

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



MONDAY, OCTOBER 18, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 18, 2010 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 Pastor Kevin Pieper, Salem Lutheran Church

3.0 Pledges to U.S. and Texas Flags

- Led by the Members of Tomball High School Student Council – E. J. Jones, Cooper Cason, and Michelle Barrera

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:

Presentation to Engineering and Planning for Winning the Vision 2030 State Award. The award was formally presented to the City at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.

6.0 Reports and Announcements

Mini Excavator and Trailer

- October 23, 2010 – Farmers Market – 8:00 a.m.
- October 29-30, 2010 – Fire Department Fall Festival – 6:00 p.m.
- October 30, 2010 - Special Walk Tomball to support American Heart Association – 10:00 a.m.; Heart Walk routes (1, 2 or 3 mile options) begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- November 4, 2010 – Mayor's Coffee – 5:30 p.m. - 7:00 p.m.
- November 13, 2010 – 2nd Saturday at the Depot – 6:00 p.m.
- Walk Tomball! (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken

7.0 Approve the Minutes of the October 4, 2010 Regular City Council Meeting

8.0 Old Business:

8.1 Motion to Take from the Table – Quinn Rd. Sidewalk Change order # 1

8.2 Approve Change Order # 1 for \$59,320.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01

9.0 New Business:

9.1 Adopt on first reading Ordinance No. 2010-21, An Ordinance establishing procedures for the management and administration of revenue generated by the Hotel Occupancy Tax; determining that the City Council of the City of Tomball shall maintain control over revenue generated by the Hotel Occupancy Tax; establishing _____ to consider and review all requests for the funding of activities with revenue generated by the hotel occupancy tax.

9.2 Adopt, on First Reading, Ordinance No. 2010-22, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2010-2011, as adopted by Ordinance 2010-17; Providing for Appropriation of Funds from the Governmental and Proprietary Funds; Directing Publication of the Caption of this Ordinance; finding that the Meetings at which this Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting

Ordinances; and Providing Other Details Relating to the Passage of this Ordinance.

9.3 Approve Grant for the Spring Creek County Historical Association (Tomball Museum) in the amount of \$14,000.00.

9.4 Discussion supporting the MS150 bike ride for the Multiple Sclerosis Association April 16-17, 2011

9.5 Consideration and Possible Action Regarding **ZONING CASE P10-273**: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

- Conduct a Public Hearing on **ZONING CASE P10-273**
- Adopt on First Reading, Ordinance No. 2010-23, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District classification of approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District; said property being generally located on the westerly side of Quinn Road, northerly of Zion Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.071 - Private consultation with attorney in closed meeting regarding contemplated litigation and attorney-client matters - claim of Terrance Holiday.

9.7 Possible action regarding claim filed by Terrance Holiday

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 15th day of October 2010 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: October 18, 2010

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: October 18, 2010

Data Sheet

Topic:

Presentation to Engineering and Planning for Winning the Vision 2030 State Award. The award was formally presented to the City at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.

Background:

The City of Tomball's Comprehensive Plan – Vision 2030 has been awarded the 2010 Comprehensive Planning Award by the Texas Chapter of the American Planning Association (APA). Texas APA planning awards recognize individuals, organizations and communities for outstanding contributions to planning in Texas.

Tomball's Comprehensive Plan was adopted in December 2009 after a year-long community involvement process that included more than 1,700 citizens, stakeholders, business owners, elected/appointed officials, consultants and City staff.

Origination:

Engineering and Planning

Recommendation:

Funding:

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

Kelly Violette, City Planner

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

ATTACHMENTS:

Award Letter



American Planning Association
Texas Chapter

Making Great Communities Happen



Ms. Kelly Violette
501 James Street
Tomball, TX 77375

September 16, 2010

RE: Recognition of outstanding planning by Texas APA

Dear Kelly:

Congratulations! The Texas APA Awards Committee has chosen the City of Tomball as the recipient of the Chapter's 2010 Comprehensive Planning Award. The awards program allows Texas APA to promote the work of planners in our state by recognizing exemplary work at the annual conference. Your accomplishments show the value of planners and planning to our state, its communities and its people.

This year's conference will be October 6-9 at the El Tropicano River Walk Hotel in downtown San Antonio, Texas. Please accept the Chapter's invitation to you and your staff and other city officials to share in the honor of receiving this prestigious award. The Chapter will present the awards at a brief ceremony during a luncheon on Friday, October 8. We expect a large number of planners and planning officials from Texas to attend. Reserved seating will be available for your representatives. I look forward to congratulating you at the luncheon.

The City of Tomball will be presented with an engraved, acrylic desk piece in recognition of this accomplishment. Should you wish to have extra copies of the award, please contact Cameron Walker at 432-685-7405 by September 21st. This is a critical date. These will need to be prepaid (\$100 each) by sending a check made out to Texas APA to Cameron Walker, AICP, 300 N. Loraine, Midland, Texas 79701. Please contact Dick Lillie, FAICP (d_lillie@sbcglobal.net) to make luncheon reservations for your group.

The future of Texas will depend on the quality of life and business opportunities in our many diverse communities. Your work demonstrates the benefit of quality planning to achieve that future. Congratulations again!

Sincerely,

A handwritten signature in cursive script that reads "Veronica R. Soto".

Veronica Soto, AICP
Texas APA Chapter President

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 18, 2010

Topic:

Mini Excavator and Trailer

Background:

Origination:

Recommendation:

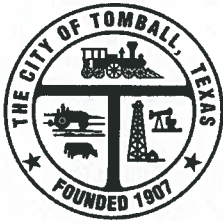
Funding:

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

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

ATTACHMENTS:

mini exc



City of Tomball Public Works Department

* 501 James St. * Tomball, Texas 77375 * 281.290.1425 * FAX 281.351.4735 *

* Utilities * Natural Gas * Streets * Parks * Fleet Maintenance * Solid Waste *

INTEROFFICE MEMORANDUM

To: George Shackelford, City Manager

From: David Kauffman, Director of Public Works *DK*
10/13/10

Re: Purchase of Komatsu P.C. 35 MR-3 (Mini Excavator) and Heavy Duty Trailer

Date: October 13, 2010

As you may recall, City Council approved our supplemental request for the purchase of a mini excavator and heavy duty trailer for the utilities department. The quotes that were obtained in support of the supplemental request have been confirmed and we are ready to proceed with this purchase.

The Komatsu mini excavator is being purchased from Waukesha-Pearce Industries located here in Tomball at the Buyboard quoted price of \$39,967.00. The heavy duty trailer is being purchased from Texan Trailer Sales located just west of Tomball at the direct quoted price of \$3,860.00. The total cost for both purchases is \$43,827.00, which is the amount requested and approved by Council.

While the costs of the individual items being purchased and the total combined purchase price are below the statutory and City purchasing policy amounts that would require sealed bids, utilizing the Buyboard government contract pricing for the excavator is the most economical source and includes an 8% government discount. Additionally, and as noted on the purchasing requisition, although one of the three direct quotes for the trailer was \$365.00 lower, Texan Trailer Sales was the only supplier offering the 2' dovetail design which is the most suitable for our application. Therefore, I am confident that we have met all applicable purchasing requirements and we are ready to proceed with this acquisition.

Feel free to call on me with any questions.

Regular City Council

Agenda Item

Meeting Date: October 18, 2010

Data Sheet

Topic:

- October 23, 2010 – Farmers Market – 8:00 a.m.
 - October 29-30, 2010 – Fire Department Fall Festival – 6:00 p.m.
 - October 30, 2010 - Special Walk Tomball to support American Heart Association – 10:00 a.m.;
- Heart Walk routes (1, 2 or 3 mile options) begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- November 4, 2010 – Mayor's Coffee – 5:30 p.m. - 7:00 p.m.
 - November 13, 2010 – 2nd Saturday at the Depot – 6:00 p.m.
 - Walk Tomball! (Every Saturday at 9:00 a.m. at the Depot)
 - Reports by City staff and members of Council about items of community interest on which no action will be taken

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

Data Sheet

Meeting Date: October 18, 2010

Topic:

Approve the Minutes of the October 4, 2010 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:

minutes

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



MONDAY OCTOBER 4, 2010

7:00 P.M.

1.0 The meeting was called to order by Mayor Fagan. Other members present were:

Councilman Dodson
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliwer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Assistant City Engineer – Lori Lakatos

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2.0 Invocation

- Led by Chaplain Tara Dorrah, Tomball Fire Department

3.0 Pledges to U. S. and Texas Flags

- Led by Members of Tomball High School Student Council Members, E.J. Jones and Cooper Cason, and Gentry Sipe, 2nd Grade, Tomball Elementary

4.0 The following public comments were received:

- | | |
|---|--|
| Cameron Steiner
206 Lawrence Street, 77375 | - Expressed his opposition to the protesters at SH 249 and FM 2920; has taken threats from protesters to the Tomball Police Department; requested Council consideration of an ordinance regulating protesters. |
| Becky Clepper
10722 Spell, 77375 | - Expressed her interest in the light rail presentation; requested information regarding costs, potential tax increases, placement of the depot, and having the referendum voted on by citizens. |
| Brandy Beyer
20331 New Kentucky, 77447 | - Spoke in favor of the 2010 Tomball Holiday Parade, to be held on Saturday, November 20, 2010. |
| Joe Myrick
552 FM 3083, 77301 | - Presented additional concerns regarding illegal immigration; expressed his opposition to President Obama, current presidential and federal government plans. |
| Gary Smith
31422 Rigel Court, 77375 | - Expressed his opposition to illegal immigration and concern that he did not receive notification regarding an update being placed on the 10/4/10 agenda regarding the status of 31422 Rigel Court |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her appreciation regarding Council's vote on 9/20/10 to amend Administrative Policy No. 24, allowing the reservation of all four courts at Matheson Park for league play. |
| Matthew Heffernan
1903 Hemlock, 77375 | - Expressed his opposition to passage of Ordinance No. 2010-16. |

5.0 Presentations:

- Presentation was given by Maureen Crocker, Gulf Rail District Authority, regarding future freight rail and passenger rail expansion and development.
- Lori Klein Quinn, member of the GPA Board of Directors, introduced David Gornet, Executive Director of the Grand Parkway Association. David Gornet gave a presentation regarding the current status of the Grand Parkway and possible future plans for the interchange at SH 249, approximately 700 feet south of Boudreaux Road (a bridge over SH 249 will be built first, then direct ramps as traffic increases). Grand Parkway will go under FM 2920 near Hooks Airport, to accommodate air traffic.

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- Mayor Fagan presented a proclamation to Randy Parr, Fire Chief, and Tommy Nicholson, Fire Inspector, declaring the week of October 3-9, 2010 as “**Fire Prevention Week**”.

6.0 Reports and Announcements:

- October 9, 2010 – **Farmers Market** – 8:00 a.m.
- October 9, 2010 – **2nd Saturday at the Depot** – 5:00 p.m. (**Special Time**)
- October 23, 2010 – **Farmers Market** – 8:00 a.m.
- October 29-30, 2010 – **Fire Department Fall Festival** – 6:00 p.m.
- October 30, 2010 - **Special Walk Tomball** to support American Heart Association – 10:00 a.m.; Heart Walk routes (1, 2 or 3 mile options) begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- **Walk Tomball!** (Every Saturday at **9:00 a.m.** at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Lori Lokatos presented an update regarding the slope failure at 31422 Rigel Court. Geotech Engineering and Testing conducted geotechnical soil sample tests; three recommendations have been presented to Tomball Engineering and Planning; final design has not been submitted to Tomball Engineering and Planning for review and recommendation to City Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the Regular City Council Meeting of September 20, 2010.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2010-20, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.251455/\$100 Value Assessed for the Year 2010 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

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Motion carried unanimously.

- 8.2 Lori Lakatos presented an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2010-16, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 38, Flood Damage Prevention, by Providing for the Designation of Additional Flood Hazard Areas, Requiring the Mitigation of Fill in Flood-Prone Areas, Prohibiting New Development in the Floodway, Altering Appellate Procedures, and Making Other Related Changes; Providing a Penalty in an Amount of Not More than \$2,000 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Shawn Cox presented an overview of the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2010-21, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 45th Annual Tomball Holiday Parade, "**Peace, Love, and the Holidays**" to be held in Tomball on Saturday, November 20, 2010 and to Approve Requested Street Closures and In-kind Services.

Motion carried unanimously.

- 9.2 Randy Parr presented an overview of the proposed Request. Motion was made by Councilman Brown, second by Councilman Stoll, to approve Request by Tomball Fire Department to Close School Street between Main and Malone on Friday Night, October 29, and Saturday Night, October 30, 2010 in Conjunction with the Fire Department's Annual Fall Festival and Haunted House Event and to Allow the Safe Passage of Pedestrians from the School Parking Lot across School Street to the Event Site.

Motion carried unanimously.

- 9.3 Randy Parr and Carl Joiner, Architect, presented an overview of the proposed Expansion project. Motion was made by Councilman Stoll, second by Councilman Dodson, to approve Proposal from Momentum Construction for the Expansion of Tomball Fire Station

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#1 (Project No. 2010-08) and Authorize the City Manager to Negotiate and Execute a Contract with Momentum Construction, in the amount off \$440,999.00.

Motion carried unanimously.

- 9.4 Randy Parr presented an overview of the proposed Memorandum. Motion was made by Councilman Townsend, second by Councilman Dodson, to authorize the City Manager to Negotiate a Memorandum of Understanding (MOU) with Northwest EMS, whereby Northwest EMS would Purchase Fuel for Ambulances and Vehicles from the City of Tomball.

Motion carried unanimously.

Mayor Fagan called a recess at 8:45 p.m.; upon reconvening into regular session at 8:52 p.m., the following items were considered:

- 9.5 Randy Parr presented an overview of the proposed Grant. Motion was made by Councilman Townsend, second by Councilman Brown, to authorize the Tomball Fire Department to submit a Staffing for Adequate Fire and Emergency Response (SAFER) Grant Application for Two Firefighters under the SAFER Program.

Motion carried unanimously.

- 9.6 Shawn Cox presented an overview of the proposed HOT Board. Motion was made by Councilman Townsend, second by Councilman Brown, to Establish a Hotel Occupancy Tax Funds Board (HOT Board), to authorize the City Attorney to draft an ordinance creating the HOT Board, including the following requirements:

- a. Board will consist of seven (7) members;
- b. Board will be advisory only, bringing recommendations to City Council for final approval or denial;
- c. Board composition will include three (3) Tomball residents, three (3) Tomball business representatives, and one (1) Tomball hotel-motel representative;
- d. Length of term will be three (3) years,
- e. Terms will be staggered, and
- f. Regular meetings will be held quarterly, with special meetings held as needed.

Motion carried unanimously.

- 9.7 The City Council recessed at 9:26 p.m. to meet in Executive Session as authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.072 – Deliberations Regarding Real Property

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Upon reconvening into open session at 10:01 p.m., no action was taken.

10.0 Motion was made by Councilman Townsend, second by Councilman Stoll, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 18, 2010

Topic:

Motion to Take from the Table – Quinn Rd. Sidewalk Change order # 1

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: October 18, 2010

Data Sheet

Topic:

Approve Change Order # 1 for \$59,320.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01

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:

Quinn Rd.
change order # 1

CITY OF TOMBALL

MEMORANDUM

Date: October 12, 2010

To: Mayor and City Council

From: Mark McClure, PE, CFM – Director of Engineering & Planning



Subject: Quinn Rd. Improvements (Sidewalks & Utilities) Status of Project

INTRODUCTION

As requested this memorandum presents Engineering and Planning Department's (E&P) brief status of the above stated project.

BACKGROUND INFORMATION

For background information the following summarizes the project to-date:

2007-10005 (2010-01) #146 (as of 09-10-10)	
Quinn Rd. Improvements (Sidewalks & Utilities)	
Prebid: 12/03/09	Engineers Estimated Cost: \$564,856.50
Bid Opening: 12/10/09	Bid Award to MAS Contractors: \$461,228.56
Council Approved: 12/21/10	
Agreement Executed: 01/19/10	Contract Time: Substantially Complete 180 days
NTP Issued: 02/04/10	To-Date Billed: \$398,707.80
Preconstruction Conference: 02/04/10	Retainage: \$19,935.39
Estimated Substantial Completion: 08/04/10	
Revised Estimate Substantial Completion: 11/10	Daily Construction Reports: 156
Estimated Project Categories by %	No. of Concrete Test Results:
45% Sidewalks / Drainage	7 day - 44
41% Water	28 day - 22
14% Gas	56 day - 20

Standard inspections have been provided by City staff and it was noted by E&P that the typical and routine inspections included verifying or checking the following:

- ☐ Inspect minimum/maximum slopes,
- ☐ Inspect rebar diameter, rebar is tied, supported on chairs, and that the ties are laying down,
- ☐ Inspect that tie-ins with each driveway and street to make sure there is not a tripping hazard,
- ☐ Inspect that vegetation and trash removed prior to the pour,
- ☐ Inspect form board depths,
- ☐ Visually inspect for compaction and in some cases the steel has to be removed and the ground recompact prior to pouring,
- ☐ Review if there are any drainage issues that might arise from the sidewalk improvements and propose solutions,
- ☐ Inspect driveways for the correct slope, and
- ☐ Inspect the concrete after it is poured for correct slopes and any defects that may have occurred.

It should be noted that the City provided construction inspections, with limited inspections provided by the Engineer of Record (EOR) per the Council approved contract. Through September 10, 2010 there have been 156 daily reports filed for the project. The project inspections do not represent continuous on-site inspections of every facet of the Contractors efforts but the City inspections do represent significant observation and monitoring of the Contractor's work and in E&P's opinion represent industry standard for this type of project.

A review of the concrete test results noted 44 filed reports of "7-day", "28-day", and "56-day" concrete cylinder breaks, with the 28-day and 56-day cylinder breaks noted well above the minimum compression strength requirement of 3500 psi.

In reference to sidewalk concrete cost, the unit cost included in the Contractor's bid noted a per lineal foot cost of sidewalk of \$14.24 per foot. Assuming a 5' wide sidewalk, the sidewalk concrete cost was determined to be \$2.85 per square foot. Cost data obtained from the *Engineering News Record's (ENR)* published "Square Foot Costbook, 2010 Edition", noted a \$2.98 per square foot cost. The Contractor's per square foot cost is approximately 4.4% less than the ENR cost.

CURRENT STATUS

Presently, the project is estimated to be 80-85% complete.

In reference to Change Order No. 2, a section of sidewalk along Inwood has been required to be redesigned and submitted to Harris County for permit approval. Inwood Street is a Harris County maintained roadway between Baker Street and Quinn Road. The County required the design and location of the sidewalk to be changed on the section between Boggs Gully and Baker. The section between Quinn and Boggs Gully has been constructed and was installed in a dedicated sidewalk easement on private property, not controlled by the County. The revised section of sidewalk along Inwood includes sidewalk within the very limited County ROW. During the original design it was determined that this section of sidewalk could not be placed in an easement on adjacent private property due to a number of conflicts including wrought iron fencing, existing meters, and several parallel private oil/gas pipelines. The EOR has reported that approval is expected. The changes were summarized within Change Order #2, totaling an additional cost of \$29,030. Council approved the change order September 20, 2010 during a regularly scheduled Council meeting. Once final approved plans are received from the County, staff expects that the project should be substantially complete in 30-60 days; depending upon weather conditions and the assumption no underground oil/gas pipelines are encountered. The County approved the revised set of plans on October 6th, 2010. Council approved CO #2 during the September 20th, 2010 Council meeting.

In reference to Change Order No. 1, various locations of the proposed sidewalk were adjusted to better suit existing conditions such as trees, commercial signs or the new EMS Facility which was constructed during this project. These changes to the sidewalk location resulted in additional work items for excavation, ditch grading, removal of drainage pipes, and required additional culvert pipe. Two concrete driveways were

removed, which were thicker than designated in the plans, resulting in the use of different types of equipment for the removal and increased work effort by the Contractor. Due to sandy soil conditions beneath Quinn Road, and two TISD driveways, the Contractor recommended, and the EOR agreed, to allow the use of restrained joint pipes. The use of this material kept the soil from collapsing while the pipe was being augured. The quantity and pay item for hydro mulch seeding was added to re-establish grasses in those areas where construction activities resulted in a reduction of ground cover. E&P expects to present this change order to City Council for approval during the November 1st, 2010 Council meeting (i.e., after the 2nd reading of the budget amendment). A detailed list and explanation of the change order is attached for reference.

SUBSTANTIAL COMPLETION

Once substantial completion is achieved by the Contractor, the first major punch list will be developed and will include a walk through by City staff, the EOR, and Contractor identifying any deficiencies. Final retainage money will not be authorized for payment until all of the punch list items have been corrected, the project receives a certificate by the project registered accessibility specialist (RAS) (compliance with ADA/TDLR requirements and reporting), and the other necessary contract items have been provided and completed.

Attachment: Schedule of Values and Explanation CO #1

MAS CONTRACTORS, LLC SCHEDULE OF VALUES	QUINN ROAD SIDEWALKS & UTILITIES PROJECT 2010-01
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mm

CHANGE ORDER #1

9/10/2010

Item	Description	Unit	Additional Qty	(Bid Amount) \$ Unit	\$ Change	Explanation
13	remove exist pavement structures - sidewalk/driveway	sy	59	✓ 20.00	1,180.00	Extra thick driveways identified as 6" thick concrete driveway on plans to be replaced. Station 20+54.15 to 21+07.78. One driveway was not identified to be removed, but required per ADA.
14	remove exist pavement structures - SET	ea	3	✓ 50.00	150.00	(1) Due to realignment of sidewalk to avoid tree and sign not shown in correct location on plans. Station 12+05.07 (2) Plans did not show removal of SET at Baker and Quinn, to lay the new water line. Station 55+59 (3) Moved due to location of crosswalk and sidewalk location next to TISD gravel access road. This was not shown correctly on the plans. Station 64+88.14
17	exc. Ditches, channels, det. Facilities; regrade ditch	lf	2277	✓ 10.00	22,770.00	Engineer under estimated quantities regarding grading of ditches for Quinn Rd (approximately 2063 feet) and Baker Drive (approximately 1171 feet). Contractor required to provide positive drainage, but was not identified on plans. Station 34+96.19 to 55+59 along Quinn Rd. Station 5+34 to 17+05 for Baker Drive. Originally quantity was 453 LF.
18	exc/backfill structures - fill for new sidewalk	cy	624	20.00	12,480.00	Engineer under estimated quantities regarding sidewalk fill for entire project. Fill was required for proper grading.
19	auger pipe and conduit, 8" steel encasement for gas piping	lf	50	✓ 50.00	2,500.00	Additional quantity do to under estimate by engineer. Required per City standards. Bore pits were not possible between TISD driveways, therefore continuous casing was required and small extension on each side of roadways. Station 50+30 to 51+72.
21	auger pipe and conduit, 12" water line	lf	50	✓ 50.00	2,500.00	Additional quantity do to under estimate by engineer. Required per City standards. Bore pits were not possible between TISD driveways, therefore continuous bore was required and bore under existing water line and power pole located on Baker Drive. Station 51+37 to 51+66 and Station 6+00. If the line was not bored the existing water line could have broke.
23	PVC 12" for drainage under sidewalk	lf	20	✓ 10.00	200.00	For drainage under sidewalk on east side of Old Beckendroff IS. This is now the new Ancillary Service Building site. Station 13.92.
29	fire hydrants	ea	1	✓ 2,800.00	2,800.00	Added for TISD.
32	rcp 18" culvert	lf	6	✓ 45.00	270.00	Under estimate on engineers quantities and length of joints.
34	rcp 24" culvert	lf	50	✓ 45.00	2,250.00	1) Due to realignment of sidewalk to avoid tree and sign not shown in correct location on plans the culvert had to be extended to meet ADA requirements. Station 12+05.07 (2) Moved due to location of crosswalk and sidewalk location next to TISD gravel access road. This was not shown correctly on the plans. Station 64+88.14 (3) It was required to be extended due to landing at Natatorium. Station 5+73.02
35	18" SET 6:1	ea	2	✓ 950.00	1,900.00	1) Corner of Hicks and Quinn SET not shown on plans, but required by City standards. Station 18+65.06 (2) Plans did not show SET at Baker and Quinn, required to lay the new water line. Station 55+59

MAS CONTRACTORS, LLC SCHEDULE OF VALUES	QUINN ROAD SIDEWALKS & UTILITIES PROJECT 2010-01
--	---

36	24" SET 6:1	ea	3	750.00	2,250.00	(1) Moved due to location of crosswalk and sidewalk location next to TISD gravel access road. This was not shown correctly on the plans. Station 64+88.14 (2) Due to realignment of sidewalk to avoid tree and sign not shown in correct location on plans. Station 12+05.07 (3) It was required to be extended due to landing at Natatorium. Station 5+73.02
39	concrete driveways	sy	160	6.50	1,040.00	(1) Extra thick driveways identified as 6" thick concrete driveway on plans to be replaced. Station 20+54.15 to 21+07.78. One driveway was not identified to be removed, but required per ADA. (2) Driveway had to be replaced to meet ADA requirements. Station 73+38.49 to 73+71.44
-	hydromulching	sf	80000	0.04	2,880.00	Engineer did not include in the quantities & contract.
-	12" pipe restraints	ea	12	250.00	3,000.00	Required for the sandy conditions of the soil to bore the water line along and under Quinn Rd per Engineers recommendation.
-	8" pipe restraints	ea	3	150.00	450.00	Required for the sandy conditions of the soil to bore the water line at Dove Trail per Engineers recommendation.
-	Specialized equipment rental - hammer for busting thick concrete and concrete blade, 2 days	ls	1	700.00	700.00	Required to break two driveways that were thicker than the plans allowed. One driveway was show as to be removed and the other was not. Neither driveway met ADA requirements and had to be replaced.
Total Change Order					59,320.00	

Items with numbers are reflected from the Contractors bid. The Items with - in the column are items that were not in the original bid for the project.

Change Order

No. 1 (Revised)

Date of
Issuance: 09/14/10

Effective 09/14/10
Date: _____

Project: Quinn Rd Sidewalks
& Utilities

Owner: City of Tomball

Owner's Contract No.: 2007-10005

Contract: 2010-10

Date of Contract: 01/19/10

Contractor: MAS Contractors, LLC

Engineer's Project No.: _____

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Changes in item quantities approved in field by City of Tomball Engineer and Inspector

Attachments (list documents supporting change):

Schedule of Values - List of Item Changes

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$461,228.56

[Increase] [Decrease] from previously
approved Change Orders No. _____ to No. _____

\$0

Contract Price prior to this Change Order:

\$461,228.56

[Increase] [~~Decrease~~] of this Change Order:

\$59,320.00

Contract Price incorporating this Change

\$520,548.56

CHANGE IN CONTRACT TIMES:

Original Contract

☒ Working

☐ Calendar

Substantial completion (days or date): 180

Ready for final payment (days or date): _____

[Increase] [Decrease] from previously approved Change
Orders

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

RECOMMENDED:

By: 
Engineer (Authorized Signature)

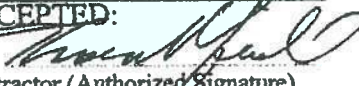
Date: 9/14/2010

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 
Contractor (Authorized Signature)

Date: 09/14/10
THOMAS M GREENFIELD

Approved by Funding Agency (if applicable):

Date: _____

EJCDC C-941 Change Order

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.

Page 1 of 1

MAS CONTRACTORS, LLC
SCHEDULE OF VALUES

QUINN ROAD SIDEWALKS & UTILITIES
PROJECT 2010-01

CHANGE ORDER #1

9/10/2010

Item	Description	Unit	Qty	\$ Unit	\$ Change
13	remove exist pavement structures - sidewalk/driveway	sy	59	20.00	1,180.00
14	remove exist pavement structures - SET	ea	3	50.00	150.00
17	exc. Ditches, channels, det. Facilities; regrade ditch	lf	2277	10.00	22,770.00
18	exc/backfill structures - fill for new sidewalk	cy	624	20.00	12,480.00
19	auger pipe and conduit, 8" steel encasement for gas piping	lf	50	50.00	2,500.00
21	auger pipe and conduit, 12" water line	lf	50	50.00	2,500.00
23	PVC 12" for drainage under sidewalk	lf	20	10.00	200.00
29	fire hydrants	ea	1	2,800.00	2,800.00
32	rcp 18" culvert	lf	6	45.00	270.00
34	rcp 24" culvert	lf	50	45.00	2,250.00
35	18" SET 6:1	ea	2	950.00	1,900.00
36	24" SET 6:1	ea	3	750.00	2,250.00
39	concrete driveways	sy	160	6.50	1,040.00
-	hydromulching	sf	80000	0.04	2,880.00
-	12" pipe restraints	ea	12	250.00	3,000.00
-	8" pipe restraints	ea	3	150.00	450.00
-	Specialized equipment rental - hammer for busting thick concrete and concrete blade, 2 days	ls	1	700.00	700.00
Total Change Order					59,320.00

Note:

Driveways at (2) residential properties on Quinn Road between Hicks & Inwood were twice the thickness, resulting in additional handling and disposal.
Stations 21+02 and 22+27

Regular City Council

Agenda Item

Meeting Date: October 18, 2010

Data Sheet

Topic:

Adopt on first reading Ordinance No. 2010-21, An Ordinance establishing procedures for the management and administration of revenue generated by the Hotel Occupancy Tax; determining that the City Council of the City of Tomball shall maintain control over revenue generated by the Hotel Occupancy Tax; establishing _____ to consider and review all requests for the funding of activities with revenue generated by the hotel occupancy tax.

Background:

At the October 4, 2010 City Council meeting, Council instructed staff to develop an ordinance that would create a board to review Hotel Occupancy Tax applications and bring their recommendations to Council for approval.

Council requested the board be made up of seven members who will serve staggered three year terms. Those eligible are residents, Tomball business owners or managers, Tomball hotel/motel managers, and individuals from tourism related businesses.

The board will be advisory in nature, bringing its recommendations to Council for approval of Hotel Occupancy Tax expenditures.

Origination:

City Managers 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	

ATTACHMENTS:

Ordinance 2010-21

ORDINANCE NO. 2010-21

AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING A NEW SECTION 74-32, ESTABLISHING PROCEDURES FOR THE MANAGEMENT AND ADMINISTRATION OF REVENUE GENERATED BY THE HOTEL OCCUPANCY TAX, DETERMINING THAT THE CITY COUNCIL OF THE CITY OF TOMBALL SHALL MAINTAIN CONTROL OVER REVENUE GENERATED BY THE HOTEL OCCUPANCY TAX, AND ESTABLISHING _____ TO CONSIDER AND REVIEW ALL REQUESTS FOR THE FUNDING OF ACTIVITIES WITH REVENUE GENERATED BY THE HOTEL OCCUPANCY TAX; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, on April 7, 2003, the City of Tomball did adopt Ordinance No. 2003-04 levying a hotel occupancy tax to become effective on May 1, 2003, which was later amended on November 6, 2006 by the adoption of Ordinance No. 2006-16; and

WHEREAS, the City Council of the City of Tomball has determined that it is in the best interest of the City of Tomball to establish a procedure and plan for the management and administration of the revenue generated by the hotel occupancy tax; **NOW, THEREFORE**,

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

Section 1. All of the matters heretofore set forth in the preamble are true and correct and are incorporated in this ordinance.

Section 2. Article II, “**HOTEL OCCUPANCY TAX**,” of Chapter 74 of the Code of Ordinances of the City of Tomball, Texas, is amended by adding a new Section 74-32, “Management and administration,” which shall read as follows:

“Section 74-32. Management and administration.

(a) All revenue generated by the hotel occupancy tax shall be held by the City in a separate account established for that purpose and shall not be commingled with any other money or maintained in any other account.

(b) Revenue derived from the hotel occupancy tax shall be expended in a manner that directly enhances and promotes tourism and the convention and hotel industry. Revenue generated by the hotel occupancy tax shall not be used for general revenue purposes or to pay for governmental expenses that are not directly related to increasing tourism or promoting the convention and hotel business.

(c) As authorized by Section 351.101(c) of the Texas Tax Code, the City Council by contract may delegate to a person, including another governmental entity or private organization, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax; otherwise, the City Council retains administrative control over the revenue generated by the hotel occupancy tax and retains supervision of programs and activities funded with such revenue.

(d) The _____ is created. The _____ shall recommend to City Council those activities, programs, events and policies that will best promote tourism and the convention and hotel industry within the City of Tomball. Such activities, programs, events and policies, if approved by City Council, would be funded all or in part by revenue generated by the hotel occupancy tax adopted by the City of Tomball pursuant to the provisions of Chapter 351 of the Texas Tax Code. The Bureau shall be organized under the following terms and conditions:

1. The _____ shall consist of seven members who shall be recommended by the Mayor and approved by City Council to serve three-year staggered terms. Members serve at the will and pleasure of the City Council, and may be removed without cause at any time by a majority vote of Council. Members will become ineligible to serve if such member fails to meet one of the qualifications as described in item 7 below. Unless a member is removed, becomes ineligible, or resigns, such member will continue to serve until a new member has been recommended by the Mayor and approved by City Council. The Mayor shall designate a chairperson from among the appointees who shall preside over all meetings. Any vacancies shall be filled by recommendation of the Mayor with Council approval.
2. The _____ shall meet at least once quarterly during a fiscal year. The _____ may meet in special session upon call by the

chairman. Meetings shall be held in Council Chambers, or such other public place as approved by the _____. Notice of every meeting of the _____ shall be posted in accordance with the Texas Open Meetings Act (Chapter 551 of the Government Code). The _____ shall elect a vice-chairman at its first meeting. The vice-chairman shall preside over meetings when the chairperson is unable to attend. The City Secretary, or the City Secretary's designee, shall review and maintain the minutes of _____ meetings and shall sign minutes of meetings with the chairperson or vice-chairperson once approved by the majority of the _____.

3. The _____ may adopt other rules and regulations for the conduct of its meetings. The Chairman of the _____ shall present any recommendations from the _____ to the City Council.
4. The City Manager, or the City Manager's designee, is an ex-officio (non-voting) member of the _____.
5. The _____ shall promulgate forms for use by persons or entities requesting hotel occupancy tax funds for use in qualifying events or projects. In addition to furnishing other information that may be required, such forms shall require the applicant to state in writing how the requested expenditure will enhance and promote tourism and the convention and hotel industry in the City of Tomball.
6. The _____ shall use its best efforts to study proposed use of funds generated by the hotel occupancy tax and shall recommend allocation of all funds as required by Texas Tax Code Section 351.103. From time to time, the _____ shall recommend activities, events, and programs to the City Council that will best promote the City of Tomball as a convention site and tourist destination. To assist it in achieving its goals the _____ may communicate with other cities and examine their policies and practices regarding conventions and tourism. Members of the _____ may attend workshops and studies created for the purpose of assisting cities develop convention and visitor incentives.
7. Members of the _____ shall possess at least one of the following qualifications:
 - a. Reside within the city limits of the City of Tomball;
 - b. Own or be an officer or director of a business, other than a hotel or motel, with offices within the city limits of the City of Tomball, provided, however, that no more than three _____ members may qualify solely under this subsection;

- c. Work for or be an officer of a hotel or motel located in the city limits of the City of Tomball, who may either be a resident or non resident of the City of Tomball, provided, however, that no more than one _____ member may qualify solely under this subsection; or
 - d. Work for or be an officer of a tourism related industry located within the city limits of the City of Tomball, provided, however, that nor more than one _____ member may qualify solely under this subsection.
8. No member, or an organization or entity for which a member has an ownership interest or is serving on the board of such organization or entity, shall be eligible for hotel occupancy tax financial assistance for any activities, programs, or events, during the term of such member or for a period of two years after the end of that member's term. No person shall be eligible to serve on the _____ who has a spouse, child or step child who owns or is employed by or is serving on the board of any organization or entity which is applying for or may apply for hotel occupancy tax financial assistance for any activities, program, or events.
9. A majority of the _____ members shall constitute a quorum. No later than its second meeting after a request for hotel occupancy tax financial assistance has been filed, the _____ shall indicate in a written report to City Council whether it does or does not recommend the request. The report shall also describe how the request complies with any one or more of the statutory categories for expenditures set out in Section 351.101 (a) (1) – (8). A copy of the request accompanied by the report of the _____ shall be delivered to City Council for determination whether the project is related to the promotion of tourism and the convention and hotel industry within the city limits of the City of Tomball. City Council shall not be bound by the recommendation of the _____ in determining whether the project should be approved.
- (e) Each budget year City Council shall allocate funds for use by the _____ as a line item in the following fiscal year based upon anticipated administrative costs and estimated costs for _____ member education and other matters. Any expenditure of funds by members of the _____ must be authorized in writing in advance by the City Manager. Any member receiving funds under this paragraph shall keep records of any expenditures and shall deliver copies of such records supported by receipts or invoices to the City Manager.

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

Section 4. This Ordinance shall become effective immediately upon its adoption.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE ____ DAY OF _____, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 ____ DAY OF _____, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: October 18, 2010

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2010-22, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2010-2011, as adopted by Ordinance 2010-17; Providing for Appropriation of Funds from the Governmental and Proprietary Funds; Directing Publication of the Caption of this Ordinance; finding that the Meetings at which this Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of this Ordinance.

Background:

Each year the City of Tomball has previously amended it's adopted budget to transfer previously approved funds for ongoing, uncompleted projects and expenditures from the prior fiscal year. These "carryovers" typically relate to budgeted capital projects that are in process or that are about to commence or to the purchase of goods and services that had been planned, ordered or contracted for prior to the end of the fiscal year, but were not received or completed by year end.

This amendment specifically relates to a training item in the HR department, the Fire station addition which was budgeted in 2009-2010, an alarm system for the Fire Station that has not yet been installed, and several capital projects. The funds to be appropriated with this amendment are in both the General Fund and the Enterprise Fund. The details setting forth the amended appropriations are included in the attachment.

You may remember that I was asked by Councilmember Townsend at the February 1 meeting if we were ever going to get away from doing budget amendments. My response was, "Yes, if not this year, we will be able to next year." That is still the plan. As we move into next year, we plan to start the budget process early with the idea of changing our procedures to where we will know if previously approved funds are going to be utilized prior to the end of the budget year. If it is obvious that they will not, then they will either be eliminated or moved to the next year's budget. This process will eliminate the need for budget amendments except for those unforeseen circumstances such as those expenditures that are incurred during a disaster situation.

Origination:

Finance Department

Recommendation:

Staff recommends approval.

Funding: No

Funds will be transferred from Account: to Account:

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

Glenn Windsor, CPA, CGFO Finance Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

BUDGET ATTACHMENT

Ordinance 2010-22

CIP Update

General Fund

Fiscal Year 2011
Amendment # 1

	FY2011 Total Budget	10/18/2010 Amendment	Total Amended Budget
Revenues:			
Property taxes	\$ 1,228,925		\$ 1,228,925
Sales taxes	6,500,000		6,500,000
Franchise taxes	1,230,000		1,230,000
Permits and licenses	243,100		243,100
Fines and warrants	885,000		885,000
Service fees	1,750,000		1,750,000
Transfers In	2,393,458		2,393,458
Contributions	70,000		70,000
Interest	350,000		350,000
Other	235,300		235,300
Total Revenues	\$ 14,885,783		\$ 14,885,783
Expenditures:			
City Manager's Office	\$ 411,055		\$ 411,055
Mayor and Council	73,156		73,156
City Secretary	320,682		320,682
Human Resources	531,421	25,000	556,421
Finance	493,342		493,342
Information Systems	300,122		300,122
Legal	153,425		153,425
Non-Departmental	256,382		256,382
Building Permits and Inspections	357,228		357,228
Police	4,430,565		4,430,565
Fire	1,175,780	351,116	1,526,896
Fire Marshal	177,350		177,350
Emergency Services	14,520		14,520
Municipal Court	470,460		470,460
Public Works Administration	48,254		48,254
Engineering and Planning	780,858		780,858
Facilities Maintenance	762,809		762,809
Garage	127,824		127,824
Streets	894,734		894,734
Sanitation	2,045,000		2,045,000
Parks	320,639		320,639
Community Center	140,089		140,089
			-
			-
Total Expenditures	\$ 14,285,695	\$ 376,116	\$ 14,661,811
Net Income from Operations	\$ 600,088		\$ 223,972
Other Sources/Uses:			
Vehicle Replacement	\$ -		
Capital Projects/Outlay	777,000	964,000	1,741,000
Transfers Out	1,846,468		1,846,468
Total Other Sources/(Uses)	\$ 2,623,468	\$ 964,000	\$ 3,587,468
Revenues Over/(Under) Expenditures	\$ (2,023,380)		\$ (3,363,496)
Beginning Fund Balance, 10/1/2010	\$ 7,600,600		\$ 8,940,716
Ending Fund Balance, 9/30/2011	\$ 5,577,220	\$ 1,340,116	\$ 5,577,220
25% of Operating Expenses - Target	39%		38%

Note- The projected ending fund balance remains unchanged because the funds for the amendment were projected to be spent by 10/1/2010 and were not.

**Enterprise Fund
Fiscal Year 2011
Amendment # 1**

	FY2011 Total Budget	10/18/2010 Amendment	Total Amended Budget
Operating Revenues:			
Water sales	\$ 4,149,510		\$ 4,149,510
Sewer sales	2,354,360		2,354,360
Gas sales	4,183,295		4,183,295
Tap fees	59,505		59,505
Reconnect fees	33,165		33,165
Investment income	115,275		115,275
Other	845,300		845,300
Total Revenues	<u>\$ 11,740,410</u>		<u>\$ 11,740,410</u>
Expenditures:			
Enterprise Administration	\$ 277,048		\$ 277,048
Utility Billing	286,308		286,308
Water	1,809,942		1,809,942
Wastewater	1,763,683		1,763,683
Gas	2,374,778		2,374,778
Administrative transfer to Gen. Fund	2,393,458		2,393,458
Total Operating Expenses	<u>\$ 8,905,217</u>		<u>\$ 8,905,217</u>
Net Revenue Available for Debt	\$ 2,835,193		\$ 2,835,193
Debt Service:			
Revenue Bonds	\$ 537,966		\$ 537,966
Certificates of Obligation	922,569		922,569
Fiscal Fees	10,000		10,000
Total Debt Service	<u>\$ 1,470,535</u>		<u>\$ 1,470,535</u>
Non-Operating Expenses:			
Vehicle replacement	\$ 43,827		\$ 43,827
Capital outlay	300,000	1,006,000	1,306,000
Total Non-Operating Expenses	<u>\$ 343,827</u>	<u>1,006,000</u>	<u>\$ 1,349,827</u>
Net Income (Excluding Depreciation)	\$ 1,020,831		\$ 14,831
Beginning Fund Balance, 10/1/2010	\$ 9,230,604		\$ 10,236,604
Ending Fund Balance, 9/30/2011	<u>\$ 10,251,435</u>		<u>\$ 10,251,435</u>
25% of Operating Expenses - Target	96%		87%

Note- The projected ending fund balance remains unchanged because the funds for the amendment were projected to be spent by 10/1/2010 and were not.

Detail Description of Budget Amendments

General Fund:

1. Human Resources Department- This is a carryover from the 2009-2010 budget for city-wide customer service training.			\$	25,000
2. Fire Department-				
	Addition to Fire Station (Approved at 10/4/2010 Council Meeting)	\$	335,000	
	Alarm System		15,612	
	Monthly monitoring		<u>504</u>	351,116
3. Capital Projects-				
	<u>Project Number</u>			
	079 Barbara Street Drainage	\$	400,000	
	146 Quinn Road Improvements		85,000	
	161 Rudolph Road		86,000	
	New Downtown Specific Plan		178,000	
	New Brown-Hufsmith Phase II		<u>215,000</u>	<u>\$ 964,000</u>
<u>Total General Fund</u>				<u><u>\$ 1,340,116</u></u>

Enterprise Fund:

1. Capital Projects-				
	142 Hufsmith Sanitary Sewer Imp.	\$	103,000	
	115 Hufsmith Water & Gas Imp.		583,000	
	145 Tomball Hills Lift Station		75,000	
	135 Water Well #5, # 6		100,000	
	New Brown-Hufsmith Phase II		<u>145,000</u>	<u>\$ 1,006,000</u>
<u>Total Enterprise Fund</u>				<u><u>\$ 1,006,000</u></u>

ORDINANCE NO. 2010-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 1 TO THE ORIGINAL BUDGET OF THE CITY OF TOMBALL, TEXAS, FOR THE FISCAL YEAR 2010-2011, AS ADOPTED BY ORDINANCE NO. 2010-17; PROVIDING FOR APPROPRIATION OF FUNDS FROM THE GOVERNMENTAL FUNDS AND THE PROPRIETARY FUNDS; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

* * * * *

WHEREAS, the City of Tomball fiscal year 2010-2011 Budget was adopted by Ordinance No. 2010-17, with the time and in the manner required by State law; and

WHEREAS, the City Council finds it is necessary to amend the 2010-2011 Budget to provide for the appropriation of funds for certain events, and to allocate and reclassify funds as described in the Exhibits to this Ordinance; and

WHEREAS, the City Council finds that the significance of this matter is a matter of public necessity and a pressing need for the City of Tomball; now, therefore,

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

Section 1. The facts and matters set out above in the recitations are found to be true and correct.

Section 2. The City of Tomball, Texas, Fiscal Year 2010-2011 Budget is hereby amended to provide for the appropriation and reclassification of funds as reflected in the attached Exhibit A. This **Amendment Number 1 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2010-2011** shall be attached to and made a part of the Original budget by the City Secretary and filed as required by State law and the City Charter

Section 3. Publication; Effective Date; Open Meetings. The City Secretary of the City of Tomball, Texas, is hereby directed to publish a descriptive caption of this Ordinance in the official newspaper of the City of Tomball, Texas. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied. It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Chapter 551 of the Texas Government Code, and that advance public notice of the time, place, and purpose of the meetings was given.

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.

Section 5. **Repeal.** All ordinances or parts of inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 18TH DAY OF OCTOBER, 2010.

COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>ABSENT</u>
COUNCILMAN BROWN	<u>AYE</u>

SECOND READING:

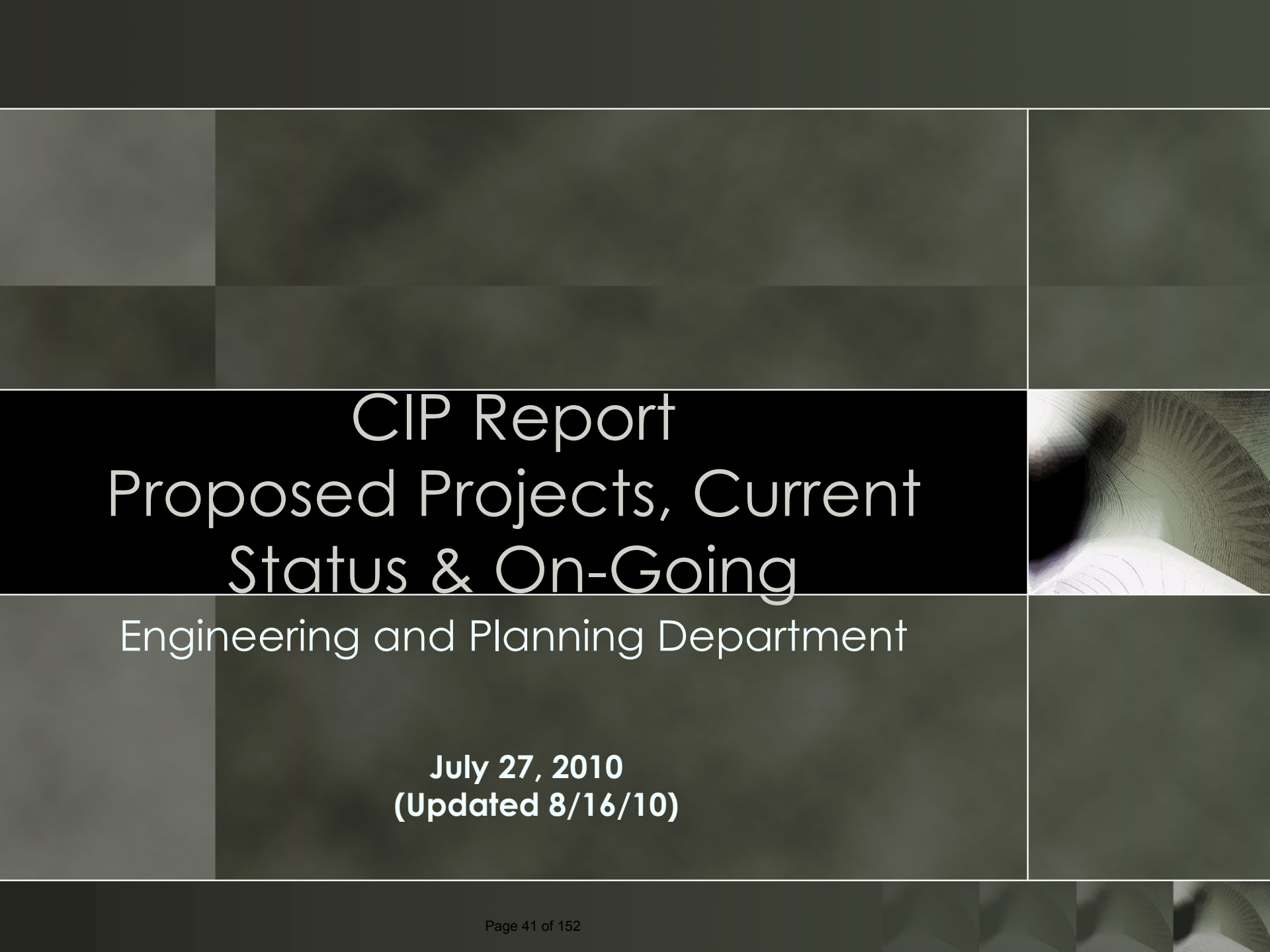
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE _____ DAY OF _____ 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



CIP Report

Proposed Projects, Current Status & On-Going

Engineering and Planning Department

July 27, 2010
(Updated 8/16/10)

FY 11-15 Capital Improvement Projects

10 YEAR MASTER PLAN

- M121 West Drainage Channel
- Medical Complex Drive (Segment 2)
- Brown Road & Utility Extension (Phase II)
- Hufsmith Water & Gas Improvements
- M118 Drainage Channel South of Holderrieth Rd
- Zion Road Sidewalk Reconstruction
- M121 East Drainage Channel
- M124 Drainage Channel
- M118 Drainage Channel North of Holderrieth Rd
- Medical Complex Drive (Segment 3)
- Relocation of SH 249 Utilities
- Medical Complex Drive (Segment 4)
- Medical Complex Drive (Segment 5)

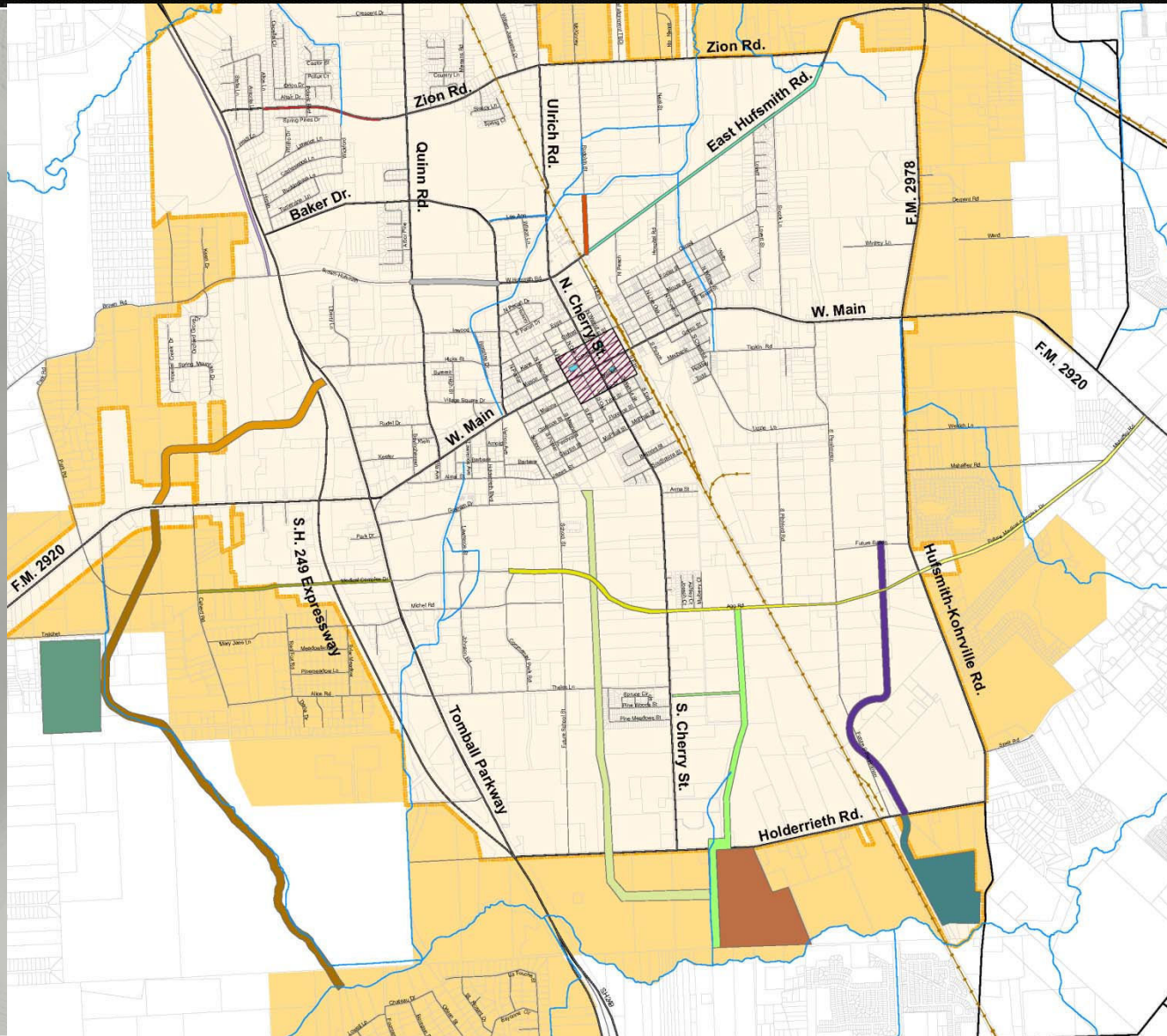
COMPREHENSIVE PLAN

- Medical District Specific Area Plan (TEDC Funded)
- Drainage Master Plan
- Downtown Plaza Master Plan (Depot & Linear Park)
- Four Corner Specific Area Plan (TEDC/Tomball Funded)
- Major Thoroughfare Plan/Context Sensitive Solution Policy
- Sidewalk, Pathway, Park, & Trails Master Plan
- Railroad Corridor Specific Area Plan (TEDC Funded)
- Medical Complex Specific Area Plan (TEDC/Tomball Funded)
- Wayfinding Sign Plan

LIVABLE CENTERS

- Parking – 3 Downtown Parking Lots (including Detention)
- Street Reconstruction Program (Commerce, Market, & Cherry) - Streetscape, Landscape, Detention, & Sidewalks)

CIP Projects FY11-FY15





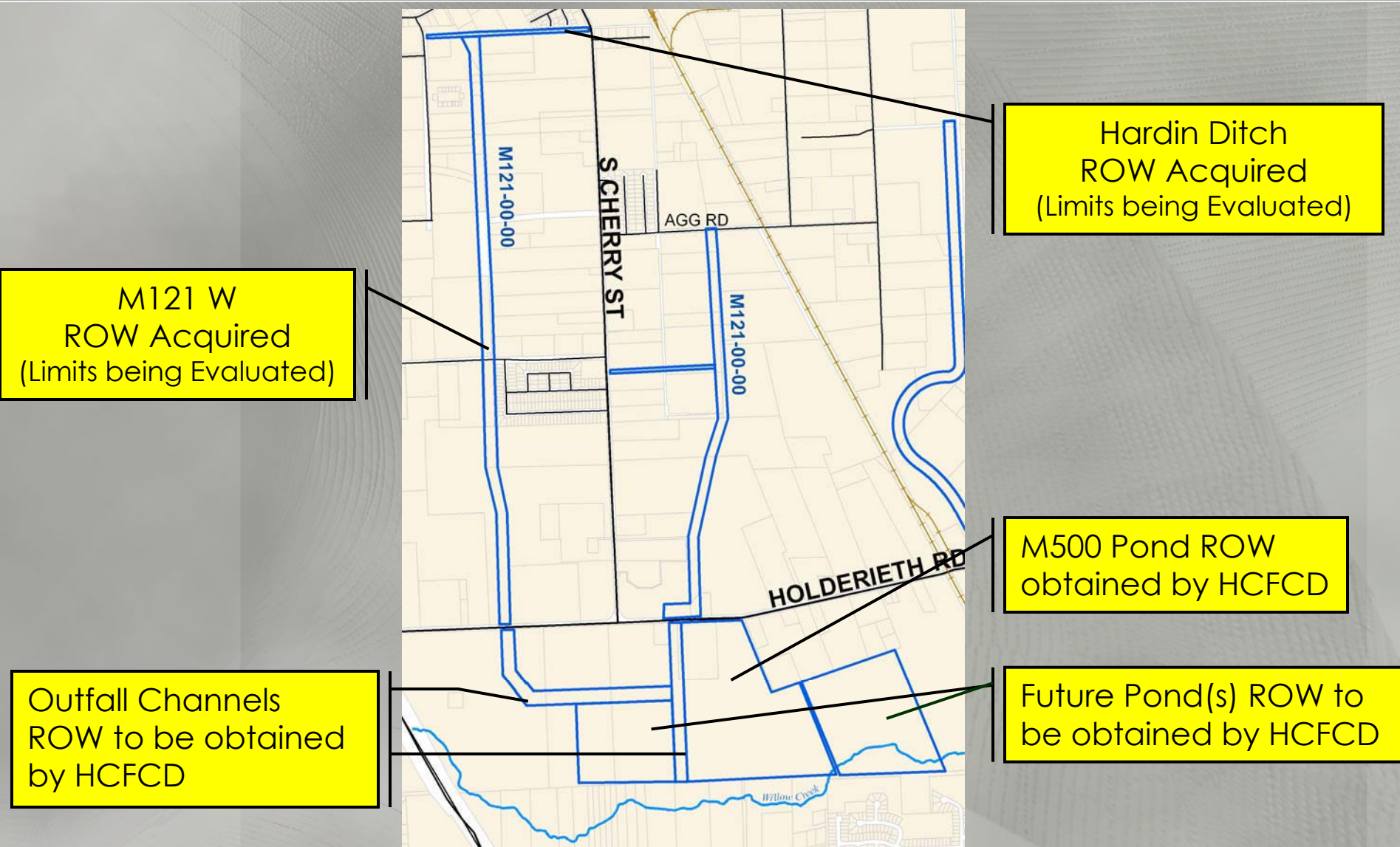
10 Year Master Plan FY 2011 – 2015 CIP Status Priority Ranking 1

M121 West Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.
- M121 West
FY 2011 Budget: \$4.4M FY 2012 Budget: \$6.4M
- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCD is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

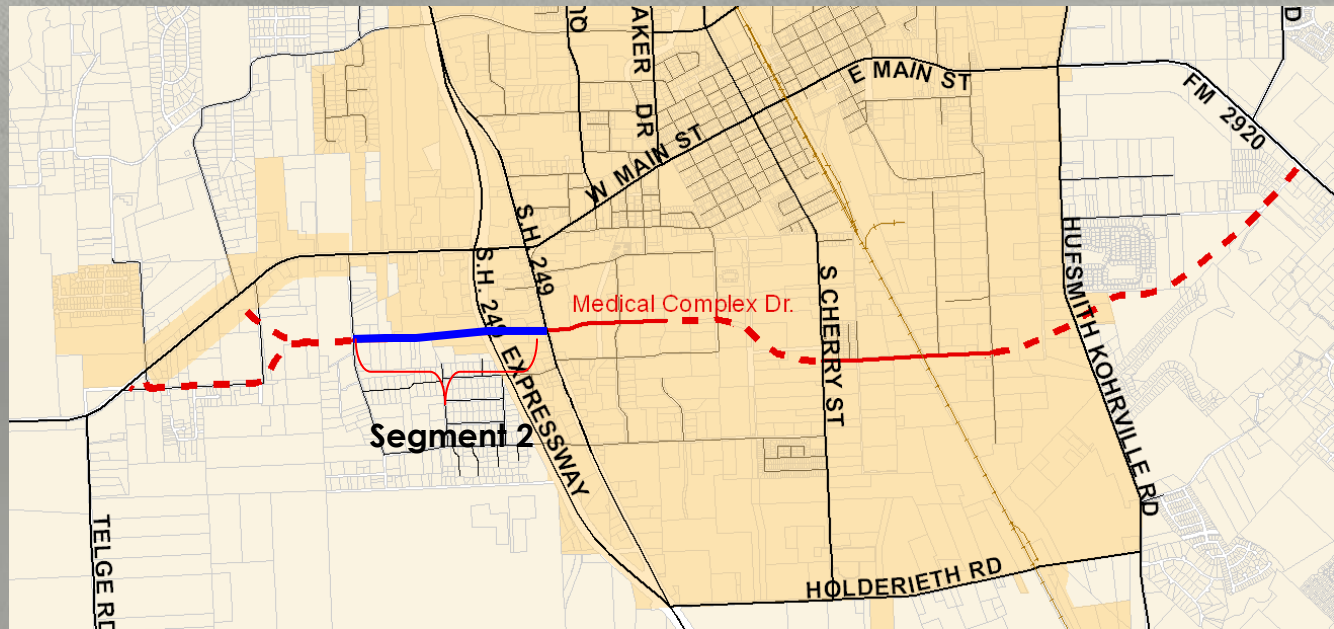
A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract with a consultant is being negotiated to complete the final design of M121 West. Design contract is on hold until funding is made available.

M121 West Drainage Channel



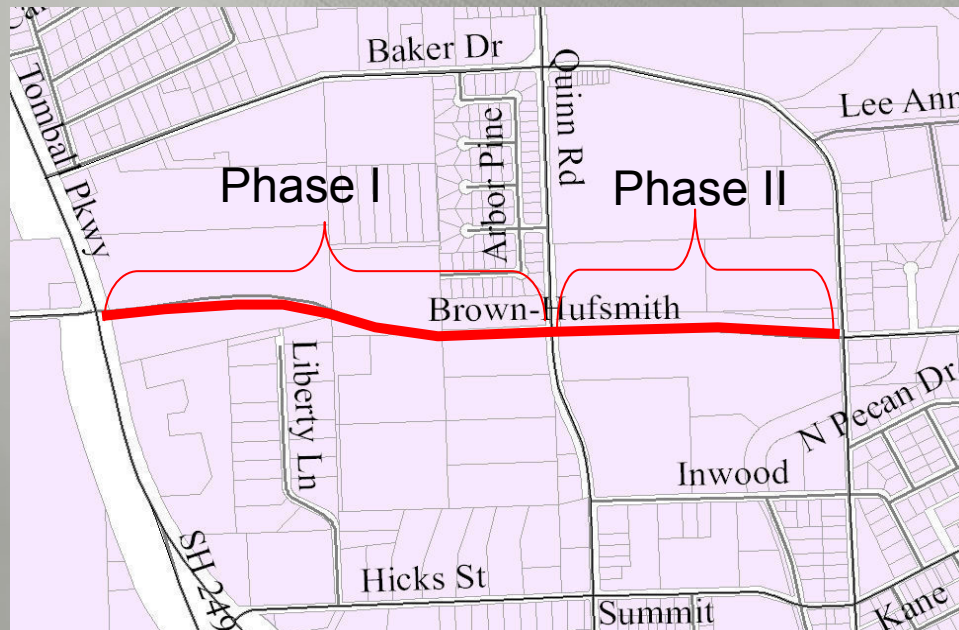
Medical Complex Dr. Extension

SEGMENT 2



- Description: Segment 2 of the proposed Medical Complex Corridor commences at Calvert Rd and continues easterly to SH 249 Business. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2011 Budget: \$1.025M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$9.8M for Segment 2. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. Land acquisition is on hold until funding is made available.

Brown Road Extension

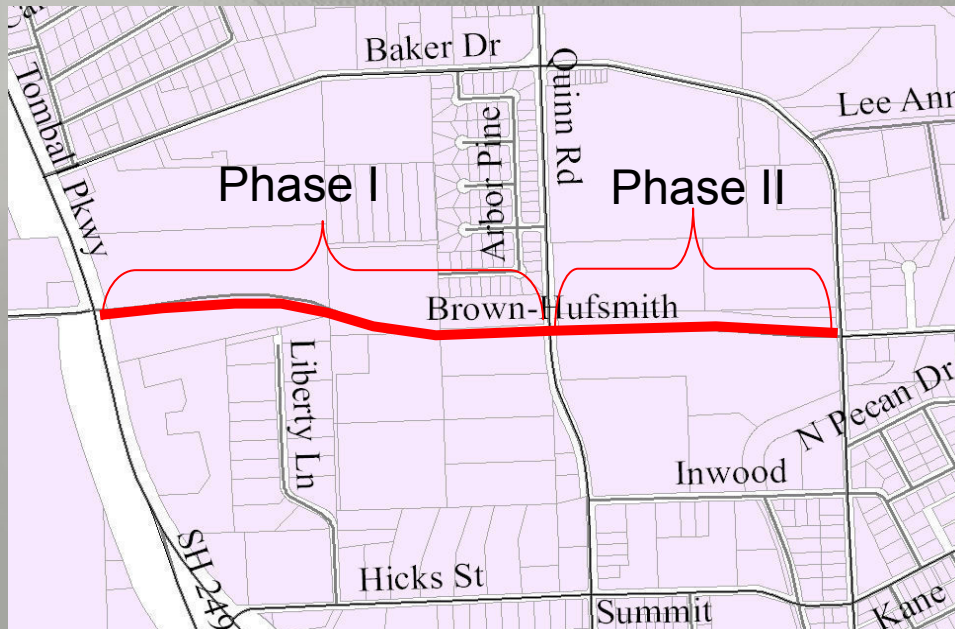


- Description: Brown Road extension includes street improvements from SH 249 to Baker. Phase I includes from SH 249 to Quinn, and Phase II includes from Quinn to Baker. Phase I is a joint project with TxDOT. Phase II will provide the City's major east-west corridor on the north side of FM 2920.
- FY 2011 Budget: \$1.2M

- Progress: Phase I was let by TxDOT on December 4, 2007 and awarded to Hassell Construction in the amount of \$1,833,442.16. Notice to proceed issued March 10, 2008, with an 84-working day schedule. In reference to construction costs, City has paid TxDOT \$1,086,890.87. Phase I was completed in November 2008 with the exception of the final traffic signal to be installed at SH 249 and the pipe runners at M124. The pipe runners have been installed. TxDOT installation of the traffic signal was completed December 2009.

Phase II design proposal, including utilities, was approved by City Council on April 20, 2009 for \$200,054.00. An additional service contract for \$32,171, was approved on June 25, 2009, for offsite detention design and analysis. The contract term is 180 calendar days. Design is 95% complete. ROW and detention pond property to be acquired. City Council approved land acquisition July 19, 2010. Land acquisition offer letters were sent out July 22, 2010.

Brown Road Utilities



- **Description:** Provides utility improvements along Brown Road, including water, sewer and gas. Phase I includes constructing 12" water, 10" sanitary and 4" gas. In addition, sidewalks and utility improvements along Quinn from Inwood to the north side of Brown Road were included.

- **Budget:** \$0 (Phase II) Included in Brown Road Extension
- **Progress:** Phase I improvements were let under a Developer Agreement with CCG and TEDC. The City has paid its share of the project (As part of the 380 agreement with CCG, \$471K for utilities & \$400K for ROW. Also paid \$169K for utility upgrades and sidewalks on Quinn.) Phase I was completed March 2008. Phase II is included in Brown Road Extension Contract.



Comprehensive Plan FY 2011 – 2015 CIP Status Priority Ranking 1

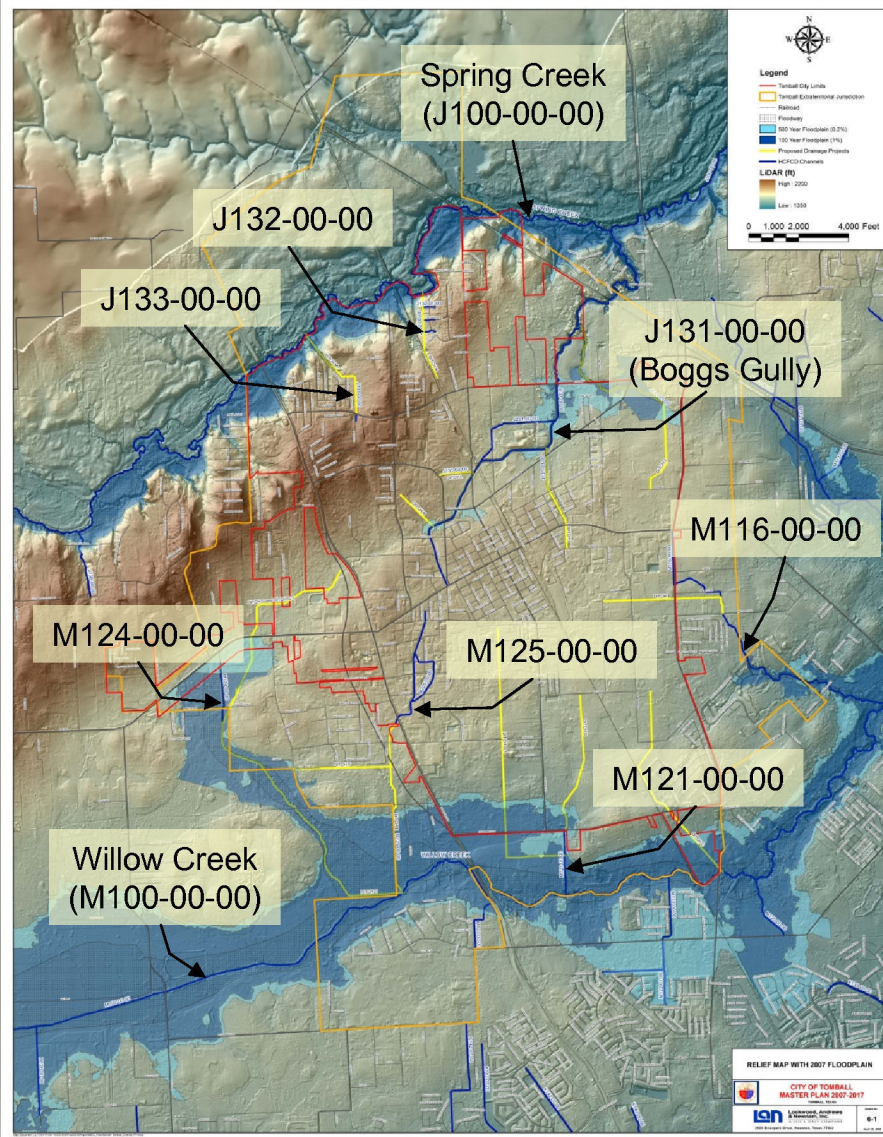
Medical District Specific Area Plan



- Description: This plan will establish a medical district zone for the area around Tomball's medical campus in order to support and maximize expansion opportunities for the City's medical facilities. The plan will include land use regulations and development standards that promote and protect Tomball's medical industry.

- FY 2011 Budget: \$175K (TEDC Funded)
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Medical District Specific Area Plan as an item to be implemented within three years.

Drainage Master Plan

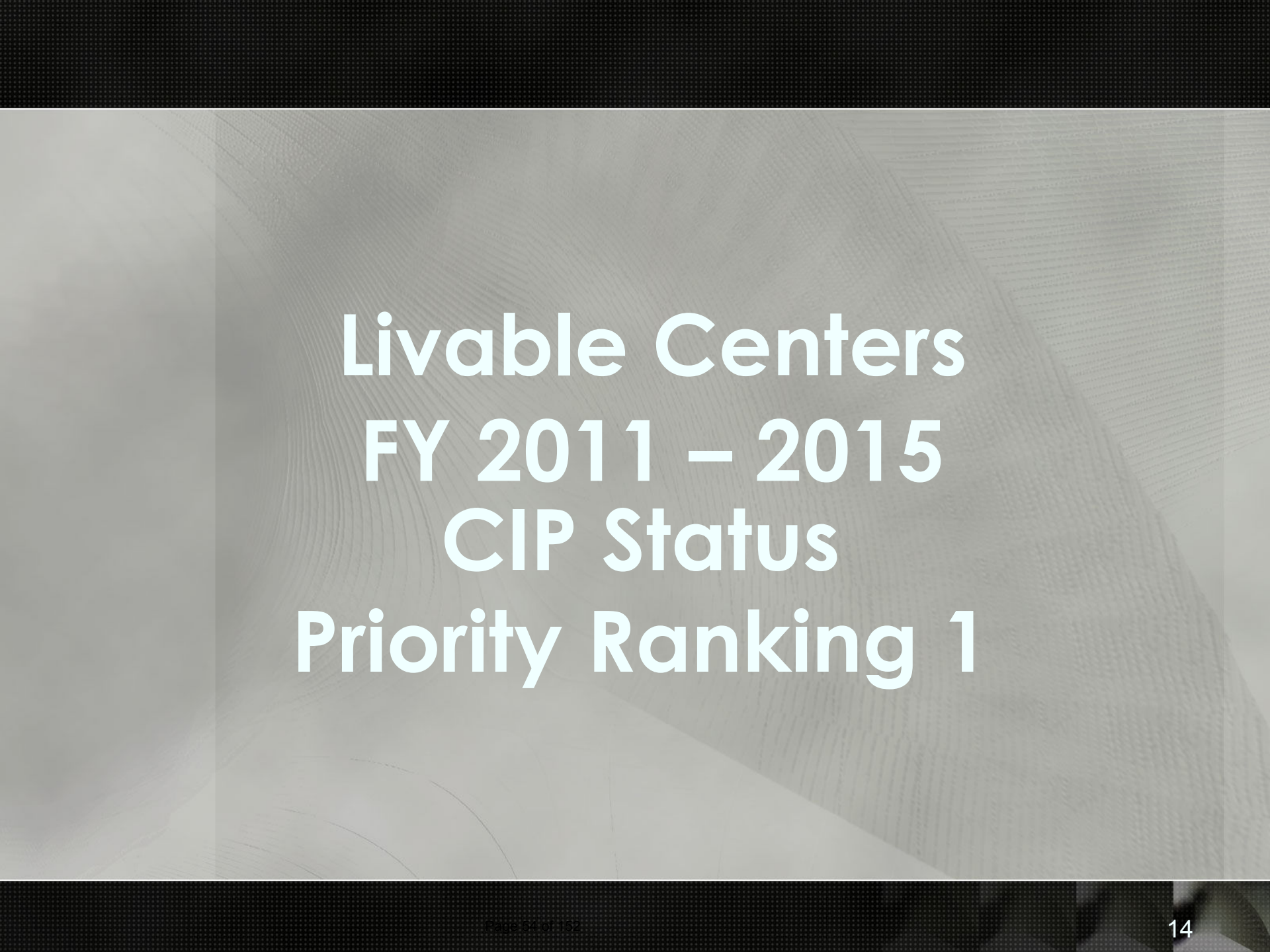


- Description: This plan will evaluate the city's existing storm drainage network, assess existing and proposed future drainage facility needs, and identify needed improvements based on projected future system demands. The plan will utilize the land use projections provided in the Comprehensive Plan to determine projected growth.
- FY 2011 Budget: \$125K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Drainage Master Plan as an item to be implemented within three years.

Downtown Plaza Master Plan

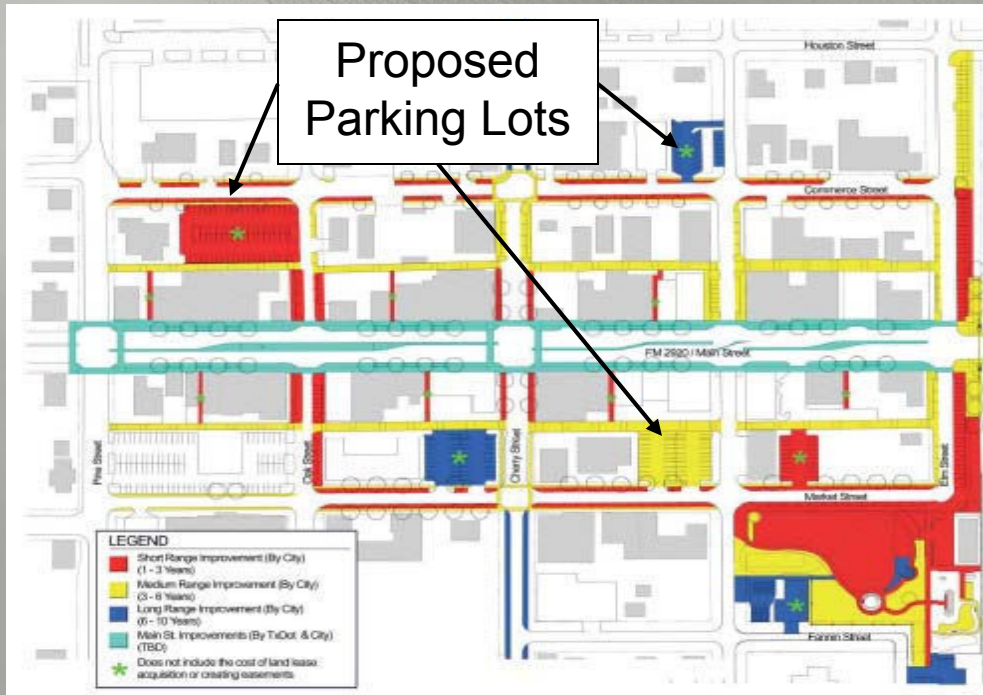


- **Description:** This plan will further refine the depot plaza concept created in the Livable Centers Downtown Plan and the Linear Park concept developed during the Comprehensive Plan to integrate the designs into an overall downtown civic space concept. The plan will designate project phases with Phase One being the development of the Depot Plaza and Phase Two being the development of the Linear Park (the area between Oak Street and Cherry Street, on the north side of Market Street).
- **FY 2011 Budget:** \$450K **FY 2012 Budget:** \$50K **FY 2013 Budget:** \$1.05M
- **Progress:** The City's Livable Centers Downtown Plan began the visioning process for the Downtown Plaza Area. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Downtown Plaza Master Plan as an item to be implemented within six years.



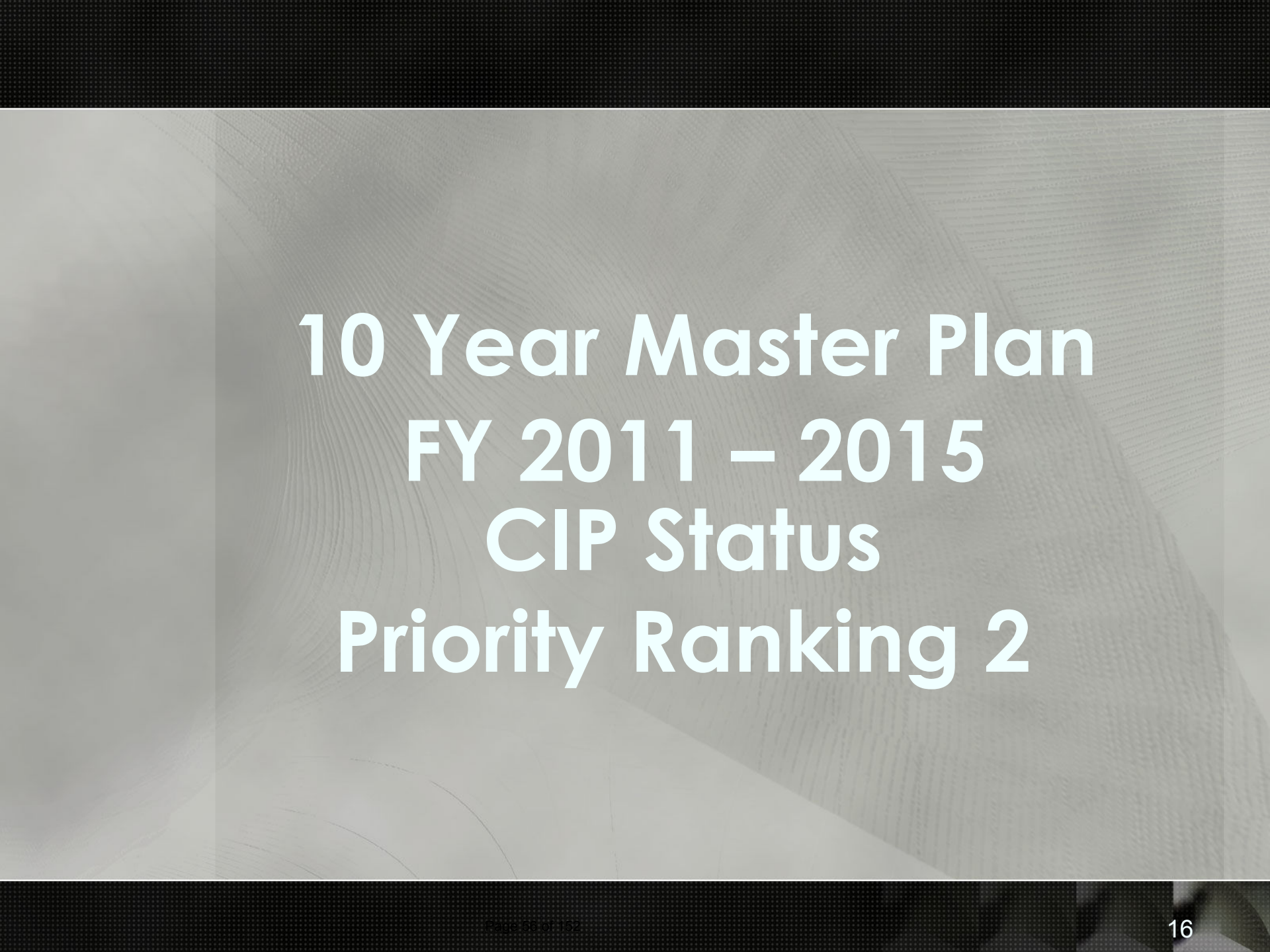
Livable Centers FY 2011 – 2015 CIP Status Priority Ranking 1

Parking – 3 Downtown Parking Lots



- Description: The plan recommends the creation of three surface parking lots within a six year timeframe to account for the future removal of the on-street parking on FM 2920. E&P proposes to phase this project over a three year period beginning with design and feasibility analysis in FY 2010 - 2011.

- FY 2011 Budget: \$50K FY 2012 Budget: \$60K FY 2013 Budget: \$445K
- Progress: City Council approved the Livable Centers Downtown Plan (Res. #2009-23) on September 21, 2009 which identifies the construction of these three surface parking lots within six years.



10 Year Master Plan FY 2011 – 2015 CIP Status Priority Ranking 2

Hufsmith Water & Gas Improvements

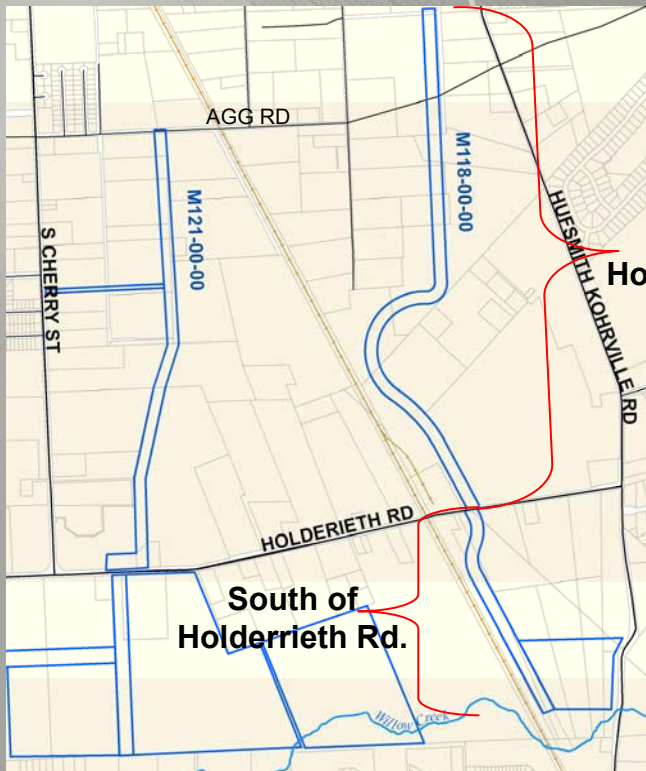


- Description: The Hufsmith water and gas improvements include 12" water line and 4" gas lines from Rudolph to Snook.

- FY 2012 Budget: \$880K

- Progress: A contract was executed with a Consultant to complete the final design and develop the metes and bounds descriptions for easement acquisition. The project design is expected to be completed by May 2010. E&P recognizes this project as a critical needs project. The Engineer's opinion of cost is \$850K. There are an estimated 18 easements to be acquired. Design is 95% complete. Consultant completed metes and bounds for 19 easements and 27 ROW acquisition by January 2010. A contract for land acquisition services and appraisals was approved by City Council April 5, 2010. City Council approved land acquisition July 19, 2010. Land acquisitions offer letters are being issued.

M118 Drainage & Detention Basin (South of Holderrieth Rd)



North of
Holderrieth Rd.

South of
Holderrieth Rd.

- Description: The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

- FY 2011 Budget: \$3.6M

Progress: The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

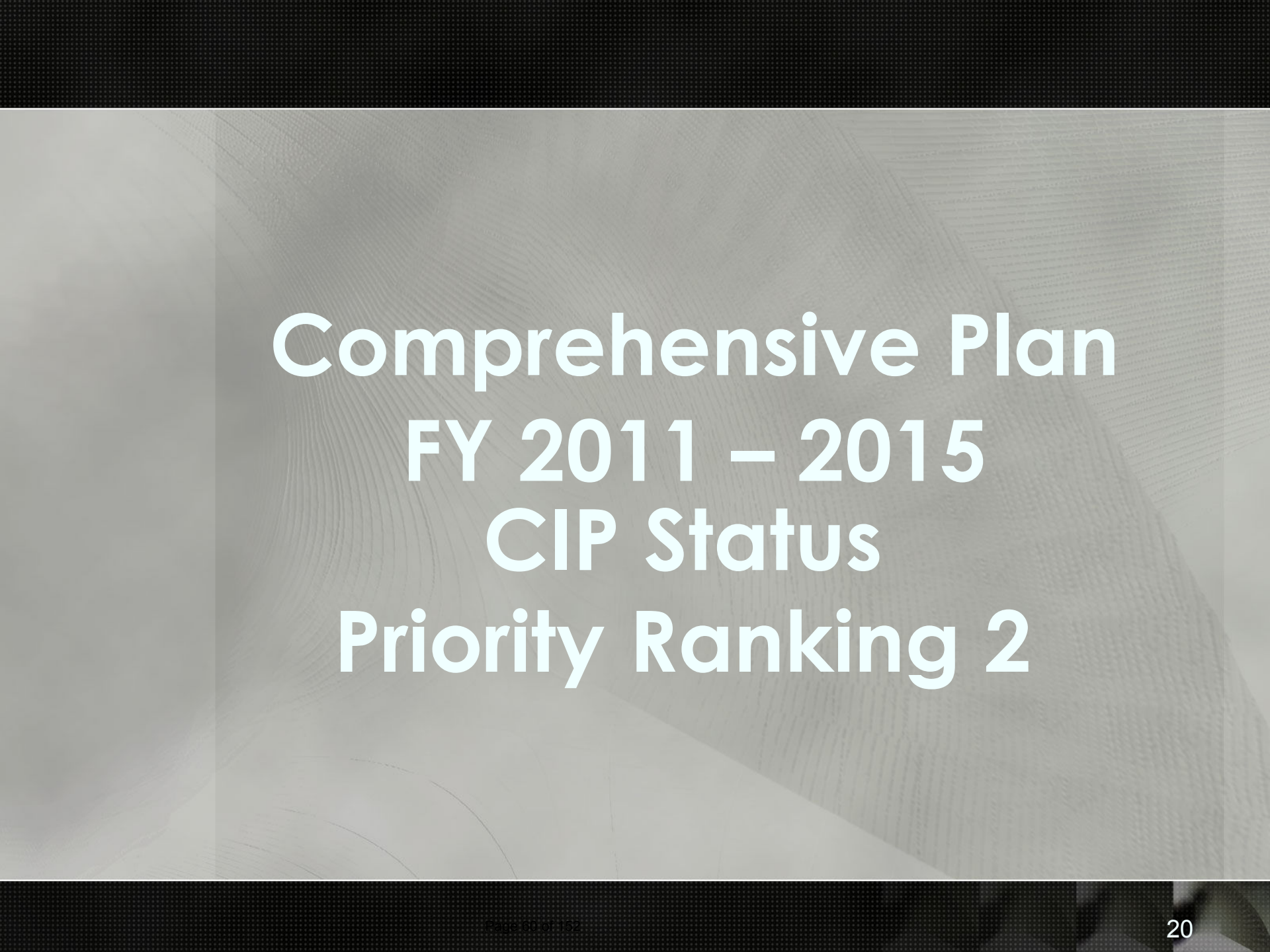
The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. Design contract on hold until funding is made available.

Zion Rd Sidewalk Reconstruction



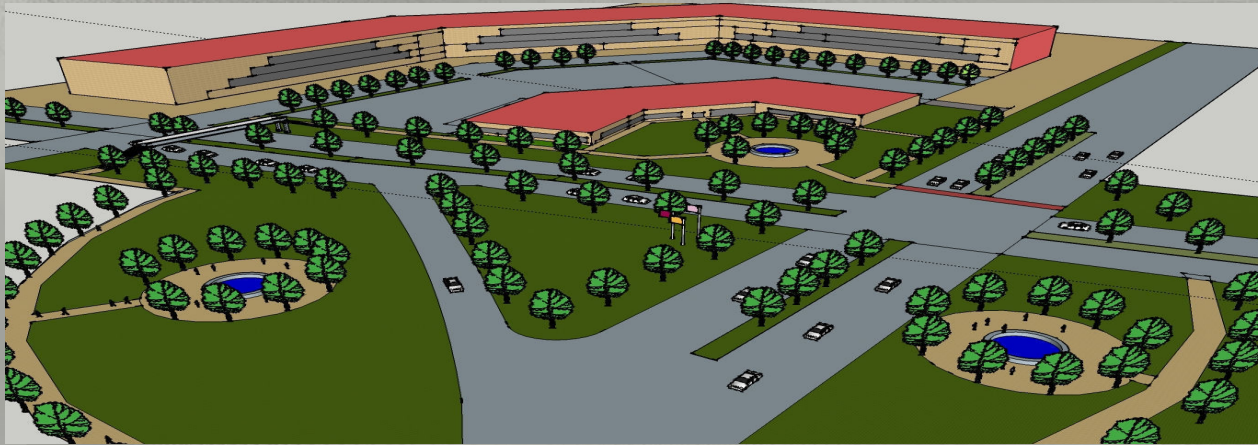
Description: The 4' sidewalk located along Zion Rd. between Alice Ln. and Quinn Rd. being undermined by erosion around the sidewalk. This project is to engineer and reconstruct a 5' sidewalk to stop the erosion and stabilize the area. Approximate 2,700 ft of 5' sidewalk is proposed.

- FY 2011 Budget: \$240K
- Progress: Proposed Project



Comprehensive Plan FY 2011 – 2015 CIP Status Priority Ranking 2

Four Corner Specific Area Plan

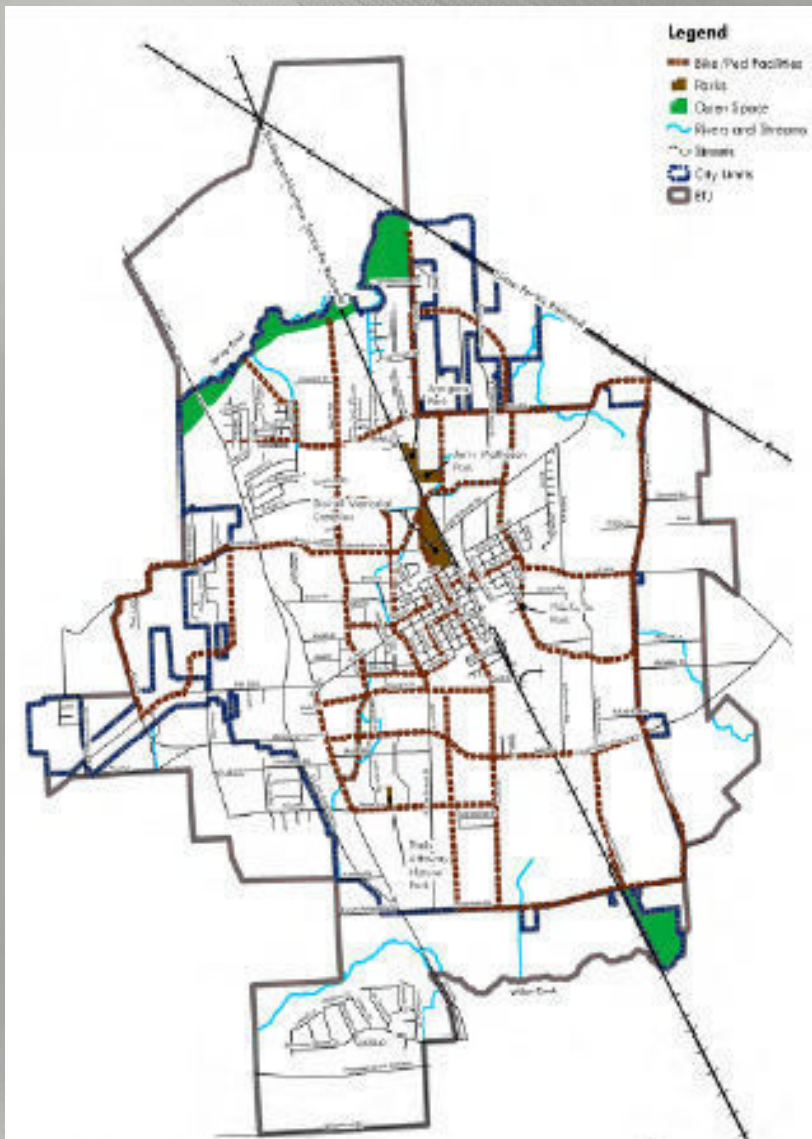


- Description: This plan will establish specific zoning standards for the properties located near the intersection of State Highway 249 Business and F.M. 2920, known as Four Corners. The plan will create unique land use and design regulations for the area to encourage its redevelopment as a major mixed use activity center. The plan will focus on its location as an important entry point to Tomball and will include regulations for pedestrian-orientation, integrated land uses, and enhanced landscaping.
- FY 2012 Budget: \$175K (TEDC Funded)
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Four Corners Specific Area Plan as an item to be implemented within six years.

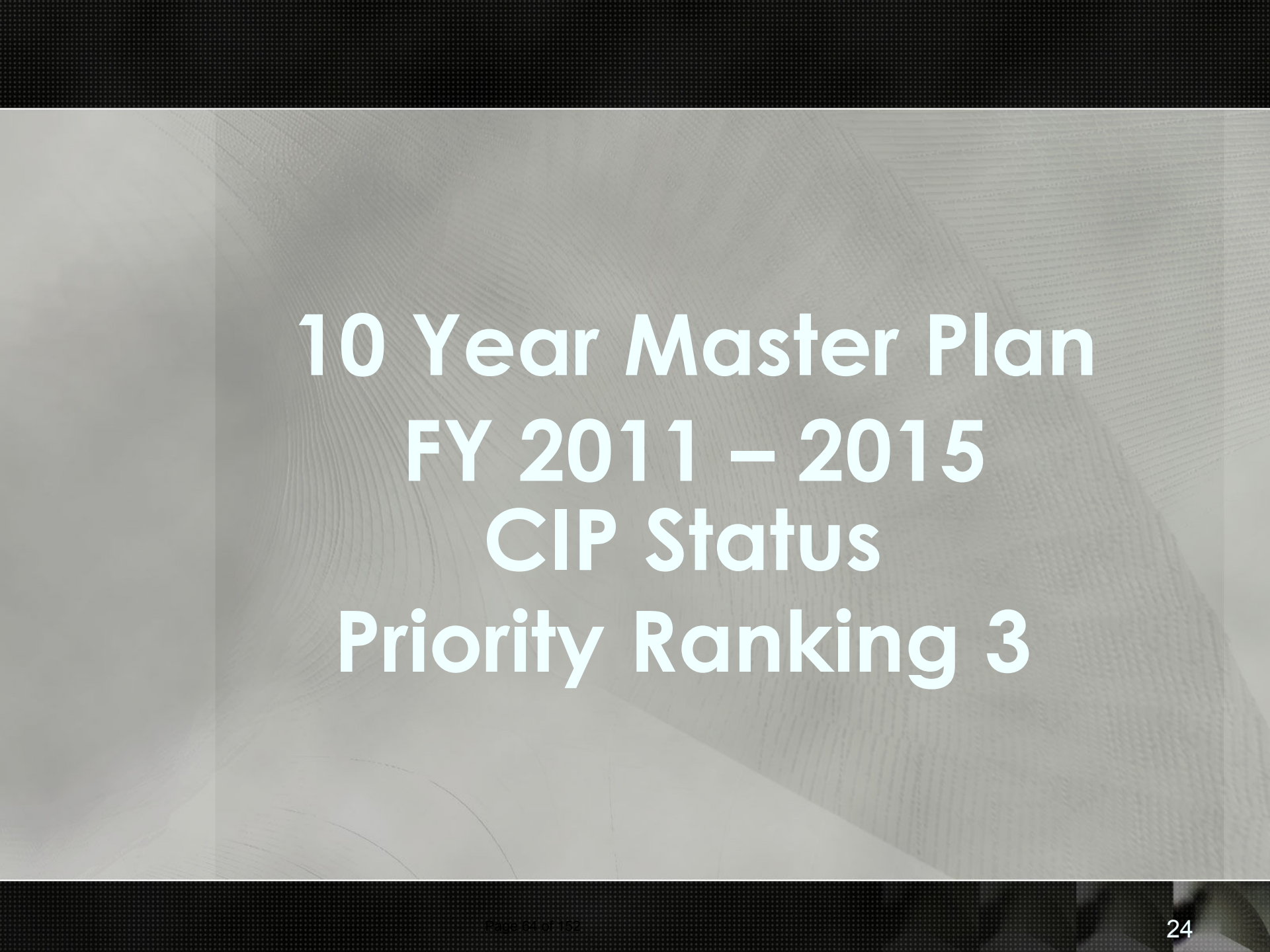
Major Thoroughfare Plan / Context Sensitive Solutions Policy

- Description: The MTP must be annually reviewed and regularly updated to reflect changing transportation needs both within Tomball and in neighboring jurisdictions. At the time of the next MTP update, a context sensitive solutions policy for street design will be incorporated to ensure that roadway improvement projects are compatible with their physical settings, provide multi-modal mobility, and enhance the activities of adjacent land uses. Context Sensitive Solutions balance the need of vehicles to travel safely and efficiently with desirable community outcomes, including maintaining and enhancing aesthetic, historic, and environmental resources.
- FY 2012 Budget: \$25K
- Progress: The City last updated the MTP in February 2009. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the update of the MTP and the drafting of a CSS policy to be implemented within three and six years, respectively.

Sidewalk, Pathway, Park, & Trails Master Plan



- Description: This plan will further develop the vision outlined in the Comprehensive Plan for a well connected system of trails, sidewalks, pedestrian ways and amenities. It will provide the regulatory framework for ensuring the extension of the network in conjunction with public and private development. The plan will identify existing conditions/needs and propose implementation steps to create a comprehensive and interconnected circulation system in Tomball.
- FY 2012 Budget: \$75K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Sidewalk, Pathway, Park, & Trails Master Plan as an item to be implemented within six years.



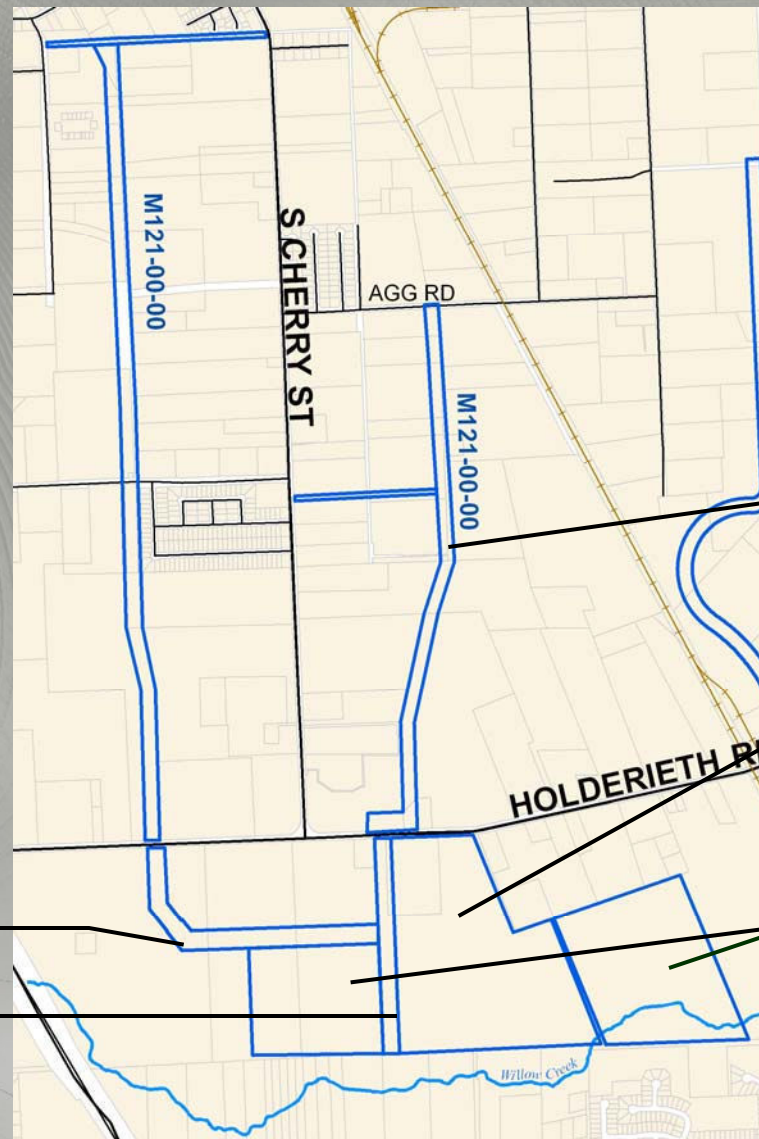
10 Year Master Plan FY 2011 – 2015 CIP Status Priority Ranking 3

M121 East Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.
- M121 East
FY 2011 Budget: \$580K FY 2012 Budget: \$580K
- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCF is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract with a consultant is being negotiated to complete the final design of M121 West. Design contract is on hold until funding is made available.

M121 East Drainage Channel



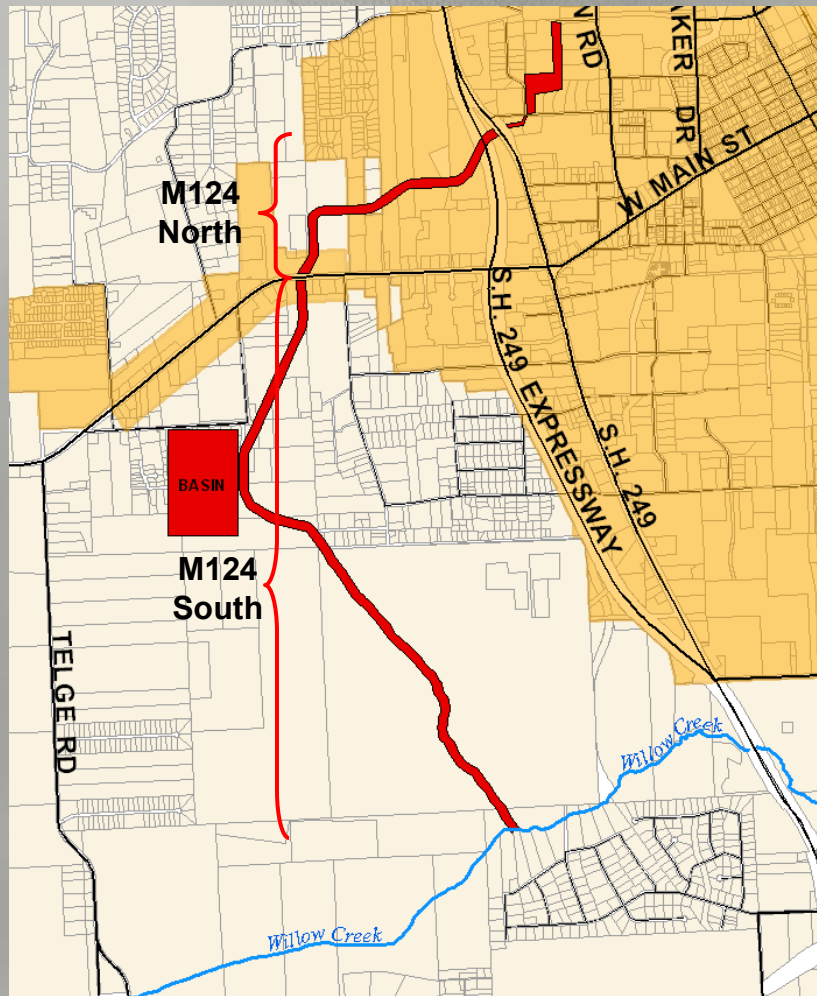
Outfall Channels
ROW to be obtained
by HCFCD

M121 E ROW to be
Acquired
(Limits being Evaluated)

M500 Pond ROW
obtained by HCFCD

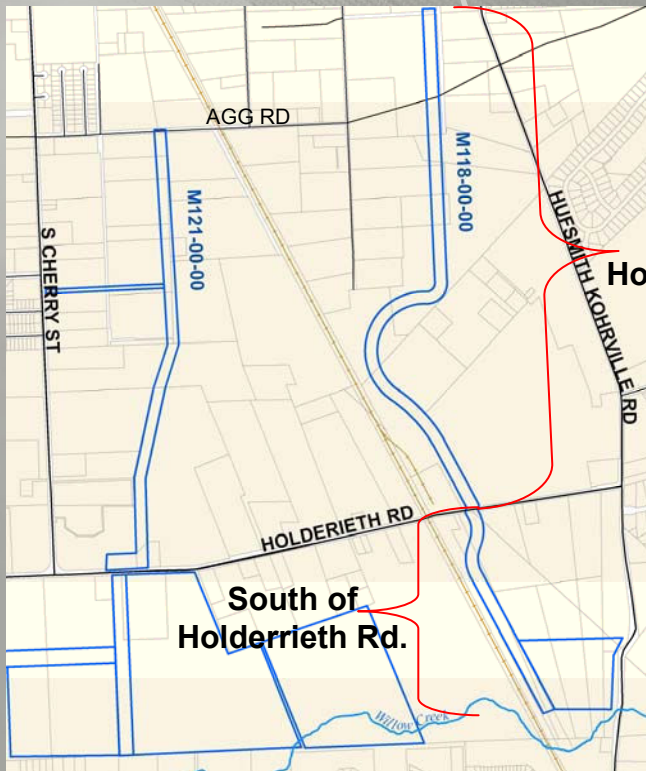
Future Pond(s) ROW to
be obtained by HCFCD

M124 Channel



- Description: The M124 basin occupies a major portion of the westerly area of Tomball, outfalling to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920.
- FY 2011 Budget: \$1.7M
- FY 2012 Budget: \$1.2M
- Progress: The PER with alternative analysis and recommendations was approved November 5, 2008. Additional funding was approved by City Council to establish alignment and channel cross-section to be completed in 270 calendar days. The additional services include preliminary survey, geotechnical report, project scheduling, phasing, cost estimates, preliminary plan & profile drawings, and project management and coordination. No ROW has been acquired. The final design contract will have to be negotiated with the consultant and ROW acquired for 67 acre detention pond and is on hold until funding is made available.

M118 Drainage & Detention Basin (North of Holderrieth Rd)



- **Description:** The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

- **FY 2012 Budget:** \$1.1M

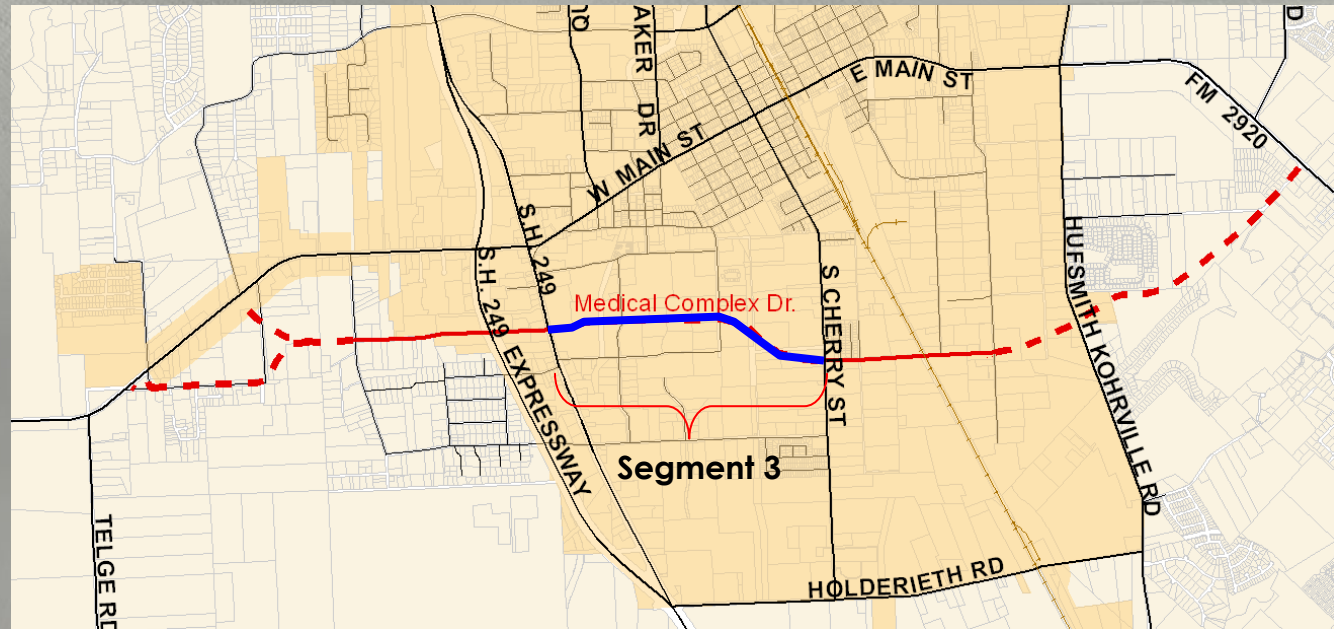
Progress: The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. 12 parcels need to be acquired north of Holderrieth Rd. Design contract on hold until funding is made available.

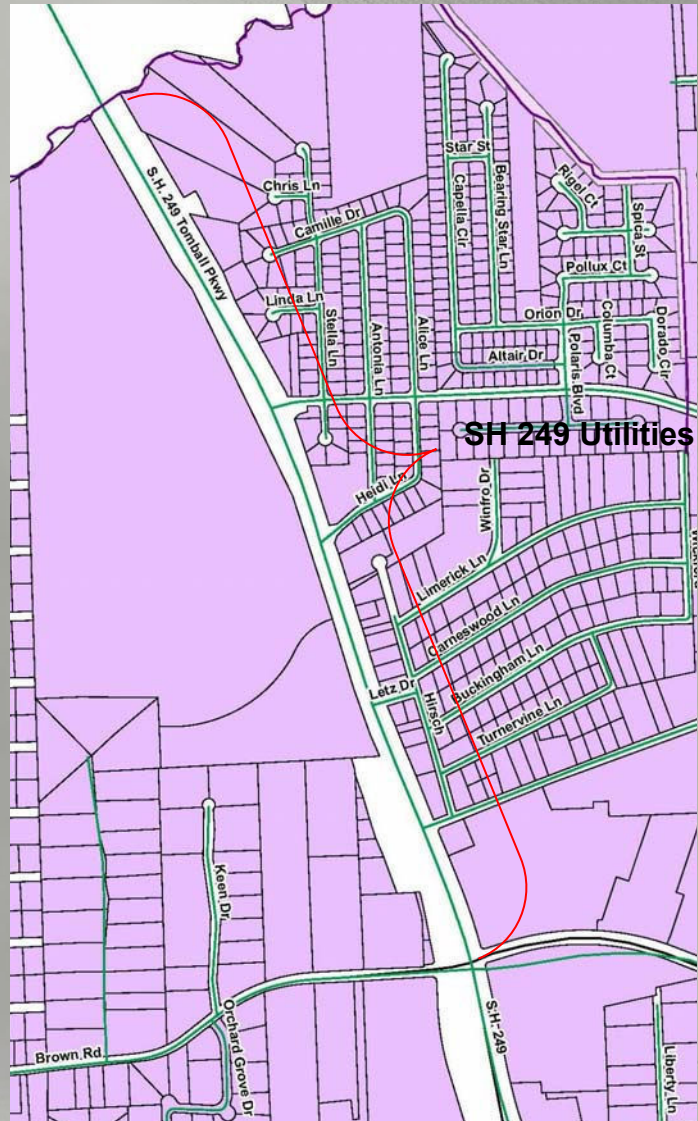
Medical Complex Dr. Extension

SEGMENT 3



- Description: Segment 3 of the proposed Medical Complex Corridor commences at SH 249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2011 Budget: \$1.6M FY 2012 Budget: \$4.8M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$4.6M for Segment 3. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. Design contract is on hold until funding is made available.

Relocation of SH 249 Utilities

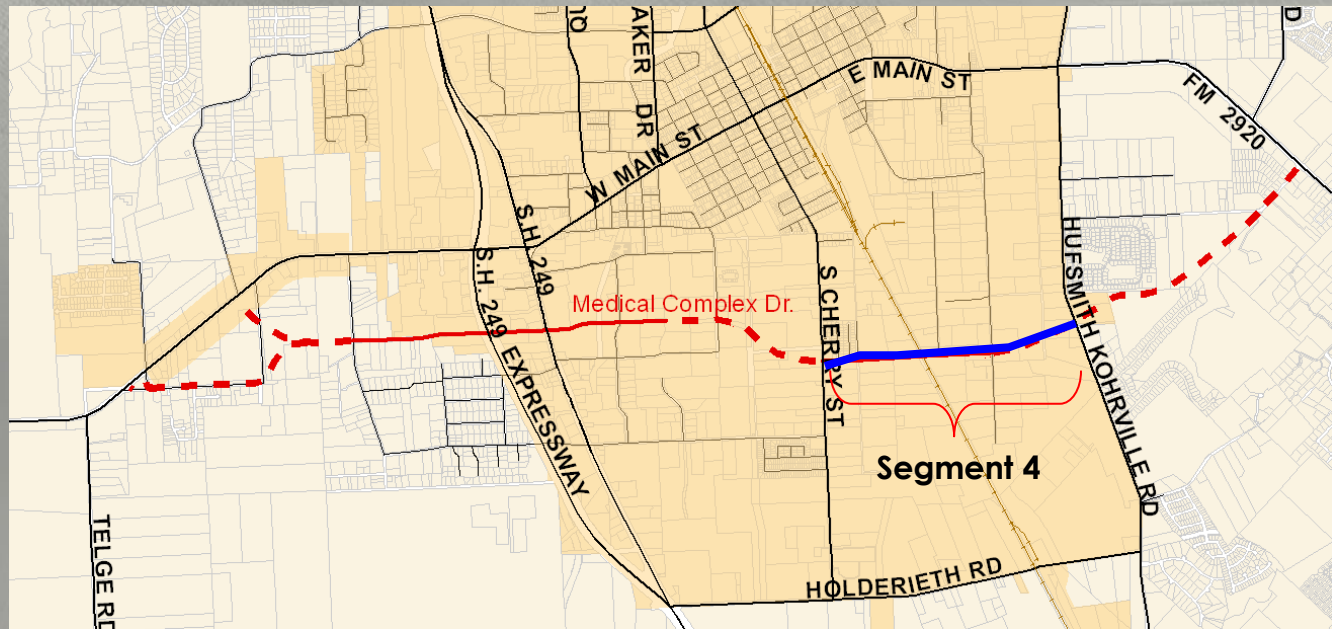


SH 249 Utilities

- Description: Relocate utilities along SH 249 due to the widening of SH 249 between Brown Road and Spring Creek. This includes the relocation of 6", 8", & 12" waterline, 4" & 6" sanitary force main, 6", & two 8" sanitary lines, and 4" gas.
- FY 2011 Budget: \$50K
- Progress: Proposed Project

Medical Complex Dr. Extension

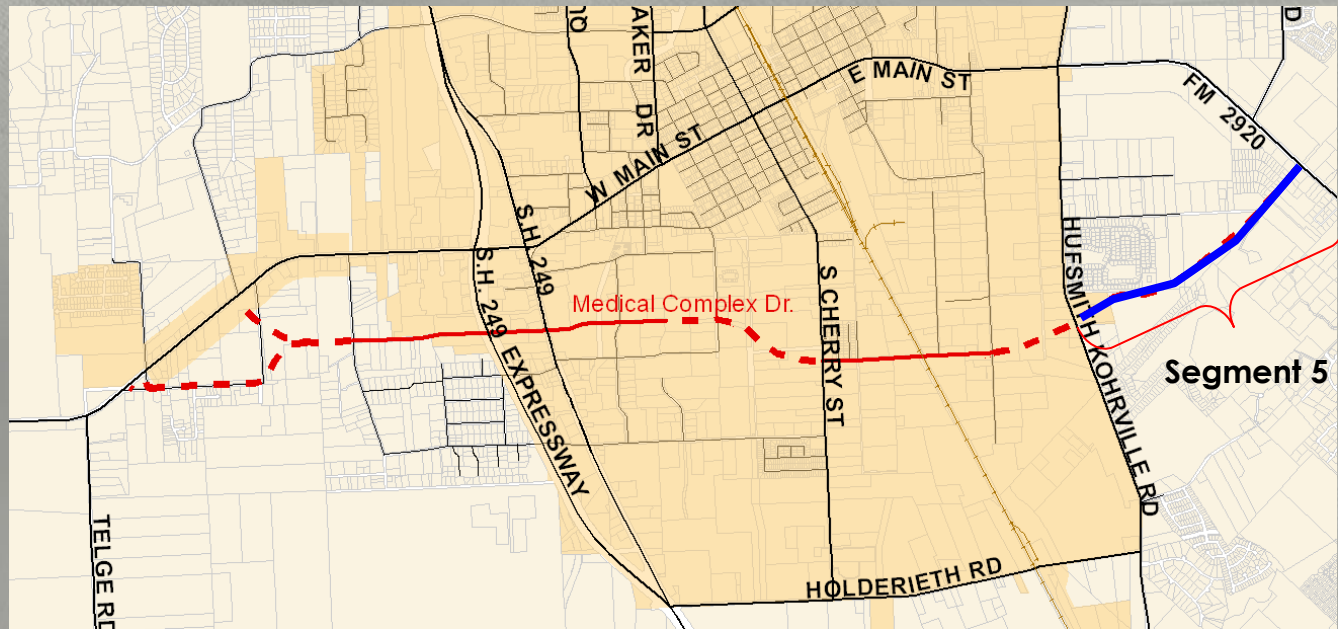
SEGMENT 4



- **Description:** Segment 4 of the proposed Medical Complex Corridor commences at Cherry St and continues easterly to South Persimmon. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- **FY 2011 Budget:** \$75K **FY 2012 Budget:** \$1.3M
- **Progress:** The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$11.3 for Segment 4. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required.

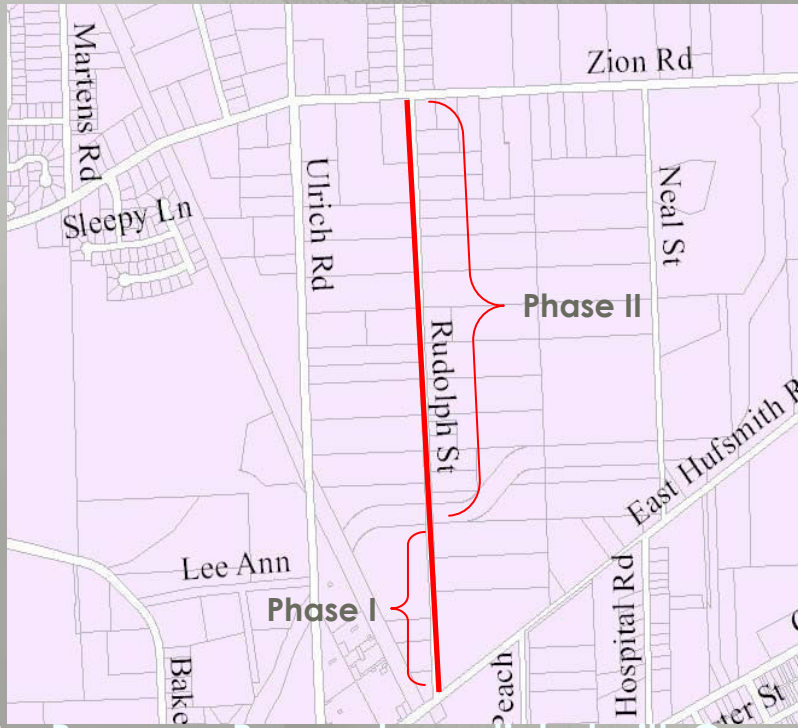
Medical Complex Dr. Extension

SEGMENT 5



- Description: Segment 5 of the proposed Medical Complex Corridor commences at South Persimmon and continues easterly to FM 2920. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2011 Budget: \$75K FY 2012 Budget: \$4.4M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$7.9M for Segment 5. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required.

Rudolph Road & Utilities (Phase I)



- Description: The Rudolph Rd. Utilities improvements project includes land acquisition and providing street and utility improvements to current standards as a collector street. The majority of the street is substandard with limited to no utilities within a 30' ROW.
- FY 2011 Budget: \$1.9M

● Progress: Proposal negotiated with Consultant for PER for Rudolph (both Phases). A Professional Services contract was executed in 12/07 to perform the necessary surveying and prepare the individual metes and bounds descriptions for utility easements and ROW dedications. All Phase I parcels have been acquired. The PER was completed February 2, 2010 with Phase I cost estimate of \$1.642M. Based on the approved PER, the Consultant will perform the final design of Phase I. An agreement was executed between COT and TEDC for \$300K to aid in the construction of Phase I. Additionally, an agreement between the COT and a developer was executed under which the developer has agreed to contribute \$30K for the construction of Phase I. Phase I design scheduled for completion June 2010. Anticipated construction letting date of August 2010. Construction is on hold until funding is made available.

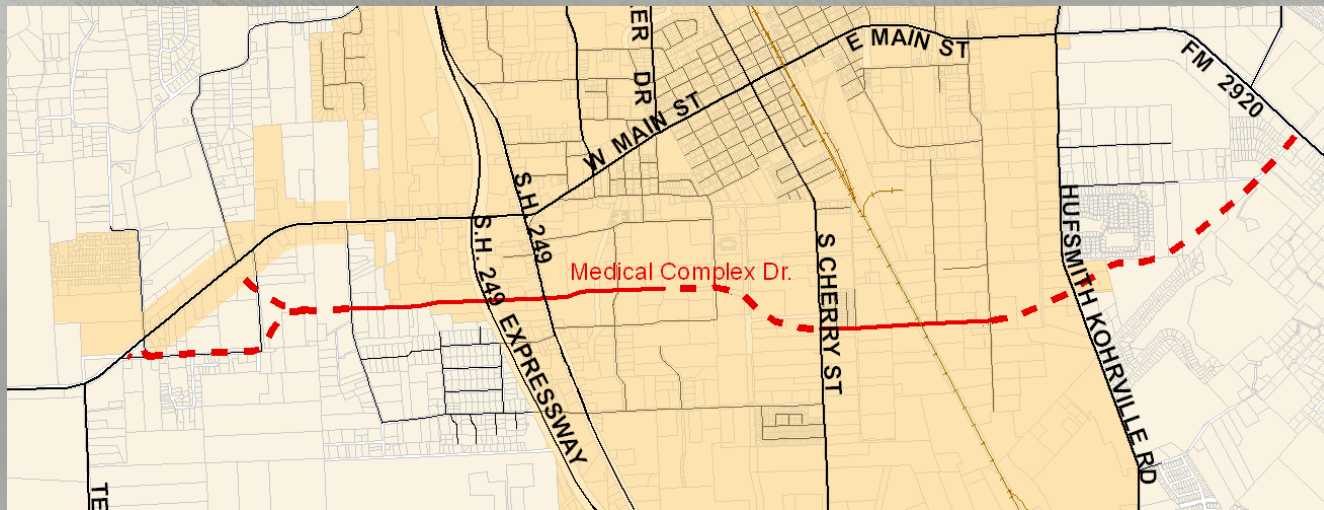
Comprehensive Plan FY 2011 – 2015 CIP Status Priority Ranking 3

Railroad Corridor Specific Area Plan



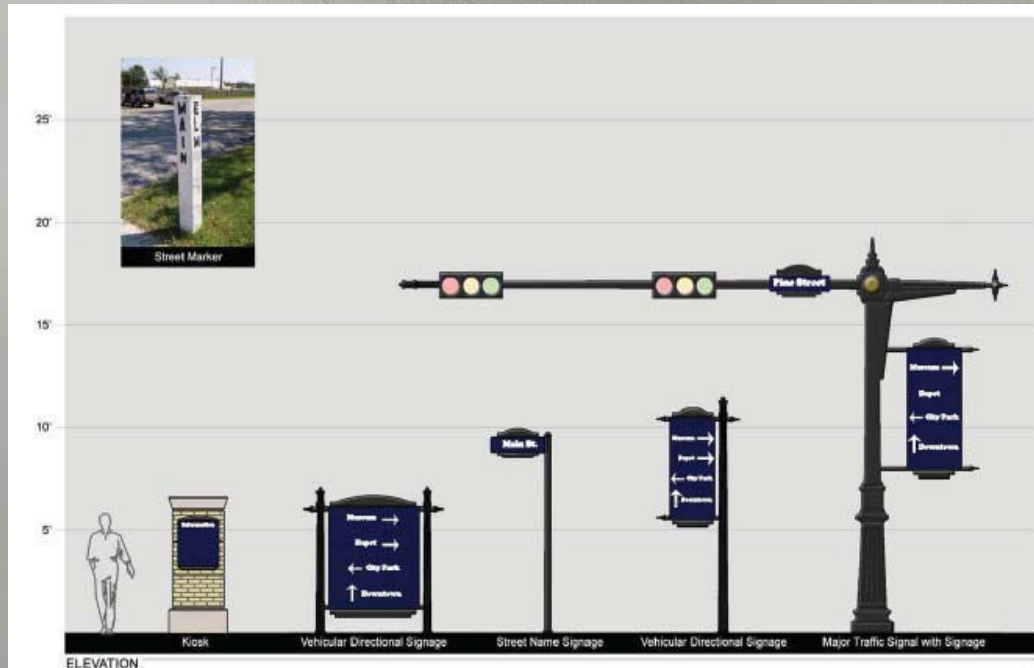
- Description: This plan will establish a railroad corridor zone along portions of the BNSF rail line south of FM 2920 to maximize the economic potential of the corridor as a key employment area. It will also support the planning of a future commuter rail station near Downtown. The plan will regulate land uses and development standards along the corridor to facilitate new development that will enhance the quality of life for residents and strengthen the economic base of the community.
- FY 2011 Budget: \$1M (TEDC Funded)
- FY 2013 Budget: \$175K (TEDC Funded)
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Railroad Corridor Specific Area Plan as an item to be implemented within three years.

Medical Complex Specific Area Plan



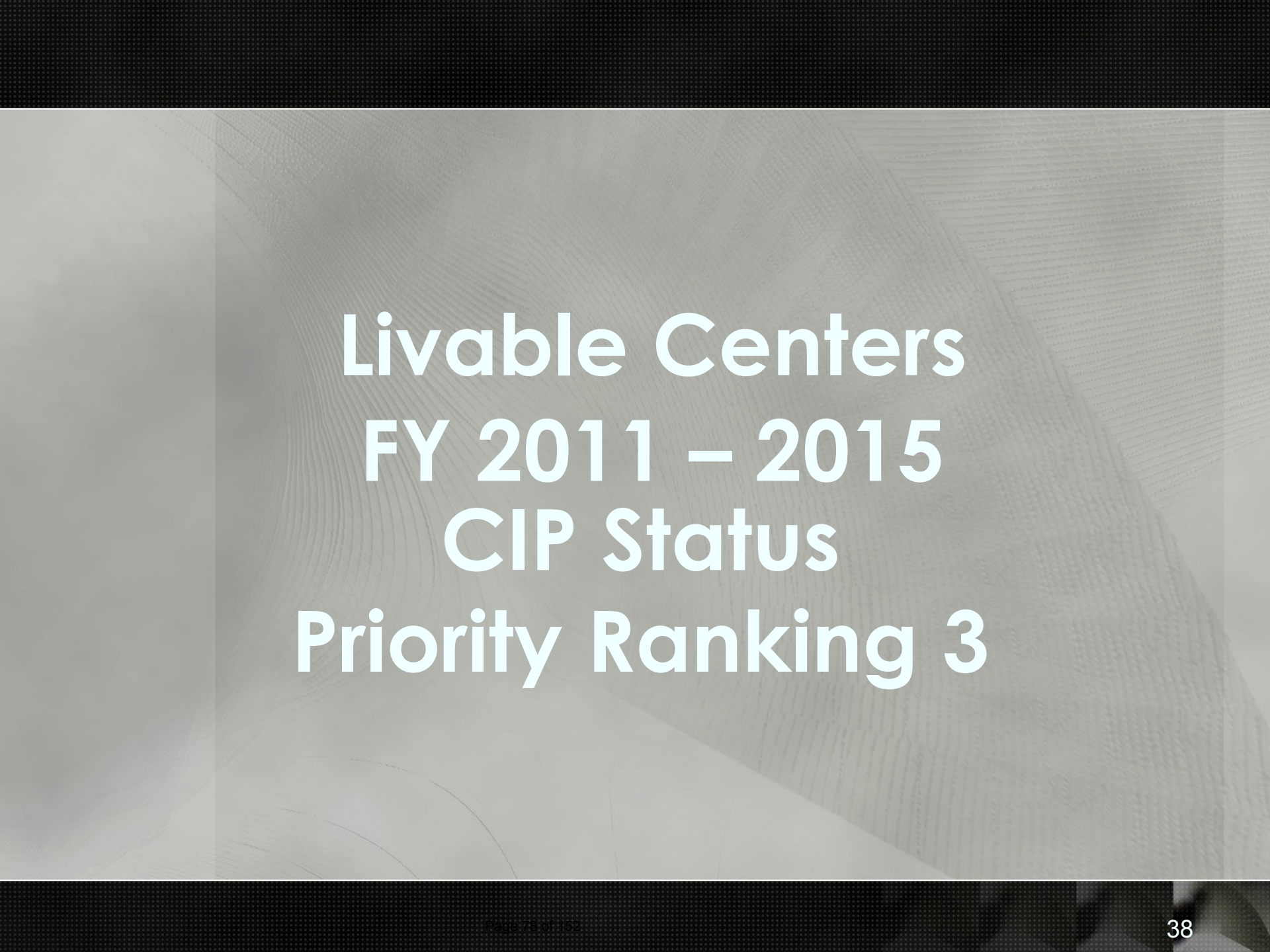
- Description: This plan will establish specific zoning standards for the properties adjacent to the existing and future Medical Complex Corridor to regulate land use and development standards along this major thoroughfare. A focus will be on clustering commercial activity at major intersections to encourage an appropriate mix of land uses and cohesive design along the corridor. The plan will create unique land use and design regulations to ensure appropriate transitions along the corridor and enhance its aesthetic and economic potential.
- FY 2013 Budget: \$175K (TEDC Funded)
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Medical Complex Specific Area Plan as an item to be implemented within six years.

Wayfinding Sign Plan



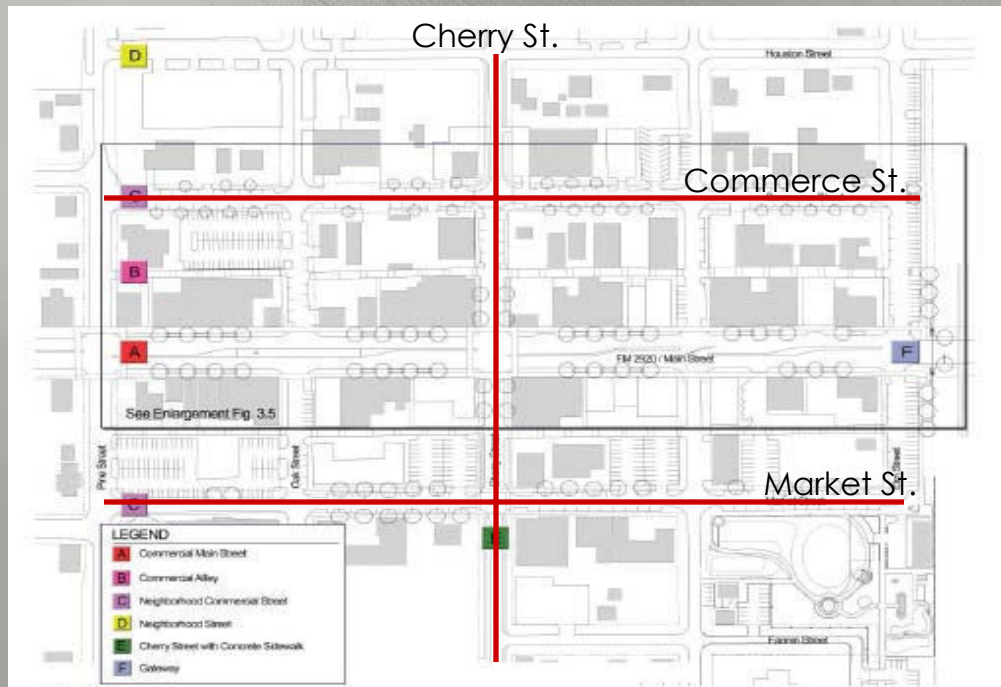
- **Description:** The purpose of the wayfinding plan is to develop a comprehensive citywide signage system designed to identify and direct residents and visitors to destinations throughout the city as well as promote a sense of arrival at key city gateways. The plan will consist of two elements: downtown Tomball signage as defined in the Livable Centers Downtown Plan and a larger citywide signage program, including gateways, streets, & directional signs.

- **FY 2013 Budget:** \$50K (TDEC Funded)
- **Progress:** The City's 2009 Livable Centers Downtown Plan has already identified signage themes for the Downtown area. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Wayfinding Sign Plan as an item to be implemented within three years.



Livable Centers FY 2011 – 2015 CIP Status Priority Ranking 3

Street Reconstruction Program



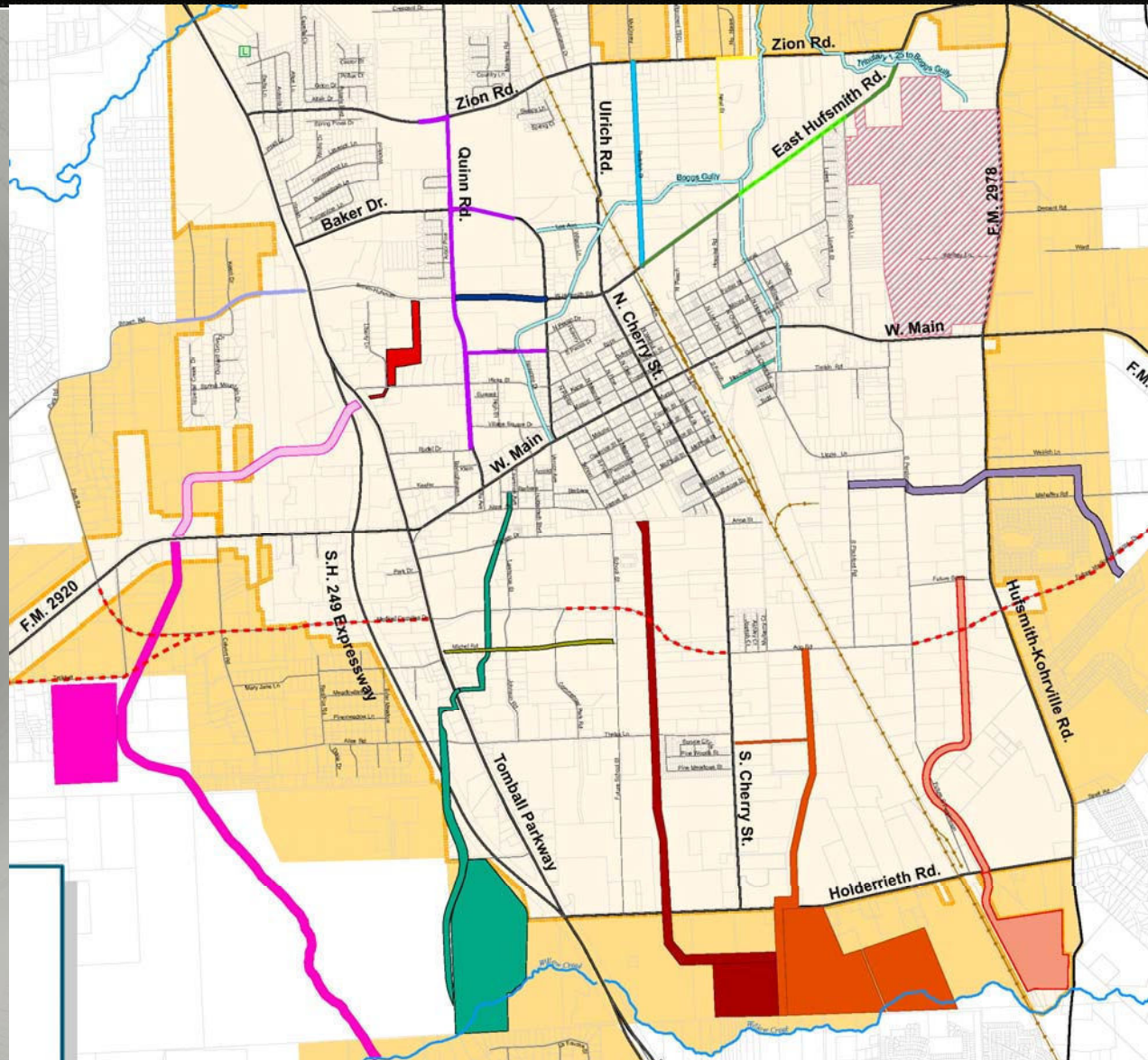
- **Description:** The plan recommends a number of street reconstruction projects on Commerce, Market, and Cherry Streets to be completed within the next six years. These projects include streetscape enhancements, landscaping, detention, and sidewalk improvements in the study area. E&P proposes to begin this project in FY 2013 - 2014.

- **FY 2014 Budget:** \$1.0M **FY 2015 Budget:** \$4.0M
- **Progress:** City Council approved the Livable Centers Downtown Plan (Res. #2009-23) on September 21, 2009 which identifies this program to be constructed within six years.

FY 10-14 Capital Improvement Projects

- Tomball Hills Lift Station
- Quinn Road Sidewalk and Utilities Improvements
- M121 West Drainage Channel
- M121 East Drainage Channel
- Medical Complex Drive (Segment 3)
- Medical Complex Drive (Segment 2)
- Rudolph Road & Utilities (Phase 1)
- Hufsmith Sanitary Sewer Improvements
- Brown Road & Utility Extension (Phase II)
- Hufsmith Water & Gas Improvements
- M118 Drainage Channel South of Holderrieth Rd
- M118 Drainage Channel North of Holderrieth Rd
- M124 Drainage Channel

CIP Projects FY10-FY14

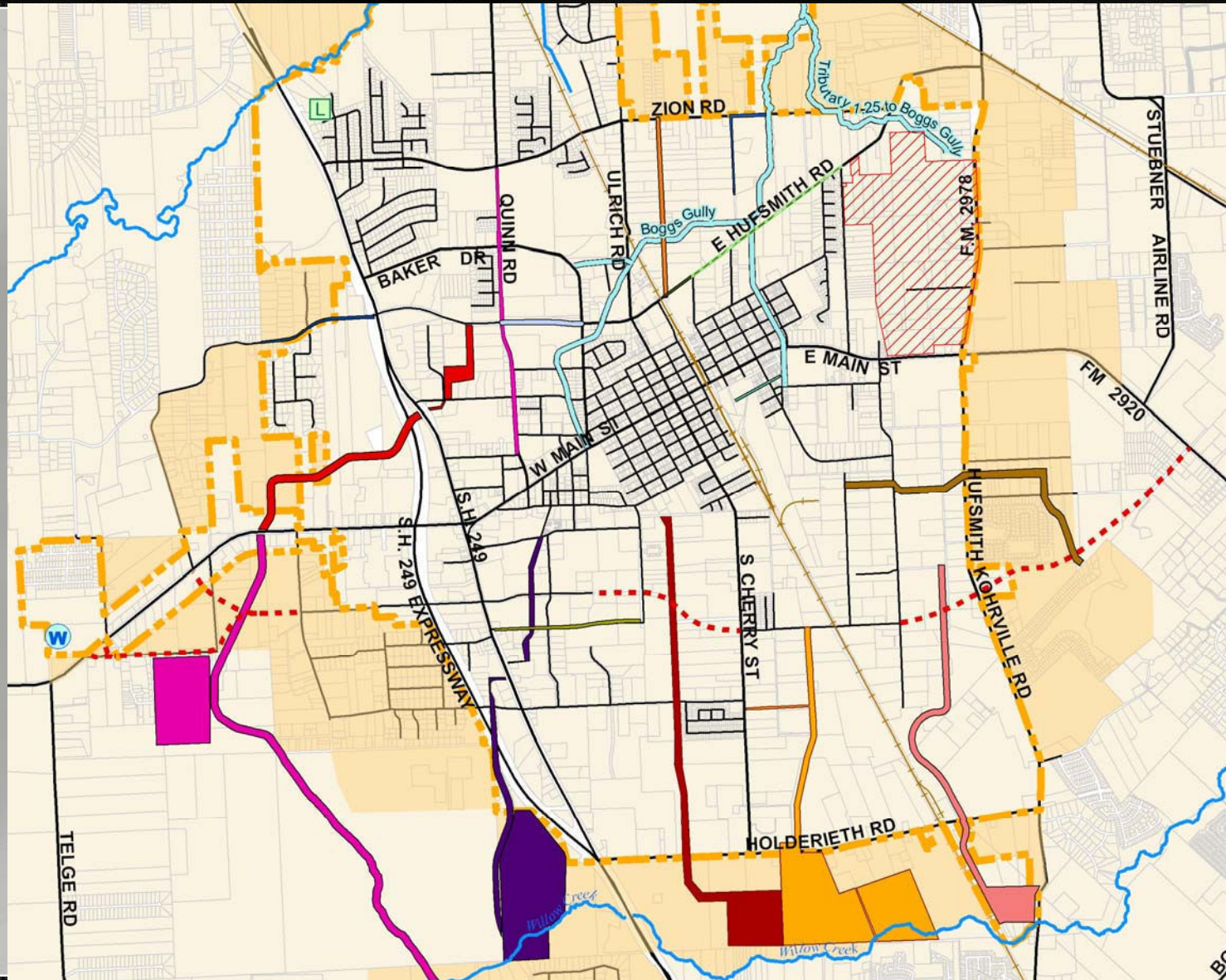


Capital Improvement Projects

Initiated Prior to FY 10-14 Budgets

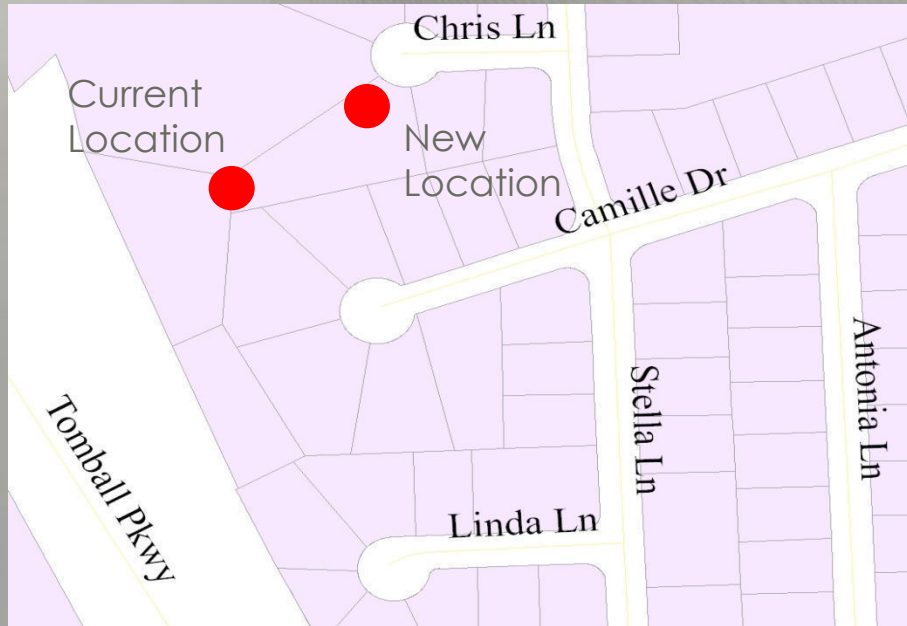
- Medical Complex Corridor
- M118 Drainage & Detention Basin
- M121 Drainage & Detention Basin
- Barbara Street Drainage (M125)
- Quinn Road Sidewalks & Utilities Improvements
- M124 Channel
- Comprehensive Plan
- M116 Drainage Channel
- J131-00-01
- Hufsmith Sewer Improvements
- Hufsmith Water & Gas Improvements
- Neal Street Utilities
- Rudolph Road & Utilities
- Tomball Hills Lift Station
- Water Well No. 5

Capital Improvement Projects



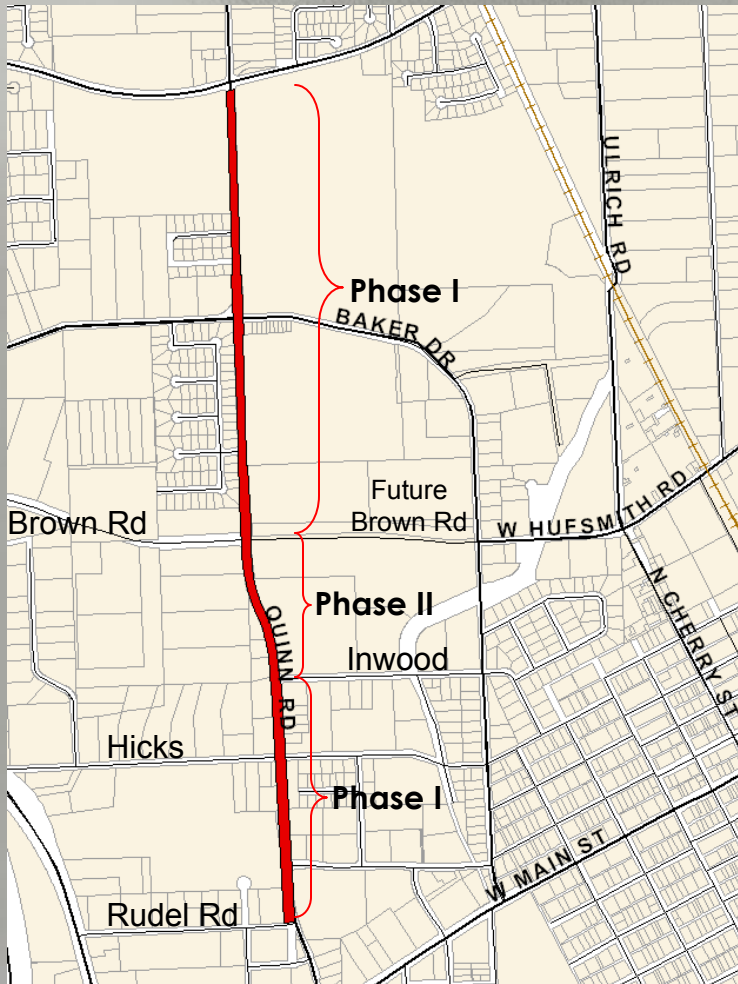
FY 2010 – 2014 CIP Status

Tomball Hills Lift Station



- Description: The Tomball Hills sanitary sewer lift station was constructed in the mid 1970's to collect sanitary sewer for all of the adjacent subdivision and Lonestar Community College. The lift station was constructed within the floodplain and during increased storm water events is submerged. The lift station requires redesign and relocation consideration to meet TCEQ requirements.
- FY 2010 Budget: \$648K
- Progress: A contract was executed with a Consultant to prepare the PER. The PER was completed in April 2009. The Engineer's opinion of cost is \$300K. The PER identified the property to be acquired and recommended alternatives. Final design was initiated May 27, 2009. The contract term is 120 calendar days. Design is 95% complete. Project requires acquisition of one vacant residential lot. Appraisal was completed October 26, 2009. An offer letter was extended March 18, 2010, waiting on owners response. Construction on hold until funding is made available.

Quinn Road Improvements



- Description: The Quinn Rd. improvements project includes utility and sidewalk improvements. The project limits extend from Rudel Rd. north to Zion Rd. Quinn is a major north – south collector roadway for the City and provides access to three Tomball ISD campuses.
- FY 2010 Budget: \$1.01M
- Progress: Phase II was completed by the developer as part of the Brown Road Utility Project. A PER on Phase I was completed and accepted by the City May 29, 2008. A contract was executed with a Consultant to complete the final design. The design is 100% complete. The Engineer's opinion of cost is \$565K. The project was advertised for bid November 18, 2009. The bid opening was held December 10, 2009. Bid was awarded by City Council January 4, 2010 for \$461K. Construction is 50% complete. Estimated completion date is Early July 2010.

M121 Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.

- M121 West

FY 2010 Budget: \$1.27M

FY 2011 Budget: \$1.432M

FY 2012 Budget: \$8.7M

- M121 East

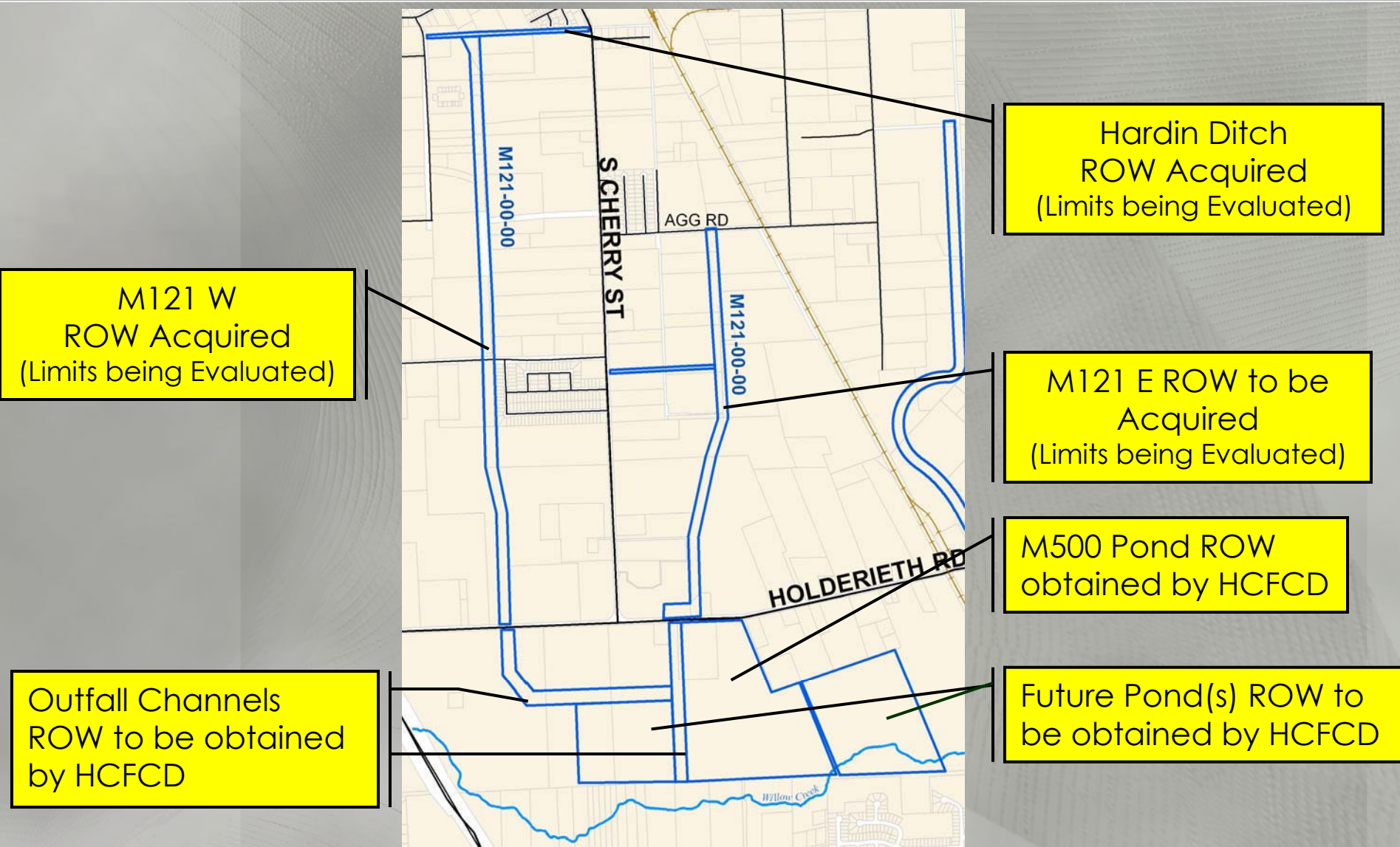
FY 2010 Budget: \$300K

FY 2011 Budget: \$580K

- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCD is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

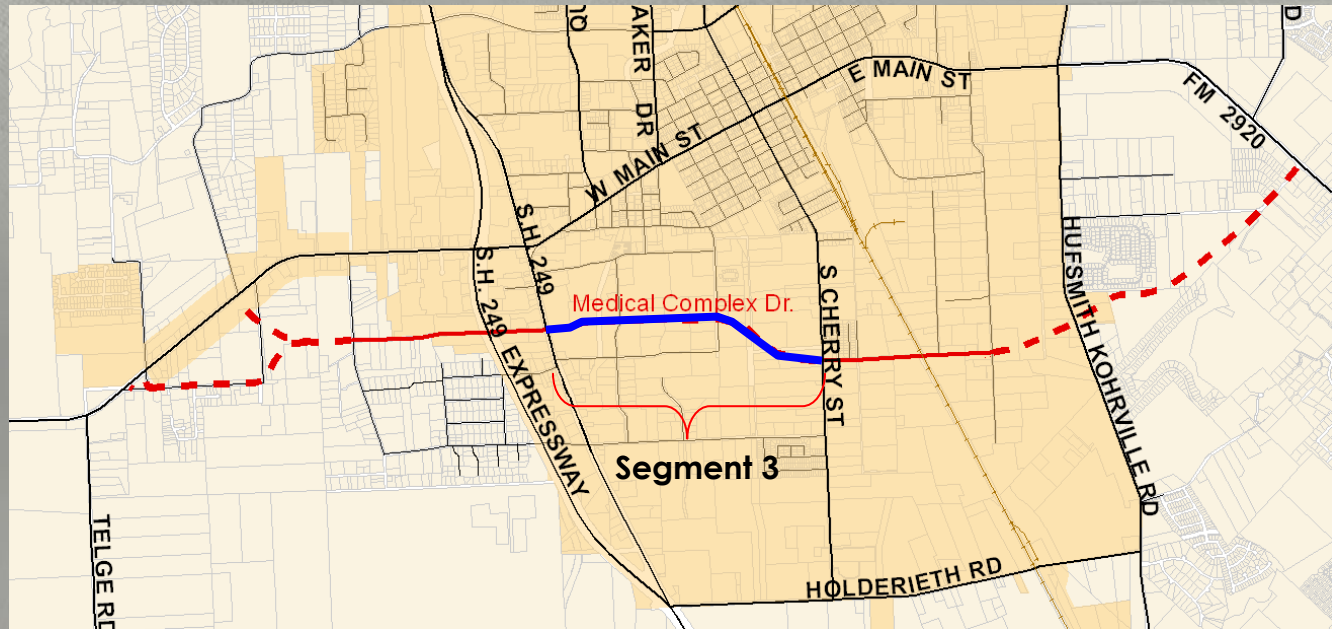
A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holdderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract with a consultant is being negotiated to complete the final design of M121 West. Design contract is on hold until funding is made available.

M121 East & West Drainage Channel



Medical Complex Dr. Extension

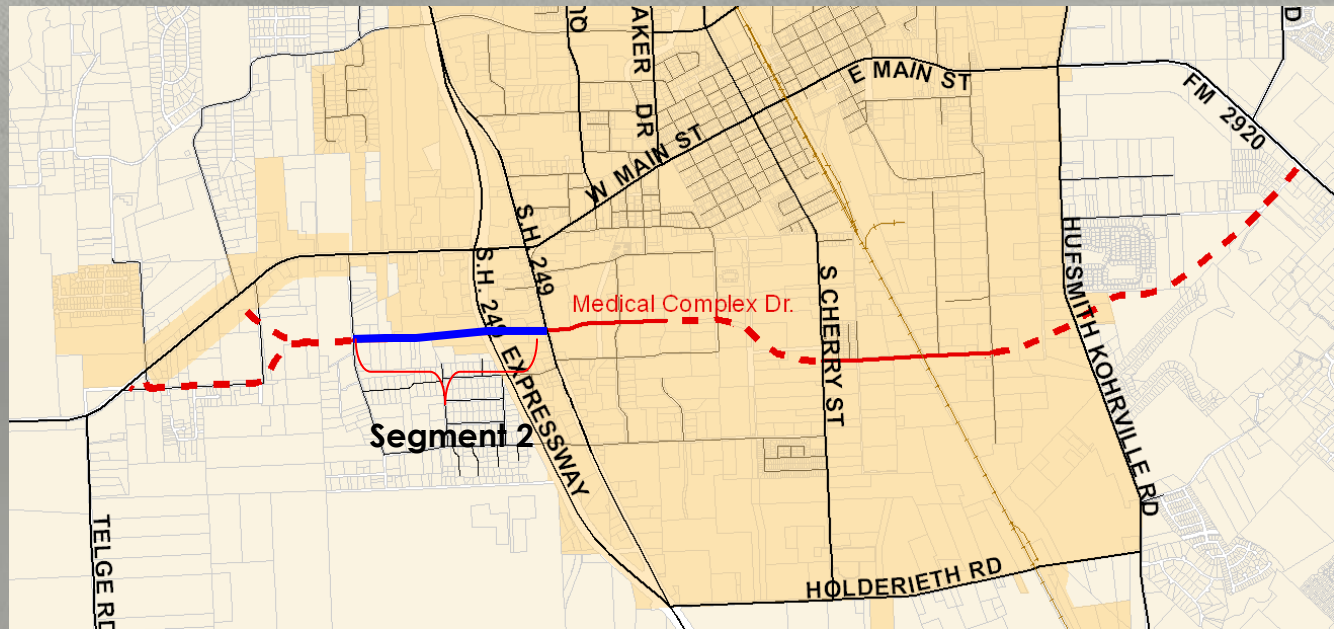
SEGMENT 3



- Description: Segment 3 of the proposed Medical Complex Corridor commences at SH 249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2010 Budget: \$1.9M FY 2012 Budget: \$3.7M FY 2013 Budget: \$1.1M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$4.6M for Segment 3. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. Design contract is on hold until funding is made available.

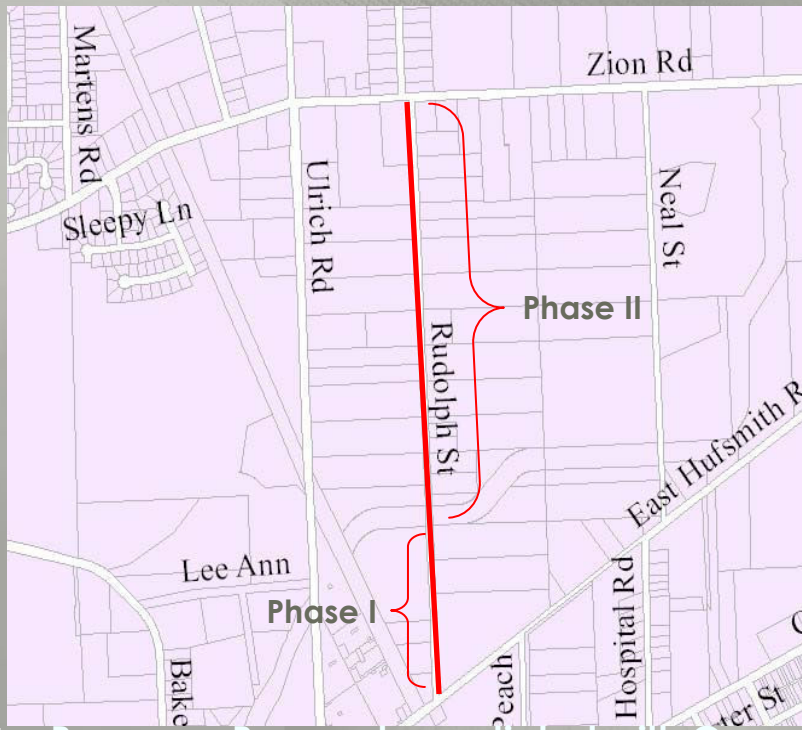
Medical Complex Dr. Extension

SEGMENT 2



- Description: Segment 2 of the proposed Medical Complex Corridor commences at Calvert Rd and continues easterly to SH 249 Business. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 09-10 Budget: Land - \$950K
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$9.8M for Segment 2. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. Land acquisition is on hold until funding is made available.

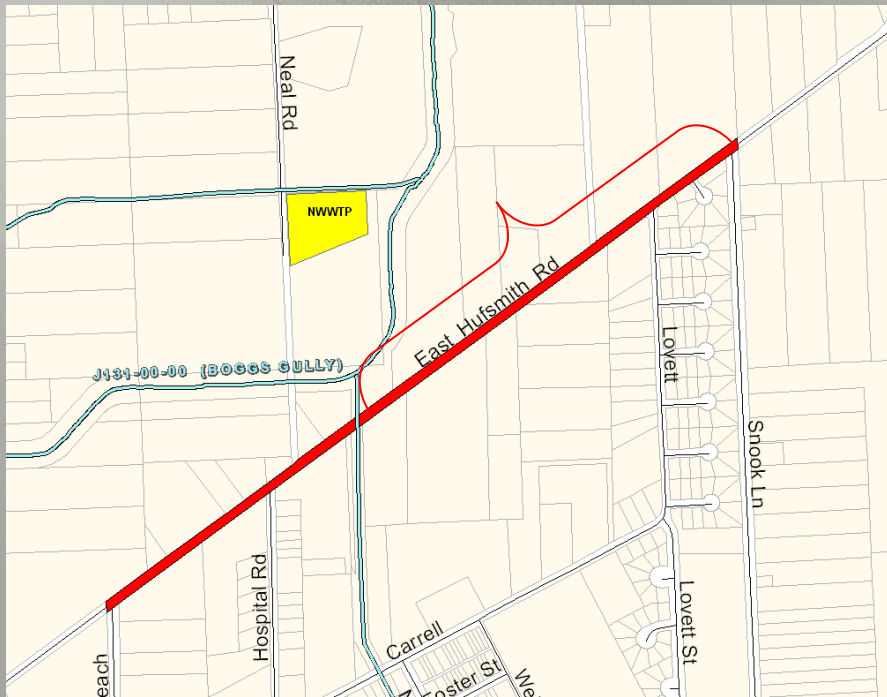
Rudolph Road & Utilities (Phase I)



- Description: The Rudolph Rd. Utilities improvements project includes land acquisition and providing street and utility improvements to current standards as a collector street. The majority of the street is substandard with limited to no utilities within a 30' ROW.
- FY 2010 Budget: \$2.2M

● Progress: Proposal negotiated with Consultant for PER for Rudolph (both Phases). A Professional Services contract was executed in 12/07 to perform the necessary surveying and prepare the individual metes and bounds descriptions for utility easements and ROW dedications. All Phase I parcels have been acquired. The PER was completed February 2, 2010 with Phase I cost estimate of \$1.642M. Based on the approved PER, the Consultant will perform the final design of Phase I. An agreement was executed between COT and TEDC for \$300K to aid in the construction of Phase I. Additionally, an agreement between the COT and a developer was executed under which the developer has agreed to contribute \$30K for the construction of Phase I. Phase I design scheduled for completion June 2010. Anticipated construction letting date of August 2010. Construction is on hold until funding is made available.

Hufsmith Sewer Improvements



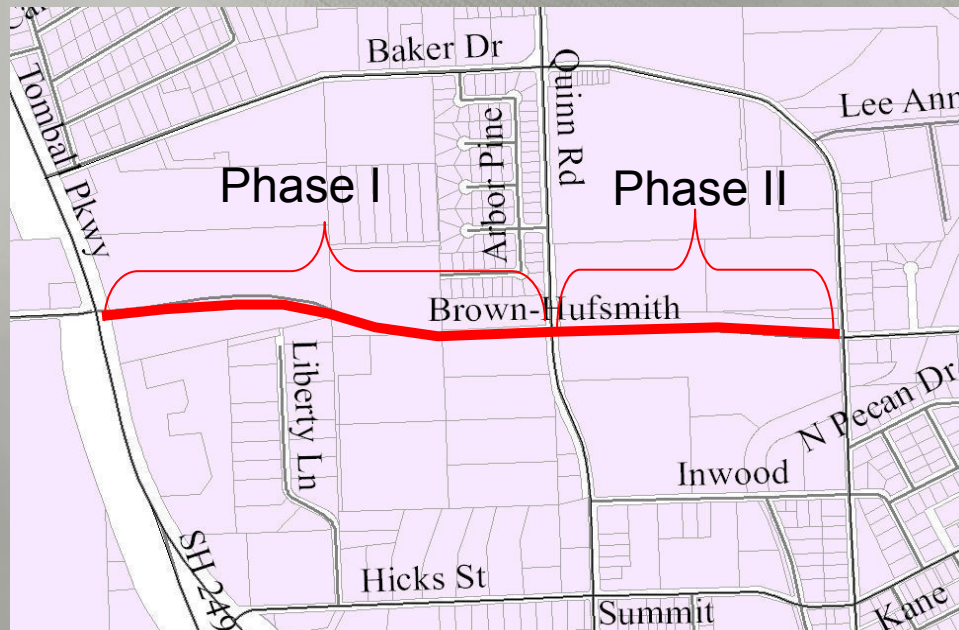
- Description: Provides sanitary sewer improvements along East Hufsmith from J-131 to Snook.

- FY 2010 Budget: \$409K

- FY 2012 Budget: \$880K

- Progress: The project was to be a joint effort with Developer (TIRZ). City is responsible for easement preparation and acquisition. Metes and bounds have been completed. Consultant completed appraisals by August 2009 for seven (7) parcels on the north side of East Hufsmith. City has acquired 2 of 7 parcels. Developer to provide design plans (preliminary plans were previously submitted and comments delivered in November 2007). This project is Developer driven and associated with TIRZ. No progress has been noted by Developer.

Brown Road Extension

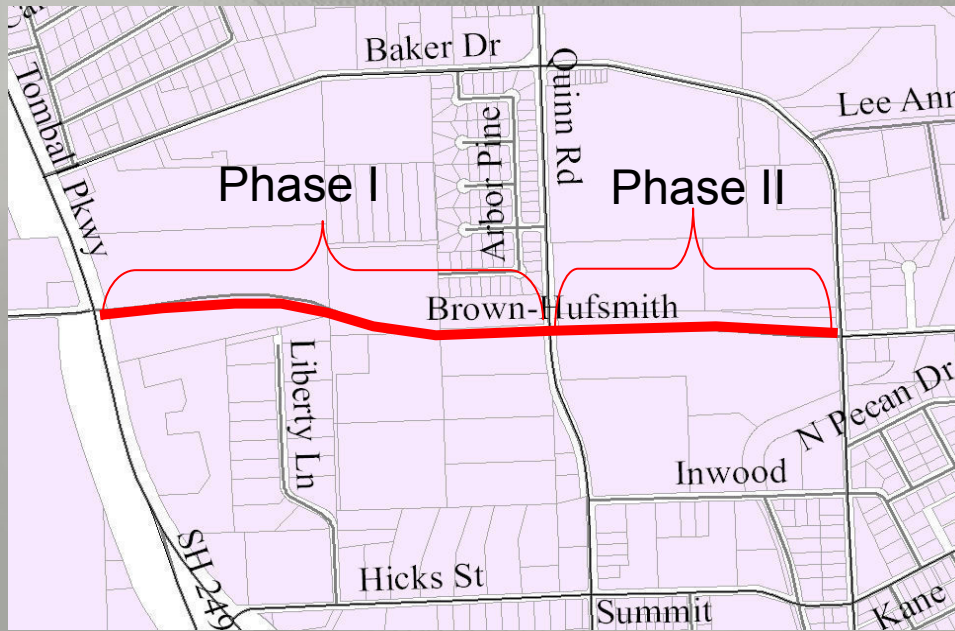


- **Description:** Brown Road extension includes street improvements from SH 249 to Baker. Phase I includes from SH 249 to Quinn, and Phase II includes from Quinn to Baker. Phase I is a joint project with TxDOT. Phase II will provide the City's major east-west corridor on the north side of FM 2920.
- **FY 2010 Budget:** \$1.0M
- **FY 2011 Budget:** \$1.2M

- **Progress:** Phase I was let by TxDOT on December 4, 2007 and awarded to Hassell Construction in the amount of \$1,833,442.16. Notice to proceed issued March 10, 2008, with an 84-working day schedule. In reference to construction costs, City has paid TxDOT \$1,086,890.87. Phase I was completed in November 2008 with the exception of the final traffic signal to be installed at SH 249 and the pipe runners at M124. The pipe runners have been installed. TxDOT installation of the traffic signal was completed December 2009.

Phase II design proposal, including utilities, was approved by City Council on April 20, 2009 for \$200,054.00. An additional service contract for \$32,171, was approved on June 25, 2009, for offsite detention design and analysis. The contract term is 180 calendar days. Design is 95% complete. ROW and detention pond property to be acquired.

Brown Road Utilities



- **Description:** Provides utility improvements along Brown Road, including water, sewer and gas. Phase I includes constructing 12" water, 10" sanitary and 4" gas. In addition, sidewalks and utility improvements along Quinn from Inwood to the north side of Brown Road were included.

- **Budget:** \$0 (Phase II) Included in Brown Road Extension
- **Progress:** Phase I improvements were let under a Developer Agreement with CCG and TEDC. The City has paid its share of the project (As part of the 380 agreement with CCG, \$471K for utilities & \$400K for ROW. Also paid \$169K for utility upgrades and sidewalks on Quinn.) Phase I was completed March 2008. Phase II is included in Brown Road Extension Contract.

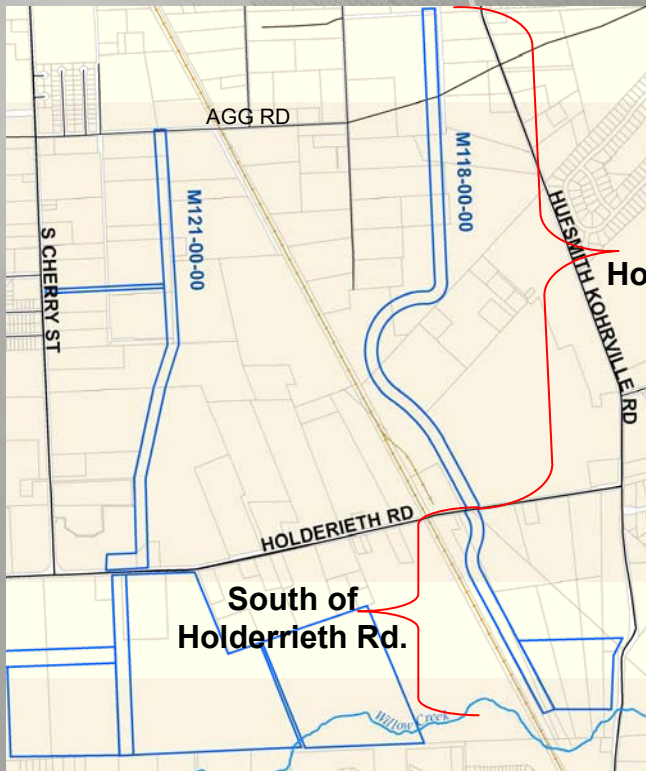
Hufsmith Water & Gas Improvements



- Description: The Hufsmith water and gas improvements include 12" water line and 4" gas lines from Rudolph to Snook.
- FY 2010 Budget: \$303K
(rolled over from previous budgets)
- FY 2011 Budget: \$590K
(Land Acquisition)

- Progress: A contract was executed with a Consultant to complete the final design and develop the metes and bounds descriptions for easement acquisition. The project design is expected to be completed by May 2010. E&P recognizes this project as a critical needs project. The Engineer's opinion of cost is \$840K. There are an estimated 18 easements to be acquired. Design is 95% complete. Consultant completed metes and bounds for 19 easements and 27 ROW acquisition by January 2010. A contract for land acquisition services and appraisals was approved by council April 5, 2010.

M118 Drainage & Detention Basin (South of Holderrieth Rd)



North of
Holderrieth Rd.

South of
Holderrieth Rd.

- **Description:** The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

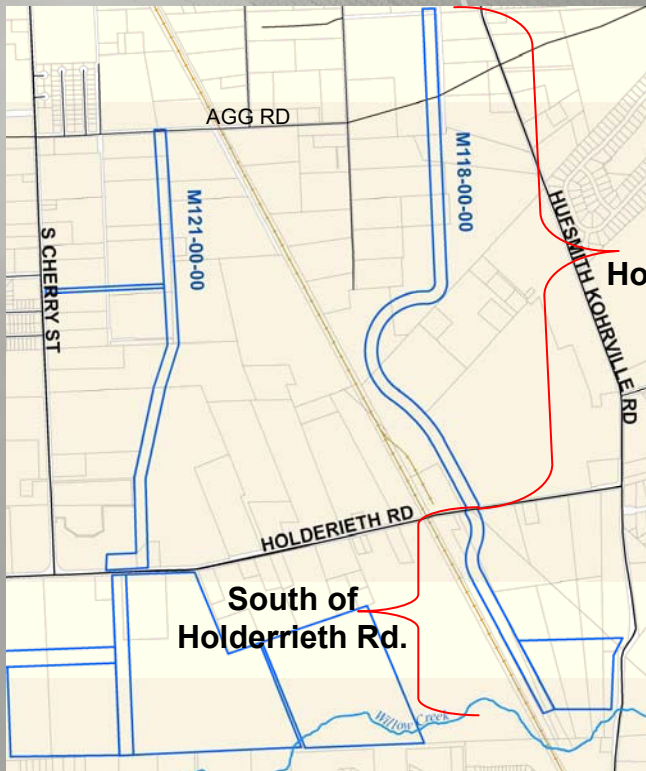
- **FY 2010 Budget:** \$3.7M

Progress: The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. Design contract on hold until funding is made available.

M118 Drainage & Detention Basin (North of Holderrieth Rd)



- **Description:** The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

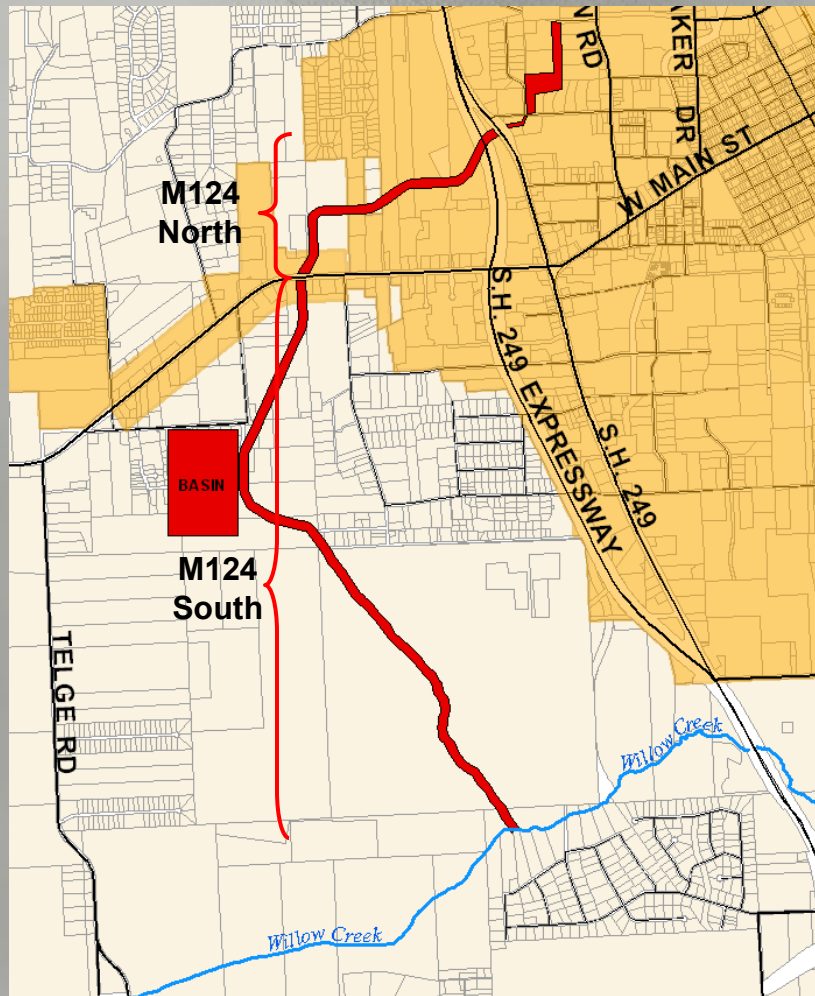
- **FY 2011 Budget:** \$1.2M

Progress: The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. 12 parcels need to be acquired north of Holderrieth Rd. Design contract on hold until funding is made available.

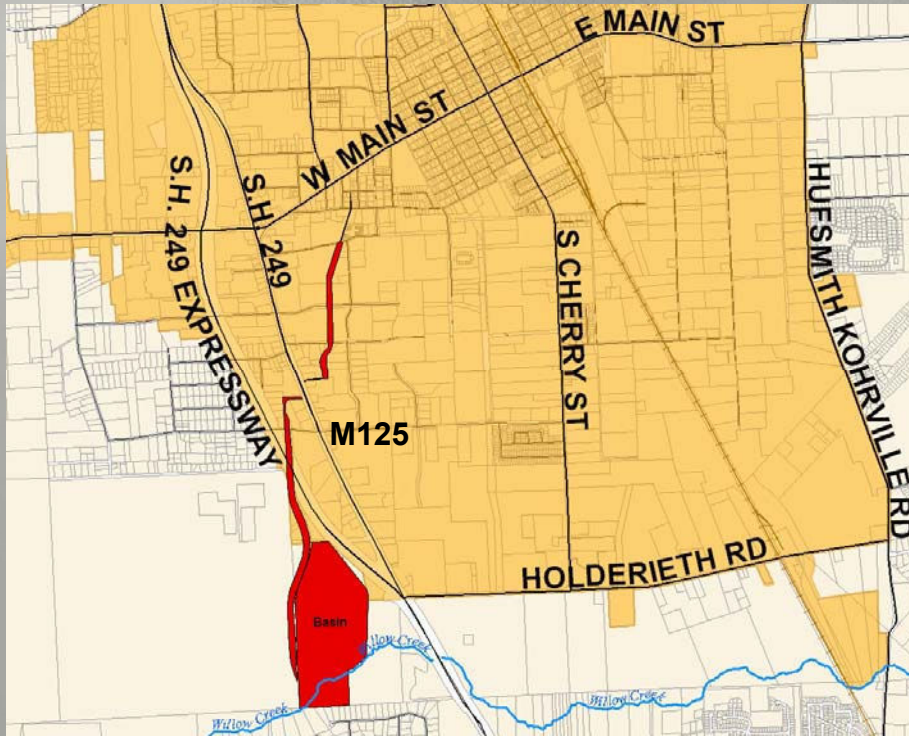
M124 Channel



- Description: The M124 basin occupies a major portion of the westerly area of Tomball, outfalling to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920.
- FY 2010 Budget: \$1.6M
- FY 2011 Budget: \$1.0M
- FY 2012 Budget: \$1.2M
- Progress: The PER with alternative analysis and recommendations was approved November 5, 2008. Additional funding was approved by City Council to establish alignment and channel cross-section to be completed in 270 calendar days. The additional services include preliminary survey, geotechnical report, project scheduling, phasing, cost estimates, preliminary plan & profile drawings, and project management and coordination. No ROW has been acquired. The final design contract will have to be negotiated with the consultant and ROW acquired for 67 acre detention pond and is on hold until funding is made available.

On-Going Project Status

Barbara St. Drainage (M125)



- Description: M-125 channel improvements between Barbara Street and Willow Creek. Joint participation with Harris County and Harris County Flood Control.
- FY 2010 Budget: \$400K (rolled over from previous budgets)

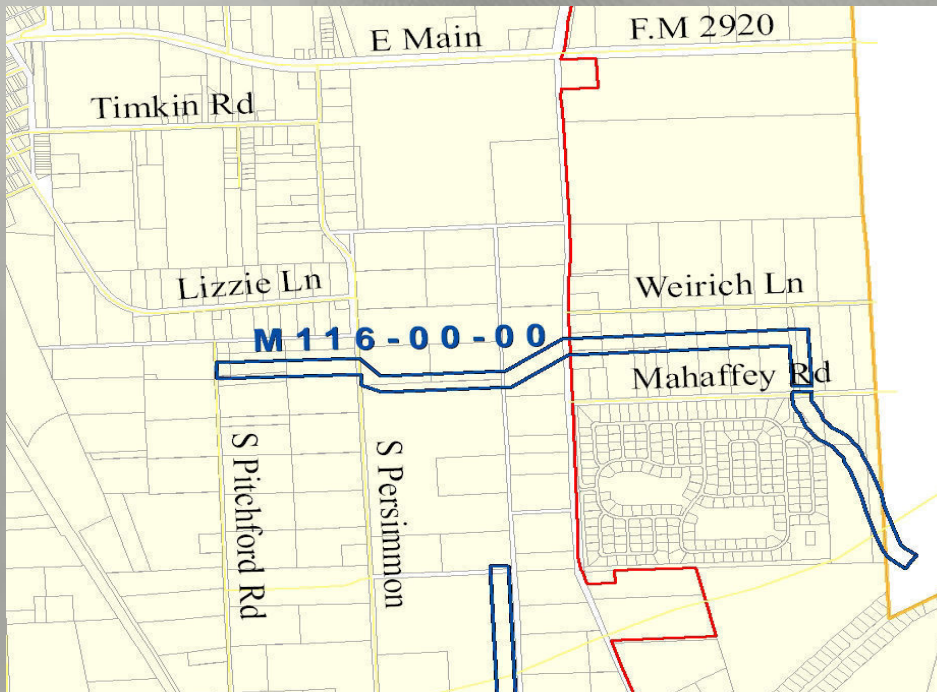
- Progress: A revised joint interlocal agreement has been executed by COT and HCFCD/HC February 19, 2008. HCFCD let the project in June 2009 with a contract term is 250 working days for \$4,031,977.00. City's revised cost participation is \$765K. The City has paid \$369K, and still owes \$396K.

Comprehensive Plan



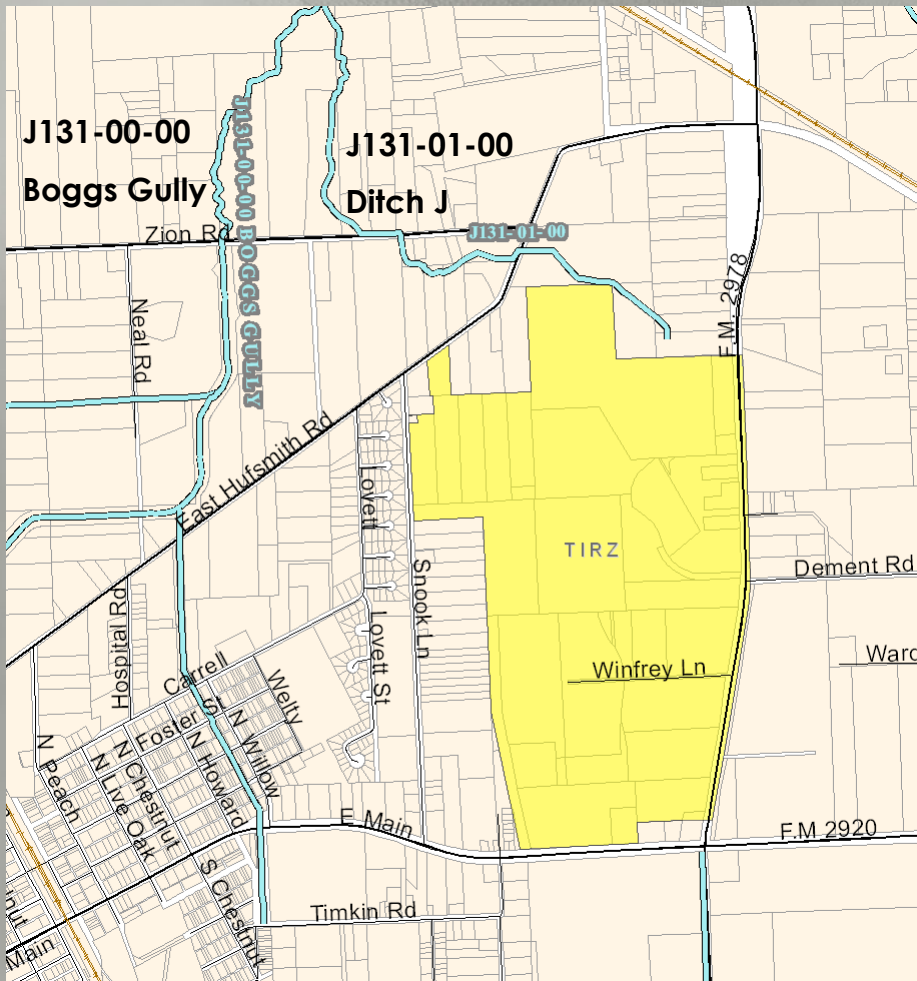
- Description: Develop a long-range plan to be utilized as a policy guide for the future growth and development of Tomball. The Plan will address land use, transportation, infrastructure, open space, etc. and develop goals, objectives and criteria for growth.
- FY 2010 Budget: \$1.4K (rolled over from previous budgets)
- Progress: Project consultant retained 10/20/08. Project initiation and framework assessment has been completed. Visioning Process began in January 2009. The plan was adopted December 7, 2009. For additional information visit the website, <http://www.plantomball.com/index.html>.

M116 Drainage Channel



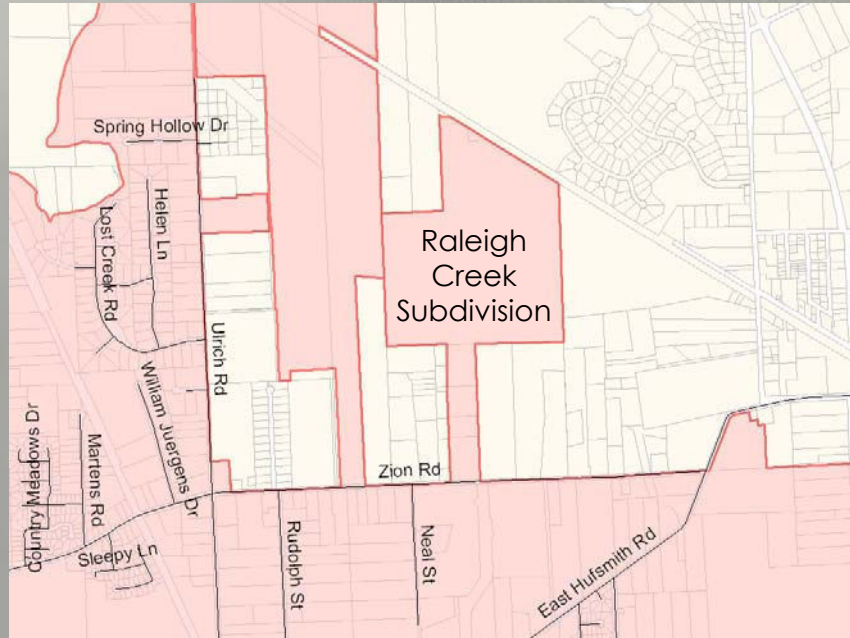
- Description: The M116-00-00 basin generally occupies an easterly section of Tomball and an area south of FM 2920, east of the Railroad tracks and north of M118 basin. Project to provide recommendations for channel improvements that may reduce/eliminate the need for on-site detention.
- FY 10-14 Budget: No funds have been allocated
- Progress: None

J131-01-00 Drainage Channel



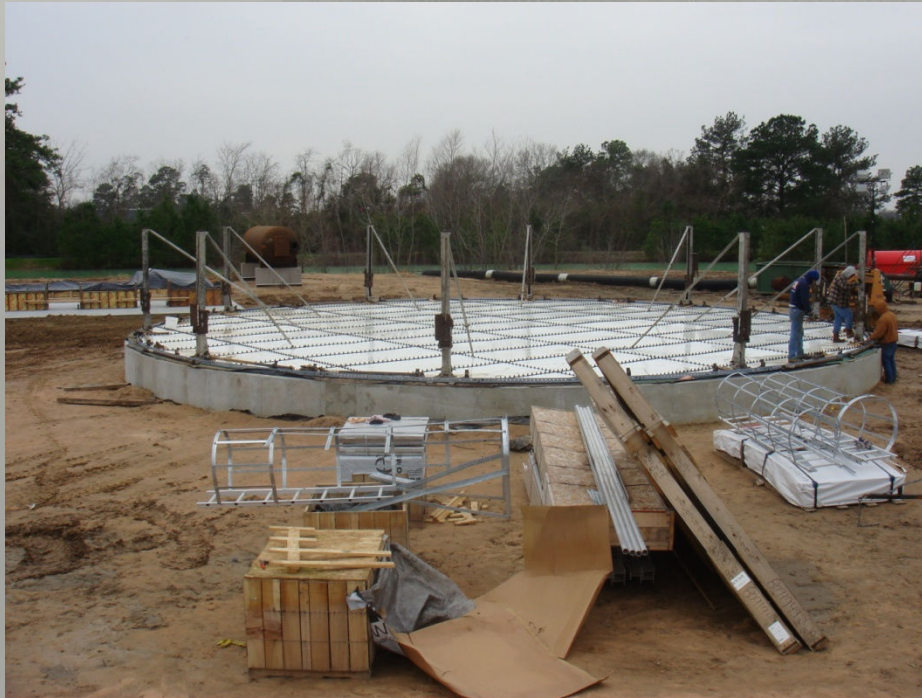
- Description: Project provides the design recommendations for J131-01-00 (Ditch J) from Winfrey Lane to Boggs Gully (8,000'+) to alleviate conditions that create localized flooding.
- FY 10-14 Budget: No funds have been allocated
- Progress: None

Neal Street Utilities



- **Description:** Neal St. Utilities improvements include water and sewer extensions to service the future Raleigh Creek Subdivision. A waterline is to be extended along Zion Rd. A larger sanitary sewer line will be extended from the NWTP, along Neal St. and Zion Rd. to the proposed Raleigh Creek Subdivision. ROW and easements need to be acquired on Neal St. and Zion Rd.
- **FY 2010:** \$45K (rolled over from previous budgets)
- **FY 10-14 Budget:** No funds have been allocated
- **Progress:** A preliminary progress meeting occurred with the Developer's Consultant on 11/07. A timeline schedule for design completion has been requested. The project is Developer driven and funded. The engineer of record opinion of cost for utility extension is \$610K. In addition the utility extension will require 8 easements appraisal and acquisition, bringing the estimated project cost to \$968,405.24. The developer has not moved forward with this project.

Water Well #5 & #6



- **Description:** City of Tomball needs to secure additional public water supply and distribution capacity. The City's 2002-12 Infrastructure Master Plan identifies providing a large capacity water source prior to 2012, to satisfy TCEQ's minimum water system capacity requirements for the projected population growth.
- **FY 2010 Budget:** \$0 (Accounting Department to utilize carry over and cash available funding)
- **Progress:** PER was completed 02/08. A 2.952 acre site appraisal was completed and the site acquired, along with a 10' wide water line easement, and a 20' wide utility easement. Final design was completed March 2009. Notice to Proceed was issued June 29, 2009. Project was bid and awarded to Schier Construction Co., Inc. for \$3,150,600, with a timeline of 306 calendar days. The current contract is for \$3,877,175, due to change orders. (Added Water Well #6.)

Council Approved CIP Projects (FY11-15)

- Tomball Hills Lift Station
- Master Drainage Plan
- 3 Downtown Parking Lots

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 18, 2010

Topic:

Approve Grant for the Spring Creek County Historical Association (Tomball Museum) in the amount of \$14,000.00.

Background:

Project or event for which funding is requested: Candlelight Tours at Christmas; Heritage Teas in the Spring; approximately 100 tours of the facilities during the year, and assistance with the annual operating and maintenance expenses during the year.

Origination:

Finance

Recommendation:

Staff recommends approval of this request.

Funding: Yes

Account Number: 240-240-6359

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

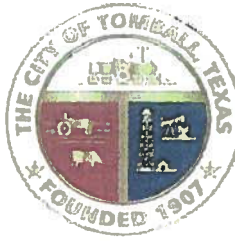
Glenn Windsor, CPA, CGFO

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

ATTACHMENTS:

SPRING

HOT BOARD



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

Applicant Organization: Spring Creek County Historical Assoc (Tomball Museum)

Organization Director: Mrs. Jean Alexander

Project or Event for which funding is requested: Candlelight Tours at Christmas; Heritage Tea in the Spring. Approximately 100 tours of the facilities during the year, and assistance with annual operating and maintenance expenses during the year.

Date of Events: Candlelight Tours, December 10 & 11, 2010; Heritage Tea, April 10, 2011; and schedule tours on Sunday afternoons and Thursdays during the year.

Description of project or event for which funding is requested:

1. Candlelight Tours at Christmas – Friday and Saturday nights the 2nd weekend in December each year. Tours of all buildings decorated for the Holidays, music and Santa Claus for the children in the barn, choirs singing in the church, wassail and cookies served in the Fellowship Hall.
2. Heritage Tea in April. This honors an individual or family, selected by the Board, who has contributed to the cultural and/or civic activities of the city.
3. Sundays and Thursdays have scheduled hours offering tours of all the buildings and facilities. Individuals and groups including schools and clubs, take advantage of these days to learn more about the history of our community depicted by the buildings and facilities in the Museum.
4. Assistance with meeting the annual maintenance and operating expenses.

GRANT AMOUNTS:

Amount Requested for 2009-2010	\$ <u>14,000.00</u>
Amount Received for 2008-2009	\$ <u>12,000.00</u>
% increase requested over last year's grant	<u>16.7</u> %

2009 – 2010 Organization Budget Summary

	City Funds	Other Funds	Total
Personnel	\$6,500	\$6,500	\$13,000
Contracted Services	\$0	\$8,200	\$8,200
Travel	\$0	\$0	\$0
Rental Expense	\$0	\$0	\$0
Depreciation/Mortgage	N/A	\$0	\$0
Utilities	\$1,500	\$6,500	\$8,000
Insurance	6,000	\$4,000	\$10,000
Other Expenses	\$0	\$4,000	\$4,000
Volunteer time	N/A	\$0	\$0
Donated Goods/Services	N/A	\$5,500	\$5,500
Totals	\$14,000	\$34,700	\$48,700

Grants to an organization will not exceed 25% of the organization's adopted budget for 2009-2010

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

<u>Government</u>	<u>Amount of Funds</u>
Local	<u>0</u>
County	<u>0</u>
State	<u>0</u>
Federal	<u>0</u>
<u>Other Investors/Contributors</u>	
Individuals	<u>\$7,300</u>
Corporate	<u>\$1,100</u>
Foundations	<u>0</u>
<u>Fees</u>	
Admissions	<u>\$3,000</u>
Applications	<u>0</u>
Vendors	<u>0</u>
Tuition	<u>0</u>

<u>Concessions</u>		<u>0</u>
<u>Memberships</u>		<u>\$1900</u>
<u>Subscriptions</u>		<u>0</u>
<u>Other</u>	Total	<u>\$29,500</u>

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

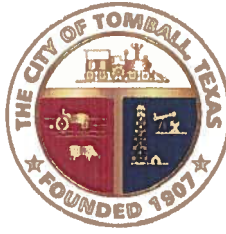
4,000 Explain the basis for your answer to the preceding question:

See the attached data dated August 14, 2010

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

Yes If your answer to this question is Yes, state the basis for your answer:

See the attached data dated August 14th, 2010



VALIDATION OF APPLICATION

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

Charles R. Hall
Signature of Authorizing Official

8/14/10
Date

Charles R. Hall
Typed Name

President
Title within Organization

281-351-0570 (h)
Telephone

crhall12@sbcglobal.net
Email address

Application for Grant to the City Of Tomball

August 14, 2010

The function of the Spring Creek County Historical Association (Tomball Museum) is to preserve the history of Tomball and the surrounding community for the present and future generations. The Museum provides our tourists, citizens, school children, church groups, senior citizens, scouts, and other organizations an opportunity to look back in time and see the history of Tomball through guided tours of our historic homes, businesses, and other exhibits. We provide tours for school children (at no cost to the schools) to instill an awareness of Tomball's history.

The future of the Museum depends on significant financial support from the City and donations from our citizens. These funds help provide for the Candlelight Tours of the Museum facilities at Christmas; Annual Heritage Tea Celebration in April honoring individual(s) who have contributed to the civic and/or cultural activities of the City Of Tomball. The Museum needs the City's financial support for operational and continual maintenance expenses of 10 historic buildings most of which are over 100 years old.

The Museum meets the guidelines for the Hotel Occupancy Tax policy.

The Museum supports the Chamber's goals and we promote the City with tours on Sunday's and Thursday's each week for visitors to Tomball throughout the entire year.

The Museum has its own Website on the Internet, and is a member of the Chamber Of Commerce, and the local newspapers write articles and publicize the Museum's various activities.

This past year the Museum received visitors from 50 different Texas cities, ~~and~~^{and} from other states, and from 4 foreign countries. Approximately 6300 people visited the Museum during the year. The Museum is proud of our partnering relationship with the City. We feel we are part of the City's mission to promote Tomball to our visitors and to represent Tomball to our tourists as the "Hometown With A Heart", our city slogan

The proposed budget for 2009-2010 fiscal year is \$48,700 which is the same as the prior year.

SPRING CREEK COUNTY HISTORICAL ASSOCIATION

2009-2010 BUDGET

REVENUES

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

EXPENSES

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

NET REVENUE

\$0

MUSEUM BUDGET

**ELLEN H. STUTTS CPA
31330 HELEN LANE
TOMBALL, TEXAS 77375
281-797-8253**

Spring Creek County
Historical Association
Tomball, Texas

I have compiled the accompanying statement of assets, liabilities and fund balance— income tax basis of Spring Creek County Historical Association (a not for profit organization) as of December 31, 2009, and the related statement of revenue and expenses for the one and twelve month periods then ended, and the accompanying supplementary statement of fund balance, which is presented only for supplementary analysis purposes, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the accounting basis used by the Association for income tax purposes, which is a comprehensive basis of accounting other than generally accepted accounting principals.

A compilation is limited to presenting in the form of financial statements information that is the representation of the Association's management. I have not audited or reviewed the accompanying financial statements or supplementary information and, accordingly, do not express an opinion or any other form of assurance on them.

The Association's management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on this basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Association's assets, liabilities, equity, revenue and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.



Tomball, Texas
May 16, 2010

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF REVENUE & EXPENSES
INCOME TAX BASIS
FOR THE TWELVE PERIODS ENDING DECEMBER 31, 2009

	Current Month		Year to Date	
REVENUES				
DONATIONS-UNDESIGNATED	50.00	2.00	7,647.00	15.18
DONATIONS-COBB-MCCOURT	0.00	0.00	2,250.00	4.47
DONATIONS-OIL PATCH KIDS FUN	0.00	0.00	250.00	0.50
BUILDING USE FEES	500.00	19.99	16,226.00	32.22
GRANT-CITY OF TOMBALL	0.00	0.00	12,000.00	23.83
MEMBERSHIP DUES	15.00	0.60	1,930.00	3.83
OIL/GAS ROYALTY INCOME	402.50	16.09	708.67	1.41
INTEREST INCOME	790.43	31.61	8,571.97	17.02
DONATIONS - CANDLELIGHT TOUR	742.90	29.71	742.90	1.47
MISCELLANEOUS INCOME	0.00	0.00	40.00	0.08
TOTAL REVENUES	2,500.83	100.00	50,366.54	100.00
EXPENSES				
SALARIES	0.00	0.00	12,540.00	24.90
FICA EXPENSE	0.00	0.00	959.28	1.90
ACCOUNTING & BOOKKEEPING	0.00	0.00	1,720.00	3.41
CANDLELIGHT TOURS EXPENSE	254.46	10.18	668.55	1.33
DEPRECIATION EXPENSE	88.00	3.52	6,688.00	13.28
DUES & SUBSCRIPTIONS	0.00	0.00	175.00	0.35
HERITAGE TEA EXPENSE	0.00	0.00	184.24	0.37
INSURANCE EXPENSE	287.30	11.49	7,148.01	14.19
JANITOR	0.00	0.00	420.00	0.83
MISCELLANEOUS EXPENSE	0.00	0.00	40.02	0.08
OFFICE EXPENSE	0.00	0.00	1,837.14	3.65
PEST CONTROL	0.00	0.00	95.00	0.19
PROMOTION & ADVERTISING	0.00	0.00	300.00	0.60
REPAIRS & MAINTENANCE	0.00	0.00	1,760.16	3.49
REPAIRS - GRIFFIN HOUSE	0.00	0.00	1,227.73	2.44
REPAIRS - CHURCH	685.00	27.39	685.00	1.36
SECURITY EXPENSE	0.00	0.00	551.96	1.10
SUPPLIES	115.53	4.62	1,515.38	3.01
TAXES - AD VALOREM	32.78	1.31	58.02	0.12
TELEPHONE	0.00	0.00	685.21	1.36
UTILITIES	188.14	7.52	8,107.68	16.10
BUILDING USE EXPENSE	100.00	4.00	575.00	1.14
YARD MAINTENANCE	0.00	0.00	6,175.00	12.26
WEBSITE EXPENSE	0.00	0.00	44.87	0.09
TOTAL EXPENSES	1,751.21	70.03	54,161.25	107.53
NET REVENUE	\$ 749.62	29.97	\$ (3,794.71)	(7.53)

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF ASSETS, LIABILITIES & FUND BALANCE
INCOME TAX BASIS
DECEMBER 31, 2009

ASSETS

CURRENT ASSETS		
CASH - TEXAS COMMUNITY BK	\$	10,538.03
CASH - TEXAS COMMUNITY BK - M		18,238.80
CD - FIRST COMMUNITY BK		100,000.00
CD - TX COMMUNITY BANK		100,000.00
CD - TEXAS COMMUNITY 2		99,999.99
MISC RECEIVABLES		178.57
TOTAL CURRENT ASSETS		328,955.39
PROPERTY AND EQUIPMENT		
FURNITURE & FIXTURES		51,721.88
ALARM SYSTEM - GH&TH		1,900.00
BUILDINGS		124,912.67
SPRINKLER SYSTEM		4,410.00
SIDEWALK		3,508.50
LAND		70,055.79
ACCUM DEPRECIATION		(177,719.00)
TOTAL PROPERTY AND EQUIPMENT		78,789.84
OTHER ASSETS		
OIL PATCH KIDS PROJECT		750.00
DEPOSITS		400.00
TOTAL OTHER ASSETS		1,150.00
TOTAL ASSETS	\$	<u>408,895.23</u>

LIABILITIES & FUND BALANCE

CURRENT LIABILITIES		
FEDERAL INCOME TAX W/H	\$	184.00
FICA PAYABLE		319.69
TOTAL CURRENT LIABILITIES		503.69
LONG-TERM LIABILITIES		
TOTAL LONG-TERM LIABILITIES		0.00
TOTAL LIABILITIES		503.69
FUND BALANCE		
FUND BALANCE		412,186.25
NET REVENUE		(3,794.71)
TOTAL FUND BALANCE		408,391.54
TOTAL LIABILITIES & FUND BALAN	\$	<u>408,895.23</u>

SPRING CREEK COUNTY HISTORICAL ASSOCIATION
STATEMENT OF FUND BALANCE
DECEMBER 31, 2009

FUND BALANCE, UNDESIGNATED	\$404,216.54
----------------------------	--------------

FUND BALANCE, DESIGNATED:

GRANTS:

COBB-McCOURT FAMILY	\$ 3,825.00	
EHRHARDT	-	
OIL PATCH KIDS	<u>350.00</u>	<u>4,175.00</u>

TOTAL FUND BALANCE	<u>\$ 408,391.54</u>
--------------------	----------------------

Form **990**Department of the Treasury
Internal Revenue Service**Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

OMB No. 1545-0047

2009Open to Public
Inspection

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2009 calendar year, or tax year beginning**and ending****B Check if applicable:**

- ☐ Address change
☐ Name change
☐ Initial return
☐ Terminated
☐ Amended return
☐ Application pending

Please use IRS label or print or type.

See Specific Instructions.

C Name of organization

SPRING CREEK COUNTY HISTORICAL ASSN.

C/O MARY MCCOY

Doing Business As

Number and street (or P.O. box if mail is not delivered to street address)

P.O. BOX 457

Room/suite

City or town, state or country, and ZIP + 4

TOMBALL, TX 77375

F Name and address of principal officer: MARY MCCOY

SAME AS C ABOVE

D Employer identification number

74-6070572

E Telephone number

281-255-2148

G Gross receipts \$

50,367.

H(a) Is this a group return for affiliates?☐ Yes ☒ No**H(b) Are all affiliates included?** ☐ Yes ☐ No
If "No," attach a list. (see instructions)**H(c) Group exemption number** ▶**I Tax-exempt status:** ☒ 501(c) (3) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527**J Website:** ▶ N/A**K Form of organization:** ☒ Corporation ☐ Trust ☐ Association ☐ Other ▶**L Year of formation:** 1964 **M State of legal domicile:** TX**Part I Summary**

Activities & Governance	1	Briefly describe the organization's mission or most significant activities:	PROMOTION OF HISTORICAL, CULTURAL AND EDUCATIONAL PURSUITS IN NORTHERN HARRIS COUNTY, TEXAS.	
	2	Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3	Number of voting members of the governing body (Part VI, line 1a)	3	12
	4	Number of independent voting members of the governing body (Part VI, line 1b)	4	12
	5	Total number of employees (Part V, line 2a)	5	1
	6	Total number of volunteers (estimate if necessary)	6	30
	7a	Total gross unrelated business revenue from Part VIII, column (C), line 12	7a	40.
b	Net unrelated business taxable income from Form 990-T, line 34	7b	0.	
Revenue	8	Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	9	Program service revenue (Part VIII, line 2g)	15,132.	24,820.
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	12,896.	8,572.
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	17,777.	16,400.
	12	Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	45,805.	49,792.
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)		
	14	Benefits paid to or for members (Part IX, column (A), line 4)		
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	12,374.	13,499.
	16a	Professional fundraising fees (Part IX, column (A), line 11e)		
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶		
	17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24f)	39,635.	40,087.
	18	Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	52,009.	53,586.
19	Revenue less expenses. Subtract line 18 from line 12	-6,204.	-3,794.	
Net Assets or Fund Balances	20	Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	21	Total liabilities (Part X, line 26)	412,691.	408,897.
	22	Net assets or fund balances. Subtract line 21 from line 20	504.	504.
			412,187.	408,393.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign
Here

Signature of officer

Date

MARY MCCOY, TREASURER

Type or print name and title

Paid
Preparer's
Use OnlyPreparer's
signatureFirm's name (or
yours if
self-employed),
address, and
ZIP + 4L. KLEIN & CO. P.C.
1427 KEEFER ROAD
TOMBALL, TX 77070

Date

5/6/2010

Check if
self-
employed ☐Preparer's identifying number
(see instructions)

EIN ▶

Phone no. ▶ 281-370-0300

May the IRS discuss this return with the preparer shown above? (see instructions)

☒ Yes ☐ No

932001 02-04-10

LHA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2009)

Part III Statement of Program Service Accomplishments

1 Briefly describe the organization's mission:
**PROMOTION OF HISTORICAL, CULTURAL AND EDUCATIONAL PURSUITS RELATED TO
 ITEMS OF HISTORICAL OR CULTURAL SIGNIFICANCE IN NORTHERN HARRIS COUNTY
 AND CONTIGUOUS AREAS.**

- 2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No
 If "Yes," describe these new services on Schedule O.
- 3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No
 If "Yes," describe these changes on Schedule O.
- 4 Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 27,415. including grants of \$) (Revenue \$)
**MAINTENANCE OF A MUSEUM CENTER - TO PROMOTE LOCAL HISTORY TO THE
 COMMUNITY. ESTIMATE OF PEOPLE USING THE MUSEUM IS 10,000 ANNUALLY.**

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services. (Describe in Schedule O.)
 (Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses ► \$ 27,415.



CITY OF TOMBALL

HOTEL OCCUPANCY TAX

Guidelines for Expenditures, Requests for Funding, and Reporting

Hotel Occupancy Tax

Chapter 351.002 of the Local Government Code authorizes a municipality, by ordinance, to impose a tax on a person who pays for the right to use or temporarily take possession of a room located in a hotel/motel that is ordinarily used for sleeping. The tax is imposed on the cost of the room itself and is not imposed on the cost of any food served or on any other services provided by the hotel/motel.

The revenue derived from the municipal occupancy tax may only be used to promote tourism and the convention and hotel industry in the community. For a city the size of Tomball and located in a county the size of Harris County, that use is limited to the following:

1. the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers or both;
2. the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
4. the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
5. historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - a. at or in the immediate vicinity of convention center facilities or visitor information centers; or
 - b. located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

6. Day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing of those authorized expenditures listed in 1-5 above.

Tourists are defined in Chapter 351 as an individual who travels from the individual's residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture. *Tourism* is defined as the guidance or management of tourists.

Requests for Hotel Occupancy Tax Funding

Any organization requesting the use of City of Tomball Municipal Hotel Occupancy Tax funds for an event that qualifies as an authorized use of funds as listed above must complete the **"Application for Use of Hotel Occupancy Tax"** a minimum of 30 days prior to the date of the event. All requests for funding must be approved by the City of Tomball City Council. Only one project may be requested per application. Applications for annual events must be submitted each year. Funding approved in one year does not guarantee funding in subsequent years.

Approved funding will be paid to the requesting organization on a reimbursement basis and will not be paid in advance. The reimbursement paid to the organization will be based on the lesser of the actual costs or the amount originally approved.

Reporting

Subsequent to the event/purpose for which occupancy tax funding was approved, the organization receiving the funds shall submit a full accounting of the event/purpose and specifically highlight the costs to be reimbursed by the hotel occupancy tax. In addition to the financial accounting of the event/purpose, the report shall also include a narrative describing how the event/purpose directly enhanced or promoted tourism and the convention and hotel industry in Tomball as well as the projected number of tourists or convention delegates coming to Tomball as a result of the event/purpose and the basis for the projection. If the event/purpose is one that is ongoing throughout the year, the financial and narrative report shall be updated and submitted on a quarterly basis. Reports shall be submitted to:

Glenn Windsor
Director of Finance
City of Tomball
501 James Street
Tomball, TX 77375
281.290.1417
gwindsor@ci.tomball.tx.us

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 18, 2010

Topic:

Discussion supporting the MS150 bike ride for the Multiple Sclerosis Association April 16-17, 2011

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Meeting Date: October 18, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-273**: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

- Conduct a Public Hearing on **ZONING CASE P10-273**
- Adopt on First Reading, Ordinance No. 2010-23, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District classification of approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District; said property being generally located on the westerly side of Quinn Road, northerly of Zion Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On September 1, 2010, the Engineering & Planning Department received a rezoning application to rezone approximately 0.3436 acres of land located at 30507 Quinn Rd., on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E District.

The applicant is requesting the rezoning to bring the property's zoning classification in line with the single-family residential use already established on the site and to facilitate the construction of a 20' x 20' detached residential garage.

The uses in the general vicinity of the site are primarily residential and institutional (school facilities) in nature with the exception of an insurance office located to the south of the subject property, at the intersection of Quinn Road and Zion Road, within the O-Office District.

The proposed rezoning to the SF-20-E District is generally consistent with the "Rural Residential" Comprehensive Plan land use designation shown on the Future Land Use Plan Map.

On October 11, 2010, the Planning and Zoning Commission, after conducting a public hearing on the request, voted unanimously to recommend approval of **ZONING CASE P10-273**, as recommended by staff. This request is now being forwarded to City Council for consideration and possible action.

Origination:

WDL Lumber, on behalf of William and Jean Adams

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted unanimously to recommend approval of Zoning Case P10-273 based on the following: a. The proposed zoning of SF-20-E District is compatible with the existing and intended future land uses in the vicinity. b. The proposed zoning of SF-20-E District is generally consistent with the Tomball Comprehensive Plan. c. The proposed zoning of

SF-20-E District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area. d. There is sufficient utility capacity to service residential uses on this site.

Funding: No

Funds will be transferred from Account: to Account:

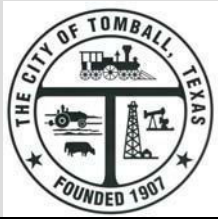
Party(ies) responsible for placing this item on agenda:

Kelly Violette, City Planner

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

ATTACHMENTS:

- P10-273 Staff Report
- Ordinance No 2010-23
- Notice of Public Hearing
- Adjacent Property Owner Notification



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 11, 2010

Rezoning Case: P10-273
Property Owner(s): William and Jean Adams
Applicant(s): WDL Lumber
Legal Description: Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas
Location: 30507 Quinn Road (Generally located on the westerly side of Quinn Road, northerly of Zion Road)
Area: 0.3436 acres
Present Zoning and Use: O-Office District / Single-family residence
Comp Plan Designation: Rural Residential
Proposed Zoning and Use: Single-Family Estate Residential-20 District / Residential

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: SF-20-E Single-Family Estate Residential-20 District / Single-family residences
South: O-Office District / Insurance office and single-family residence
East: SF-20-E Single-Family Estate Residential-20 District / Single-family residences
West: O-Office and SF-20-E Single-Family Estate Residential-20 Districts / Single-family residence and TISD natatorium

BACKGROUND

The subject site is legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas totaling approximately 0.3436 acres. The site's physical address 30507 Quinn Road and is generally located on the westerly side of Quinn Road, northerly of Zion Road (Exhibit ""). The property is currently developed with an approximately 1,000 square foot single-family residence, a 445 square foot wood storage building and an approximately 200 square foot accessory building (Exhibit "F").

On June 3, 2010, the Engineering & Planning Department received a site plan application for the construction of a 20' x 20' detached residential garage at the subject site. During the review of the application, City staff identified that the property was zoned O-Office District, which does not permit residential accessory buildings or structures. On June 10, 2010, the Engineering & Planning Department issued a letter to the applicant, WDL Lumber, informing them that the proposed garage could not be approved because the request constitutes an expansion of a legal nonconforming use and residential accessory buildings or structures are not a permitted use in the O-Office District (Exhibit "G"). The letter also informed the applicant that they could pursue a rezoning of the property to a zoning district classification that permitted such a use.

On August 18, 2010, City staff met with the applicant and property owners, Jean and William Adams, to discuss the steps needed to construct the proposed 20' x 20' garage addition. City staff informed the applicant that the property was zoned O-Office District on the official Zoning Map adopted February 4, 2008, and as a result the existing residential use could not be expanded unless the property was rezoned to a zoning district that permitted residential uses. Staff also informed the applicants that the properties within the vicinity of the subject site were zoned SF-20-E and if they wished to pursue a rezoning to the SF-20-E District, they would be required to meet the 25' minimum side yard setback of the SF-20-E District for the proposed garage. Because the proposed site plan showed a 3' side yard setback for the garage, staff informed the property owners that they would need to request a variance from the Board of Adjustments (BOA) to construct the garage as proposed if the site was rezoned. Additionally, staff discussed the lot area and width requirements of the SF-20-E District and indicated that the subject lots do not meet the minimum requirements as specified in Section 15.4 of the Zoning Ordinance, which requires a minimum lot area of 20,000 square feet and lot width of 100 feet. The combined lot area of the two tracts is 14,906 square feet and the lot width is 75 feet.

As a matter of information, City staff would not be supportive of the 3' side yard setback for the garage as shown on the conceptual site plan. It is staff's opinion that reducing the setback from 25' to 3' could create a negative precedence for the area. Additionally, because a finding of hardship is required by ordinance to grant a variance and a variance application has not been submitted by the applicant identifying such a hardship, staff has been unable to identify a true hardship to warrant the reduction in side yard setback from 25' to 3'. From the conceptual site plan, it appears that there is sufficient room behind the residence to construct the proposed garage without a side yard setback variance. It will be the responsibility of the property owner and/or applicant to establish the facts that may justify a variance.

On September 1, 2010, the Engineering & Planning Department received a rezoning application to rezone the subject site from the O-Office District to the SF-20-E District.

ANALYSIS

According to the Tomball Zoning Ordinance, "The SF-20-E, Single-Family Residential-20 district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks. It is intended for large lot subdivisions and also for the more rural type residential areas that don't meet the AG district requirements but may want to have additional accessory buildings and animals."

The applicant is requesting the rezoning to bring the property's zoning classification in line with the single-family residential use already established on the site and to facilitate the construction of a 20' x 20' detached garage (Exhibit "E").

The uses in the general vicinity of the site are primarily residential and institutional (school facilities) in nature with the exception of an insurance office located to the south of the subject property, at the intersection of Quinn Road and Zion Road, within the O-Office District (Exhibit "C").

The proposed rezoning to the SF-20-E District is generally consistent with the "Rural Residential" Comprehensive Plan land use designation. The Comprehensive Plan's land use designations are intended to provide direction in determining current and future growth patterns and development intensities. The Comprehensive Plan states that the Rural Residential land use designation "includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features." The property owners have indicated that they intend to maintain a residential use on the property; however, the site does not meet the minimum one acre lot size. Staff does not believe that the reduced lot size of the subject site will have a negative impact on the area as a whole. The corresponding zoning district that requires a minimum one acre lot size is the AG-Agricultural District; however staff would not be supportive of a rezoning to the AG-Agricultural District in this location because of the nonresidential land uses permitted by right within the AG-District that could result in land use incompatibilities in the established residential area. Although the site does not meet the minimum one acre lot size of the Future Land Use designation, a SF-20E zoning classification is most compatible with the properties in the area and provides for consistency in land uses.

Because the requested rezoning is generally consistent with the Comprehensive Plan's Future Land Use Plan Map, will aid in realizing the long-term vision of residential land uses in this area of the City, will make the zoning classification of the subject site consistent with the other residences in the vicinity, and will maximize the residential use of the property, staff is supportive of the rezoning request.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses in the general vicinity of the site are primarily residential and institutional (school facilities) in nature. As such, the rezoning and permitted land uses in the SF-20-E District would be in keeping with the existing and intended land uses in the vicinity. Any future development/redevelopment of this site will require compliance with the City's land use and development regulations.

B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The site is currently developed with an existing single family residence; as such the proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are a limited number of undeveloped properties zoned SF-20-E District in the immediate vicinity, with most being north of the subject site near Spring Creek. However, there are a number of vacant SF-20-E lots available along Rudolph, Hicks, Agg, and South Persimmon Roads.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

There has been limited development in the SF-20-E District city-wide and within the vicinity in the last two years.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

If the proposed zoning change were approved, there should be few, if any, affects on other areas designated for similar developments.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and,
- In a way that furthers or helps achieve the goals of the Plan.”

The proposed rezoning to the SF-20-E District is generally consistent with the “Rural Residential” Comprehensive Plan land use designation. The Comprehensive Plan states that the Rural Residential land use designation “includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.” The property owners intend to maintain a residential use on the property, however, the site does not meet the minimum one acre lot size. Staff does not believe that the reduced lot size of the subject site will have a negative impact on the area as a whole. Additionally, the “Rural Density Residential Planning Guidelines” of the Comprehensive Plan provides flexibility for the Planning & Zoning Commission and City Council in determining land density by stating that, “Project density will be subject to review and recommendation by the Planning & Zoning Commission and approval by the City Council.”

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 30, 2010 and, as of the writing of this report, one public comment form was received from the property owners, William and Jean Adams, in support of the request (Exhibit “I”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P10-273 based on the following:
 - a. The proposed zoning of SF-20-E District will be compatible with the land uses in the vicinity.
 - b. The proposed zoning of SF-20-E District is generally compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of SF-20-E District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There is sufficient utility capacity to service residential uses on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Site Plan
- G. 6-10-10 Site Plan Rejection Letter
- H. Site Photos

I. Public Comment Form(s)

Exhibit "A"
Location/Zoning Map

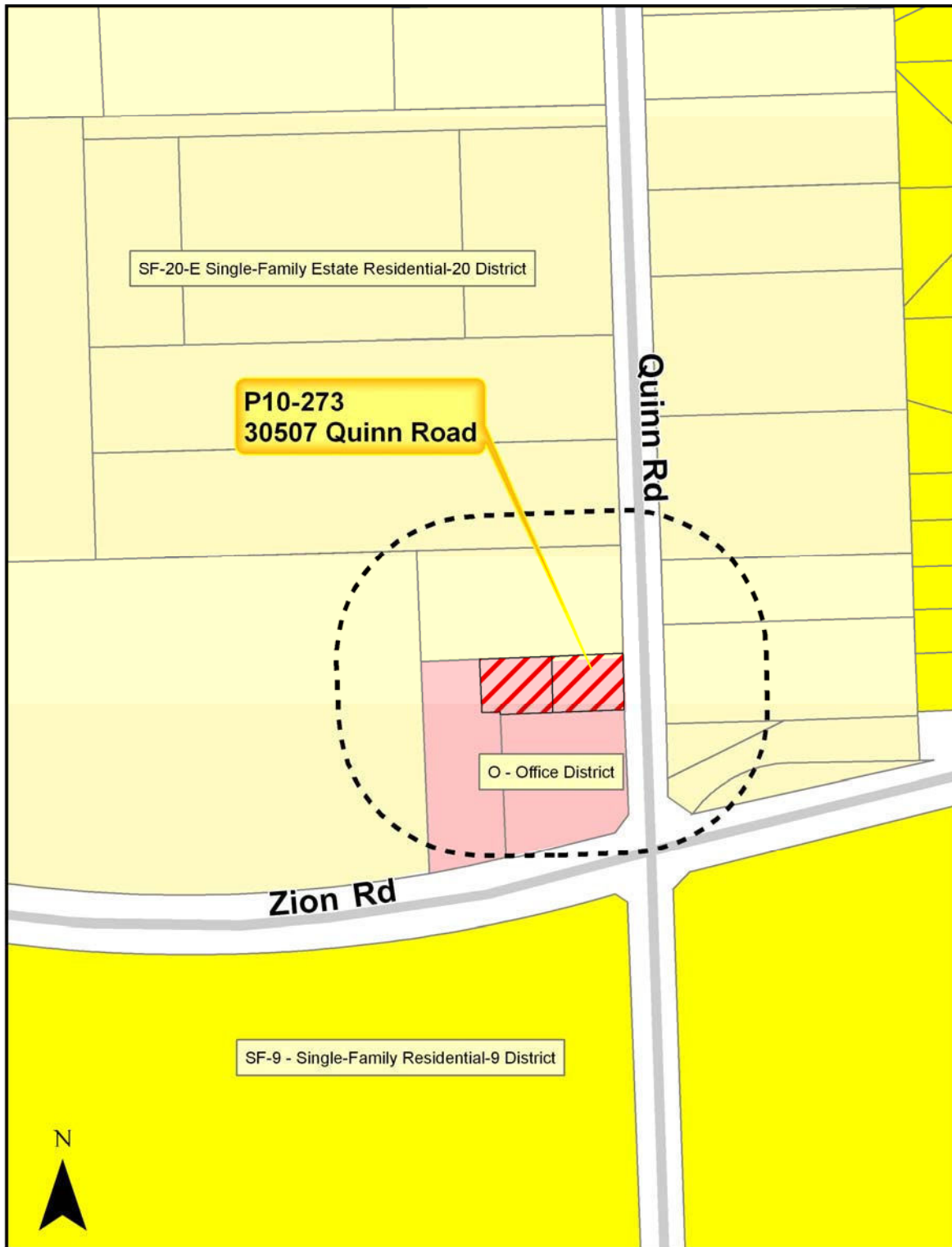


Exhibit "B"
Comprehensive Plan Future Land Use Map



Exhibit “C”
Aerial Photo

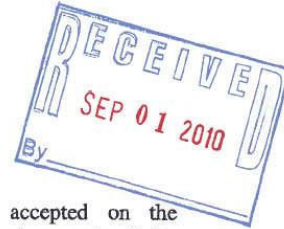


Exhibit "D"
Rezoning Application



Revised 1/20/09

APPLICATION FOR REZONING
Engineering & Planning Department



APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: WDL LUMBER Title: _____
Mailing Address: 1133 MOORE RD. City: STAFFORD State: TX
Zip: 77477
Phone: (713) 728-5830 Fax: (281) 261-8927 Email: WDLUMBER@verizon.net

Owner

Name: WILLIAM + JEAN ADAMS Title: _____
Mailing Address: 31104 QUINN RD. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 295-2638 Fax: () Email: _____

Engineer/Surveyor (if applicable)

Name: F.G. HUFFMAN Title: LAND SURVEYOR
Mailing Address: 8302 CHESWICK DR City: HOUSTON State: TX
Zip: 77037
Phone: (281) 447-7802 Fax: (281) 847-4504 Email: FGHUFFMAN@sbglobal.net

Description of Proposed Project: DET. RES. GARAGE, 20'x20'

Physical Location of Property: 30907 QUINN RD., TOMBALL, TX 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: ABST. 34 JOSEPH HOUSE SURVEY, TR 16D-1
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] 16D-2

Current Zoning District: OFFICE DISTRICT

Current Use of Property: RESIDENTIAL

Proposed Zoning District: RESIDENTIAL SF 20

Proposed Use of Property: RESIDENTIAL SF 20

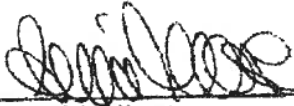
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 0402700010341 Acreage: 0.3436
0402700010445

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X  8-31-2010
Signature of Applicant Date

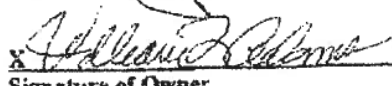
X  Jean Adams 8-31-2010
Signature of Owner Date

Exhibit "E"
Rezoning Request Letter

Aug 31 10:02:52p

Jean Adams

281-255-2638

p.1

P. 1

William & Jean Adams
31104 Quinn Road
Tomball, TX 77375

City of Tomball
501 James Street
Tomball, TX 77375

August 30, 2010

30507 Quinn Road, Tomball, TX 77375
Application for REZONING

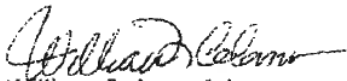
We herewith request our property to be rezoned back to RESIDENTIAL status.

This property is currently zoned "office" even though there is no business at 30507 Quinn Road.

In order to proceed with our plans for a residential, detached garage we need to have residential status restored as soon as possible.

Thank you for your support.

Sincerely,

 8/31/10
William & Jean Adams

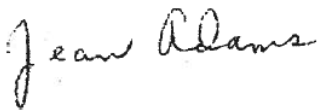
 8-31-10

Exhibit "F" Site Plan

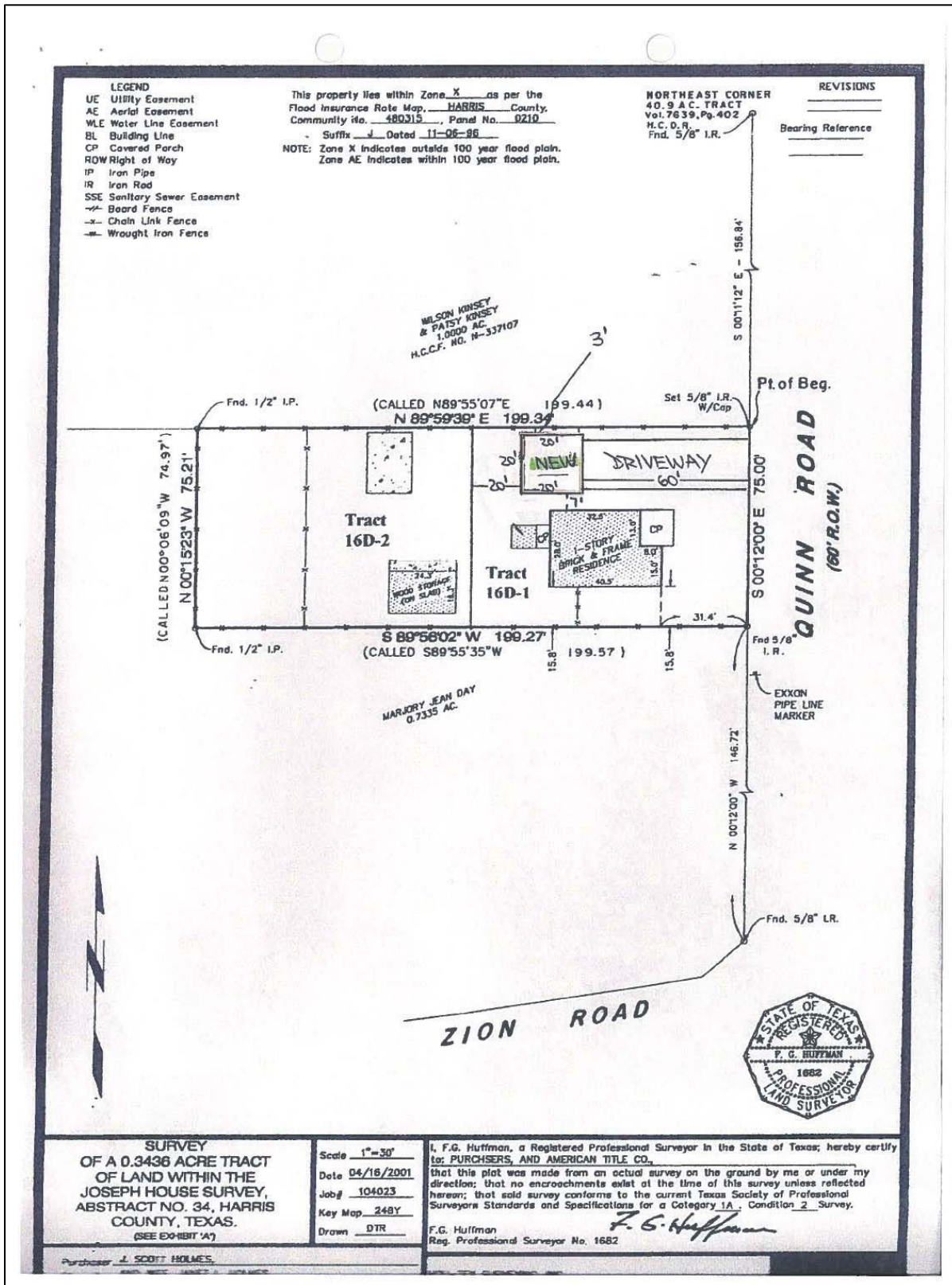




Exhibit "G"
6-10-10 Site Plan Rejection Letter



City of Tomball

GRETCHEN FAGAN
MAYOR

June 10, 2010

WDL Lumber
1133 Moore Rd.
Stafford, TX 77477

**RE: Planning Case P10-252: Residential Detached 20' x 20' Garage (30507 Quinn Road)
Site Plan Rejection Letter**

WDL Lumber:

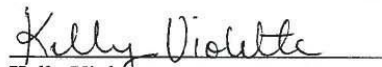
The Engineering & Planning Department has reviewed the site plan application related to the proposed residential detached 20' x 20' garage located at the above referenced address. At this time, we are rejecting the request for site plan approval.

The above referenced property is located in the City's O-Office zoning district which was established to create an appropriate setting for low intensity office and professional uses. Per Section 38 of the Zoning Ordinance, single-family residential uses are not permitted in the Office District. Because the existing residential use of the property was established before the passage of the Zoning Ordinance in February 2008, it is considered a "legal nonconforming use." The Zoning Ordinance states that "Any lawful use of property existing at the time of passage of this Ordinance that does not conform to the regulations prescribed in the preceding sections of this Ordinance shall be deemed a legal nonconforming use."

Because the residential use is considered legally nonconforming, it would not be permitted to expand and the proposed 20' x 20' garage would not be allowed. An option you may consider is to rezone the property to a residential district which would permit this type of use. I've attached a copy of the rezoning application if you wish to pursue this.

If you have any questions, feel free to contact me at 281-290-1491.

Thank you,


Kelly Violette
City Planner

Attached: Rezoning application

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

**Exhibit “H”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Northerly view up Quinn Road from subject site. Subject site on left. Single-family residences on left and right side.



Figure 3: Single-family residence to the north of subject site.



Figure 4: Single-family residence to the east of subject site.



Figure 5: Southerly view down Quinn Road from subject site. Subject site on right. Tomball High School on left and insurance office on right.



Figure 6: Insurance office to the south of subject site.

Exhibit "I"
Public Comment Form(s)



Engineering and Planning Department

Public Comment Form
(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Kelly Violette
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

WILLIAM M ADAMS
JEAN ADAMS
31104 QUINN RD
TOMBALL, TX 77375

Signature:

William Adams *Jean Adams*
Date: *10-2-10*



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-273. (Please state reasons below)**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-273. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, October 11, 2010, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, October 18, 2010, 7:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

This property should be residential + allowed to be improved.

You may also comment via email to kviolette@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1491.

ORDINANCE NO. 2010-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.3436 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 16D-1 AND 16D-2 OUT OF THE JOSEPH HOUSE SURVEY, ABSTRACT 34, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE O-OFFICE DISTRICT TO THE SF-20-E SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WESTERLY SIDE OF QUINN ROAD, NORTHERLY OF ZION ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS

* * * * *

Whereas, the owner(s) of 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, generally located on the westerly side of Quinn Road, northerly of Zion Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least eight (8) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from O-Office District to the SF-20-E Single-Family Estate Residential-20 District; and

Whereas, the public hearing was held at least forty calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning and Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from O-Office District to the SF-20-E Single-Family Estate Residential-20 District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property;

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

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

Section 2. The zoning classification of 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, (the "Property"), is hereby changed from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, generally located on the westerly side of Quinn Road, northerly of Zion Road, as SF-20-E Single-Family Estate Residential-20 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, generally located on the westerly side of Quinn Road, northerly of Zion Road, to SF-20-E Single-Family Estate Residential-20 District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF
OCTOBER 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF
NOVEMBER 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 11, 2010
&
CITY COUNCIL
OCTOBER 18, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 11, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 18, 2010, at 7:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P10-273: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact City Planner** Kelly Violette, (281) 290-1491, kviolette@ci.tomball.tx.us

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of October 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate

Senior Administrative Assistant

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P10-273

APPLICANT: WDL Lumber, on behalf of William and Jean Adams

LOCATION: 30507 Quinn Rd., Westerly side of Quinn Road, northerly of Zion Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

* * *

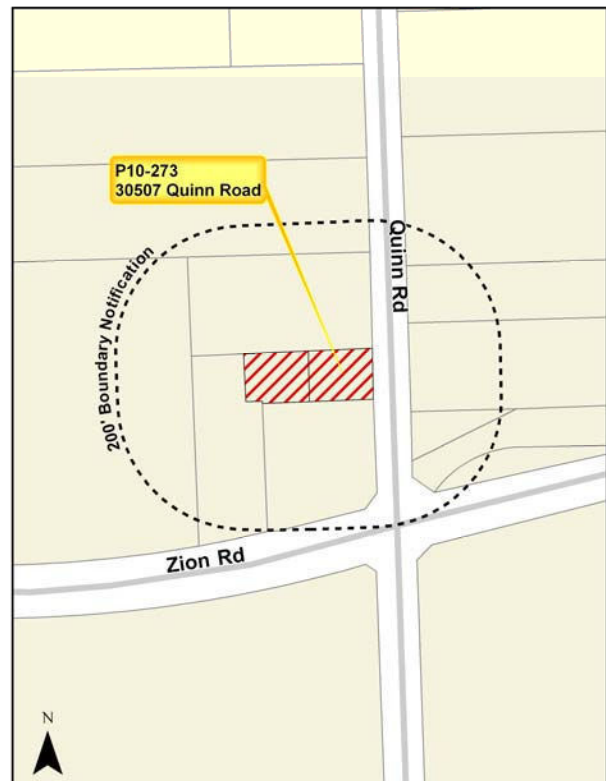
CONTACT PLANNER: Kelly Violette

PHONE: (281) 290-1491

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

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering and Planning Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning and Zoning Commission
Public Hearing:
Monday, October 11, 2010, 6:00 PM**

**City Council Public Hearing:
*Monday, October 18, 2010, 7:00 PM**

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

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning and Zoning Commission.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 18, 2010

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:

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.071 - Private consultation with attorney in closed meeting regarding contemplated litigation and attorney-client matters - claim of Terrance Holiday.

Background:**Origination:**

City Manager

Recommendation:

N/A

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

Assistant City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 18, 2010

Topic:

Possible action regarding claim filed by Terrance Holiday

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	