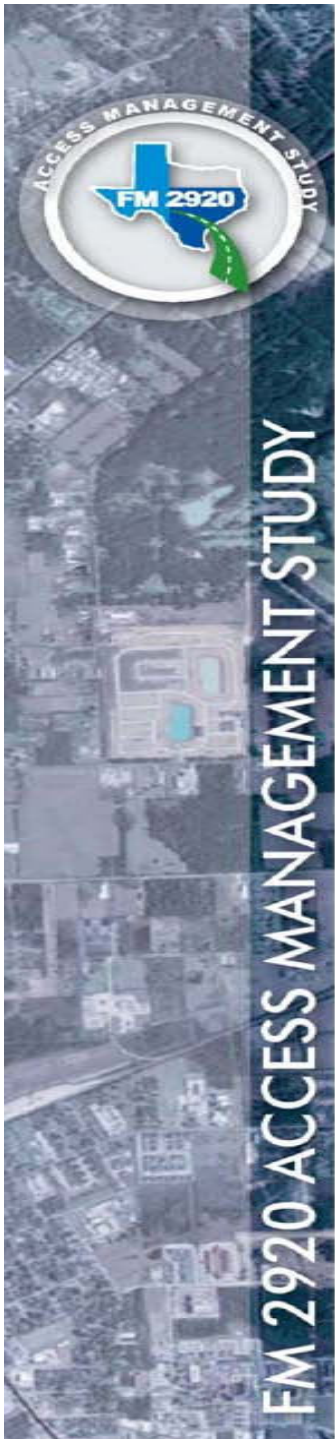
Proposed Access Management Improvements: Signalized Intersections

Traffic Signals

- *Signal timing and synchronization*
- *Back plates on all east-west signal heads (25% reduction in red light running and 32% in crash reduction)*
- *Dedicated left turn signals (97% reduction in left turn crashes)*
- *Switch to all 12" signal heads on FM 2920 (33% to 47% reduction in crashes)*
- *Advance warning signs at high crash rural intersections (reduces crashes 29% to 67%)*
- *Update traffic signal controllers as necessary*
- *Provide fiber optic connections along the corridor*

Geometry

- *Add turning lanes (left turn lane (LTL) reduces crashes by 28% and 48%, and right turn lane (RTL) reduces crashes by 14% and 26% on one or both intersecting roadways respectively)*
- *Recommend driveway modifications near intersection to create an acceptable functional area*
- *Add raised median at high traffic volume intersections*
- *Improve turning radii*



Proposed Access Management Improvements: Non-Signalized Intersections

Signal Warrants

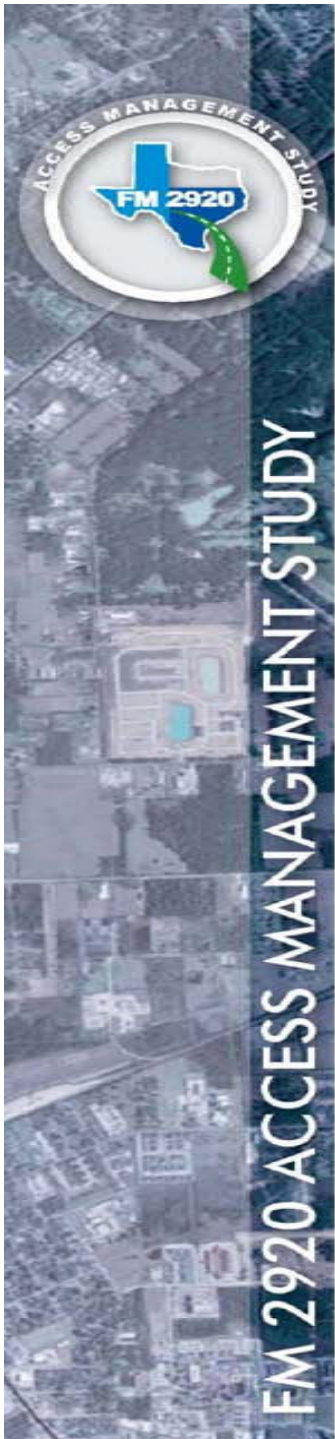
Conduct signal warrant studies as needed due to development

Geometry

- *Add turning lanes (LTL reduces crashes by 28% and 48%, and RTL reduces crashes by 14% and 26% on one or both intersecting roadways respectively)*
- *Recommend driveway modifications near intersection to create an acceptable functional area*

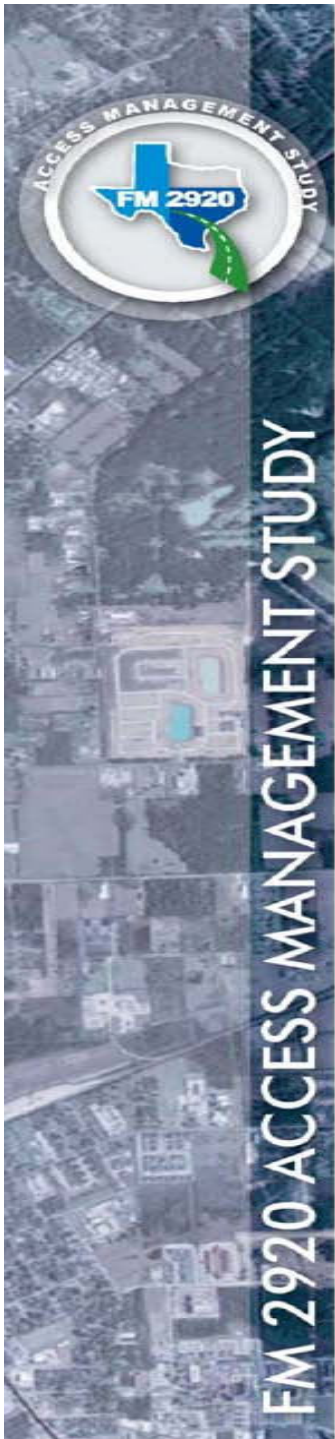
Other Treatments

Install advance warning signs at rural intersections (reduces fatalities by 39% and injuries by 15%)



Proposed Access Management Improvements: Roadway Sections

- *Provide 8 ft shoulders along FM 2920 where existing ROW is 100 -120 feet (sign roadway as bike route)*
- *Add a continuous left turn lane (CLTL) on the 2 lane roadway section*
- *Realign cross streets to eliminate offset intersections*
- *Add roadway markings (left turn lane markings, pedestrian crosswalks, bicycle route, school zones, RR crossings) cited a 60% reduction in rear end crashes*
- *Improve safety control measures at railroad crossings*
- *Install rumble strips across traffic lanes in advance of intersection (50% reduction in rear end and stop violation crashes)*
- *Add block numbering on street signs at intersections*
- *Recommend speed study for the corridor and revise speed limits as necessary*



Proposed Access Management Improvements: Tomball Area

- *Remove on street parking and provide as needed off street parking with adequate signage*
- *Add a wayfinding map for businesses in the downtown area at kiosks in the off street parking lots*
- *Introduce a raised median with pedestrian refuge*
- *Provide channelized left turn lanes at selected locations*
- *Consolidate driveways*
- *Provide wider sidewalks*
- *Provide alternate bike route along parallel roadways*
- *Update and synchronize traffic signals*
- *Improve street signing and provide block numbering*
- *Realign cross streets to eliminate offset intersection*
- *Additional pavement markings for pedestrian and RR crossings*
- *Recommend improvements to parallel east-west facilities including extending Medical Complex from FM 2920 east to FM 2920 west including grade separations at SH 249 and the railroad track*

FM 2920: Proposed Bike Route Improvements



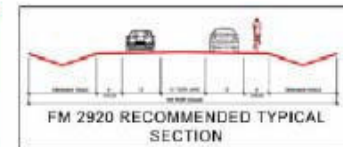
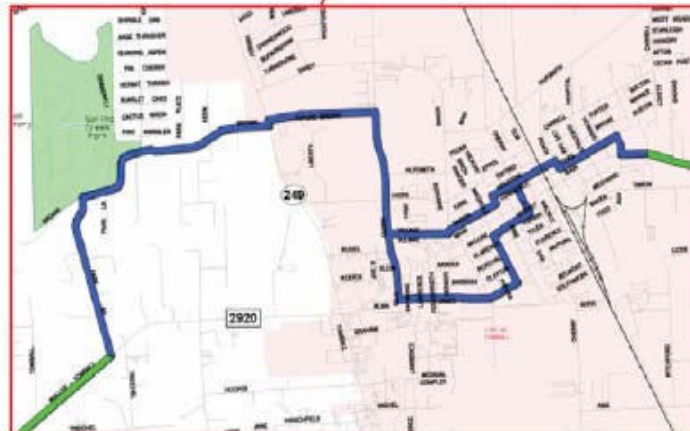
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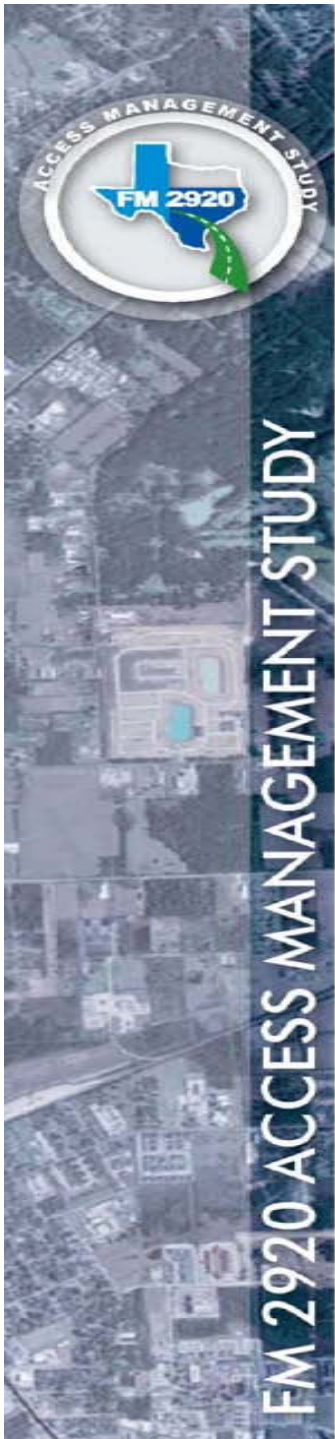
- Existing Bike Route
- Recommended Improvements to Bike Route: Add 8 ft Shoulders on FM 2920
- Recommended Improvements to Bike Route: Street Improvements to be Determined by the City of Tomball

Note:

Bicycle Route System - A system of bikeways designated by the jurisdiction having authority with appropriate directional and informational route markers, with or without specific route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.

For all roadways where bicycle travel is permitted, planning and design should consider provisions for bicycling.





Proposed Improvements

Short-Range Improvements

- Easy to implement projects
- Within the public right-of-way (ROW)

Medium-Range Improvements

- Requires coordination with property owners
- Additional ROW maybe needed

Long-Range Improvements

- Projects requiring greater financial resources
- Extensive coordination
- Longer implementation time

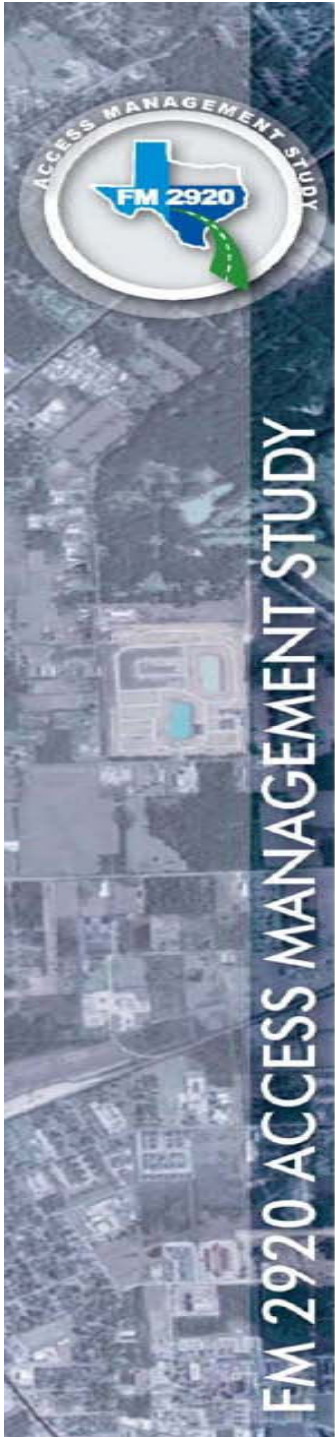
Contact Information

Christy D. Willhite

Access Management Coordinator

713.993.4543

Christy.Willhite@H-GAC.com



Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 17, 2011

Topic:

Discussion of Appointments to the Downtown Tomball Advisory Committee (DTAC).

Background:

On December 20, 2010, the Tomball City Council approved the Professional Services Agreement for the development of the Downtown Specific Plan (DSP) and Zone. The public participation process for the DSP includes the appointment of a Downtown Tomball Advisory Committee. This Committee will meet regularly to provide continuous direction and feedback on the development of the DSP. The DTAC will be instrumental in identifying development challenges in the Downtown and providing recommendations on changes to development and design standards. The DTAC should consist of 12-15 members and should include representatives from the following interests:

- Downtown business owners
- Downtown residents/land owners
- Museum District
- School District
- Representatives from the City at large.

As discussed at the Council meeting of December 20, 2010, the Tomball City Council will assume responsibility in appointing members to the DTAC. Attached is the list of members that were involved in the Livable Centers Advisory Committee as well as the Comprehensive Plan Advisory Committee. Following discussion of this item, Council should be prepared to provide appointment recommendations at the February 7, 2011 City Council meeting.

Origination:

Engineering and Planning Department

Recommendation:

Mayor and Council to appoint members.

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

Engineering and Planning Department

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

ATTACHMENTS:

Livable Centers Advisory Committee Members
Comprehensive Plan Advisory Committee Members

Livable Centers Advisory Committee Members

1. Brian Petrilla
2. Dahlia Garza
3. Huey Kinchen
4. Kathleen Scott
5. Les Heron
6. Mike Ott
7. Pam Dawkins
8. Preston Dodson
9. Rodney Hutson
10. Roy Cavazos
11. Ryan Carstens
12. T.J. Tijerina
13. Tom Crofoot
14. Tricia Hauck
15. Gretchen Fagan
16. Mary Harvey

Comprehensive Plan Advisory Committee Members

1. Ray Deleon
2. Taylor Coleman
3. Brad Hallmark
4. Chris Morris
5. Dan Adkisson
6. Jackie Barnes
7. John Ford
8. Jeff Presnal
9. Jerald Till
10. Kathleen Scott
11. Kit Pfeiffer
12. Michael Gatlin
13. Latrell Simmons Shannon
14. Rodney Light, M.D,
15. Rich Brown
16. Rodney Hutson, M.D.
17. Mark Stoll
18. Susan Bulgawicz
19. Tom Crofoot
20. Tim Torres
21. Earle Oldham
22. James Roberson

Regular City Council

Agenda Item

Meeting Date: January 17, 2011

Data Sheet

Topic:

Discussion regarding Philip O'Sullivan's Request to Abandon City Right-of-Way (a Portion of Ash Street) and Direct City Attorney and Engineering and Planning Staff to Prepare Abandonment Policy for the Abandonment of City Right-of-Way

Background:

Philip O'Sullivan, Rose Land Ventures, LLC issued a letter to the City Manager, dated November 22, 2010 (attached) requesting the abandonment of a portion of Ash Street. In addition, the requestor provided a survey (attached) of the location of the portion of Ash Street requested to be abandoned and correspondence from the Harris County Flood Control District, dated October 28, 2010 (attached). The Engineering and Planning staff prepared an aerial overview of the subject request for discussion purposes (attached).

Origination:

City Manager

Recommendation:

Recommend City Council direct Engineering and Planning Department and the City Attorney to develop an abandonment of Public ROW policy (guidelines and process) for future Council consideration.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

ROW Abandonment Request Letter

Survey

HCFCF No Objection Letter

Aerial Map

Mr. Philip O'Sullivan
Rose Land Ventures LLC
16014 Birchview Drive,
Tomball, Texas 77377

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



November 22, 2010

Dear Mr. Shackelford,

I am a real estate developer and have built, own and lease several duplexes on the east side of Old Town Tomball. I am delighted to inform you that by working in concert with the city we have made these residences a success for the tenants, the neighborhood, the city and my company.

In that same neighborhood I own another parcel of land platted as "Kana Industrial Park" (new lot 25, block 82). This parcel is flanked on two sides by unimproved city property. The boundary line to the east of my parcel is shared by the "Ash street unimproved right of way" and the south property line is shared by additional unimproved city property. I request the city of Tomball abandon these properties and allow me to develop the properties for private use.

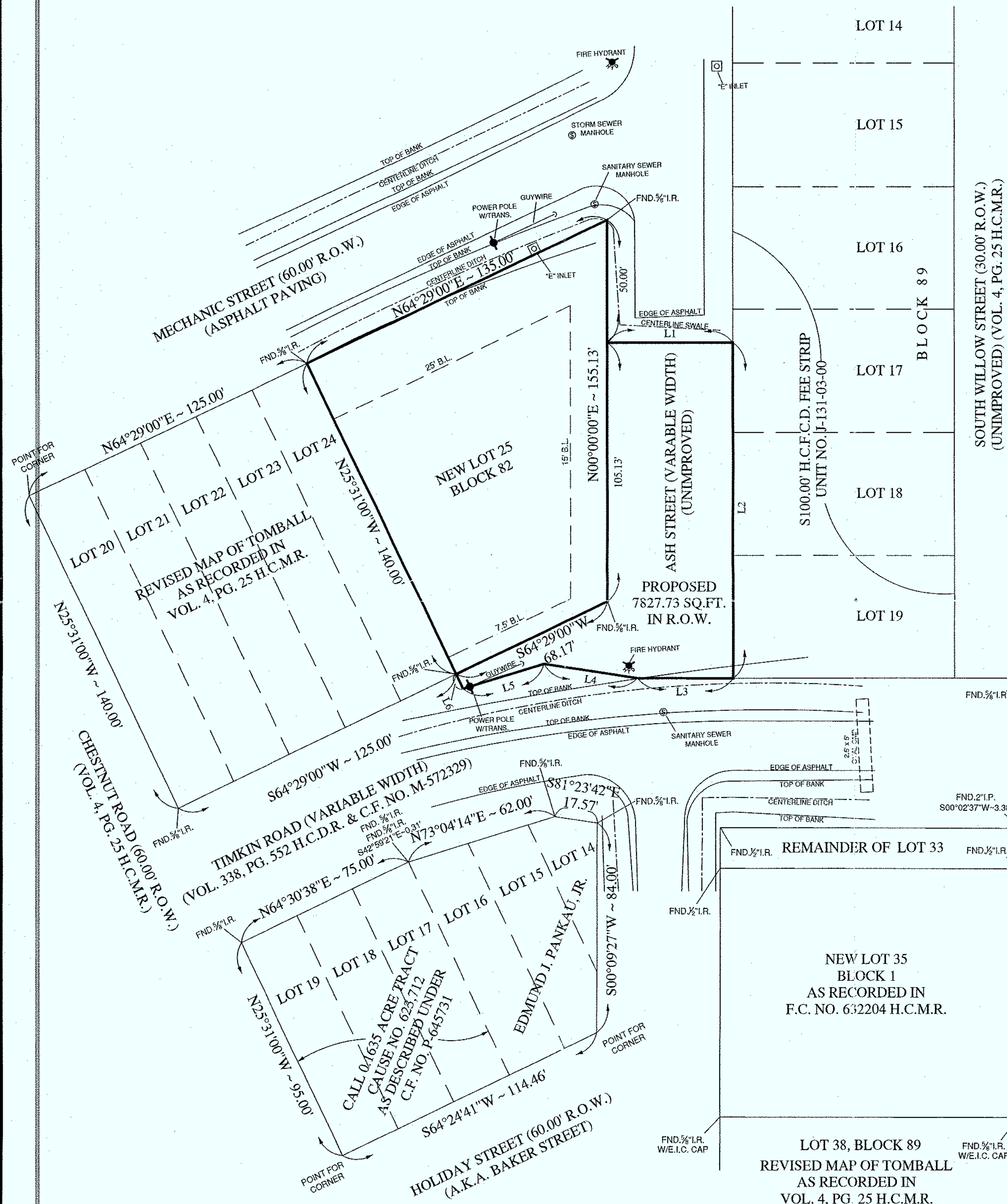
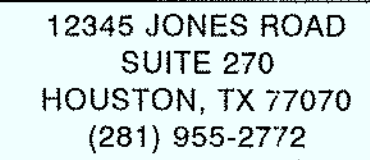
It is my understanding that property abandoned by the city reverts to the adjacent property owners. With that understanding I have obtained a letter from Harris County Flood Control District, the property owner adjoining the eastern side of the "Ash street unimproved right of way, stating that they have no interest in the land. A copy of the letter has been sent to Tomball Engineering.

I have enclosed a survey that defines my property and the city property. And I welcome any questions and input that you may have about my request. I look forward to again working with the City of Tomball.

Thank you for your consideration in this matter.

Sincerely,

Philip O'Sullivan
President
Rose Land Ventures



LINE	LENGTH	BEARING
L1	50.93	N90°00'00"E
L2	136.41	S00°02'08"E
L3	38.78	N89°48'51"W
L4	38.76	N81°23'42"W
L5	34.09	S73°04'14"W
L6	6.56	N25°31'00"W

SUBJECT TO :

1. © 2010, All Rights Reserved.
2. Survey is valid only if print has original Impression Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
3. This Survey has been done without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on recorded plat.
4. Preliminary, this document shall not be recorded for any purpose. For informational purpose only. Not a certified copy without original seal and signature.

This Property Lies in Zone "X"
Outside the 100 Year Flood Plain
Per Graphic Scaling according to
Community Panel No.4803150230L
having an effective date 06-18-2007
Job No. 10-564-11
Scale 1" = 30'
Date 11-12-2010
Drawn By: M.P.

Purchaser ROSE LAND VENTURES, LLC.
Address -0- ASH STREET
New Lot 25, Block 82, Section _____, A _____
Survey _____, Area _____
Subdivision KANA INDUSTRIAL PARK
Film Code No. 437064, _____ MAP _____ Records,
HARRIS County, Texas

PRELIMINARY
This document shall not
be recorded for any purpose.
For informational purpose only.
Not a certified copy without
original seal and signature.



9900 Northwest Freeway
Houston, Texas 77092
713-684-4000
www.hcfc.org

October 28, 2010



Mr. Philip O'Sullivan
President
Rose Land Ventures
16014 Birchview Drive
Tomball, Texas 77377

RE: Abandonment of Ash Street Unimproved Right-of-Way
HCFC Unit J131-03-00

Dear Mr. O'Sullivan

The Harris County Flood Control District (HCFC) has reviewed your recent request and attachments requesting if HCFC has any interest in the portion of Ash Street road Right-of-Way (ROW) adjacent to HCFC Unit J131-03-00.

As you indicated, the City of Tomball is considering abandoning this portion of the unimproved road ROW and allowing you to develop the property for private use.

After review by the appropriate departments, the HCFC has determined that it does not have any interest in the portion of the Ash Street road ROW adjacent to Unit J131-03-00.

If you have any questions, please feel free to contact me at 713-684-4000.

Sincerely,

Layne Yeager
Property Management Department

KLY:gh

cc: City of Tomball
J. Henderson - Precinct 4
M. Denny - Precinct 4
C. Haynes - HCFC



Howard & Ash
Green & Mechanic



0 75 150 Feet



Regular City Council

Agenda Item

Meeting Date: January 17, 2011

Data Sheet

Topic:

Receive the City Manager's Vested Rights Determination Letter dated January 10, 2011, regarding Brandt Development

Background:

On November 30, 2010, Brandt Exploration requested a determination of vested rights for 13.1459 acres of land, annexed on December 4, 2006; the property was designated as commercial property at the time the annexation was completed. When the zoning ordinance was adopted, the property was designated as agricultural.

Under Chapter 245 of the Texas Local Government Code, a property owner or developer has the right to complete a project under the rules, regulations and ordinances in effect at the time the project was first initiated through a "permit" application (usually the plat). If it is determined that a project has vested rights, any ordinances passed after the date the project is initiated shall not apply to the project (except specific exceptions, such as building codes, fees, etc.). A preliminary plat approval creates vested rights for the entire subdivision area, including individual lots.

After reviewing the vested rights request, the City's records, and in consultation with the City's Attorney, the City Manager issued a vested rights determination on January 10, 2011 in accordance with Section 48.5 of the City's Zoning ordinance. The determination letter (attached) issued to Robert E. Brandt defines the project as a commercial development consisting of seven tracts totaling approximately 13.1459 acres as configured in substantially the same layout as shown on the Preliminary Site Plans submitted to the City on February 14, 2007, and defines the date of first permit as November 20, 2006. The letter states that "All of the City's current ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of C-Commercial District under the City's Zoning Ordinance for development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.
2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.
3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current lot coverage requirements.
4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current landscaping requirements.

The issuance of the vested rights determination is a legal decision based on plans presented to the City and permits issued by the City to Brandt Exploration relative to the project prior to the City's adoption of the Zoning Ordinance.

Origination:

George Shackelford, City Manager

Recommendation:

Receive the Vested Rights Determination Letter from the City Manager.

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:

Vested Rights Determination Letter - Brandt Exploration



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

January 10, 2011

Robert E. Brandt, President
Brandt Exploration, LLC
10330-A Lake Road
Houston, TX 77070

Re: Vested Rights Determination Letter for the Brandt Exploration Commercial Development of 13.11459 acres of land, including 4.998 acres of land (TRS 487B-1, 488A, & 489A Tomball Outlots) and 8.1479 acres of land (TRS 487C, 488B, 489B, & 490B Tomball Outlots)

Dear Mr. Brandt:

By letter dated November 30, 2010, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to the development of approximately 13.1459 acres of property owned or controlled by Brandt Exploration, LLC. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner(s):

Brandt Exploration, LLC
10330 Lake Road -A
Houston, TX 77070-1696

RDBE, LLC
18718 Spring Heather Court.
Spring, TX 77379-2780

The Property: Seven tracts totaling approximately 13.1459 acres of land, out of the Tomball Outlots, (legally described as TRS 487B-1, 488A, 489A, 487C, 488B, 489B, & 490B) Harris County, Texas, generally located on the easterly side of Hufsmith Kohrville Road, northerly of Spell Road. See Exhibit A, attached.

The Project: A commercial development consisting of seven tracts totaling approximately 13.1459 acres as configured in substantially the same layout as shown on the Preliminary Site Plans submitted to the City on February 14, 2007. (See Exhibit B, attached).

Date of First Permit: November 20, 2006 (Annexation Ordinance No. 2006-20 (4.998 acres) and Annexation Ordinance No. 2006-21 (8.1479 acres), Exhibit C).

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

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

401 MARKET STREET • TOMBALL, TEXAS 77375 • 281-351-5484

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of C-Commercial District under the City's Zoning Ordinance for development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.

2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.

3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current lot coverage requirements.

4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current landscaping requirements.

Duration of Determination: Pursuant to Zoning Ordinance Section 48.2, some permits vested under this letter may expire two years from the date of such permit unless progress is made towards completion of the Project; provided, however, that such permit(s) shall expire no earlier than the fifth anniversary of the date the first permit applications were filed for the Project (i.e., November 20, 2011), pursuant to Section 245.005 (b) of the Texas Local Government Code. Provided, further, a permit application may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.002(e)(2) of the Texas Local Government Code.

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

Sincerely,



George Shackelford
City Manager

cc: Mayor and City Council
Scott Bounds, Olson & Olson, LLP
Dan Dompier, DK Interests

[illegible]

Brewer & Escalante
CIVIL ENGINEERS

DEVELOPED AND OWNED BY
RUSSELL PETRUCCIANI & BRANDT EXPLORATION

7600 W TIDWELL, SUITE 103, HOUSTON, TEXAS 77040
PHONE: (713)688-3530 FAX: (713)688-5476

60' DRAINAGE DITCH TO EXISTING SYSTEM & BUILDING CORNER

ONSITE DETENTION SECTION

50' DRAINAGE DITCH SECTION

TRACT 1 BUILDING AREA
1 TYPE 'A' @ 6,000 SQ. FT. EA. = 4,000 SQ. FT.
1 TYPE 'B' @ 6,000 SQ. FT. EA. = 3,600 SQ. FT.
TOTAL BUILDING SQ. FT. = 7,600 SQ. FT.

TRACT 2 BUILDING AREA
6 TYPE 'A' @ 6,000 SQ. FT. EA. = 36,000 SQ. FT.
1 TYPE 'B' @ 6,000 SQ. FT. EA. = 3,600 SQ. FT.
TOTAL BUILDING SQ. FT. = 39,600 SQ. FT.

BUILDING TYPES
BUILDING 'A' (60'x60') 6,000 SQ. FT.
BUILDING 'B' (60'x40') 2,400 SQ. FT.
BUILDING 'C' (60'x60') 3,600 SQ. FT.

TRACT 1
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TRACT 130
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TRACT 131
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PRELIMINARY SITE/DRAINAGE PLAN
SCALE: 1" = 100'

CURVE	DELTA ANGLE	RADIUS	TANGENT	CHORD BEARING
C1	03°11'3"	1367.18'	36.04'	N 18°52'27" W
LINE	DISTANCE	BEARING		
U	77.98'	N 20°23'09" W		

TRACT 1 BUILDING AREA		TRACT 2 BUILDING AREA		BUILDING TYPES	
1 TYPE "A" 4,000 SQ. FT.	4,000 SQ. FT.	1 TYPE "A" 4,000 SQ. FT.	4,000 SQ. FT.	BUILDING "A" (100404)	4,000 SQ. FT.
4 TYPE "B" 8,400 SQ. FT.	8,400 SQ. FT.	1 TYPE "B" 8,400 SQ. FT.	8,400 SQ. FT.	BUILDING "B" (100405)	8,400 SQ. FT.
TOTAL BUILDING SQ. FT.	12,400 SQ. FT.	TOTAL BUILDING SQ. FT.	12,400 SQ. FT.	BUILDING "C" (100406)	8,400 SQ. FT.
				BUILDING "D" (100407)	4,000 SQ. FT.
				BUILDING "E" (100408)	4,000 SQ. FT.

BUILDING TYPE	6,000 SQ. FT.	8,400 SQ. FT.	9,600 SQ. FT.
BUILDING "A" (100'x60')			
BUILDING "B" (140'x60')			
BUILDING "C" (120'x80')			

THIRD COAST ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN

Brewer & Escalante
CIVIL ENGINEERS

7600 W TIDWELL, SUITE 103, HOUSTON, TEXAS 77040
PHONE: (713)688-3530 FAX: (713)688-5476

DEVELOPED AND OWNED BY
RUSSELL PETRUCCIANI & BRANDT EXPLORATION

DEVELOPED AND OWNED BY

ORDINANCE NO. 2006-20

20060246911
12/07/2006 RP3 \$60.00

12
Dad
✓

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (4.998 ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD)

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in Exhibit "A" attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as Exhibit "B" and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such

ORDINANCE NO. 2006-20
Annexation -- 4.998 Acres
Page 2

territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

Section 4. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Exhibit "C"

ORDINANCE NO. 2006-20
Annexation - 4.998 Acres
Page 3

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
NOVEMBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>ABSENT</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR
MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH
DAY OF _DECEMBER, 2006.

COUNCILMAN QUINN	<u>ABSENT</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

ATTEST:


DORIS SPEER, City Secretary


H. G. HARRINGTON, Mayor

AFTER RECORDING, PLEASE RETURN TO:

City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Attn: Doris Speer, City Secretary
Phone: 281-290-1002

ORDINANCE NO. 2006-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (8.1479 ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD)

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such

ORDINANCE NO. 2006-21
Annexation – 8.1479 Acres
Page 2

territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

Section 4. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

ORDINANCE NO. 2006-21
Annexation - 8.1479 Acres
Page 3

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
NOVEMBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>ABSENT</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR
MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH
DAY OF __DECEMBER, 2006.

COUNCILMAN QUINN	<u>ABSENT</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>


H. G. HARRINGTON, Mayor

ATTEST:


DORIS SPEER, City Secretary

BRANDT EXPLORATION LLC

10330-A Lake Road
Houston, TX 77070
281-379-3111

November 30, 2010

Doris Speer
City Secretary
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

RE: Vested Rights Determination of 4.998 Acres of Land and 8.1479 Acres of Land (the "Property")

Madam Secretary:

On December 4, 2006, the City of Tomball, Texas annexed 4.998 acres of land and 8.1479 acres of land owned by or controlled by Brandt Exploration, LLC, a Texas Limited Liability Company of which I am the Principle Owner. The properties are vacant and are shown on the current zoning map as of November 2, 2010, as being AG (Agriculture). At the time of annexation, it was officially noted that the property was to be used in a commercial development. (Source: Notification to listed parties of The City of Tomball's Ordinance No. 2006-20 and 2006-21 respectively, by Doris Speer, December 5, 2006).

In the ensuing 4 years, the development planned for the use of this land has been an active and ongoing continuous venture as evidenced by meetings with the City of Tomball Development and Review Committee; City of Tomball Engineering; Tomball Economic Development Corporation; the purchase and acquisition of additional property and significant expenditures for professional Engineering and Consultants for the property's commercial real estate development.

Section 48.2 (Vested Rights and Review Procedure sub paragraph 2, City of Tomball Zoning Ordinance) sets forth the definition of "progress" for proving up commercial development progress benchmarks. Beginning from the work to prepare the property for annexation; its presentation to City Council; its formal Plan presented to the City Development Review Committee at its meeting on February 14, 2007 through the ensuing years and continuing to this date, we have performed "progress" as defined by the City Zoning Ordinance guidelines. The Site Plan was approved subject to the City of Tomball acquiring Right-of-Way for its alignment and extension of Medical Complex Drive and final development plan submittal. We have maintained our Vested Rights to use the land for commercial development.

It is my position that the commercial development plan for this property is an ongoing work in progress for both the Developer and for the City of Tomball, and that the property was mistakenly zoned agricultural (AG) and not commercial (C). Unless and until the City of Tomball aligns and acquires the Right-of-Way for Medical Complex Drive, the final development plan for the property cannot be completed. This position has been known by both the Developer and the City of Tomball since before the annexation process began in 2006.

Doris Speer

City Secretary

City of Tomball, Texas

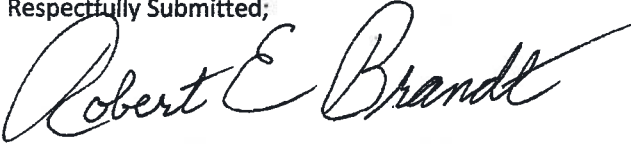
Vested Rights Determination of 13.1479 acres consisting of a 4.998 acre and 8.1479 acre Tracts

November 30, 2010

Page 2 of 2:

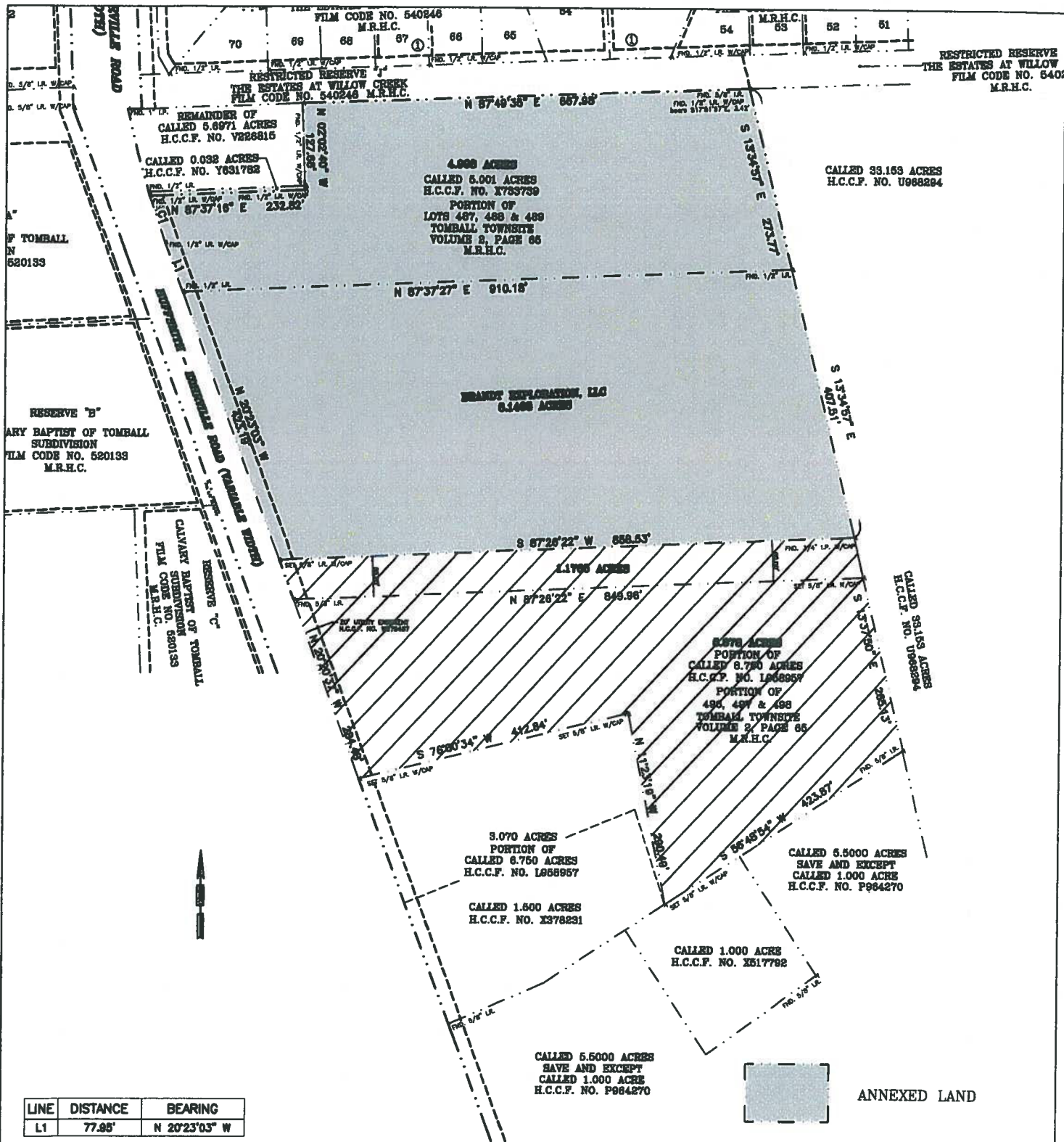
Therefore, I hereby request that this letter be accepted as my formal petition to the City of Tomball to grant a Vested Rights Determination in favor of the subject tracts of land and to remain (C) Commercial Development within the City of Tomball's Zoning Ordinance.

Respectfully Submitted;

A handwritten signature in black ink, reading "Robert E. Brandt". The signature is written in a cursive, flowing style with a large initial "R" and "B".

Robert E. Brandt, President

Brandt Exploration LLC



REV. D

SHEET OF

EX-1

DEVELOPMENT SERVICES
INCORPORATED

800 Town & Country Lane Suite 220 Houston, Texas 77024 (713) 947-8211

OWNER SWG

ORDERED SWG

DATE 06/24/10

SHEET TITLE

PROPOSED
LAND PLAN

BRANDT DEVELOPMENT
HUFSMITH-KOHRVILLE RD
TOMBALL, TEXAS

BRANDT EXPLORATION, LLC
75 MANOR LAKES ESTATES DR.
SPRING, TEXAS 77379

Regular City Council

Agenda Item

Meeting Date: January 17, 2011

Data Sheet

Topic:

Receive the City Manager's Vested Rights Determination Letter dated January 11, 2011, regarding Tomball Marketplace

Background:

On November 30, 2010, CLR, Inc. requested a determination of vested rights for the property owned by Weingarten/Investments, Inc., a 57.14-acre tract of land, known as Tomball Marketplace. The property was designated as commercial property when the initial permit application was submitted.

Under Chapter 245 of the Texas Local Government Code, a property owner or developer has the right to complete a project under the rules, regulations and ordinances in effect at the time the project was first initiated through a "permit" application (usually the plat). If it is determined that a project has vested rights, any ordinances passed after the date the project is initiated shall not apply to the project (except specific exceptions, such as building codes, fees, etc.). A preliminary plat approval creates vested rights for the entire subdivision area, including individual lots.

After reviewing the vested rights request, the City's records, and in consultation with the City's Attorney, the City Manager issued a vested rights determination on January 11, 2011 in accordance with Section 48.5 of the City's Zoning ordinance. The determination letter (attached) issued to Robert E. Brandt defines the project as a retail development consisting of nine platted individual lots and two reserves as configured in substantially the same layout as shown on the site plans dated October 25, 2006, and defines the date of first permit as July 10, 2006. The letter states that "All of the City's current ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of C-Commercial District under the City's Zoning Ordinance for development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.
2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Plat and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.
3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Plat and the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current lot coverage requirements.
4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Plat and the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current landscaping requirements.

The issuance of the vested rights determination is a legal decision based on plans presented to the City and permits issued by the City to Tomball Marketplace relative to the project prior to the City's adoption of the Zoning Ordinance.

Origination:

George Shackelford, City Manager

Recommendation:

Receive the Vested Rights Determination Letter from the City Manager.

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:

Vested Rights Determination Letter - Tomball Marketplace



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

January 11, 2011

Kyle A. Bertrand, P.E.
CLR, Inc.
P.O. Box 450
Waller, Texas 77484

Re: Vested Rights Determination Letter - Tomball Marketplace

Dear Mr. Bertrand:

By letter dated November 30, 2010, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to the development of approximately 57.14 acres of property known as Tomball Marketplace. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner: Weingarten/Investments, Inc.
2600 Citadel Plaza Drive, Suite 125
Houston, TX 77008.

The Property: Nine Lots and two (2) Reserves totaling approximately 57.14 acres of land, out of the John M. Hooper Survey, Abstract 375, Film Code 605157, Harris County, Texas, generally located on the southerly side of FM 2920, westerly of Tomball Parkway (S.H. 249). See Exhibit A, attached.

The Project: A retail development consisting of nine platted individual lots and two reserves as configured in substantially the same layout as shown on the site plans dated October 25, 2006 (See Exhibit B, attached).

Date of First Permit: July 10, 2006 (preliminary plat, Exhibit A).

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

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

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

development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.

2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Plat and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.

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

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

Duration of Determination: Pursuant to Zoning Ordinance Section 48.2, some permits vested under this letter may expire two years from the date of such permit unless progress is made towards completion of the Project; provided, however, that such permit(s) shall expire no earlier than the fifth anniversary of the date the first permit applications were filed for the Project (i.e., July 10, 2011), pursuant to Section 245.005 (b) of the Texas Local Government Code. Provided, further, a permit application may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.002(e)(2) of the Texas Local Government Code.

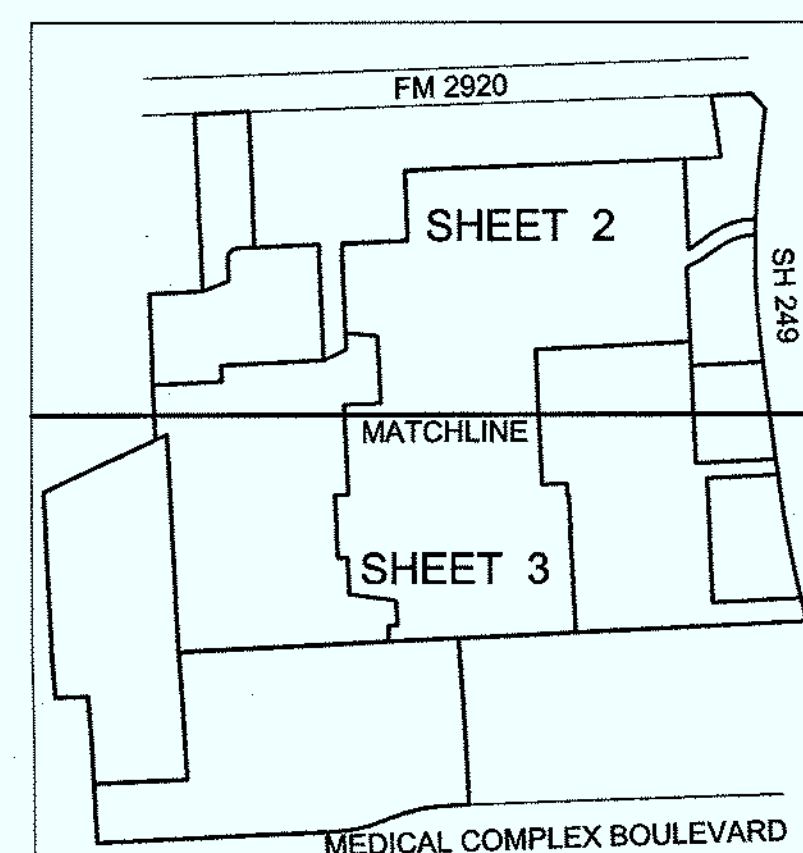
Rights of Appeal: This letter has certain legal consequences. The property owner and/or the City Council have the right to appeal this determination to the City's Board of Adjustments if the property owner and/or the City Council believes that this vested rights determination is in error. Zoning Ordinance,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

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Shackelford', enclosed within a hand-drawn oval.

George Shackelford
City Manager

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



SHEET LAYOUT
SCALE: 1" = 500'

OWNER:
WEINGARTEN/INVESTMENTS, INC.
2600 Citadel Plaza Drive, Suite 300
Houston, Texas 77008
713-866-6900

SURVEYOR / ENGINEER:
CLR, Inc.
Engineers • Surveyors • GIS
7600 West Tidwell, Suite 400, Houston, Texas 77040
Phone: (713) 462-0993 Fax: (713) 462-2732

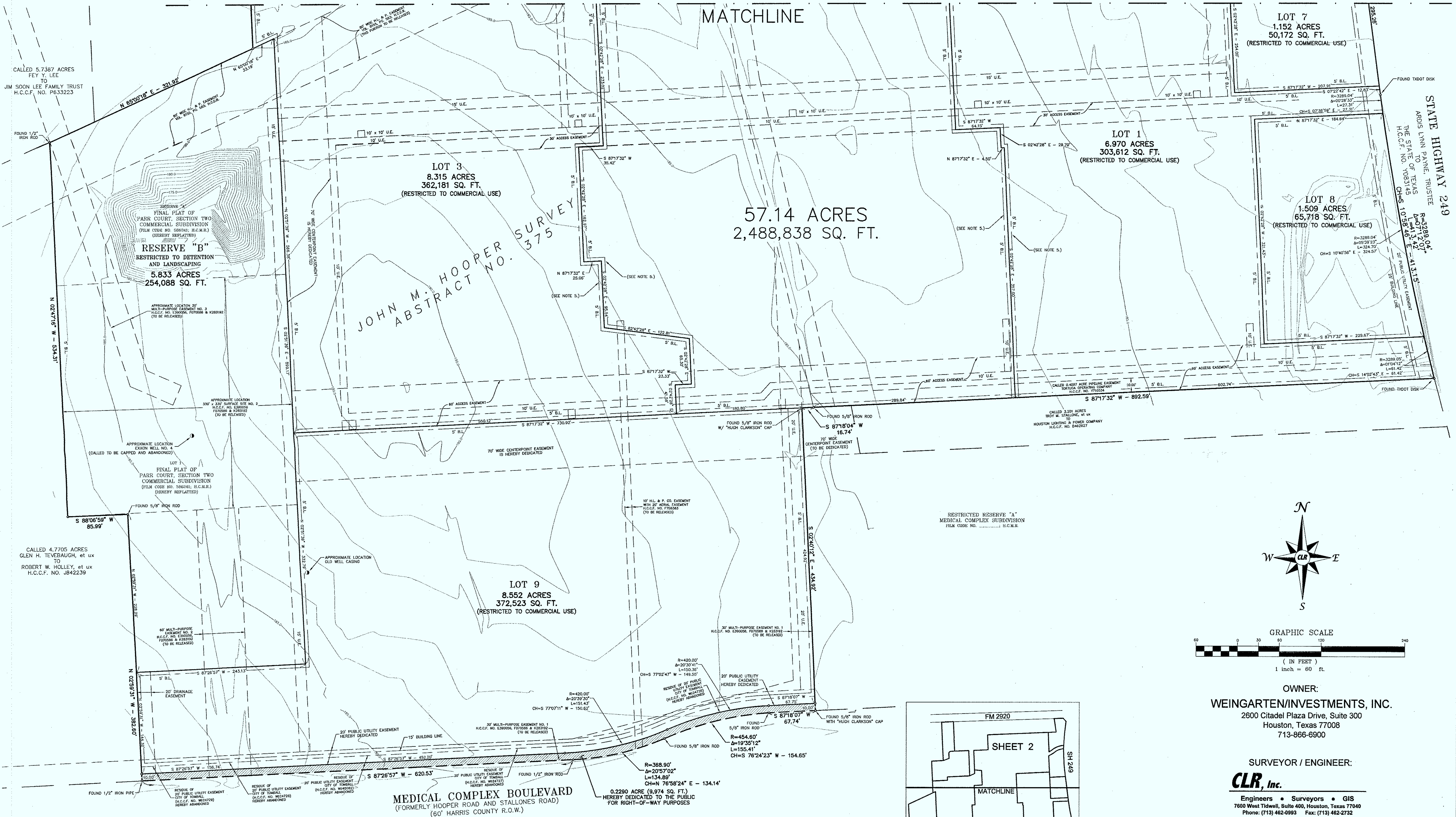
PRELIMINARY PLAT

TOMBALL MARKETPLACE

9 LOTS 2 RESERVES

SCALE: 1"=60' JULY, 2006 SHEET 2 OF 3

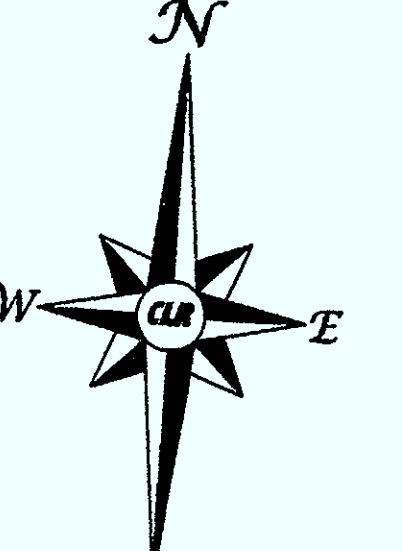
SEE SHEET 2
MATCHLINE



VICINITY MAP
SCALE: 1" = 1/2 MILE

LEGEND

- FL - FLOW LINE
- OPP - CORRUGATED PLASTIC PIPE
- TOP - REINFORCED CONCRETE PIPE
- TC - TOP OF CURB
- CU - CUTTER
- C/O - CLEAN OUT
- DO - DOWN GUY
- MP - MANHOLE
- EP - ELECTRIC RIG
- TP - TELEPHONE PEDESTAL
- TSO - TRAFFIC SIGN
- TF - TRANSFORMER
- LT - LIGHT
- SH - SPRINKLER HEAD
- GI - GATE INLET
- TSB - TRAFFIC SIGNAL BOX
- FH - FIRE HYDRANT
- WM - WATER METER
- WV - WATER VALVE
- OP - OVERHEAD POWER LINE
- TOP - TOP OF BANK
- WF - WOOD FENCE
- CL - CHAIN LINK FENCE
- BF - BARBED WIRE FENCE
- H.C.C.F. - HARRIS COUNTY CLERK'S FILE
- H.C.M.R. - HARRIS COUNTY MAP RECORD
- H.C.D.R. - HARRIS COUNTY DEED RECORD



GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

NOTE:
DIMENSIONS ARE TO THE FACE OF CURBS.

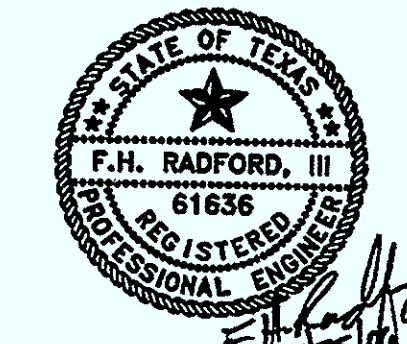
ISSUED FOR PERMIT
10/25/06

TOMBALL MARKETPLACE
PROPOSED DEVELOPMENT IN THE JOHN M. HOOPER
SURVEY, ABSTRACT NO. 375, CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

CLR, Inc.

Civil Engineers & Surveyors - GIS
7400 West Tidwell, Suite 400, Houston, Texas 77040
Phone: (713) 442-0993 • Fax: (713) 442-2732

DESIGN: CLR
DATE: SEPTEMBER 2008



CIVIL PLANS
DIMENSION SITE
PLAN

DRAWING NO.

C.6

CLR 06-009-05



November 30, 2010

Ms. Doris Speer, City Secretary
401 Market Street
Tomball, Texas 77375

**Re: Tomball Marketplace
Vested Rights Request**

Dear Ms. Speer:

Pursuant to Section 48.4 of Ordinance No. 2008-01 "Zoning Ordinance", CLR, Inc., is submitting this request on behalf of Weingarten/Investments, Inc., for vested rights applicable to the Tomball Marketplace retail development. Specific information pertaining to this request is as follows:

1. Property owner: Weingarten/Investments, Inc.
2600 Citadel Plaza Dr., Suite 125
Houston, Texas 77008

Authorized agent: Kyle A. Bertrand, P.E.
CLR, Inc.
Tel. 713 462 0993 x18
Fax 713 462 2732
2. Subject Property: A 57.14-acre subdivision recorded under Film Code 605157 of the Harris County Map Records on October 17, 2006.
3. Project Identification: Tomball Marketplace
4. Date of initial permit application:
July 10, 2006, Preliminary Plat
5. Date of initial permit issuance:
November 10, 2006, Construction Permit # 200601288 – 14325 FM 2920
6. Project chronology:
February 27, 2007, Construction Permit # 200700168 – 14015 FM 2920
February 27, 2007, Construction Permit # 200700169 – 14001 FM 2920
September 4, 2007, Construction Permit # 200700168 – 28341 Hwy 249 Bypass
7. Regulations affecting development at the time of original application:
Chapter 14 Buildings and Building Regulations
Chapter 44 Landscaping Regulations
Chapter 70 Plats and Subdivision of Land
8. Regulations not affecting development at the time of original application:
Ordinance 2008-01 Zoning, adopted February 4, 2008

ENGINEERS • SURVEYORS • GIS

P.O. Box 450, Waller, Texas 77484
Phone 713-462-0993 • Fax 713-462-2732 • Toll Free 800-694-8241 • www.clri.com

9. Regulations that the property owner contends would apply to the project that predate the regulations that the property owner contends do not apply:
Zoning – none predating Ordinance 2008-01

Vested rights are requested for: Chapter 14 Buildings and Building Regulations
Chapter 44 Landscaping Regulations
Chapter 70 Plats and Subdivision of Land
Landscaping or tree preservation; Open space or park dedication; Lot size; Lot dimension; Lot coverage; and Building size.

Your favorable consideration of this request for vested rights will be appreciated. Please advise should additional information be required.

Yours truly,

CLR, Inc.



Authorized Agent

Cc: Eric Strauss, Regional Director New Development, Weingarten/Investments, Inc.,
Kelly Violette, City Planner/Community Development Coordinator, City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 17, 2011

Topic:

Approve Resolution No. 2011-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election, to be Held in the City of Tomball on Saturday, May 14, 2011; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of such Election

Background:

Resolution No. 2011-01 orders the Regular City Officer's Election, which will be held on Saturday, May 14, 2011 for Council Positions 1 and 5.

The first day to file an Application for Place on Ballot is Saturday, February 12, 2011; the last day to file an Application for Place on Ballot is Monday, March 14, 2011 at 5:00 p.m.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, May 3, and Tuesday, May 10, 2011.

The 2010 City general and runoff elections cost \$14,789.01; city elections typically cost between \$7,000 and \$8,000. Additional expenses may be incurred due to changes in voting laws, new translation requirements, training requirements, increased costs in the contract with Harris County Elections Division, the rising costs of advertising, etc. The amount budgeted for elections for FY 2011 is \$21,800, which includes funds for a general and run-off election, as well as a possible emergency or other special election (i.e., vacancy, bond, or charter election); the budgeted funds should be sufficient to cover election charges.

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2011-01

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--01 English

Resolution No. 2011-01-Spanish

Resolution No. 2011-01-Vietnamese

RESOLUTION NO. 2011-01

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY, MAY 14, 2011; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 14th day of May, 2011, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**COUNCIL POSITION 1
COUNCIL POSITION 5.**

Section 2: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

Mary Coats, Presiding Judge
Patsy Kinsey, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$11.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$10.00 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4: The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, May 3, 2011 and Tuesday, May 10, 2011.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Optical Scan ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures

necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8: Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 9: The first day to file an application for place on ballot is February 12, 2011. All candidates for election for the Office of City Councilman, Council Positions 1 and 5, must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on March 14, 2011 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 18, 2011. Early voting for the Runoff Election will begin June 6, 2011 and end June 14, 2011. All terms, conditions, and provisions established for the May 14, 2011 Regular City Officers Election shall apply to the Runoff Election.

Section 11: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this ____ day of January 2011.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2011-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 14 DE MAYO DE 2011; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 14 de mayo de 2011, elección en la cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

**CONCEJAL, POSICIÓN 1
CONCEJAL, POSICIÓN 5**

Sección 2: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Mary Coats, Juez Presidente
Patsy Kinsey, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$11.00 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$10.00 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser conforme con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente está abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 3 de mayo de 2011 y el martes 10 de mayo de 2011.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de lectura óptica y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

Sección 6: Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

Sección 7: Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierran las casillas de votación.

Sección 8: Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 12 de febrero de 2011. Todos los candidatos para el cargo de Concejal Municipal, Concejal Municipal 1 y 5, deben presentar sus nombres ante la Secretaria de

la Ciudad de Tomball para las 5:00 P.M. del 14 de marzo de 2011 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 18 de junio de 2011. La votación anticipada de la Elección de Desempate comenzará el 6 de junio de 2011 y terminará el 14 de junio de 2011. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 14 de mayo de 2011 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

PASADA, APROBADA y RESUELTA este día _____ de enero de 2011.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2011-01

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC NGÀY
THỨ BẢY, 14 THÁNG NĂM, 2011; THIẾT LẬP CÁC ĐỊA ĐIỂM
BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH BẦU
CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA THÔNG
BÁO CỦA CUỘC BẦU CỬ; THIẾT LẬP NGÀY CHO CUỘC BẦU
CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI TIẾT CÓ
LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

* * * * *

**HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS RA NGHỊ
QUYẾT:**

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai, 14 tháng Năm, 2011, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành Phố Tomball nói trên, gồm có:

VI TRÍ

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 1
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 5**

Mục 2: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử, phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00) chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

Mary Coats, Trưởng Ban Điều Hành
Patsy Kinsey, Trưởng Ban Điều Hành Dự Khuyết

Bí Thư Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ như đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban điều hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bầu Cử Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$11.00; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$10.00 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

Mục 4: Bí thư Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Bí Thư Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày thứ Hai, thứ Tư, và thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày thứ Sáu, trừ ngày thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào ngày thứ Ba, 3 tháng Năm, 2011 và thứ Ba, 10 tháng Năm, 2011.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu đã bầu. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá

nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Bí Thư Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu chụp quét quang điện sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Bí Thư Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mướn các viên chức phụ trách bầu cử được cấp phép.

Mục 6: Bí Thư Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

Mục 7: Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Bí Thư Thành Phố sau khi đóng cửa phòng phiếu.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp tiểu bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống trong xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo luật Quyền bầu cử Liên bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của thành phố Tomball sẽ được bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 12 tháng Hai, năm 2011. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội đồng Thành phố, Vị trí 1 and Vị trí 5, phải đệ trình tên lên cho thư ký thành phố của thành phố Tomball, Texas, vào lúc 5 giờ chiều ngày 14 tháng Ba, 2011 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một bầu cử chung cuộc, ngày bầu cử chung cuộc được chỉ định là thứ Bảy 18 Tháng Sáu, 2011. Thủ tục Bỏ phiếu sớm cho cuộc bầu cử Chung Cuộc sẽ bắt đầu ngày 06 Tháng Sáu năm 2011 và kết thúc ngày 14 tháng 6 năm 2011. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 14 tháng 5 năm 2011 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày_____ tháng Một, 2011.

GRETCHEN FAGAN, Thị trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Bí Thư Thành Phố
Thành Phố Tomball