

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



MONDAY, JUNE 21, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 21, 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 Arthur Purvis, Christ Fellowship Church

3.0 Pledges to U.S. and Texas Flags

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 of GFOA Distinguished Budget Award to the City of Tomball Finance Department

6.0 Reports and Announcements

- **July 4, 2010** (Sunday) – **Fireworks** Display by Tomball Fire Department, approximately 9:15 p.m.
- July 5, 2010 (Monday) – City offices closed for 4th of July holiday
- July 10, 2010 – **Farmers Market** – 8 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 24, 2010 – **Farmers Market** – 8 a.m.
- August 6, 2010 – **38th Annual Tomball Night**
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken

7.0 Approve the Minutes of the Regular City Council Meeting of June 7, 2010

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Resolution No. 2010-09-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's project to expend funds in accordance with an Economic Development Agreement by and between the Corporation and Glass Tex Enterprises LLC to promote and develop a new or expanded business enterprise; containing other provisions relating to the subject; and providing for severability; approving, as a project of the Tomball Economic Development Corporation (TEDC), an agreement with Glass Tex Enterprises LLC, to make direct incentives to, or expenditures for assistance with infrastructure costs related to the development and construction of a commercial building to be located at 200 East Main Street in Tomball, Texas. The estimated amount of expenditure for such Project is \$15,000.00.
- 8.2 Adopt, on Second Reading, Ordinance No. 2010-12, an Ordinance of the City Council of the City of Tomball, Texas, amending Chapter 24. Courts, by deleting Chapter 24 in its Entirety and substituting therefore a new Chapter 24, making General Provisions for the Operation of the Municipal Court; specifying the Term of the Municipal Court and the Judges of the Court; providing for Citations to the Municipal Court; providing for Severability; providing for a Penalty of an amount not to exceed \$500 for each day of violation of any provision hereof; making Findings of Fact; and making other provisions related thereto.
- 8.3 Adopt on First Reading, Ordinance No. 2010-06, an ordinance of the City of

Tomball, Texas, amending Chapter 26, "Emergency Services" of the Code of Ordinances of the City of Tomball to Establish Policies, procedures and Regulations as they relate to Alarms; Providing a Penalty in an Amount of not more than \$500 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making other Provisions and Findings Related Thereto

- 8.4 Reconsider Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball

9.0 New Business:

- 9.1 Appoint Member to Fill Vacancy and Complete Unexpired Term on Planning and Zoning Commission
- 9.2 Appoint Council Representative to NWEMS Board of Directors
- 9.3 Approve Reallocation of One (1) Full-Time Police Officer Position Authority to One (1) Full-Time Public Safety Officer "Jailer" (PSO) Position Authority.
- 9.4 Approve Development Agreement for Construction of Public Improvement with Tomball Hospital Authority in the amount of \$27,746.29.
- 9.5 Approve Development Agreement for Construction of Public Improvement with Eagles Nest Christian Fellowship in the Amount of \$18,042.82.
- 9.6 Approve **ARMENDARIZ PLACE SUBDIVISION REPLAT**: Being a Subdivision of 0.3214 Acres or 14,000 Square Feet of land, being situated in the Revised Map of Tomball, an addition in Harris County, Texas and Being a Replat of Lots 21, 22, 23, 24, in Block 31 of Revised Map of Tomball in Harris County, Texas as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, 1 Lot and 1 Block.
- 9.7 Approve **TOMBALL MEDICAL PLAZA FINAL PLAT**: Being a Plat of 2.8278 Acres out of Lot 13, 1.4635 Acre Tract Recorded under File No. J064863 and Tract No. 12, 1.3643 Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.
- 9.8 Approve Proposed Revisions to the City of Tomball's Administrative Policies, Rules and Procedures #3, entitled ***"Municipal Court Temporary Judge Selection Procedure"***
- 9.9 Accept Resignation of Councilman Warren Driver

9.10 Presentation of Plaque to Warren Driver (2004-2010)

9.11 Approve Resolution No. 2010-10, a Resolution and Order of the City Council of the City of Tomball, Texas, ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, August 14, 2010; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if needed; and Providing Details Relating to the Holding of Such Election

Aprobar la Resolución Nro. 2010-10, una resolución y Orden de la ciudad de Tomball, Texas, ordenando una Elección Especial de Funcionarios de la Ciudad, a celebrarse en la Ciudad de Tomball el sábado 14 de agosto de 2010; designando los lugares de votación y nombrando a los oficiales de dicha Elección; instruyendo que se notifique la celebración de dicha Elección; designando la fecha de la Elección de Desempate de ser necesaria; y disponiendo los detalles relacionados a la celebración de dicha Elección

Chấp thuận Nghị Quyết Số 2010-10, một Nghị Quyết và Lệnh của Hội Đồng Thành Phố của Thành Phố Tomball, Texas, yêu cầu một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt được tổ chức trong thành phố Tomball vào thứ bảy, 14 tháng Tám, 2010; Chỉ định các địa điểm bỏ phiếu và Bổ nhiệm các Viên chức phụ trách Cuộc Bầu Cử cho Cuộc Bầu Cử nói trên; Hướng dẫn Thủ tục Đưa ra Thông Báo về Cuộc Bầu Cử trên; Chỉ định Ngày cho Cuộc Bầu Cử Chung Cuộc nêu cần; và Thiết định các Chi Tiết có liên quan đến việc tổ chức Cuộc Bầu Cử nói trên

10.0 Adjournment

C E R T I F I C A T I O N

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 18th day of June 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer_____

Doris Speer

City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 21, 2010

Topic:

- Presentation of GFOA Distinguished Budget Award to the City of Tomball Finance Department

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:

GFOA Award Notification Letter



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

May 5, 2010

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Tomball, Texas** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Finance Department**.

For budgets including fiscal period 2009, 1,214 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving over 17,600 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

May 5, 2010

Mr. Glenn Windson
Finance Director
City of Tomball
501 James Street
Tomball, TX 77375

Dear Mr. Windsor:

I am pleased to notify you that City of Tomball, Texas has received the Distinguished Budget Presentation Award for the current budget from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

Finance Department

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

Stephen J. Gauthier, Director
Technical Services Center

Enclosure

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

- **July 4, 2010** (Sunday) – **Fireworks** Display by Tomball Fire Department, approximately 9:15 p.m.
- July 5, 2010 (Monday) – City offices closed for 4th of July holiday
- July 10, 2010 – **Farmers Market** – 8 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 24, 2010 – **Farmers Market** – 8 a.m.
- August 6, 2010 – **38th Annual Tomball Night**
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken

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:

Farmers Market

Walk Tomball!

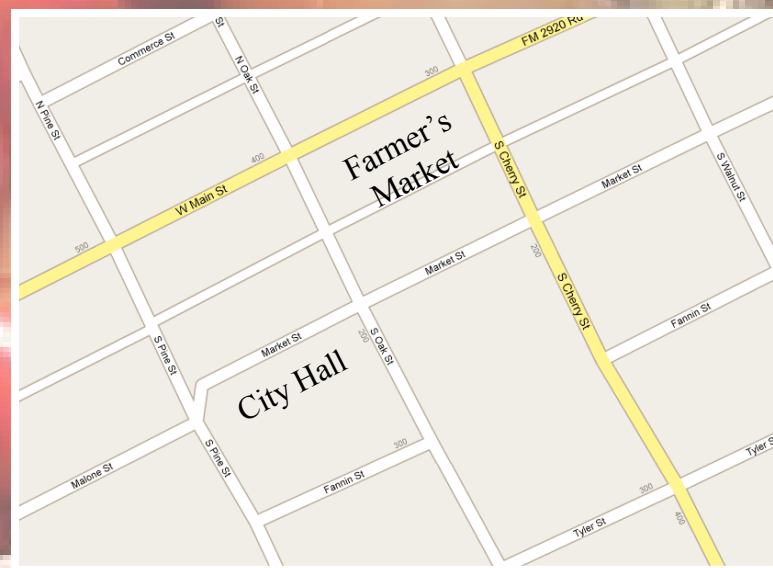


Bringing the farmers back to the community!

Come enjoy the Tomball Farmer's Market! We'll have produce, prepared foods and crafts for you to purchase.

**Now open on the
2nd & 4th Saturday
of every month!
Market opens
at 9 AM!**

**Located at the
corner of Cherry &
FM 2920**



Walk Tomball!

Every Saturday—8 AM

Tomball Depot Plaza

201 S. Elm

1 Block South of Main

9 AM Coffee Stops:

June 5 Luby's: Full Breakfast Buffet
with drink \$5

June 12 Infinity Fitness and
EMERUS 24 Hour ER Host us at
100 Commerce

June 19 Luby's: Full Breakfast Buffet
with drink \$5

June 26 El Emperador: Tacos \$1.50
Drinks \$1.50
601 W. Main



...it's a wonderful life

For more information, please call 281-351-5484 or visit the
City of Tomball website at www.ci.tomball.tx.us



Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 21, 2010

Topic:

Approve the Minutes of the Regular City Council Meeting of June 7, 2010

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

Draft Minutes - 6/7/10 Regular Council Meeting

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



MONDAY, JUNE 7, 2010

7:00 P.M.

1.0 Call to Order

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

Councilman Stoll
Councilman Townsend
Councilman Driver
Councilman Quinn
Councilman Brown

Others present:

Assistant City Manager – Christal Kliwer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Municipal Court Judge – George Covington

draft

2.0 The invocation was led by Pastor Danny Williams, Dominion International

3.0 The pledges to U. S. and Texas Flags were led by Randy Parr, Fire Chief

4.0 No public comments were received.

5.0 The following presentations were made by Mayor Fagan:

- Plaque to George Covington, Municipal Court Judge, honoring his years of service with the City of Tomball (1992-2010)
- Plaque to City Council from VFW Post 2427, expressing the VFW's appreciation of the City's support.

6.0 The following reports and announcements were given:

- June 12, 2010 – **Farmers Market** – 8 a.m.
- June 12, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- June 26, 2010 – **Farmers Market** – 8 a.m.
- **July 4, 2010** (Sunday) – Fireworks Display by Tomball Fire Department, approximately 9:15 p.m.
- July 5, 2010 (Monday) – City offices closed for 4th of July holiday
- July 10, 2010 – **Farmers Market** – 8 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 24, 2010 – **Farmers Market** – 8 a.m.
- August 6, 2010 – **38th Annual Tomball Night**
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken.

Councilman Driver announced that his home is under contract and he will submit his resignation, pending sale of his home.

Councilman Townsend forwarded Barbara Tague's thanks to the fire, police, and public works departments' response to the explosion at the Woodstock townhomes on Graham.

Christal Kliwer updated Council on the Strategic Planning process; City staff is working to develop action plans for presentation to Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the minutes of the following meetings; motion was made by Councilman Driver, second by Councilman Brown, to approve the minutes of the following meetings, with the minutes of the May 24, 2010 corrected to show Councilman Townsend's absence as "excused":

- Regular City Council Meeting of May 17, 2010
- Special City Council Meeting of May 20, 2010
- Special City Council Meeting of May 21, 2010
- Special City Council Meeting of May 24, 2010

Motion carried unanimously.

8.0 Old Business:

8.1 Kelly Violette presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt on Second Reading, Ordinance No. 2010-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of

approximately 6.3637 acres of land, Legally Described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, Within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth 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. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Kelly Violette presented an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Brown, to Adopt on Second Reading, Ordinance No. 2010-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.3584 acres of land, Legally Described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, Within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located on the westerly side of State Highway 249 Business, Southerly of Alice 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. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Betty Reinbeck presented an overview of the TEDC proposed Strategic Work Plan. Motion was made by Councilman Townsend, second by Councilman Driver to Approve the Tomball Economic Development Corporation 2010-2011 Strategic Work Plan.

Motion carried unanimously.

- 9.2 Betty Reinbeck presented an overview of the TEDC proposed Annual Report. Motion was made by Councilman Stoll, second by Councilman Brown, to Receive the Tomball Economic Development Corporation 2009-2010 Annual Report.

Motion carried unanimously.

- 9.3 Betty Reinbeck presented information regarding the proposed Resolution. Motion was made by Councilman Brown, second by Councilman Townsend, to Adopt Resolution No. 2010-09-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's project to expend funds in accordance with an Economic Development Agreement by and between the Corporation and Glass Tex Enterprises LLC to promote and develop a new or expanded business enterprise; containing other provisions relating to the subject; and providing for severability; approving, as a project of the Tomball Economic Development Corporation (TEDC), an agreement with Glass Tex Enterprises LLC, to make direct incentives to, or expenditures for assistance with infrastructure costs related to the development and construction of a commercial building to be located at 200 East Main Street in Tomball, Texas. The estimated amount of expenditure for such Project is \$15,000.00.

Motion carried unanimously.

- 9.4 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Stoll, second by Councilman Brown, to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an agreement with Jamison Products, L.P., to make direct incentives to, or expenditures for the creation or retention of primary jobs and that are found by the Board of Directors to be required or suitable for the promotion of new or expanded business development, to wit: Jamison Products, L.P. corporate headquarters relocation to 27760 Commercial Park Drive within the City of Tomball. The estimated amount of expenditure for such Project is \$36,000.00.

Motion carried unanimously.

- 9.5 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an agreement with PDGL Partners L.P., to make direct incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at 701 S. Persimmon in Tomball, Texas. The estimated amount of expenditure for such Project is \$25,000.00.

Motion was carried unanimously.

- 9.6 Kelly Violette presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Driver, to Approve Pipeline Relocation/Reimbursement Agreement with Eagle Rock Desoto Pipeline, L.P. ("Eagle Rock") in the amount of \$67,793.00.

Motion carried unanimously.

- 9.7 Kelly Violette presented the proposed Replat . Motion was made by Councilman Driver, second by Councilman Townsend, to Approve **Replat "J WALKER HOME"** : A Replat of Lots 41 and 42 into New Lot 41 in Block 33 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 33 being situated in the William Hurd Survey (A-371).

Motion carried unanimously.

- 9.8 Shawn Cox provided an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Driver, to read Ordinance No. 2010-12 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to Adopt, on First Reading, Ordinance No. 2010-12, an Ordinance of the City Council of the City of Tomball, Texas, amending Chapter 24. Courts, by deleting Chapter 24 in its Entirety and substituting therefore a new Chapter 24, making General Provisions for the Operation of the Municipal Court; specifying the Term of the Municipal Court and the Judges of the Court; providing for Citations to the Municipal Court; providing for Severability; providing for a Penalty of an amount not to exceed \$500 for each day of violation of any provision hereof; making Findings of Fact; and making other provisions related thereto. 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 Driver	<u>Aye</u>

Motion carried unanimously.

- 9.9 Shawn Cox presented the proposed Lease Agreement with Frank and Russell DeNina for the Property containing the Day Labor Site. Motion was made by Councilman Driver, second by Councilman Brown, to approve the proposed Lease Agreement. No vote was

taken. Motion was made by Councilman Quinn, second by Councilman Stoll, to table consideration of the proposed Lease Agreement until discussions have been held with the Greater Tomball Area Chamber of Commerce or other organizations regarding outside organizations taking over operation of the Day Labor Site.

Motion to table consideration of the proposed Lease Agreement until staff has had an opportunity to look at other organizations and bring the information back to Council for consideration carried unanimously.

- 9.10 Council held discussion regarding reconsideration of Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball. Consensus of the Council was unanimous to place reconsideration of Resolution No. 2010-04 on the June 21, 2010 agenda.
- 9.11 Derek Townsend presented information regarding Hutson Group's Proposal for City to Lease Land for Parking. Dr. Hutson has offered the City an opportunity to lease land for parking. Christal Kliwer advised Council that Dr. Hutson's proposal should be considered in conjunction with the downtown specific plan as a whole. Consensus of Council was for City staff to provide more information regarding costs, liability, construction requirements, drainage, detention, etc. No action was taken.
- 9.12 Council held discussion regarding the request for assistance by Russ Brown, Pine Country of Tomball. Tim Sbrusch and Jim Barkley, CenterPoint representatives, and Russ Brown provided information regarding the request for a variance to the code of ordinances regarding underground utility requirements in residential subdivisions. Consensus of the Council was unanimous to allow CenterPoint to complete temporary electrical service, pending City staff and City attorney's review of possible remedies, including a possible revision of the code of ordinances to allow aboveground utilities when underground installation is not feasible.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of June 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Adopt, on Second Reading, Resolution No. 2010-09-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's project to expend funds in accordance with an Economic Development Agreement by and between the Corporation and Glass Tex Enterprises LLC to promote and develop a new or expanded business enterprise; containing other provisions relating to the subject; and providing for severability; approving, as a project of the Tomball Economic Development Corporation (TEDC), an agreement with Glass Tex Enterprises LLC, to make direct incentives to, or expenditures for assistance with infrastructure costs related to the development and construction of a commercial building to be located at 200 East Main Street in Tomball, Texas. The estimated amount of expenditure for such Project is \$15,000.00.

Background:

Every expenditure of TEDC sales tax revenue must first be approved as a "Project." And, since this proposed expenditure of funds does not involve the creation of "primary jobs," the governing body of the City of Tomball would have to adopt a Resolution authorizing the Project after giving the Resolution at least two separate readings in order for it to be approved.

At its regular board meeting on May 25, 2010, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, the expenditure of funds in accordance with the Economic Development Agreement by and between the TEDC and Glass Tex Enterprises LLC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Adoption of the Resolution, approving, as a Project of the TEDC, the attached agreement which states a grant amount not to exceed \$15,000.00

Funding: Yes

Account Number: Grant Funds Available

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

Betty Reinbeck, Executive Director-TEDC

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

ATTACHMENTS:

Resolution No. 2010-09-TEDC

Cover Memo

Request Letter

Economic Impact

Agreement

RESOLUTION NO. 2010-09-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND GLASS TEX ENTERPRISES LLC TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Fifteen Thousand Dollars (\$15,000) found by the Board to be required or suitable to promote a new business development by Glass Tex Enterprises LLC.; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Fifteen Thousand Dollars (\$15,000) to Glass Tex Enterprises LLC, in accordance with an economic development agreement by and between the TEDC and Glass Tex Enterprises LLC, to promote and develop a new or expanded business enterprise, to be located at 200 East Main Street in Tomball, Texas.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution 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 Resolution 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.

PASSED AND APPROVED on first reading this 7th day of June, 2010.

PASSED, APPROVED, AND RESOLVED on second and final reading this 14th day of June, 2010.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Board of Directors
Tomball Economic Development Corporation

FROM: Betty Reinbeck
Executive Director

MEETING DATE: May 25, 2010

SUBJECT: Glass Tex Enterprises LLC

Sandra Taylor, John Butz, and Reed Johnson of Glass Tex Enterprises LLC are planning to develop existing commercial property at 200 East Main Street in Tomball. Glass Tex will locate its sales and distribution of windows, doors and glass business in this new facility.

The project involves construction of a 1,500 square foot commercial building on the site, with mixed use, consisting of office and warehouse space with an estimated value of \$550,000.00.

They are asking for grant funding assistance with infrastructure costs that are necessary to complete this project. Details as to the infrastructure improvements are shown in Exhibit C of the proposed agreement between the Tomball Economic Development Corporation and GlassTex Enterprises LLC.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in the Handbook on Economic Development Laws for Texas Cities. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact model form is included with the agreement to show the five (5) year impact of this firm on Tomball's economy.

STAFF RECOMMENDATION:

Staff recommends approval, as a Project of the TEDC, the attached agreement which states a grant amount not to exceed \$15,000.00.

SANDRA TAYLOR

1509 Waverly Street
Houston, Texas 77008
Phone (713) 875-5665

May 14, 2010

Betty Reinbeck
Executive Director
Tomball Economic Development Corp.

Mrs. Reinbeck,

The following is the updated information for our TEDC grant application. Please contact Reed Johnson if you need additional information, or have any questions.

Thank you,
Sandra Taylor

Revised application information

* Intent of business	Develop existing commercial property
* Name of business	Glass Tex Enterprises LLC
* Contact information for principals	John Butz - 203 Southmore St. Tomball, TX 77375 Tel 832 472-0068 Reed Johnson - 203 Southmore St. Tomball, TX 77375 Tel 832 472-0067 Sandra Taylor - 1509 Waverly St. Houston, TX 77008 Tel 713 875-5665
* Contact person	Reed Johnson - Tel 832 472-0067 Fax 281 255-3781 Email reed123@gmail.com
* Description of business	Sales & distribution of Windows, Doors & Glass
* NAICS Codes	238150, 236118
* Business location	200 East Main St. Tomball, Tx 77375
* Size of property	7000 Square feet
* Value of property	\$175,000.00
* Deed to property	To be provided
* Value of capital improvements	\$550,000.00
* Type of construction	New construction
* Square ft. of building	1500
* Project start date	7-1-10
* Project completion date	7-1-11
* Construction plans	To be provided
* New jobs created	20
* Average wage of jobs	\$18.00/hr
* Estimated Sales tax generated	\$136,000.00

GLASS TEX ENTERPRISES LLC
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

<u>Number of Employees</u>	<u>Average Hourly Wage</u>	<u>Average Weekly Wages</u>	<u>Total Annual Wages (52 wks.per Yr.)</u>
Existing: 0			
Prospective: 20	18.00		
TOTAL: 20	18.00	14,400	748,800
Federal Income and FICA Taxes at 28% deducted			209,664
Fixed payments for rent, insurance, etc. at 25%			187,200
Net Disposable Annual Income			351,936

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:	3,744
Average Multiplier effect of the Dollar turning over 3.5 times to Calculate the Total Annual Local Sales Tax Impact:	13,104

Annual Sales Tax Impact:

<u>Value of Retail Sales</u>	<u>Sales Tax</u>	
136,000	2.00%	2,720

Estimated Property Tax Impact:

<u>Value of Property and Improvements</u>	<u>Tomball Tax Rate (per \$100)</u>	
725,000	0.25146	1,823
Annual Economic Impact of Manufacturing and Maintenance Facility		17,647
Economic Impact over a Five Year Period		88,235

AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **Glass Tex Enterprises LLC** (the “Company”), 203 Southmore Street, Tomball, TX 77375.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to develop a 0.160697-acre (7000 square feet) tract of land within the City, located at 200 East Main Street, Tomball, Texas 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development shall include the construction of a 1500 square foot commercial building (the “Improvements”) on the site, with mixed use, consisting of office and warehouse space, and more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Fifteen Thousand Dollars (\$15,000.00), or an amount equal to actual construction costs if less than the sum stated

above, to assist in the construction of infrastructure necessary to promote and develop new business enterprises on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are certain drainage facilities and related improvements, site improvements, water, sewer, and electric utilities to the exterior of the building (the "Infrastructure Improvements"), identified and described in Exhibit "C," attached hereto and made a part hereof; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct and maintain on the Property a 1500 square-foot office/warehouse building (the "Improvements") identified and described in Exhibit "B," attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the date of this Agreement

(the “Start Date”), and the Company shall notify the TEDC of such Start Date. The construction of the Improvements to the Property, including construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Effective Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

The Company further covenants and agrees that the Improvements described in Paragraph 1 hereof will be occupied and that the office and warehouse facilities will be maintained on the Property for a term of at least five (5) years.

4.

The Company further covenants and agrees that the Company or any owner or leasee of the Improvements does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Infrastructure Improvements up to the amount of Fifteen Thousand Dollars (\$15,000.00), or an amount equal to actual construction costs if less than the sum stated above. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the costs of constructing the Infrastructure Improvements; (b) a copy of the

City's occupancy permit for the Improvements to the Property; (c) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (d) certification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; and (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default.

7.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

8.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:

Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company:

Glass Tex Enterprises
203 Southmore Street
Tomball, Texas 77375
Attn: John Butz, Managing Partner

9.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

10.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

11.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

12.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2010 (the “Effective Date”).

GLASS TEX ENTERPRISES

By: _____
Name: John Butz
Title: Managing Partner

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: _____
Title: President, Board of Directors

ATTEST:

By: _____
Name: _____
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2010, by John Butz, Managing Partner of Glass Tex Enterprises, for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2010, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

Lot Eight (8), in Block Sixty-Six (66), of TOMBALL, a subdivision situated in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 25 of the Deed Records of Harris County, Texas

Exhibit B

Description of Improvements

Construction of a 1500 square foot commercial building on the site, with mixed use, consisting of office and warehouse space

DRAFT

Exhibit C

Description of Infrastructure Improvements

- Site work and improvements
 - Earth work
 - Storm Drainage
 - Site Paving and Approach
 - Water, sewer, electric utility lines on exterior of building

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Adopt, on Second Reading, Ordinance No. 2010-12, an Ordinance of the City Council of the City of Tomball, Texas, amending Chapter 24. Courts, by deleting Chapter 24 in its Entirety and substituting therefore a new Chapter 24, making General Provisions for the Operation of the Municipal Court; specifying the Term of the Municipal Court and the Judges of the Court; providing for Citations to the Municipal Court; providing for Severability; providing for a Penalty of an amount not to exceed \$500 for each day of violation of any provision hereof; making Findings of Fact; and making other provisions related thereto.

Background:

Ordinance No. 2010-12 outlines the requirements and duties of the Tomball Municipal Court and its officers; it sets the term for the Municipal Court and its Judges. Ordinance 2010-12 is replacing Chapter 24 of the City's Ordinance. Chapter 24 created the Special Funds used by the Municipal Court. The information in Chapter 24 has been included in Ordinance No. 2010-12.

Council adopted Ordinance No. 2010-12 on first reading at the June 7, 2010 Council meeting.

Origination:

Tomball Municipal Court

Recommendation:

Adopt Ordinance No. 2010-12 on second reading.

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 No. 2010-02

ORDINANCE NO. 2010-12

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, AMENDING CHAPTER 24. COURTS, BY
DELETING CHAPTER 24 IN ITS ENTIRETY AND SUBSTITUTING
THEREFORE A NEW CHAPTER 24, MAKING GENERAL PROVISIONS
FOR THE OPERATION OF THE MUNICIPAL COURT; SPECIFYING
THE TERM OF THE MUNICIPAL COURT AND THE JUDGES OF THE
COURT; PROVIDING FOR CITATIONS TO THE MUNICIPAL COURT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF
AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION
OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND
MAKING OTHER PROVISIONS RELATED THERETO.**

* * * * *

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

SECTION 1. Chapter 24, Courts, of the Code of Ordinances of the City of Tomball, Texas, is amended by deleting all of Chapter 24 thereof and substituting therefore a new Chapter 24 to provide as follows:

“CHAPTER 24. COURTS

ARTICLE I. IN GENERAL

Sec. 24-1. Seal.

The municipal court shall have a seal having engraved thereon a star of five (5) points in the center and words "Municipal Court in Tomball, Texas" around the margin thereof, which shall be used to authenticate the official acts of the clerk and of the judge, where the clerk or the judge is authorized or required to use the seal of office.

Sec. 24-2. Jurisdiction.

The municipal court shall have jurisdiction with the power to hear and determine all cases of violation of this Code, the ordinances of the city, and all other cases of which municipal courts are given jurisdiction, or allowed to take jurisdiction, by state law. The municipal court shall exist for the disposition of misdemeanor criminal matters arising within its jurisdiction under the laws of the state or this Code or any other ordinances of the city.

Sec. 24-3. Organization; Alternate Judges.

(a) Judge. The judge and alternate judges of the municipal court shall be appointed by the Council.

(b) Presiding judge. The office of presiding judge of the municipal court is hereby created. The presiding judge is authorized to designate which judge shall preside over the Court for any given session.

(c) Alternate judges. The offices of alternate or associate judge are hereby created. Each associate judge shall preside over the Court when designated by the Presiding Judge.

(d) Powers and duties. Each judge shall be a magistrate and shall have all of the powers and authority prescribed by state law and the charter and ordinances of the city. Each judge shall have the duties pertaining to the office of judge.

(e) Terms of office. The Municipal Court shall have a two-year term beginning on September 1 of each even-numbered calendar year and extending through August 31 of the next following even-numbered calendar year. The presiding judge shall serve for the specific term, or the unexpired portion thereof, of the Municipal Court. Each associate judge shall serve for a two-year term of office beginning on September 1 of each odd-number calendar year and extending through August 31 of the next odd-numbered calendar year. Removal of judges shall be governed by state law and the city charter. All judges shall also serve after the expiration of their terms of office until their successor is appointed and shall have qualified; provided, however, that any judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the Council, continue to serve for another term of office.

Sec. 24-4. Oath.

The judges of the municipal court, prior to taking office, shall take the requisite oath of office required by the constitution and state law.

Sec. 24-5. Deputy clerks--Appointment.

There shall be appointed such number of deputy municipal court clerks as may be necessary for the municipal court to properly perform its functions. The appointment of deputy municipal court clerks shall be by the City Secretary of the municipal court, with approval by the City Manager.

Sec. 24-6. Same--Powers and duties.

The deputy clerks of the municipal court shall perform all the duties and have all the powers bestowed upon clerks of municipal courts by state law. Any clerk or deputy clerk so appointed may act as the official clerk of the municipal court and perform all acts incident to such office.

Sec. 24-7. Rules of practice and procedure.

The rules of practice and procedure as prescribed by state law governing trials in the state justice of the peace courts shall govern the procedure and practice of the municipal court; and the judge and the city council may prescribe such additional rules of practice and procedure as may not be inconsistent with state law.

Sec. 24-8. Notice to appear tickets.

(a) Whenever a person is arrested for any violation of law punishable by a fine in the municipal courts of the city, the arresting officer may prepare a written notice to appear that shall require the person to appear in municipal court within 10 days to answer the charges listed and shall contain the following information:

- (1) Name of the person arrested.
- (2) Address of the person arrested.
- (3) Driver's license or other identification.

(b) The following information may be included for informational purposes, but shall not nullify any promise to appear:

- (1) Date of violation.
- (2) Place of violation.
- (3) Offense charged.
- (4) Name of arresting officer.

This subsection shall not preclude the filing of any additional charges nor the filing of another offense.

(c) Notice to appear, incorrect name and address:

- (1) The above notice to appear shall only be a promise to appear and is not an admission of guilt.
- (2) It shall be unlawful for the arrested person to violate his written notice to appear in municipal court, regardless of the disposition of the charges upon which the person originally arrested.
- (3) It shall be unlawful for any person upon being issued a notice to appear to give the arresting officer other than the person's true name and correct address.

(d) The above procedure shall not be applicable:

- (1) When the person arrested demands an immediate appearance before a magistrate.
- (2) When the arrested person shall refuse to sign the notice to appear or furnish any of the information in subsection (a).
- (3) When the offense is a violation of the traffic laws or is covered by a specific provision of state law dictating the following of a procedure contrary to the above subsections.

(e) The above procedures in subsections (a), (b) and (c) shall not be mandatory upon the arresting officer. The arresting officer shall have authority to consider all the

circumstances relevant to the arrest and any police departmental regulations or policies in choosing whether or not to issue a notice to appear.

Sec. 24-9. Citations for violation of city codes and state laws.

(a) When any person is found in violation of any provision of the codes adopted by the City of Tomball or of the laws of the State of Texas, an agent or employee of the City of Tomball may, if the person agrees to sign a citation, issue a citation that shall require the person to appear in court within the time provided on the citation. The citation shall give the person at least 10 days to answer any charge of violation of any provision of the codes adopted by the city.

(b) Signing the citation shall only be a promise to appear and is not an admission of guilt.

(c) It shall be unlawful for any person, upon being issued any citation, to give the City of Tomball's agent or employee a false name or address.

(d) It shall be unlawful to fail to appear in municipal court within the time provided in the citation, provided the citation gave the person at least 10 days to answer any charge of violation of any provision of the codes adopted by the city.

(e) The following information shall be contained on the citation:

- (1) Name of the defendant;
- (2) Address of the defendant;
- (3) Driver's license or other identification.

The following information may be included for informational purposes, but shall not nullify any promise to appear:

- (i) Date of violation;
- (ii) Place of violation;
- (iii) Offense charged;
- (iv) Name of person issuing citation.

(f) Additional or other charges shall not be precluded by the issuance of citation.

Sec. 24-11. Compensation for jurors.

Each juror sworn to serve in a case pending in the municipal court shall be entitled to receive a fee as may be established by Council from time by resolution for each day on which the person actually serves as such juror, to be paid out of the city treasury.

Sec. 24-12. Prosecutor.

The City Attorney, or such other attorneys designated by the City Manager with approval of the City Council, may prosecute cases in the Municipal Court.

Sec. 24-13. Court bailiffs.

The City Manager, upon the request of the judge, shall furnish one or more peace officers to serve as municipal court bailiffs during the convening of the court and when, in the judgment of the judge, a bailiff is necessary to maintain proper decorum during any court proceedings.

(Sec. 24-14 – 24-20, reserved.)

ARTICLE II. Special funds.

Sec. 24.21. Municipal court building security fund.

(a) There is hereby created and established a municipal court building security fund (the "fund") pursuant to Article 102.017 of the Code of Criminal Procedure.

(b) The municipal court is authorized and required to assess a municipal court building security fee (the "fee") in the amount of \$3.00 against all defendants convicted in a trial of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.

(c) The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the city. All fees so collected and paid over to the treasury of the city, shall be segregated in the fund.

(d) The fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the city. Security devices and/or services shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure.

(e) The fund shall be administered by or under the direction of the Council.

Sec. 24-22. Establishment of municipal court technology fund.

(a) There is hereby created and established a municipal court technology fund, here-in-now known as the fund, pursuant to article 102.0172 of the Code of Criminal Procedure.

(b) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

Sec. 24-23. Establishment of amount of the fee and assessment and collection.

(a) The fee shall be in the amount of four dollars.

(b) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:

- (1) A sentence is imposed on the person;
- (2) The person is placed on community supervision, including deferred adjudication community supervision; or
- (3) The court defers final disposition of the person's case.

(c) The fee shall be collected on conviction for an offense committed on or after November 1, 1999.

(d) The clerk of the court shall collect the fee and pay the fee to the treasurer of the city, who shall deposit the fee into the municipal court technology fund.

Sec. 24-24. Designated use of the fund and administration.

(a) The municipal court technology fund shall be used only to finance the purchase of or to maintain technological enhancements for a municipal court of the city, including:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers; and
- (8) Docket management systems.

(b) The fund shall be administered by or under the direction of the city council.”

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

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

SECTION 4. Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE
2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

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

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 21, 2010

Topic:

Adopt on First Reading, Ordinance No. 2010-06, an ordinance of the City of Tomball, Texas, amending Chapter 26, "Emergency Services" of the Code of Ordinances of the City of Tomball to Establish Policies, procedures and Regulations as they relate to Alarms; Providing a Penalty in an Amount of not more than \$500 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making other Provisions and Findings Related Thereto

Background:

The City of Tomball has previously enacted Article II of Chapter 26 of the Code of Ordinances which pertains to emergency alarm systems installed in commercial and residential buildings within the City Limits of Tomball. Presently, Article II does not require a permit and fee for the installation or operation of these alarms.

Each year, the Tomball Police and Fire Departments respond to numerous incidents in which it is determined that the alarm has been generated by a faulty system in the building. On several occasions, multiple responses to the same address occur over a several day or week period. Presently, Article II only provides for fees for false alarms to which the police department responds.

There are costs associated with responding to every call including those that are generated by an automatic sensing device. Staffing costs and vehicle costs are the two most significant of these costs. Police and day-time duty crew firefighters are paid at an hourly rate while volunteer firefighters are paid on a per call basis. Vehicles have an initial cost which is depreciated over their estimated useful life. Over and above the initial acquisition cost, operating and fuel costs must be included. Additionally, if a unit is committed to the response to an automatic alarm, it is unavailable to respond to a possibly more serious incident.

It is the intent of the Emergency Services departments to employ an outside contractor to whom the fire and police monthly run records will be downloaded. From that information, the contractor will bill the alarm holder according to the provisions of the ordinance. The contractor will collect the false alarm response fees and remit the City's share to us.

The Tomball Fire and Police Departments are requesting Council to consider amending Chapter 26 of the Codes and Ordinances of the City to include a more comprehensive set of rules pertaining to the permitting, installation and operation of alarm systems installed in residences and businesses inside the City Limits of Tomball.

Origination:

Police and Fire Departments

Recommendation:

Staff recommends approval

Funding:

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

Randy Parr and Rob Hauck

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

ATTACHMENTS:

- Ordinance No. 2010-06
- Fire Department False Alarm Data
- Police Department False Alarm Data
- Cry Wolf Admin Services Proposal
- Cry Wolf False Alarm Program Proposal

ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 26, "EMERGENCY SERVICES" OF THE CODE OF ORDINANCES OF THE CITY TO ESTABLISH POLICIES, PROCEDURES AND REGULATIONS AS THEY RELATE TO ALARMS; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

WHEREAS, various state laws regulate alarms, alarm companies, alarm installers and alarm sales in the state of Texas; and

WHEREAS, Texas Local Government Code § 214.191 (formerly Tex.Loc.Gov't Code Ch. 218) authorizes municipal permits for certain alarm systems; and

WHEREAS, Texas Local Government Code § 233.091 authorizes county regulation of certain alarm systems and expressly does not affect the authority of a municipality to enact ordinances regulating alarm systems; and

WHEREAS, City Council finds it necessary to amend its existing alarm regulations to protect the public safety based on changing technology and use of alarm systems; now therefore

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Chapter 26, Emergency Services, of the Code of Ordinances of the City of Tomball is hereby to read as follows:

“Chapter 26 – Emergency Services

Article I. In General

Sec. 26.1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm notification means a notification to the Tomball Police or Fire Department, intended to summon the proper public safety entity, and designed to be initiated:

- (a) intentionally by a person;
- (b) by an alarm system that responds to a stimulus characteristic of unauthorized intrusion; or
- (c) by an automatic or manual response to an incident of a fire or by the activation of a fire suppression or fire detection system.

Alarm site means the property served by an alarm system and under the control of a single owner, tenant, or lessor.

- (a) Residential site means a single family residence and each residential unit of a multi-unit building or complex that is served by an alarm system.
- (b) Commercial site means every premises or location where any business activity is regularly conducted and that is served by an alarm system. Each unit of a business premise or business location, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate commercial alarm system site.
- (c) Financial site means every premise or location of a financial institution that is required to have an alarm system pursuant to the Bank Protection Act of 1968.
- (d) Education/government site means every premise or location of a public or private school, as well as every location of a federal, state, county, or municipal governmental building.

Alarm system means electrical, electronic, or mechanical equipment that emits, transmits, or relays a signal intended to summon the police or fire department by direct or indirect means, except:

- (a) an alarm system installed on a motor vehicle, unless the vehicle is permanently located at an alarm site;
- (b) an alarm system designed to alert only the residents of a premise not equipped with a local alarm;
- (c) an alarm system installed on a premise:
 - (1) occupied by the United States Government; or
 - (2) owned and occupied by state government;

Alarm system business means a person who sells, installs, services, monitors, or responds to alarm systems or alarm notifications.

Burglar alarm means a device or system that transmits a signal intended to summon police in response to a burglary.

City means the City of Tomball, Texas.

False alarm notification means an alarm notification to the police or fire department resulting in a finding by the responding officer or fire officer or a subsequent investigation by the City, that there is no evidence of actual or attempted unauthorized intrusion, robbery, attempted robbery, other illegal activity or the presence of fire.

Fire alarm system means an alarm system intended to summon the Fire Department for the presence of smoke, fire, heat, or sprinkler system activation, activated by manual or automatic means.

Fire Department means the City of Tomball Fire Department.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not connected to a monitoring site.

Master alarm permit means a permit issued to the owner or property manager of a residential apartment complex in which an alarm system operates in one or more individual residential units.

Owner means the person in control of the property including, but not limited to, every person in possession of land within the corporate limits of the City either as owner, purchaser, lessee, tenant or licensee.

Panic alarm means an alarm system that is utilized at either a business, or at the residence of a person, monitored by an alarm system company, and designed only to permit the person to signal the occurrence

of a personal emergency so that the company may dispatch appropriate aid.

Permit holder means the individual responsible for payment of all fees, charges or any civil action that may arise from the operation of an alarm system.

Police Department means the City of Tomball Police Department.

Sec. 26.2 Policies and Procedures

The City Manager may:

- (a) adopt policies and procedures to implement this chapter;
- (b) publish standards of operation for an alarm system; and
- (c) provide a copy of the standards to each permit holder.

Sec. 26.3 Public Safety Response

The Tomball Police Department or the Tomball Fire Department shall respond to the activation of a permitted alarm system as prescribed by the policies and procedures adopted by the City Manager, including the response priorities established by the departments.

Sec. 26.4 Governmental Immunity

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, for a city emergency response. Any and all liability and consequential damage resulting from the failure or inability to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that a city emergency response may be influenced by factors such as the availability of city emergency services, priorities of calls, weather conditions, emergency conditions, staffing levels, and prior response history.

Article II. Permits and Applications

Sec. 26.10. Permit Required

- (a) A person shall obtain an alarm permit issued by the City of Tomball before the person operates an alarm system.
- (b) A person must obtain a separate alarm permit for each alarm site.

- (c) A permit holder shall:
 - (1) keep the alarm permit at the alarm site; and
 - (2) produce the alarm permit for inspection at the request of an employee of the Police or Fire Department.

Sec. 26.11 Permit Application Fees

The nonrefundable application fee for an alarm permit, an annual permit renewal, or a permit reinstatement is:

- (a) \$15 for residential alarm site;
- (b) \$35 for a residential unit of an apartment complex;
- (c) \$50 for nonresidential areas of an apartment complex equipped with a burglary alarm, hold-up, panic, duress alarm system, or fire alarm system; and
- (d) \$50 for commercial alarm sites equipped with a burglary alarm, hold-up, panic alarm, or fire alarm system.

Sec. 26.12 Permits for System in an Apartment Complex

- (a) The owner or property manager of an apartment complex shall obtain a master alarm permit if an alarm system is operated in:
 - (1) a residential unit on the premises, whether the alarm system is furnished by the owner or property manager or contracted for by an individual tenant; or
 - (2) a non-residential area of the apartment complex, including a common tenant area, office, storage, or equipment area.
- (b) A tenant of an apartment complex shall obtain an individual alarm permit before the tenant operates or causes the operation of an alarm system in the tenant's residential unit.

Sec 26.13 Permit Applications and Renewal

- (a) A person who owns leases, occupies, or manages an alarm site shall file an application for an alarm permit and the application fee under this chapter with the City of Tomball on an approved form.
 - (1) The name, address, telephone number, and driver's license number of the person who will be the permit holder and be responsible for the proper maintenance and operation of the

- alarm system and payment of fees assessed under this article;
 - (2) the classification of the alarm site as either residential or commercial;
 - (3) identification of the alarm system as either a burglar alarm, hold-up, panic, duress alarm, fire alarm system or a combination of the above;
 - (4) any other information required by the City that is necessary for the enforcement of this article.
- (b) A permittee shall file an application to renew a permit not later than 30-days before its expiration.

Sec 26.14 Permit Terms

- (a) A permit issued under this chapter is effective for 12 months from the date of issuance.
- (b) A permit issued under this chapter is non-transferable and non-refundable.

Sec 26.15 Other Fees.

A permittee, including the holder of a master alarm permit, shall pay to the City of Tomball:

- (a) the permit application fee;
- (b) a late payment fee, if the person fails to pay the permit fee by its due date; and
- (c) other fees related to a permit, including a false alarm service fee assessed under Sec. 26.21 (*False Alarm Notification*).

Sec. 26.16 Grounds for Permit Denial

The City Manager may deny an application for a permit after at least 30 days notice if the applicant has:

- (a) made a false statement on the application;
- (b) made a false oral statement in connection with the application;
- (c) failed to pay a fee assessed under this chapter; or
- (d) had an alarm permit for an alarm site revoked and the violation resulting in the revocation remains uncorrected.

Sec. 26.17 Permit Revocation

The City of Tomball shall revoke an alarm permit if the City Manager determines after at least 30 days notice that:

- (a) an applicant has made:
 - (1) a false statement made on a permit application; or
 - (2) a false oral statement relating to a permit application; or
- (b) A permittee has:
 - (1) violated this chapter
 - (2) failed to pay a fee assessed under this chapter; or
 - (3) failed to maintain the alarm system to minimize false alarm notifications and ensure proper operation of the alarm system.

Sec. 26.18 Reinstatement of Permit

The City Manager may reinstate a permit revoked under Sec. 26.17 (*Permit Revocation*) if the City Manager determines that the applicant:

- (a) has paid the fees required under Sec. 26.15 (*Fees*); and
- (b) operates the alarm system in accordance with this chapter.

Sec. 26.19 Appeal From Denial of Revocation

- (a) If the City Manager denies an application for, or revokes an alarm permit, then the City Manager shall notify the applicant or permittee by certified mail, return receipt requested.
- (b) Not later than the 10th day after the affected person receives notice of an adverse action by the City Manager, the person may file a notice of appeal to the Municipal Court, including the reason for the appeal. Failure to file a timely appeal under this subsection results in the City Manager's action becoming final.
- (c) If an applicant or permittee files a timely appeal under this section, the City Manager's action is stayed.
- (d) The Municipal Court shall hear the appeal. The Municipal Court:
 - (1) shall make a decision based on the basis of a preponderance of the evidence presented;

- (2) shall render a decision not later than the 60th day after an appeal is filed; and
 - (3) may affirm, reverse, or modify the action of the City Manager.
- (e) The decision of the Municipal Court is final.

Sec. 26.20 Operation and Maintenance of an Alarm System

- (a) A permittee;
 - (1) shall maintain a premise containing an alarm system to ensure the proper operation of the alarm system;
 - (2) shall maintain the alarm system to minimize false alarm notifications;
 - (3) within one hour of notification by the city that an alarm system requires repair or inactivation, shall:
 - a. respond or cause an alarm system business representative to respond to repair or inactivate the malfunctioning alarm system;
 - b. provide access to the premises; or
 - c. provide security for the premises; and
 - (4) may not manually activate an alarm system except to report the occurrence of an event that the alarm system was designed to report.
- (b) A permittee with a local alarm shall adjust the mechanism to prevent an alarm signal from sounding for longer than 15 minutes after activation.
- (c) A permittee shall notify the City if the permittee relinquishes control of the alarm site and cancels the permit. If a permittee fails to notify the City under this section, the permittee shall pay fees associated with the permit, if any.

Sec. 26.21 False Alarm Notification

- (a) If an alarm system transmits more than three false burglar alarms or fire alarm notifications within a 12-month period, the permittee shall pay a service fee for the fourth and each subsequent false burglar alarm notification.

Residential Alarms

- (1) For each response for the first through the 3rd
No Fee

- (2) For each response after the 3rd through the 5th
\$25.00
- (3) For each response after the 5th through the 8th...
\$50.00
- (4) For each response after the 8th
\$100.00

Commercial Alarms

- (1) For each response for the first through the 3rd
No Fee
 - (2) For each response after the 3rd through the 5th
\$50.00
 - (3) For each response after the 5th through the 8th
\$75.00
 - (4) For each response after the 8th
\$100.00
- (b) If an alarm system transmits more than two false panic alarm notifications within a 12-month period, the permittee shall pay the maximum service fee permitted by state law, but not more than \$100, for the third and each subsequent false panic alarm notification.
 - (c) A tenant holding an individual alarm permit shall pay a false alarm notification fee related to a transmission from the alarm system in the tenant's unit.
 - (d) The permittee holding the master alarm permit holder shall pay a false alarm notification fee related to a transmission from an unoccupied unit or a unit for which a tenant has not obtained an individual alarm permit.
 - (e) The City Manager may investigate and waive payment of a service fee assessed under this section.

Article III. Offenses and Penalties

Sec. 26.30 Offenses

- (a) A person commits an offense if the person operates, cause to be operated, or allows the operation of an alarm system:
 - (1) without a permit issued under this chapter;
 - (2) in violation of this chapter; or
 - (3) that automatically dials the 911 Emergency Communications System.

Sec. 26.31 Penalties

- (a) A person who fails to comply with this chapter commits a class C misdemeanor punishable by a fine of not more than \$500.00.
- (b) Each day or portion of a day during which a violation occurs or continues constitutes a separate offense.
- (c) In addition to a criminal penalty under this chapter, a person who operates, causes to be operated, or allows to be operated an alarm system without a valid permit shall be charged a fee for each Police Department or Fire Department response to the activation of an un-permitted alarm system.
- (d) In this chapter, a guilty plea, deferred disposition, deferred adjudication, or probation by a court of competent jurisdiction constitutes a conviction.
- (e) A person who makes a false statement on an application commits a violation of Section 37.10 (*Tampering with Governmental Record*) of the Texas Penal Code.”

Section 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. 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 5. Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's home rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF APRIL, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF MAY, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

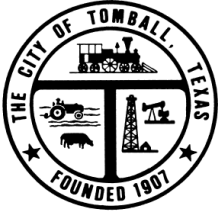
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**TOMBALL FIRE DEPARTMENT
ANALYSIS OF FALSE ALARM RESPONSES
2006 - 2009**

	<u>Total False Alarms</u>	<u># of responses to same address</u>	<u>Number of addresses</u>	<u>Estimated fees</u>
2006	157	55	10	\$ 1,600
2007	194	80	17	\$ 1,825
2008	239	121	21	\$ 3,825
2009	212	134	24	\$ 4,425



Tomball Police Department

Memorandum

Date: April 15, 2010

To: Rob Hauck
Chief of Police

From: Rick Grassi
Patrol Captain

Re: Amendment to False Alarm Ordinance – Chapter 26

It is the goal of the City of Tomball to implement a City Ordinance pertaining to False Activation of Business and Residential Alarms. The City of Tomball currently has in its Code of Ordinances – Chapter 26: Emergency Services, which touches on Emergency Alarm Systems; however, due to the growth and development within the city, the ordinance needs to be updated.

Non-critical calls for service, such as false alarms, decrease the amount of time that officers can spend responding to true emergencies and reduce the number of staff that can work proactively to prevent crime. This environment also places officer and public safety at increased risk.

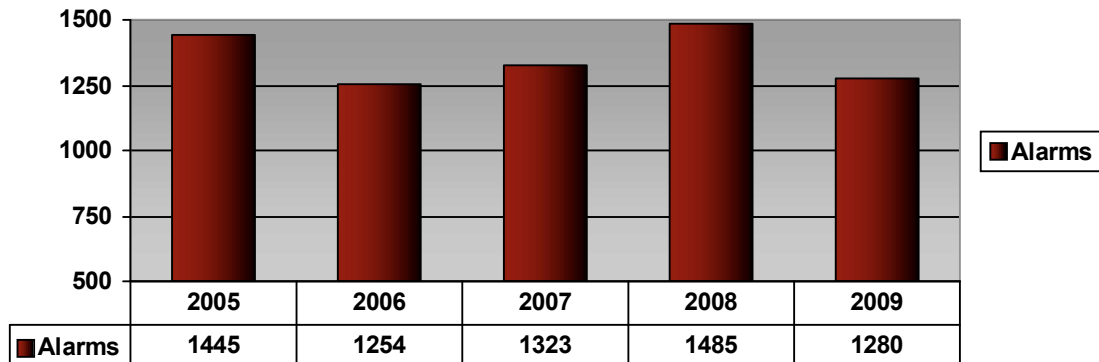
False activation of business or residence alarms, whether burglary or fire, has continued to be a problem for the Tomball Police Department, as well as the Tomball Fire Department. A false alarm can be defined as an alarm signal that is activated when no intrusion has been attempted, often caused by user or mechanical error.

In preparation of updating the Code of Ordinances, Chapter 26, a study was conducted to determine the frequency of false activations of business and fire alarms, as well as the amount of resources exhausted to respond to such events. By use of the Computer-Aided Dispatch system implemented in 2003, we were able to retrieve the following data to conduct a five-year study from 2005 – 2009 on both business and resident alarms. The results are as follows:

- From January 2005 through December 2009, Tomball Police Department received 41,993 citizen generated calls for service.
- In the five years observed, 12,067 Tomball Police Officers responded to 6,787 business and/or residential alarms.
- Of the 6,787 alarms that officers responded to, 98.8 percent, or 6,870 were false alarms or human errors.

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

- Tomball Police Officers respond to an average of 1,357 business or residential alarms per year.
- Business or residential alarms account for 16.2% of all citizen generated calls for service.



Attached you will find an “An Ordinance to Amend the Code of the City of Tomball, Article I: Chapter 26”. In establishing a Code of Ordinance for False Alarms, it was the goal of the City of Tomball to prepare reasonable and prudent guidelines. Policies and procedures were reviewed from various municipalities to be implemented within the City of Tomball to assist in minimizing false alarms, create retailer and residential awareness, and establish monetary compliance for excessive false alerts.

Had the attached proposed City Ordinance been effective in 2009, the following information could be retrieved:

- 88 businesses and 7 residences would have been in violation of excessive false alarms.
- There would have been 400 chargeable business violations, and 16 residential violations.

Based on the results, a recommendation is being made for the implementation of the attached False Alarm Ordinance in amendment to the already established city ordinance.

**DRAFT SCOPE OF
ALARM MANAGEMENT SERVICES
For
TOMBALL, TEXAS
(June 26, 2008)**

Purpose

The purpose of this Scope of Services is to describe the duties and responsibilities of AOT Public Safety Corporation ("PSC"), and Tomball, Texas ("Tomball") in managing the Tomball False Alarm Reduction Program ("Program"). This is a Draft list of services that may be further tailored to specific Tomball needs.

PSC Responsibilities

PSC will be responsible for the daily operation of the Program. This will include, but may not be limited to:

1. Initially importing electronically into PSC's alarm processing system (CryWolf®) database alarm system registration / permit data obtained from Tomball and/or alarm companies, as authorized by Tomball;
2. Registering and updating alarm permits in accordance with the Tomball Alarm Ordinance ("Ordinance"). Permit registrations may be processed by mail and/or online;
3. Importing daily into the PSC alarm billing system, false alarm incident data (in formats prescribed by PSC) extracted from Tomball's VisionAIR CAD/911 System. PSC will provide Tomball at no charge PSC's proprietary VisionAIR CAD alarm data extraction program, if requested.
4. Initializing, maintaining, securing and backing up Program databases including alarm registration and incident data, alarm-related financial transactions and accounts receivable information. PSC will comply with the provisions of the Ordinance, and update Program business rules to comply with any Ordinance changes;
5. Processing false alarm incident data, including the matching of false alarm incidents with the security alarm registration / permit database maintained by PSC;
6. Billing and corresponding with alarm users in accordance with the Alarm Ordinance provisions. This will include but may not be limited to notifications of false alarms, invoices, and delinquent payment notices;
7. Providing Tomball specific information on false alarm reduction and Ordinance requirements in the first false alarm notice / warning letter sent to alarm users;
8. Answering telephone inquiries from City alarm users that are placed to a false alarm program toll-free customer service number;
9. Processing fee / penalty payments mailed and received from other payment channels, e.g. online, as agreed on by PSC and Tomball, and applying these payments to alarm accounts;
10. Supporting alarm hearings and appeals by notifying the City of any such appeals, providing a City Alarm Program representative with documentation supporting

- noticing/billing decisions; and updating the system with the disposition of any hearing results;
11. Providing and maintaining computer equipment, software, mailing equipment and furniture at the Program processing facilities;
 12. Providing Tomball secure, online, on-demand access to alarm management information and reports including, but not limited to, alarm account transaction history, registration/permit and suspension information, and financial transactions/balances with format and content specified by the CryWolf® Alarm Management System and the designated Bank, and agreed on between Tomball and PSC, and,
 13. Performing special collection functions as approved by Tomball such as retaining third party collection agency or providing delinquent account information to other City agencies.

PSC is responsible for all costs of carrying out these responsibilities including, but not limited to, the costs of staff, facilities, equipment and consumable supplies. Only third-party bank and credit card fees, third party collection costs (if any), e.g. collection agency fee, and citizen refunds will be shared by PSC and Tomball through payment from gross Program revenues.

Tomball Responsibilities

1. Appointing a Tomball Alarm Administrator (“Administrator”) who will be the primary point of contact between PSC and Tomball. The Administrator is responsible for overseeing PSC’s operation of the False Alarm Management Services Program (“Program”) and accessing Program information, as needed, via PSC provided online access.
2. Requesting Alarm Companies to provide alarm system registration information and supporting PSC, as needed, to ensure that Alarm Companies comply with alarm system information requests;
3. Making any and all decisions about alarm call response, determining whether calls are false alarms, providing any on-scene communication of alarm related information to alarm users, and for documenting alarm related information within the Tomball CAD/911 system;
4. Extracting false alarm incident data from the CAD/911 System and transferring this data electronically to PSC (via email or PSC FTP site). Tomball staff is also responsible for entering, or causing to be entered, into the CAD/911 System any false alarm related information that Tomball may choose to display to CAD/911 System operators through the CAD/911 System;
5. Scheduling, conducting and making appeal decisions for any false alarm hearings;
6. Conducting any general public education programs on false alarms; and,
7. Transferring any and all financial information from the Program generated alarm reports to other Tomball financial systems, as needed.

Tomball is responsible for all costs of carrying out these responsibilities, including, but not limited to the costs of staff, facilities, computer equipment and consumable supplies.

OUTSOURCE ALARM SERVICES OVERVIEW

AOT Public Safety Corporation (PSC) is pleased to describe its Alarm Management Services to the City of Tomball, Texas. PSC is committed to providing cities with a superior, turnkey solution that meets all of their data processing, customer service, and information management needs.

For more than eight years, PSC has provided false alarm management solutions to local governments across the country. In every case, PSC technology and services have helped these jurisdictions reduce false alarms, increase collections and improve efficiency. Today, PSC is the leading provider of false alarm management solutions to cities and counties throughout the United States, including the Texas cities of Cedar Hill, Desoto, Grapevine, Highland Village, Lake Jackson, Lewisville, Marshall, Temple, Texas City and Tyler. Our experience includes extensive outsource alarm registration, tracking and billing services on a “self-funded”, revenue sharing basis to many jurisdictions including Concord NC, Douglas County CO, Greenville NC, Jefferson County KY, Highland Village TX, Huntersville NC, Kannapolis NC, Larimer County CO, Louisville KY and Spokane WA. We also team with others to administer the false alarm programs for Baltimore City MD, Charlotte-Mecklenburg NC, New Castle County DE and Wilmington DE.

As a core part of this proposal, we are pleased to offer Tomball the leading alarm registration and false alarm management technology in the industry, CryWolf®. Our patented technology has been chosen by more than 140 cities and counties in 28 states, and Canada. The depth of our alarm management experience helps to ensure the Tomball Program’s operational success.

Our unique system interface expertise greatly minimizes the technical risk of our system and services. As a VisionAIR Business Partner, CryWolf® already imports alarm event information generated by VisionAIR CAD/911 systems in multiple jurisdictions. We also work with CAD systems manufactured by over a dozen other companies. Because CryWolf® is our proprietary, patented system; we can assure Tomball that its citizens and businesses will continue to receive reliable, state-of-the-art Alarm Management Services (“AMS”) throughout the life of the project.

Our alarm management expertise and technology offering are unmatched and provide Tomball a superior solution for the AMS program. We are especially proud of our unique online information access and web-based functionality which we believe support the City’s customer oriented, technology goals and provide the convenient service expected in larger cities, like Tomball. We also offer the technical infrastructure necessary to keep City alarm data secure and confidential.

The PSC Difference – Understanding the City’s Needs

In most areas of the country, law enforcement resources are unfortunately scarce. When combined with the demand for services created by the special needs of communities such as Tomball, governments continually ask Police Departments to do more with less.

In this context, non-critical calls for service, such as false alarms, decrease the amount of time that officers can spend responding to true emergencies and reduce the number of staff that can work proactively to prevent crime from occurring. Officer and public safety are also put at risk.

Unfortunately, the number of false alarms that law enforcement must respond to has increased in recent years. Tomball estimates that it currently responds to about 1,300 annual false alarms. The proposed alarm management services would allow the City to:

- Quickly implement a false alarm reduction program. Alarm System registrations can usually start within 30 days;
- Minimize administrative staff time to administer the Alarm Program;
- Focus efforts on enforcing the Alarm Ordinance including the proactive billing and collection of all amounts due the City; and,
- Reduce false alarms by rigorously enforcing the City's new alarm ordinance.

Meeting Tomball's Needs - The PSC Solution

PSC has a track record of helping cities and counties increase their service levels, expand the use of innovative technologies, and increase revenue collections on a risk-free basis – PSC will obtain payment exclusively from the revenues we help generate. We require no upfront systems development, licensing, conversion, or equipment costs. PSC will purchase, configure, install, and customize everything we need to administer the Tomball alarm program.

PSC proposes to provide Tomball with a solution that meets all of its tracking, noticing, billing, collection and customer service requirements. Specifically, our solution includes the following functionality:

- **Alarm Registration/Permitting and Database Maintenance.** PSC will register alarm systems, maintain registration holder information, and identify non-registered locations. Outstanding charges will be automatically tracked for all accounts regardless of registration. Both AMS program staff and the Tomball designated Program Administrator will be able to easily access online data stored in the system by a variety of fields including but not limited to registration status, registration number/partial number, name/partial name, address/partial address, phone number/partial phone number and type of alarm. Even CAD/911 Dispatch operators can access key premise information, if desired.
- **Automated generation of violation invoices and notices to alarm users.** Our solution will automatically generate letters/notices and invoices for false alarm events in accordance with the Tomball alarm ordinance for annual registration fees, registration suspension/revocation, and violation penalties for false activations. The technology we offer fully supports differences in fees and notices for residential, commercial and other locations; burglary and holdup events; and registered, suspended and revoked locations. In addition, our system maintains critical account information for every account including

outstanding balances, reason for registration issuance denial or the suspension of an account.

- **Proven Collection Techniques.** As described in greater detail below, with over 1 million false alarms processed annually by our technology, PSC is the proven industry leader in alarms processing and collections. Our solution includes a variety of techniques to help the City collect fines including multiple and varied noticing, research of bad addresses, and other targeted collection techniques.
- **Production of Management Reports.** Tomball will have direct access to a variety of management and tracking reports that can be produced by our system. For example, reports can be generated that sort alarm data by a variety of categories including new alarm registrations, annual renewals, number of activations, user address, Police area, alarm company, and age of outstanding fees and fines. The system can also generate individual account histories that include payment dates and all actions taken regarding an individual account.

Features that are especially unique to our service offering include:

- **Secure, Online Tomball access to many tailorable reports.** We will provide Tomball with direct data inquiry and report generation access via web-based, real-time connection to the alarm database. We have already implemented this access in multiple Alarm Programs. The approach offers flexibility, security and timeliness that no other reporting process provides.
- **Internet-based, fully-interactive alarm registration and updating.** When citizens need to register their systems, have questions or want to update their registration information, they would like to be able to obtain prompt access. PSC supports this not only with skilled customer service representatives (CSRs), but with secure, online access technology that allows an alarm user to register online or enter a unique registration number/password combination, and have limited access to his/her registration information without waiting to speak with a CSR. This service is available on a 24/7 basis.
- **Internet-based payment of invoices.** PSC can process false alarm payments made over the web. If desired by Tomball, we will integrate a real-time, Pay-by-Web system directly into the existing City website so that citizens can pay individual alarm invoices or the full balance owed from their web browser on a 24/7 basis.
- **Enhanced Alarm Data Security.** Alarm Management services require the collection, maintenance and communication of sensitive and highly confidential data about alarm locations. Understandably, businesses, citizens, security alarm companies and City officials are concerned with unauthorized access to this information. In providing its alarm Management services, PSC has the technical infrastructure required to ensure the highest levels of data security. This includes core network and DMZ server firewalls; private internal IP addresses; 128-bit encrypted data access and transfer; and real-time, and virus scanning of all incoming and outgoing data.

- **Extensive Adjudication and Hearing Support.** Our service offering contains a fully integrated hearing and appeal system that will allow for the adjudication of any action for any account. Our system also generates various reports that document and support all billing, noticing and status change decisions.
- **Unparalleled Technology Enhancement Program.** Our patented CryWolf® technology includes a robust enhancement program driven by the needs of more than 140 cities and counties. This program has resulted in over 500 added features in the last 5 years. Our solution assures Tomball that the technology will evolve to keep up with technical and programmatic advances over the life of the services contract.

A Team with National Experience and Understanding of Current Technologies

We are proud to be able to offer this comprehensive solution to meet Tomball's false alarm billing needs. Our team provides the City with a state-of-the-art solution:

AOT Public Safety Corporation (PSC), was established in 1999 by a large engineering services firm (AOT). PSC is headquartered in Waldorf, Maryland, a suburb of Washington, DC.

As described in detail in the attached Scope of Services, the Tomball False Alarm Reduction Program will be operated from our processing facility in Waldorf. Tomball citizens will be provided toll-free, citizen-service telephone access from 9am - 5pm CST, Monday through Friday on normal business days.

Conclusion

PSC is confident that the proposed solution will meet Tomball's requirements and help reduce the number of false alarm calls responded to by Tomball Police officers annually. We already have the necessary program components in place and have proven our proposed methodology in many jurisdictions nationwide. Accordingly, we believe that we can offer Tomball a fast-paced Program implementation that begins live registration activities within 30 days of contract approval.

We look forward to working with the City to successfully implement this new process and to realize program improvements benefiting Police, citizens, the City, and the perception of City services.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 21, 2010

Topic:

Reconsider Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball

Background:

On January 18, 2010, Council adopted Resolution No. 2010-04, designating the Tribune as the official newspaper for 2010. On February 1, 2010, Council again discussed the designation of the official newspaper, due to erroneous information provided during the January 18, 2010 Council meeting.

Following discussion, Councilman Townsend requested that an item to reconsider Resolution No. 2010-04 be placed on the agenda when the 90-day period required for defeated motions under Chapter 2, Section 2-32 . Rules of Procedure, (9) Reconsideration of a subject when defeated, in the Code of Ordinances expired.

The 90-day period has expired and this item was placed on the June 7, 2010 agenda for Council discussion and direction to staff. In accordance with Council's direction, Resolution No. 2010-04 has been placed on the June 21, 2010 agenda for Council consideration. The following information was provided to Council previously:

"Section 3.06 of the Charter provides for annual designation of the official newspaper for the City. On March 3, 2008, Council did designate the Tomball Tribune as the official city newspaper for 2008, and did approve alternating the designated official newspaper each year, which meant that the Potpourri would be designated as the official newspaper in 2009, provided rates remained competitive. In 2009, the Potpourri's proposed rates were higher than the Tribune; however, the Potpourri agreed to match the Tribune's proposed rates and was designated by Council as the official newspaper for 2009. The City Attorney has advised that previous Councils cannot bind current or future Councils to alternating newspapers each year.

Designations of the official newspaper for the last thirteen years have been:

2010 -- Tomball Magnolia Tribune
2009 -- The Potpourri
2008 -- Tomball Magnolia Tribune
2007 -- The Potpourri
2006 -- The Potpourri
2005 -- The Potpourri
2004 -- The Potpourri
2003 -- The Potpourri
2002 -- The Potpourri
2001 -- Tomball Magnolia Tribune
2000 -- The Potpourri
1999 -- Tomball Magnolia Tribune
1998 -- The Potpourri.

The proposals from the Potpourri and the Tomball-Magnolia Tribune provided to Council on January 18 are attached, along with additional information provided by each newspaper.

For Legal Notices (the major portion of Tomball's advertising expenditures):

Notice Size	Potpourri	Tribune
2 x 5 = approx. 10 sq. in.	\$ 73.50	\$ 92.50
4 x 6 = approx. 24 sq. in.	\$ 87.50	\$222.00
4 x 5 = approx. 20 sq. in.	\$ 73.50	\$185.00

For Non-Legal Notices (Display Ads, Tax Rate and Budget Notices (large displays in the body of the paper instead of the classifieds):

Notice Size	Potpourri	Tribune
2 x 5 = approx. 10 sq. in.	\$100.00	\$ 92.50
4 x 6 = approx. 24 sq. in.	\$240.00	\$222.00
4 x 5 = approx. 20 sq. in.	\$200.00	\$185.00

Although the Council must designate an official newspaper for the City's legal notices, City staff does run notices in both papers occasionally, depending on the type of advertisement or to meet state or charter deadlines. For example, employment ads may be run in both papers, depending on the market we are trying to reach. In 2009, the City spent \$4,783.98 in the Potpourri and \$854.70 in the Tribune for notices and advertising. Costs were lower in 2009 than 2008 because we were not required to publish several of the property tax-related and budget-related notices; these larger, display ads generally cost \$400-\$500 each but were not required because the City's tax rate remained the same. Additionally, the City did not bid as many projects in 2009 (10 projects) as in 2008 (25 projects).

The major portion of the City's advertising is in legal notices, some of which are quarter-page ads required to run as display ads. The rates presented by each newspaper indicate that the cost of legal ads in The Potpourri will be approximately 20%-40% less than the same size ad in the Tribune for 2010, depending on the size and location requirement of the ad. If the advertising levels remain the same in 2010 as 2009, the estimated cost of advertising will be \$6,100 for the Tribune and \$5,300 for the Potpourri.

Both papers have Internet sites and we have experienced few problems with service or billing with either paper. The Tribune currently has a circulation of 45,604 customers in the Tomball, Magnolia, and Pinehurst areas; the Potpourri's current circulation is 38,313 for the Tomball-Magnolia area. As information, the Potpourri recently relocated to 21901 Tomball Parkway, approximately 5 miles outside Tomball.

The Tomball Tribune delivers via direct mail; the Potpourri delivers via couriers. Both papers offer drop-off or countertop locations where papers can be picked up."

Origination:

Councilman Townsend

Recommendation:

N/A

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Resolution No. 2010-04

Rates and Circulation Information_Tribune and Potpourri

RESOLUTION NO. 2010-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, DESIGNATING THE OFFICIAL
NEWSPAPER FOR 2010 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

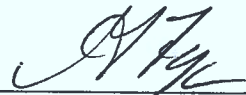
WHEREAS, the Home Rule Charter of the City of Tomball, Section 3.06 – Official Newspaper, states:

“The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas.”

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates the Tomball-Magnolia Tribune to be named the official newspaper for 2010 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

**PASSED AND APPROVED BY A VOTE OF 3 TO 2 AS SET OUT BELOW AT
THE MEETING OF THE CITY COUNCIL HELD ON THE 18TH DAY OF JANUARY
2010:**

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>NAY</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN DRIVER	<u>ABSENT</u>
MAYOR FAGAN	<u>AYE</u>



GRETCHEN FAGAN, Mayor

ATTEST:



Doris Speer, City Secretary

From: Designer [mailto:designer@tribunenews.com]
Sent: Friday, January 08, 2010 3:31 PM
To: Theresa Witt
Cc: Nancy Nygaard; classified
Subject: city of tomball sample pricing

good afternoon,

per your email request, we have decided to give you guys the non-profit rate of \$18.50 per column inch on boxed ads whether they are legal notices or non legal notices.
the price for a 2"X5" would be \$92.50
the price for a 4"X6" would be \$222.00
the price for a 4"X5" would be \$185.00

we look forward to hearing the results. have a terrific weekend!

Georgia Keen
Tomball/Magnolia Tribune
517 West Main
Tomball, TX 77375
281.255.6397

Revised 12-16-05
 11-17-05

TOMBALL MAGNOLIA TRIBUNE
 DISTRIBUTION SHEET
 MAILING.....52,815
 COUNTERTOPPING.....1,900
 TOTAL DISTRIBUTION.....54,715

DATE: _____

TOMBALL 77375 77377*
 RT 1 487 (04-87)*
 RT 2 545 (05-45)
 RT 3 669 (06-69)*
 RT 4 560 (05-60)*
 RT 5 436 (04-36)*
 RT 6 599 (05-99)
 RT 7 525 (05-25)
 RT 8 687 (06-87)
 RT 9 628 (06-28)
 RT 10 672 (06-72)
 RT 11 460 (04-60)*
 RT 12 480 (04-80)*
 RT 13 707 (07-07)
 RT 14 479 (04-79)*
 RT 15 540 (05-49)*
 RT 16 547 (05-47)*
 RT 17 472 (04-72)
 RT 18 538 (05-38)*
 RT 19 644 (06-44)
 RT 20 525 (05-25)*
 RT 21 571 (05-70)*
 RT 22 643 (06-43)*
 RT 23 596 (05-96)
 RT 24 582 (05-82)
 RT 25 496 (04-96)*
 RT 26 668 (06-68)
 RT 27 510 (05-10)
 RT 28 603 (06-03)*
 RT 29 767 (07-67)
 RT 30 568 (05-68)*
 RT 31 792 (07-92)
 RT 32 516 (05-16)
 RT 33 629 (06-29)*
 RT 34 550 (05-19)
 RT 35 861 (08-61)*
 RT 36 518 (05-18)
 RT 37 167 (01-67)
TOTAL 21,246

TOMBALL 77375 77377*
 Residential & Business
 RT 1 807 (08-07)
 RT 2 755 (07-55)
 RT 3 501 (05-01)
 RT 4 535 (05-35)
 RT 5 768 (07-68)
 RT 6 139 (01-39)
 RT 7 99 (00-99)*
TOTAL 3,604

MAGNOLIA 77354 77355*
 RT 1 653 (06-53)
 RT 2 509 (05-09)*
 RT 3 462 (04-62)
 RT 4 600 (06-00)
 RT 5 665 (06-65)
 RT 6 624 (06-24)*
 RT 7 665 (06-65)*
 RT 8 561 (05-61)
 RT 9 509 (05-09)
 RT 10 507 (05-07)*
 RT 11 704 (07-04)
 RT 12 534 (05-34)*
 RT 13 469 (04-69)
 RT 14 602 (06-02)*
 RT 15 500 (05-00)*
 RT 16 529 (05-29)
 RT 17 407 (04-07)
 RT 18 593 (05-93)*
 RT 19 437 (04-37)
 RT 20 519 (05-19)*
 RT 21 522 (05-22)*
 RT 22 491 (04-91)
 RT 23 559 (05-59)
 RT 24 416 (04-16)*
 RT 25 407 (04-07)
 RT 26 724 (07-24)*
 RT 27 489 (04-89)
 RT 28 458 (04-58)*
 RT 29 533 (05-33)
 RT 30 369 (03-69)
 RT 31 511 (05-11)
 RT 32 662 (06-62)*
 RT 33 581 (05-81)*
 RT 34 521 (05-21)
 RT 35 749 (04-81)
TOTAL 19,041

PINEHURST 77362
 RT 1 569 (05-69)
 RT 2 528 (05-28)
 RT 3 616 (06-16)
TOTAL 1,713

WALLER 77484
 RT 1 483 (04-83)
 RT 2 515 (05-15)
 RT 3 567 (05-67)
 RT 4 492 (04-92)
 RT 5 521 (05-21)
 RT 6 487 (04-87)
 RT 7 300 (03-00)
TOTAL 3,365

HOCKLEY 77447
 RT 1 402 (04-02)
 RT 2 464 (04-64)
 RT 3 596 (05-96)
 RT 4 488 (04-88)
 RT 5 587 (05-87)
 RT 6 465 (04-65)
 RT 7 595 (05-95)
 RT 8 249 (02-49)
TOTAL 3,846

INSERTS ONLY

Name of Inserts

Total Count of Inserts

Zip Codes and Mail Routes

Regular City Council
Agenda Item
Data Sheet

TO Doris

Meeting Date: January 18, 2010

from Nancy

Topic:

Approve Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball.

Background:

Section 3.06 of the Charter provides for annual designation of the official newspaper for the City. On March 3, 2008, members of Council expressed an interest in alternating the designated official newspaper each year, beginning with the Tribune as the official newspaper for 2008 and the Potpourri in 2009, provided rates remained competitive.

Due to the current economy and the desire to be fiscally responsible, City staff solicited proposals from the Potpourri and the Tomball-Magnolia Tribune for current advertising rates for Council's consideration in designating the official newspaper for 2010; those proposals are attached.

For Legal Notices (the major portion of Tomball's advertising expenditures):

Notice Size	Potpourri	Tribune
2 x 5 = approx. 10 sq. in.	\$ 73.50	\$ 92.50
4 x 6 = approx. 24 sq. in.	\$ 87.50	\$222.00
4 x 5 = approx. 20 sq. in.	\$ 73.50	\$185.00

For Non-Legal Notices (Display Ads, Tax Rate and Budget Notices (large displays in the body of the paper instead of the classifieds):

Notice Size	Potpourri	Tribune
2 x 5 = approx. 10 sq. in.	\$100.00	\$ 92.50
4 x 6 = approx. 24 sq. in.	\$240.00	\$222.00
4 x 5 = approx. 20 sq. in.	\$200.00	\$185.00

Although the Council must designate an official newspaper for the City's legal notices, City staff does run notices in both papers occasionally, depending on the type of advertisement or to meet state or charter deadlines. For example, employment ads may be run in both papers, depending on the market we are trying to reach. In 2009, the City spent \$4,783.98 in the Potpourri and \$854.70 in the Tribune for notices and advertising. Costs were lower in 2009 than 2008 because we were not required to publish several of the property tax-related and budget-related notices; these larger, display ads generally cost \$400-\$500 each but were not required because the City's tax rate remained the same. Additionally, the City did not bid out as many projects in 2009 (10 projects) as in 2008 (25 projects).

The major portion of the City's advertising is in legal notices, some of which are quarter-page ads required to run as display ads. The rates presented by each newspaper indicate that the cost of legal ads in The Potpourri will be approximately 20%-40% less than the same size ad in the Tribune for 2010, depending on the size and location requirement of the ad. If the advertising levels remain the same in 2010 as 2009, the estimated cost of advertising will be \$6,100 for the Tribune and \$5,300 for the Potpourri.

Both papers have Internet sites and we have had no problems with service or billing with either paper. The Tribune currently has a circulation of 52,400 direct mail customers; we do not have the Potpourri's current circulation figures for the Tomball-Magnolia area, although the figures have been similar historically. As

through the US Postal Service

54715

NOT TRUE

information, the Potpourri recently relocated to 21901 Tomball Parkway, outside city limits.

Origination:

Charter, State Law

Recommendation:

Staff makes no recommendation.

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

Doris Speer, City Secretary

Houston, TX

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

ATTACHMENTS:

Resolution No. 2010-04

Tribune - Rates

Tribune - Distribution

Potpourri - Rates

Potpourri - Distribution Map

DORIS - we've been told the "other" paper no longer delivers their paper out here. Not even throwing them in driveways like they use to. If u want a copy - you must pick up @ one of their "drop off" locations. We can't even find any of them.

NANCY

Re: 12/16/09
 54,715

TOMBALL MAGNOLIA TRIBUNE
 DISTRIBUTION SHEET
 MAILING.....52,815
 COUNTERTOPPING.....1,900
 TOTAL DISTRIBUTION.....54,715

DATE: _____

TOMBALL 77375 77377*
 RT 1 487 (04-87)*
 RT 2 545 (05-45)
 RT 3 669 (06-69)*
 RT 4 560 (05-60)*
 RT 5 436 (04-36)*
 RT 6 599 (05-99)
 RT 7 525 (05-25)
 RT 8 687 (06-87)
 RT 9 628 (06-28)
 RT 10 672 (06-72)
 RT 11 460 (04-60)*
 RT 12 480 (04-80)*
 RT 13 707 (07-07)
 RT 14 479 (04-79)*
 RT 15 549 (05-49)*
 RT 16 547 (05-47)*
 RT 17 472 (04-72)
 RT 18 538 (05-38)*
 RT 19 644 (06-44)
 RT 20 525 (05-25)*
 RT 21 571 (05-70)*
 RT 22 643 (06-43)*
 RT 23 596 (05-96)
 RT 24 582 (05-82)
 RT 25 496 (04-96)*
 RT 26 668 (06-68)
 RT 27 510 (05-10)
 RT 28 603 (06-03)*
 RT 29 767 (07-67)
 RT 30 568 (05-68)*
 RT 31 792 (07-92)
 RT 32 516 (05-16)
 RT 33 629 (06-29)*
 RT 34 550 (05-49)
 RT 35 861 (08-61)*
 RT 36 518 (05-18)
 RT 37 167 (01-67)
TOTAL 21,246

TOMBALL 77375 77377*
 Residential & Business
 RT 1 807 (08-07)
 RT 2 755 (07-55)
 RT 3 501 (05-01)
 RT 4 535 (05-35)
 RT 5 768 (07-68)
 RT 6 139 (01-39)
 RT 7 99 (00-99)*
TOTAL 3,601

MAGNOLIA 77354 77355*
 RT 1 653 (06-53)
 RT 2 509 (05-09)*
 RT 3 462 (04-62)
 RT 4 600 (06-00)
 RT 5 665 (06-65)
 RT 6 624 (06-24)*
 RT 7 665 (06-65)*
 RT 8 561 (05-61)
 RT 9 509 (05-09)
 RT 10 507 (05-07)*
 RT 11 704 (07-04)
 RT 12 534 (05-34)*
 RT 13 469 (04-69)
 RT 14 602 (06-02)*
 RT 15 500 (05-00)*
 RT 16 529 (05-29)
 RT 17 407 (04-07)
 RT 18 593 (05-93)*
 RT 19 437 (04-37)
 RT 20 519 (05-19)*
 RT 21 522 (05-22)*
 RT 22 491 (04-91)
 RT 23 559 (05-59)
 RT 24 416 (04-16)*
 RT 25 407 (04-07)
 RT 26 724 (07-24)*
 RT 27 489 (04-89)
 RT 28 458 (04-58)*
 RT 29 533 (05-33)
 RT 30 369 (03-69)
 RT 31 511 (05-11)
 RT 32 662 (06-62)*
 RT 33 581 (05-81)*
 RT 34 521 (05-21)
 RT 35 749 (04-81)
TOTAL 19,041

PINEHURST 77362
 RT 1 569 (05-69)
 RT 2 528 (05-28)
 RT 3 616 (06-16)
TOTAL 1,713

WALLER 77484
 RT 1 483 (04-83)
 RT 2 515 (05-15)
 RT 3 567 (05-67)
 RT 4 492 (04-92)
 RT 5 521 (05-21)
 RT 6 487 (04-87)
 RT 7 300 (03-00)
TOTAL 3,365

HOCKLEY 77447
 RT 1 402 (04-02)
 RT 2 464 (04-64)
 RT 3 596 (05-96)
 RT 4 488 (04-88)
 RT 5 587 (05-87)
 RT 6 465 (04-65)
 RT 7 595 (05-95)
 RT 8 249 (02-49)
TOTAL 3,846

INSERTS ONLY

Name of Inserts

Total Count of Inserts

Zip Codes and Mail Routes

From: Lacy Kastendieck [mailto:lkastendieck@hcnonline.com]
Sent: Monday, January 11, 2010 3:34 PM
To: Theresa Witt
Subject: Ad pricing for Potpourri 2010

Hi Theresa,

The Potpourri is a newspaper and therefore is measured in columns X inches. For example, you have asked for the pricing for a 2" X 5" ad. In the Potpourri this would be interpreted as 2 columns X 5 inches. Each column is equivalent to 1.638" (a little more than an inch and a half) and therefore making the ad much wider than might be expected if someone was thinking in inches only. When speaking of ad size in the newspaper, think "columns across" and "inches down."

Below are the different ad sizes you wanted pricing:

Legal Notice --

2col. X 5" (this is equal to 3.388" X 5") → legal ads will be \$1.75 per line.
This will fit 42 lines of text (from 2009 examples)
Total = \$73.50 (actual value \$126)

4col. X 6" (this is equal to 6.888" X 6") → This will fit 50 lines of text
Total = \$87.50 (actual value \$302.40)

4col. X 5" (this is equal to 6.888" X 5") → This will fit 42 lines of text.
Total = \$73.50 (actual value \$252)

Non-Legal Ads --

2col. X 5" (equal to 3.388" X 5") → **Total = \$100** (actual value at lowest 52X rate = \$149.60)

4col. X 6" (equal to 6.888" X 6") → **Total = \$240** (actual value at lowest 52X rate = \$359.04)

4col. X 5" (equal to 6.888" X 5") → **Total = \$200** (actual value at lowest 52X rate = \$299.20)

Let me know if there is anything I can do.....I hope to keep you guys as my clients and keep the Potpourri as the official paper of the City of Tomball.

Talk to ya'll very soon, ☺

Lacy Kastendieck
Account Executive
Houston Community Newspapers
The Potpourri - Tomball Edition
Direct: (281) 674-1307
Cell: (713) 315-7855
lkastendieck@hcnonline.com



- | | | |
|--|--|--|
| <p>Cluster 1</p> <p>The Courier (Conroe) Wed</p> <p>The Courier Plus (Conroe)</p> <p>Lake Conroe Plus</p> <p>The Villager (The Woodlands)</p> | <p>Cluster 4</p> <p>The North Channel Sentinel</p> <p>The Lake Houston Sentinel</p> | <p>Cluster 9</p> <p>Copperfield Sun</p> <p>Cy-Fair Sun</p> <p>Cypress Sun</p> |
| <p>Cluster 1(a)</p> <p>Spring Observer</p> <p>The Villager (The Woodlands)</p> | <p>Cluster 5</p> <p>The Pasadena Citizen Wed</p> <p>Deer Park Broadcaster</p> <p>The Bay Area Citizen</p> | <p>Cluster 10</p> <p>Klein Sun</p> <p>Champions Sun</p> |
| <p>Cluster 1(b) - Cluster 1 & 1(a) Combo</p> | <p>Cluster 6</p> <p>Pearland Journal</p> <p>Friendswood Journal</p> | <p>Cluster 11</p> <p>Tomball Potpourri</p> <p>Magnolia Potpourri</p> |
| <p>Cluster 2</p> <p>Dayton News</p> <p>Cleveland Advocate</p> <p>Eastex Advocate</p> <p>East Montgomery County Observer</p> | <p>Cluster 7</p> <p>Fort Bend Sun</p> <p>Sugar Land Sun</p> | <p>Cluster 12</p> <p>West University Examiner</p> <p>River Oaks Examiner</p> <p>Bellaire Examiner</p> |
| <p>Cluster 3</p> <p>Kingwood Observer</p> <p>Atascocita Observer</p> <p>Humble Observer</p> <p>East Montgomery County Observer</p> | <p>Cluster 8</p> <p>Memorial Examiner</p> <p>Katy Sun</p> | |
| <p>Cluster 2 & 3 Combo</p> | | |

Doris Speer

From: Lacy Kastendieck [lkastendieck@hcnonline.com]
Sent: Monday, January 18, 2010 9:11 AM
To: Doris Speer
Subject: Potpourri Circulation & Readership #'s

Good Morning Doris!

Below are the circulation and readership numbers that you will need:

CLUSTER 11 (Tomball & Magnolia combined)

Circulation = 38,313
Readership = 71,645

TOMBALL (only)

Circulation = 17,854
Readership = 33,387

Let me know if there is anything else you need. ☺

Lacy Kastendieck
Account Executive
Houston Community Newspapers
The Potpourri - Tomball Edition
Direct: (281) 674-1307
Cell: (713) 315-7855
lkastendieck@hcnonline.com

1/18/2010

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Appoint Member to Fill Vacancy and Complete Unexpired Term on Planning and Zoning Commission

Background:

On May 17, 2010, Council appointed Vincent O'Donnell to a position on the Tomball Economic Development Corporation board of directors; accordingly, Mr. O'Donnell has resigned his position on the Planning and Zoning Commission.

Council is asked to make an appointment to Mr. O'Donnell's vacated position on the Planning and Zoning Commission; the term of this position will expire June 1, 2012.

The following individuals (shown in alphabetical order) have expressed an interest in serving on the Planning and Zoning Commission and have applications on file:

Richard Bruce
John Dillon
April Gray
Mary Harvey
Billy Hemby
Fredreck "Field" Hudgens
James Kendler
Roy P. Lackey
Barbara Tague
Judith Wilson.

Billy Hemby, Barbara Tague, and April Gray currently serve on the Board of Adjustments as alternate members, Positions 1, 2 and 3. respectively. Field Hudgens previously resigned his position as an alternate member of the BOA, Position 3, on April 20, 2009. Barbara Tague has indicated that she will resign her position as an alternate on the BOA, should she be appointed to the Planning and Zoning Commission.

Mayor Fagan recommends the appointment of Mary Harvey to this unexpired term. Nominations from Council will also be received.

Copies of applications from those interested in serving on the P&Z Commission are attached for your consideration.

Origination:

City Secretary

Recommendation:

Staff makes no recommendation.

Funding:

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

City Secretary

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

ATTACHMENTS:

- Application - Richard Bruce
- Application - John Dillon
- Application - April Gray
- Application - Mary Harvey
- Application - Billy Hemby
- Application - Field Hudgens
- Application - James Kendler
- Application - Roy Lackey
- Application - Barbara Tague
- Application - Judith Wilson



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 1/25/00

Name: Dea R Bruce

Phone: 281 357 0860

Address: 14231 Spring Pines Dr.

(Home)
Phone: 281 382 8806
(Work)

City/State/Zip: Tomball TX 77375

Email: brucer-1@prodigy.net

I have lived in Tomball 5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired Educator;

Professional and/or Community Activities: Home owner Association
President; Teach Bible Classes;

Additional Pertinent Information/References: Travel 2-3 times a
year
Norm / Martha Huebner
Randy Pass, Mark Stoll, David Quinn

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

(✓) Planning & Zoning Commission

Second Monday each month, 6 p.m.

(✓) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(✓) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(✓) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

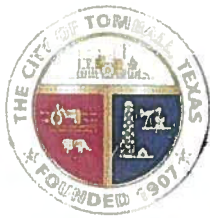
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Dea R Bruce

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type of Print Clearly:

Date: 01/26/ 2010

Name: JOHN P. DILLON

Phone: 281-351-2921

Address: 14166 TURNER VIVE

Phone: 713-755-7405 (Home)

City/State/Zip: TOMBALL TX 77375

CELL (Work)
281-610-1133

Email: JOHN P DILLON 76 (a) GAHOO.COM

I have lived in Tomball 18 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: DEPUTY SHERIFF

Professional and/or Community Activities: COMMISSIONER ESD 8

Additional Pertinent Information/References: TRUSTEE AT CHURCH

FINANCE COMMITTEE AT CHURCH

LAY REPRESENTATIVE AT STATE CONFERENCE AT CHURCH

ROSE HILL UNITED METHODIST

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

1 (X) Planning & Zoning Commission

Second Monday each month, 6 p.m.

3 (X) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

2 (X) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

() Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

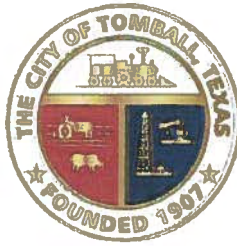
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 4-5-09

Name: APRIL GRAY

Phone: 281-255-8515

Address: 704 PERCIVAL STREET

Phone: 281-899-4602 (Home)

Email: APRILGRAY@Comcast.Net

(Work)

I have lived in Tomball 25 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: REGULATORY SPECIALIST FOR A COMPANY THAT DESIGNS, CONSTRUCTS & INSTALLS OFFSHORE PLATFORMS.

Professional and/or Community Activities: PUBLIC ACCESS BOARD (INACTIVE BOARD) CHARTER REVIEW COMMISSION - Both for city of Tomball

Additional Pertinent Information/References: I ATTACHED MY RESUME WHICH DETAILS MY PROFESSIONAL EXPERIENCE

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (3) Planning & Zoning Commission
- (4) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (1) Tomball Economic Development Corporation

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

- (2) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

APRIL D. GRAY

704 Percival St.
Tomball, Texas 77375

(281) 255-8515
Email: AprilGray@Comcast.net

Objective: Key position involving Regulatory activities for Gulf of Mexico and international projects for the Oil & Gas / Energy industry.

Overview: Accomplished professional with over twenty years experience and proven performance in providing a full range of support services in Project Regulatory, Client Support, Finance, General Operations and Administration. Extensive oil & gas data, engineering and manufacturing background.

Professional Experience:

SBM Atlantia – SBM Offshore Group, Houston, Texas **2003 to Present**
SBM Atlantia is an integrated provider for engineering, procurement, construction and installation of 'complete floating production solutions' for the deepwater market.

Regulatory Administrator/Specialist

Manage a regulatory team of 4 specialist on a variety of projects from FPSO conversions to Semi-Submersibles and TLPs. Created department workflows and systems to ensure proper processing and retrieval of regulatory data. Corporate representative on offshore projects to ABS, USCG and MMS. Coordinate, monitor and track submittals to ABS, USCG and MMS. Fluent in the use of ABS' Plan Approval System (O2E). Guide engineers on regulatory issues for GoM offshore projects from Kick-Off to completion.

- Developed a regulatory submittal system to reduce time and cost on class approvals.
- Currently scheduled to complete Thunder Hawk Project at a quarter million under regulatory budget.
- Involved in the regulatory process on seven successful GoM Projects and several international projects.

IHS ENERGY GROUP, Houston, Texas **1996 to 2002**
Largest provider of petroleum data, software and consulting services both domestically and worldwide.

Client Support Specialist – Worldwide Support & Training (2001 – 2002)

Provided effective and efficient front line support of domestic products and data to users and major petroleum corporations. Requests were received by on site visit, phone, email and industry networking. Represented the company's support functions, including product training, on site at client locations throughout Texas, Oklahoma and Louisiana.

- Developed an excellent reputation and improved client support efforts within the largest clients.
- Identified under used products and promoted them on site to achieve increased sales.
- Became a patient teacher to the most difficult and technologically challenged users.

Senior Staff Administrator – Int'l Economics & Consulting (1998 – 2001)

Administrator to the President and a staff of 40 economists, engineers, analysts, researchers and editors. Produced department/product line budgets, tracked revenue and expenses, handled accounting functions and provided P/L reports. Organized and promoted public relations for my department to clients throughout the worldwide community. Created presentation productions for use in training, seminars and industry specific conferences.

Administrative Assistant – Economics Software & Consulting (1996 – 1998)

Administrative support to the Vice President and a staff of 8 economists, petroleum engineers, risk analysts and software programmers. Responsible for manufacture and distribution of copyrighted economics evaluation and estimation software packages. Maintained inventory of all software packages and published products. Produced company wide client billing. Performed informational research and maintained an in-house library.

- Restructured registered user, client and subscriber databases into a flexible tool.
- Improved the client billing procedure by creating a more automated system.

OCEANEERING INT'L / OIL INDUSTRY ENGINEERING, Houston, Texas**1990 to 1996**

Oceaneering is an advance applied technology company that provides engineered services and hardware to customers that operate in marine, space and other harsh environments.

Controller – Oceaneering Intervention Engineering (1994 – 1996)

Managed a staff of three accounting professionals. Key contributor in obtaining company ISO 9001 Certification and sale of the company to Oceaneering. Produced and maintained corporate financial reports. Expanded on financial information and produced projections for corporate executives. Conducted corporate business with all taxing authorities on a federal, state, and local level. Responsible for obtaining and administering all necessary insurance required for manufacturing facilities and operations. Responsible for all corporate banking transactions including negotiations for procurement and operating capital with bankers and other financial professionals. Produced fiscal year corporate budgets.

- Restructured cash flow to meet scheduled payments to vendors and employees. Improving relations and corporate credit ratings and abilities.
- Arranged, coordinated and completed property acquisitions and procurement of operating capital.
- Key contributor of financial data and presentation material for a major corporate acquisition. Directed corporate consolidation and changeover operations.

General Operations/Engineering Support – Oil Industry Engineering (1992 –1993)

Heavily involved in and familiar with all facets of manufacturing operations from sales, engineering, procurement, assembly and final product shipping. Directly oversee maintenance of plant, buildings, and equipment. Ability to read machine and assembly drawings as necessary for procurement and preliminary inspection of machined parts. Developed and administered Employee Safety Program.

- Held key position in manufacturing operations under ISO 9000 quality assurance program and procedures.

Senior Administrator/Project Administrator – Oil Industry Engineering (1991 –1992)

Senior Administrator to the President & Vice President. Handled all personnel records and reporting. Created presentation material for corporate meetings and investors. Represented and acted on the corporations behalf in various legal matters such as patents, contracts and other activities. Produced, managed and updated the Corporate Book in accordance with the by-laws of The State of Texas. Compiled information for special projects and produced detailed presentation quality reports. Upgraded, implemented and controlled a building security system. Scheduled and supervised property and equipment maintenance, repair and upgrading.

- Processed two corporate product patents.
- Compiled and produced a presentation on the corporate financial history.

Accounting/Purchasing – Oil Industry Engineering (1990 –1991)

Established financial accounting, reporting and planning functions. Responsible for directing the company's purchasing functions, including procurement of materials, services and capital equipment.

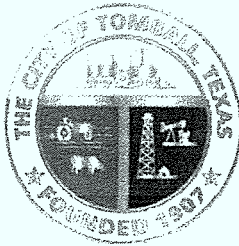
- Reestablished the purchasing department during a corporate restructure.
- Integrated purchasing, shipping/receiving and accounting departments.

Technical Skills:

Industry specific software – ABS' O2E system / SafeHull, P2000, PI/Dwight's Well and Production Data (CD and Online), Powertools, Probe, Edin, Edge, Data Visualizer, Drilling Wire and ArcView.

General software and operating systems – Microsoft Office (Word, Excel, Access and PowerPoint). All word processing and spreadsheet programs. JD Edwards, PeachTree and other accounting programs. Database and utility programs. Windows 95/98/00/NT and XP.

Education:	2002	University of Tulsa – Petroleum Engineering for Non-Engineers
	2001	University of Tulsa – Basis Petroleum Geology for the Non-Geologist
	2001	Hilton Computer Strategies – Transact SQL course
	1999	Houston Fire Department – High Rise Fire and Emergency Training
	1983	Department of Aviation, City of Houston - Airport Emergency Operations.



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Name: MARY HARVEY

Address: 405 S. WALNUT

City/State/Zip: Tomball, TX 77375

Email: GRANNYS KORNER TOMBALL
@HOTMAIL.COM

Date: 5-7-2010

Phone: 713-582-5139

Phone: 281-351-8403 (Home)

(Work)

I have lived in Tomball 15 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: OWN ANTIQUE BUSINESS

Professional and/or Community Activities: ROTARY BOARD Chamber Board,
CITY COUNCIL, ESDS, EMS, PLANNING Comm,
TBA President, CITIZEN OF YEAR

Additional Pertinent Information/References: Worked in Electrical Construction
FOR 25 YEARS IN ADMINISTRATION

I feel I could be an asset to P+Z since I have
extensive experience in this field.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

1 (4) Planning & Zoning Commission

Second Monday each month, 6 p.m.

4 (4) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

3 (4) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

2 (4) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 5-15-09Name: Billy HembyPhone: 713-899-2289Address: 14127 Pollux CourtPhone: 713-862-6364 (Home)Email: Billyhemby@aol.comPhone: 713-862-6364 (Work)I have lived in Tomball 33 years.I am ☒ am not ☐ a U.S. CitizenOccupation: Vice President / Highland Distributing CompanyProfessional and/or Community Activities: Current Captain Tomball / Magnolia / Montgomery Budeu Comm.Additional Pertinent Information/References: Mary Reagan / Bill Webb / Bruce Hillegeist / John Escamilla / Mike Rowley / Danny Hitchcock

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

☐ Tomball Hospital Board

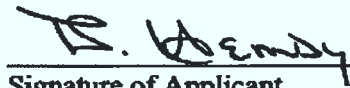
Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

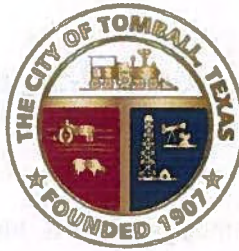
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type of Print Clearly:

Date: 2/24/09

Name: Field Hudgens

Phone: 281-255-2996

Address: 717 Barbara St.

(Home)
713-977-8686
(Work)

I have lived in Tomball 8 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: ATTORNEY, HOOVER SLOVACEK LLP

www.hoover-slovacek.com

Professional and/or Community Activities: VP/Commissioner Emergency Services District
No. 8, Texas BAC Foundation, GTACC,

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Board, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering each board in order of preference (i.e., 1, 2, 3, etc.)

Advisory Boards & Commissions

- () Parks, Recreation & Beautification Advisory Board
() Impact Fee Advisory Board

Meeting Information

Second Tuesday each month, 5 p.m.
As needed, second Monday in month, 6 p.m.

Decision-Making Boards and Commissions

- () Building Standards Board
(4) Planning Commission
() Electrical Board
() Technical Airport Advisory Committee
(3) Board of Adjustments

Meeting Information

As needed, 5 p.m.
Second Monday each month, 6 p.m.
First Tuesday after third Monday, 7:30 p.m.
To Be Announced; Evenings
To Be Announced; Evenings

Separate Legal Entities

- (1) Tomball Economic Development Corporation

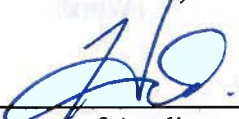
Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

- (2) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

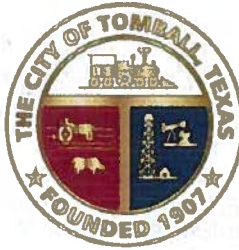
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 2/23/09

Name: JAMES KENDLER

Phone: 281-516-3334
(Home)

Address: 14215 Spring Pines Dr

(Work)

I have lived in Tomball 5 years. I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired and I work part time for O'Reilly
Auto Parts.

Professional and/or Community Activities: Vice President of the Spring Pines
Home Owners Association. Previously was a member of the
Spring Pines Estates Architectural Committee.

Additional Pertinent Information/References: Norman & Martha Huebner: Neighbor & Friend
Randy PARR: Neighbor & Friend

Applications for the following Council-appointed Board, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering each board in order of preference (i.e., 1, 2, 3, etc.)

Advisory Boards & Commissions

- () Parks, Recreation & Beautification Advisory Board
() Impact Fee Advisory Board

Decision-Making Boards and Commissions

- () Building Standards Board
☒ Planning Commission
() Electrical Board
() Technical Airport Advisory Committee
() Board of Adjustments

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

Second Tuesday each month, 5 p.m.
As needed, second Monday in
month, 6 p.m.

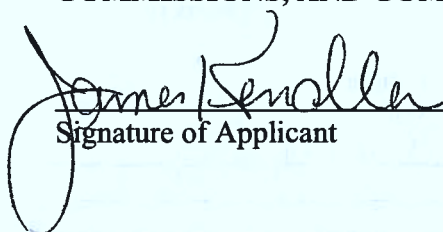
Meeting Information

As needed, 5 p.m.
Second Monday each month, 6 p.m.
First Tuesday after third Monday, 7:30 p.m.
To Be Announced; Evenings
To Be Announced; Evenings

Meeting Information

First Wednesday of January, April, July &
October, 9 a.m. (special meetings may
be called)
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

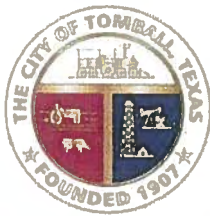
*From the Desk
Of
Jim Kendler*

A Resume Summery

James Kendler
14215 Spring Pines Dr
Tomball Texas 77375
281 516 3334

I am by training and education an engineer and a manager. I have a BS in Electrical Engineering and many hours of management and business training. My career has been focused on the computer industry where my experience has been in new product development, system design and application development. I have extensive experience in managing large groups and large complex multi-national development projects. I have international experience involving project management and contract negotiation. In addition, I have managed my own small business for several years, and have had to meet a payroll, that focused on providing to small businesses Networked Computer Applications. This business was partially funded by an SBA supported loan. In the early years of my retirement I taught computer science courses at local community colleges.

February 23, 2009



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type of Print Clearly:

Date: February 1, 2009

Name: Roy P. Lackey

Phone: 281-642-2563
(Home)

Address: 31530 Capella Circle

Phone: 281-642-2563
(Work)

City/State/Zip: Tomball, Texas 77375

Email: Roy@AESTexas.net

I have lived in Tomball 15 years.

I am X am not a U.S. Citizen

Occupation: SELF EMPLOYED ELECTRICAL POWER CONSULTANT AND
SPECIALIZING IN POWER QUALITY, STANDBY ELECTRICAL GENERATION,
LIGHTNING & SURGE PROTECTION

Professional and/or Community Activities: MEMBER CHAMBER OF COMMERCE
LEGISLATIVE & TRANSPORTATION COMMITTEE

Additional Pertinent Information/References: 30YR DIRECTOR OF 2 MUNICIPAL
UTILITY DISTRICTS IN HARRIS COUNTY, ENGINEERING & OPERATION EXPERIENCE
FOR A WATER & SEWAGE TREATMENT SYSTEM THAT IS LARGER THAN TOMBALL
BY CAPACITY.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

(1) Planning & Zoning Commission

Second Monday each month, 6 p.m.

() Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(2) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(3) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

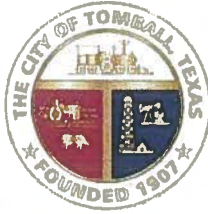
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 2-1-2010

Name: BARBARA TAGUE

Phone: 281-351-0904

Address: 503 INWOOD DR.

(Home)
Phone: 713-851-0737

City/State/Zip: Tomball, TX 77375

(Work) Cell

Email: btague@sbccglolocal.net

I have lived in Tomball 36 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired

Professional and/or Community Activities:

Downtown Tomball Assn, Great Northwood Houston CVB, Tomball CERT Coordinator, Tomball Local Emergency Planning Comm. Sec/Trea. Board of Adjustment - 2nd Alternate

Additional Pertinent Information/References:

Harris County CERT Rodeo 2010 Chairperson

See attached Resume

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

(✓) Planning & Zoning Commission

Second Monday each month, 6 p.m.

(2) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(3) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(4) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Judith L. Wilson
506 N. Pecan Dr.
Tomball, TX 77375
(281) 351-9151
(832) 439-1072

July 31, 2009

Doris Speer, City Secretary
City of Tomball

Dear Doris:

Please accept the revised application for Council-appointed Boards,
Commissions, and Committees.

Thank you,



Judy

Judith L. Wilson
506 N. Pecan Dr.
Tomball, Texas 77375

June 5, 2009

Tomball City Council Members
Fax No. 281-351-6256

Dear City Council Members:

As a native Houstonian who grew up on the north side of Houston, I have always considered Tomball, to be a part of "my" community. There are many reasons why I love living and working here and that love for our city motivates me to offer my services to our community as a member of the following:

Impact Fee Advisory Board
Planning & Zoning Commission
Tomball Economic Development Corporation

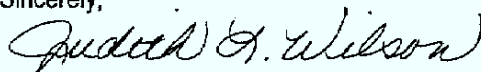
I would like to take this opportunity to tell you why I feel that I am qualified to serve the City of Tomball. I started my family after graduation from Sam Houston High School in Houston, TX, and went to work as a Directory Assistance Operator for Southwestern Bell Telephone Co, now AT&T. I held various positions over my career and lived in Austin, Victoria, Midland, Odessa, Corpus Christi, San Antonio and Houston. While working full time as a manager, I utilized the company tuition plan and graduated Magna Cum Laude from The University of Texas with a BA in Psychology with a Business minor. This was accomplished in four years as a wife and mother. I also earned a Texas Real Estate Broker's license, which is now inactive.

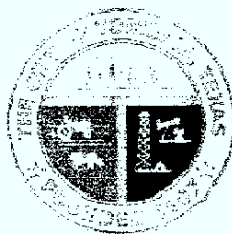
My most recent work experience while in the corporate world included various positions in the Real Estate Management Division for AT&T. Texas was divided into thirds and I was responsible for the acquisition of land/buildings/leases for one third of the state. After the real estate was acquired for administrative or equipment needs, I was responsible for the ongoing maintenance of the real estate assets. This included both short and long range planning, budget management for capital improvement projects and ongoing maintenance, contract administration, the supervision of unionized workers and staff managers, and interaction with the PUC of Texas. I also learned the operations of different departments in order to perform numerous internal audits. Since my early retirement from AT&T, I have been a small business owner in Tomball where I own and manage a small business park and partner with a builder/remodeler in the residential construction business.

I have one grown son who is married and lives in the Dallas, TX, area. I am also the grandmother of eight year old boy/girl twins with special needs. I am a member of the First Baptist Church of Buffalo, TX, and I am an active member of several lineage societies. I am the chairman of the Service for Veterans committee of one of the societies where I work to donate items to the Michael E. DeBakey Veterans Medical Center, and I am a chapter officer over ways and means in another group. I support the Greater Tomball Area Chamber of Commerce and am hopeful that I will be able to become more active in matters involving the development and well being of Tomball. I work daily with the citizens of Tomball and would like to utilize my passion for people by filling one of your appointed positions to the above.

If you have any questions, please do not hesitate to contact me at (281) 351-9151, or (832) 439-1072.

Sincerely,





CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 6/5/09

Name: JUDITH L. (JUDY) WILSON

Phone: 281 351 9151

Address: 506 N. PECAN DR.

(Home)
832 439 1072
(Work)

Email: JUDITH L. WILSON

I have lived in Tomball 10 years.

I am X am not a U.S. Citizen

Occupation: I AM A MINORITY FEMALE BUSINESS OWNER OF THE SILVERWOOD BUS. PARK WITH WORK EXPERIENCE AT SUB/AT&T AS AN INTERNAL AUDITOR & AREA MGR.-ARCHITECTURE RESPONSIBLE FOR CAPITAL/MTC. BUDGETS SHORT/LONG RANGE PLANNING, REAL ESTATE ASSET MANAGEMENT, CONTRACT ADMIN. & SUPERVISION/MANAGEMENT OF BOTH UNION WORKERS & STAFF MGRS. I GRADUATED MAGNA CUM LAUDE FROM UT WITH A B.A. IN PSYCHOLOGY WITH A MINOR IN BUSINESS.

Professional and/or Community Activities: GREATER TOMBALL AREA CHAMBER OF COMMERCE, DAUGHTERS OF THE REPUBLIC OF TEXAS CHAPTER OFFICER FOR WAYS & MEANS, DAR CHAPTER CHAIRMAN OF THE SERVICE FOR VETERANS COMMITTEE.

Additional Pertinent Information/References: I AM A MEMBER OF THE FIRST BAPTIST CHURCH OF BUFFALO TX WHERE I HAVE FAMILY AND HAVE OWNED A SECOND HOME. I AM THE MOTHER OF A GROWN SON & THE GRANDMOTHER OF 8 YR. OLD BOY/GIRL TWINS WITH SPECIAL NEEDS.

Applications for the following Council-appointed Board, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering each board in order of preference (i.e., 1, 2, 3, etc.)

Advisory Boards & Commissions

7. ☒ Parks, Recreation & Beautification Advisory Board
4. ☒ Impact Fee Advisory Board

Meeting Information

Second Tuesday each month, 5 p.m.
As needed, second Monday in month, 6 p.m.

Decision-Making Boards and Commissions

6. ☒ Building Standards Board
1. ☒ Planning & Zoning Commission
8. ☒ Electrical Board
5. ☒ Board of Adjustments

Meeting Information

As needed, 5 p.m.
Second Monday each month, 6 p.m.
First Tuesday after third Monday, 7:30 p.m.
To Be Announced; Evenings

Separate Legal Entities

2. ☒ Tomball Economic Development Corporation
3. ☒ Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Judith G. Wilson
Signature of Applicant

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Appoint Council Representative to NWEMS Board of Directors

Background:

Former Councilman Webb was appointed by Council to serve as the City Council's representative on the Northwest EMS board on May 18, 2009.

This item is placed on the agenda for Council's consideration and appointment of a new Council representative to serve on the NWEMS board. Mayor Fagan recommends the appointment of Rick Brown to this position. Nominations from Council will also be received.

Origination:

Mayor Fagan

Recommendation:

N/A

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

City Secretary Doris Speer

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

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Approve Reallocation of One (1) Full-Time Police Officer Position Authority to One (1) Full-Time Public Safety Officer "Jailer" (PSO) Position Authority.

Background:

The Police Department maintains and manages of full-time municipal jail facility that operates 24 hours per day, 7 days per week, 365 days per year. As such, police personnel are responsible for providing oversight, and security for those incarcerated.

This duty/responsibility falls primarily on the PSO's, however, the two positions only allow for 80 hours of coverage during a 168 hour week. The 88 hour per week shortfall is covered primarily by on-duty police officers who are assigned to "jail duty" when there is no PSO present. Secondary coverage is provided by two police dispatchers who are cross-trained to perform PSO duty as necessary.

The reallocation of the aforementioned PSO position with result in a cost savings of approximately \$12,000 per year; enhance jail coverage; and create a higher level of accountability in jail operations.

Origination:

Robert S. Hauck, Chief of Police

Recommendation:

It is recommended that the City Council approve the reallocation of one full-time police officer position authority to a full-time Public Safety Officer "Jailer" position authority.

Funding: Yes

Account Number: 100-121-6003

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

Robert S. Hauck

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

Regular City Council

Agenda Item

Meeting Date: June 21, 2010

Data Sheet

Topic:

Approve Development Agreement for Construction of Public Improvement with Tomball Hospital Authority in the amount of \$27,746.29.

Background:

Lone Star College System "Developer" wishes to develop certain property, owned by the Tomball Hospital Authority and leased by ground lease to Developer. The property is located within the City limits, which is described as 5.5658 acres of land being all of that certain tract or parcel of land called "Restricted Reserve "A" as shown on the "The Final Plat Doctors Professional Office Building Subdivision, 10.3275 acres, Being a replat of Reserve "A" and Reserve "C" of Tomball Professional Office Building Subdivision" said plat being recorded under Harris County Clerk's File No. Z193253, Harris County Map Records film Code 598254 on March 31, 2006 reference to said plat bring made here for all purposes the Property. The Property lies within an area of the City which has limited storm water runoff and collection facilities. During the development planning stage for the Property, the Owner submitted to the City a request to install the required storm water runoff and collection facilities which will have regional benefits to a portion of the City. Owner has requested that it be allowed to construct the required storm water runoff and collection facilities to serve the Property. Improvements shall mean 650 lineal feet of the M121 West Channel, including backslope swales and typical interceptors and revegetation, to be constructed, south of Hardin Ditch and north of Theis Road, based on channel stationing from Station 102+50 to Station 109+00.

The proposed 5.5658 acre development is situated in the M121 West Drainage Basin of the City of Tomball, Harris County, Texas, as depicted on Exhibit A, identified on the construction plans. In accordance to the City's Code of Ordinances, Chapter 82, Section 156, the development is subject to a drainage impact fee of \$4985.14 per acre. As a result of the developer constructing a portion of the City's unimproved M121 West Drainage Channel associated with the 5.5658 acres, the development will be credited the cost of channel construction up to the full drainage impact fee assessment of the 5.5658 acres totaling \$27,746.29. Any construction costs exceeding the drainage impact fee assessment shall be at the expense of the Owner.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval and note that the agreement is similar to other agreements executed on other sites and consistent with the overall development of the M121 West drainage channel.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Tomball Hospital Authority Developers Agreement

Exhibit A

Doctors Professional Office Building Subdivision Final Plat

AGREEMENT WITH DEVELOPER FOR CONSTRUCTION OF PUBLIC IMPROVEMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Development Agreement executed as of the ____ day of _____, 2010 between the City of Tomball, Texas, (“City”) and Tomball Hospital Authority, Owner of certain hereinafter described property located within the City, (“Owner”) all collectively referred to as “Parties.”

WHEREAS, Lone Star College System (“Developer”) wishes to develop certain property, owned by Owner and, leased by ground lease to Developer, located within the City limits, which is described as 5.5658 acres of land being all of that certain tract or parcel of land called “Restricted Reserve “A” as shown on the “The Final Plat Doctors Professional Office Building Subdivision, 10.3275 acres, Being a replat of Reserve “A” and Reserve “C” of Tomball Professional Office Building Subdivision” said plat being recorded under Harris County Clerk’s File No. Z193253, Harris County Map Records film Code 598254 on March 31, 2006 reference to said plat bring made here for all purposes (the “Property”); and

WHEREAS, the Property lies within an area of the City which has limited storm water runoff and collection facilities; and

WHEREAS, during the development planning stage for the Property, the Owner submitted to the City a request to install the required storm water runoff and collection facilities which will have regional benefits to a portion of the City; and

WHEREAS, the City has no immediate plans to construct the required storm water runoff and collection facilities; and

WHEREAS, Owner has requested that it be allowed to construct the required storm water runoff and collection facilities to serve the Property; and

WHEREAS, Section 212.071, *et.seq.* of the Texas Local Government Code authorizes municipalities to enter into a contract with an Owner of a subdivision or land in the municipality to construct public improvements related to the development without complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, the Parties agree as follows:

ARTICLE I

Definitions

The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:

- 1.01. "Agreement" means this agreement, including any amendments hereto, between the City and Owner.
- 1.02. "Contractor" "Owner's Contractor" shall mean the person, firm, corporation, partnership, association, or other entity awarded the contract by Owner for the construction and installation of the Improvements.
- 1.03. "Improvements" shall mean 650 lineal feet of the M121 West Channel, including backslope swales and typical interceptors and revegetation, to be constructed, south of Hardin Ditch and north of Theis Road, based on channel stationing from Station 102+50 to Station 109+00.

ARTICLE II

Construction of Improvements

- 2.01. Construction of Improvements. Owner agrees to construct the Improvements in accordance with the plans and specifications approved by the Director of Engineering & Planning, and as fully set forth in Exhibit "A" hereto. No change in the construction plans shall be made by Owner without the prior written consent of the Director of Engineering & Planning. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Owner, except as herein provided.
- 2.02. Contracts for Construction. Owner shall contract with a qualified Contractor to construct the Improvements in accordance with the approved plans and specifications. The Director of Engineering & Planning shall review all contract documents and costs estimates, and shall approve the Contractor prior to the award of the contract. Owner shall be solely responsible for payment of the work as it is completed, and shall make all payments in a timely manner to the Contractor, sub-contractors, and other parties involved in the construction of the Improvements.
- 2.03. Performance, Payment and Maintenance Bonds. The Contractor, "Owner's Contractor" shall post with the City, faithful performance, and payment bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code.
- 2.04. Inspection. The Director of Engineering & Planning shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same

authority, as is provided during the construction of subdivision improvements pursuant to the City of Tomball Subdivision Ordinance, as amended.

- 2.05. Insurance. The Contractor awarded the contract to construct the Improvements shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000) per occurrence, with property damage insurance of not less than five hundred thousand dollars (\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within ten calendar days of any cancellation of such insurance.
- 2.06. Accounting. Owner shall submit to City a complete accounting of all costs incurred by Owner in the construction of the Improvements. City will not contribute or pay for any costs incurred by Owner that was not approved by City prior to it being incurred. Owner shall maintain the accounting on this project for a period of two years from the date of acceptance by the City, and the City may inspect the Owner's books and records related to the project at any time with reasonable notice.
- 2.07. Indemnity. Owner, without waiving and subject to owner's governmental immunity, agrees to protect, indemnify and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Owner or Owner's agents, representatives, employees, contractors, or subcontractors.

ARTICLE III. City Obligations

- 3.01 Credit of Drainage Impact Fees to Developer. The proposed 5.5658 acre development, situated in the M121 West Drainage Basin of the City of Tomball, Harris County, Texas, as depicted on Exhibit A, identified on the construction plans. In accordance to the City's Code of Ordinances, Chapter 82, Section 156, the development is subject to a drainage impact fee of \$4985.14 per acre. As a result of the developer constructing a portion of the City's unimproved M121 West Drainage Channel associated with the 5.5658 acres, the development will be credited the cost of channel construction up to the full drainage impact fee assessment of the 5.5658 acres totaling \$27,746.29. Any construction costs exceeding the drainage impact fee assessment shall be at the expense of the Owner.

ARTICLE IV Miscellaneous Provisions

- 4.01 Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

- 4.02. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:

City of Tomball
401 W. Market Street
Tomball, Texas 77375
ATTN: Director of Engineering & Planning

If to Owner:

Attn. Lynn LeBouef
Tomball Hospital Authority
605 Holderrieth Blvd
Tomball, Texas 77375

- 4.10. Sanctioned Individuals: The person, company or agency providing services to Hospital, hereby represents and warrants that none of its direct or indirect owners is a physician who refers patients to Hospital and further represents and warrants that neither the person, the company or the individual contracting with Hospital, nor any of its shareholders, directors, officers, agents or employees are excluded, suspended, or have been excluded or suspended from participation in the Medicare or Medicaid Programs, or has been convicted, under federal or state law, of a criminal offense related to: (1) the neglect or abuse of a patient, or (2) the delivery of an item or service including the performance of management or administrative services, under the Medicare or Medicaid Programs.
- 4.11. Compliance Plan: The parties to this Agreement shall comply with Hospital's Code of Conduct and Compliance Program and Hospital's policies and procedures related to the Anti-Kickback Statute and the Stark Law. Hospital's Code of Conduct and policies and procedures are available at: http://www.tomballhospital.org/code_of_conduct.html and http://www.tomballhospital.org/aboutUs_physicianPolicies.html. Further, the parties to this Agreement certify that they shall not violate the Anti-Kickback Statute and/or the Stark Law.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF TOMBALL

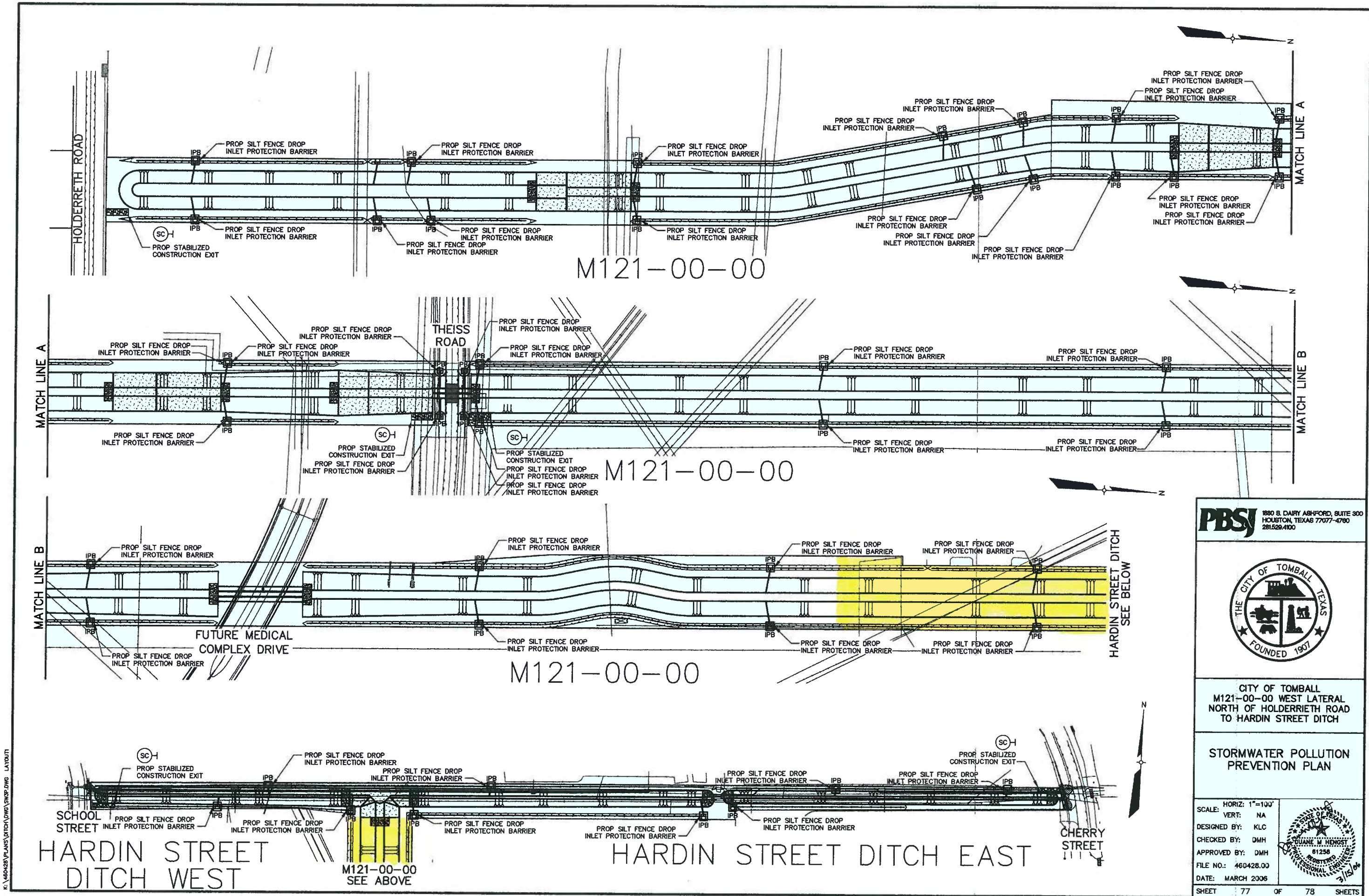
Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Owner:

Jack Smith, Chairman of the Board of
Trustees, Tomball Hospital Authority



1880 S. DAIRY ASHFORD, SUITE 300
HOUSTON, TEXAS 77077-4760
281.529.4100

THE CITY OF TOMBALL, TEXAS
FOUNDED 1907

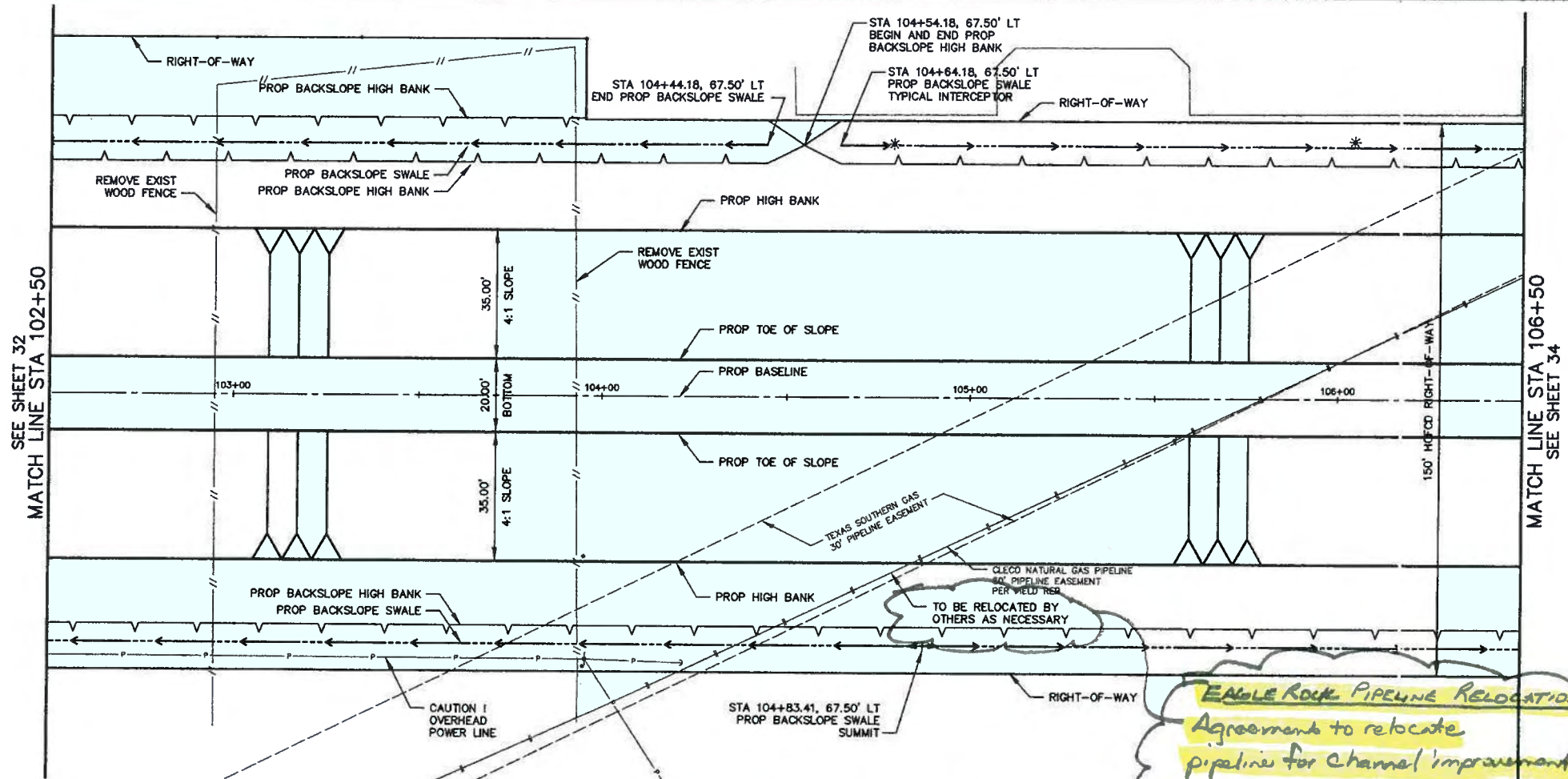
CITY OF TOMBALL
M121-00-00 WEST LATERAL
NORTH OF HOLDERRIETH ROAD
TO HARDIN STREET DITCH

STORMWATER POLLUTION
PREVENTION PLAN

SCALE: HORIZ: 1"=100'
VERT: NA
DESIGNED BY: KLC
CHECKED BY: DMH
APPROVED BY: DMH
FILE NO.: 460428.00
DATE: MARCH 2006

SHEET 77 OF 78 SHEETS

EXHIBIT A 216



M121-00-00 WEST LATERAL

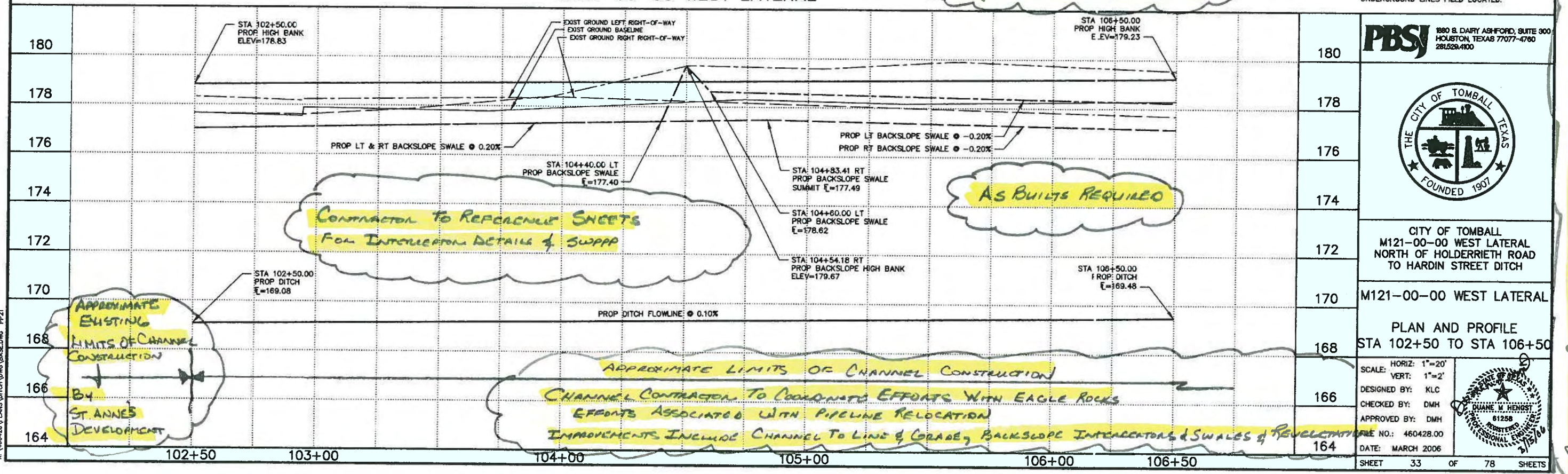
City of Tomball
05-28-10 *Jan 1/10*

COMMENTS CLOUDS ARE CITY COMMENTS ASSOCIATED WITH CHANNEL CONSTRUCTION LIMITS ONLY DESIGNATED FOR DEVELOPMENT AGREEMENT PURPOSES.

BENCHMARK
USC & GS BM 91023, A BASS DISC SET ON TOP OF CONCRETE MONUMENT, STAMPED 91023 1954, LOCATED AT THE CROSSING OF HOLDERRIETH ROAD AND THE BURLINGTON-ROCK ISLAND RAILROAD, 165.7 FEET SOUTHEAST OF THE CENTER LINE OF THE ROAD AND 49.5 FEET SOUTHWEST OF THE SOUTHWEST RAIL.
ELEVATION 163.09 (1973 ADJUSTMENT)

NOTE
THE CONTRACTOR SHALL CONTACT THE UTILITY COORDINATING COMMITTEE AT 713-223-4567 OR 1-800-344-8377 A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION TO HAVE UNDERGROUND LINES FIELD LOCATED.

EAGLE ROCK PIPELINE RELOCATION
Agreement to relocate pipeline for channel improvements to go to Council 06/07/2010



PBSJ 1880 S. DAIRY ASHFORD, SUITE 300
HOUSTON, TEXAS 77077-4760
281.529.4100

THE CITY OF TOMBALL TEXAS
FOUNDED 1907

CITY OF TOMBALL
M121-00-00 WEST LATERAL
NORTH OF HOLDERRIETH ROAD
TO HARDIN STREET DITCH

M121-00-00 WEST LATERAL
PLAN AND PROFILE
STA 102+50 TO STA 106+50

SCALE: HORIZ: 1"=20'
VERT: 1"=2'

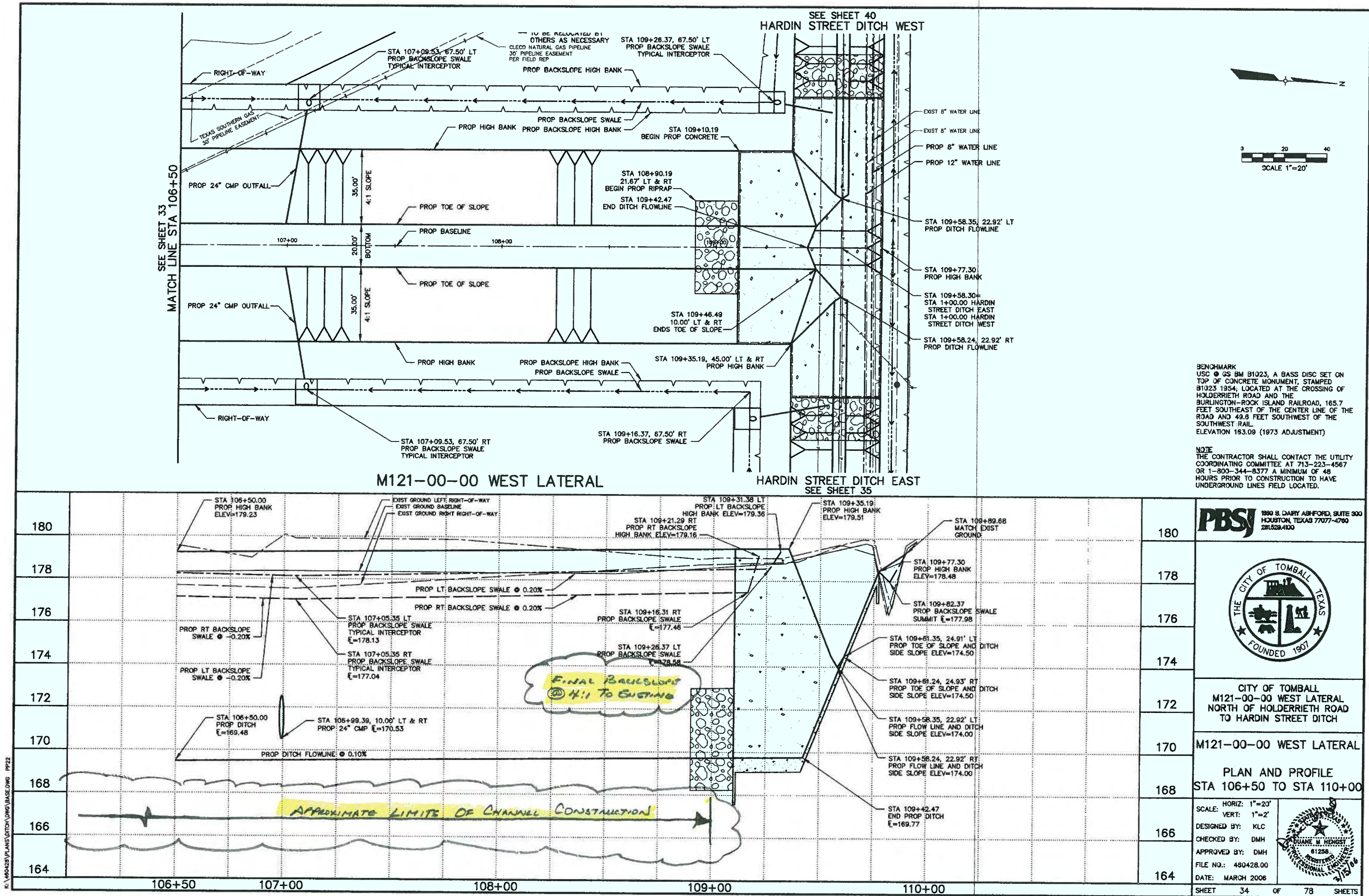
DESIGNED BY: KLC
CHECKED BY: DMH
APPROVED BY: DMH

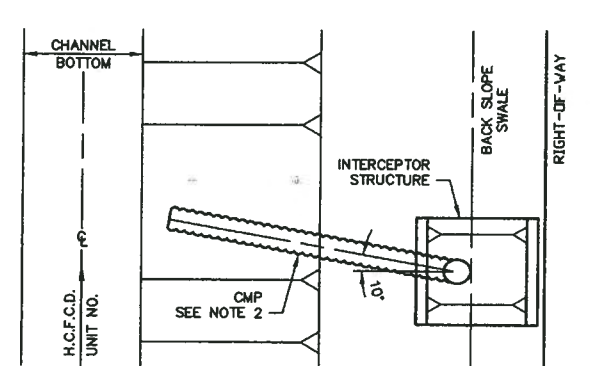
FILE NO.: 460428.00
DATE: MARCH 2006

SHEET 33 OF 78 SHEETS

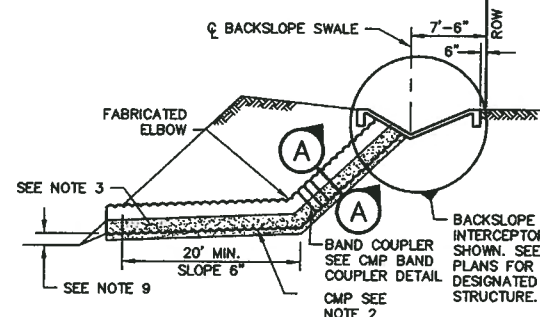
PROFESSIONAL ENGINEER
JUAN M. HENOS
61258
1/15/06

REFERENCE SHEET 34 FOR CONSTRUCTION LIMITS CONTINUATION



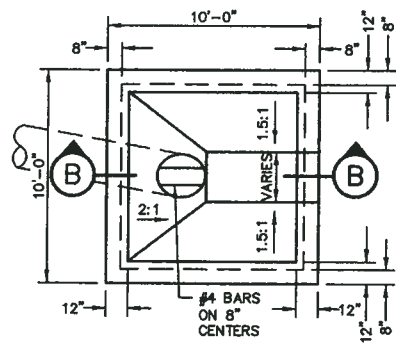


PLAN

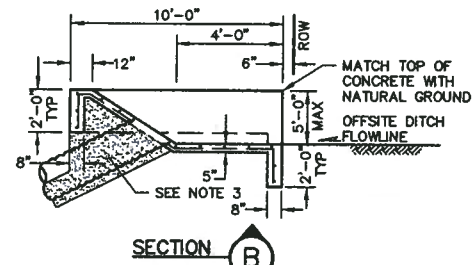


SECTION

TYPICAL INTERCEPTOR OUTFALL STRUCTURE LAYOUT

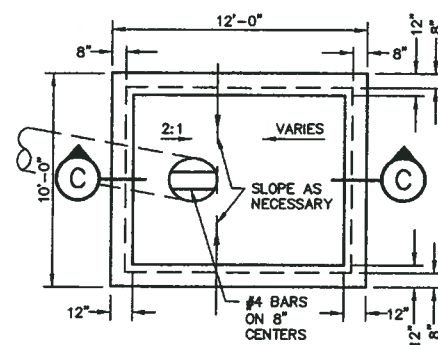


PLAN

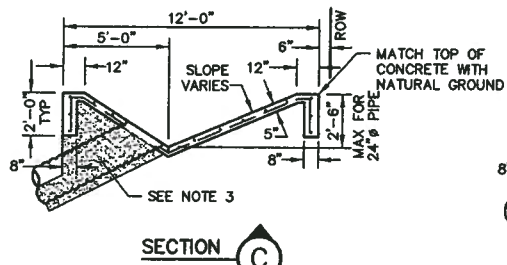


SECTION B

TYPICAL OFFSITE DITCH INTERCEPTOR STRUCTURE (42\"/>

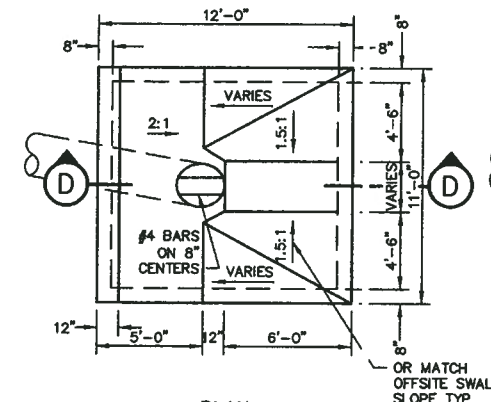


PLAN

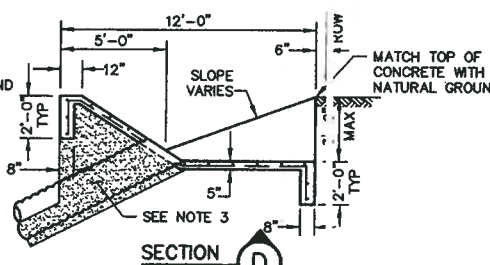


SECTION C

TYPICAL BACKSLOPE INTERCEPTOR STRUCTURE (24\"/>

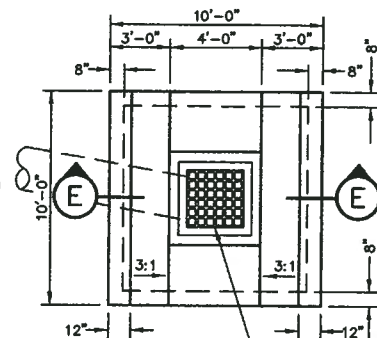


PLAN

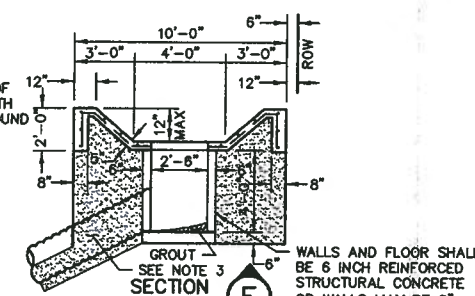


SECTION D

COMBINATION BACKSLOPE AND OFFSITE DITCH INTERCEPTOR (42\"/>

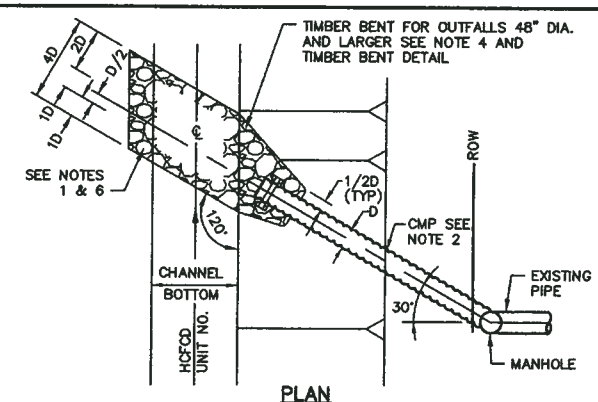


PLAN

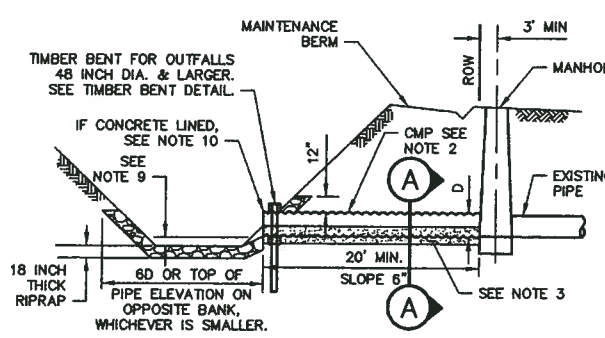


SECTION E

URBAN BACKSLOPE INTERCEPTOR STRUCTURE (24\"/>

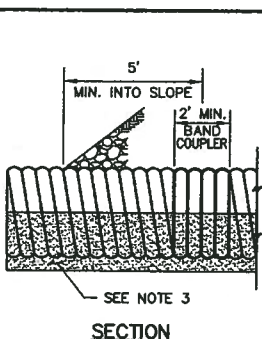


PLAN



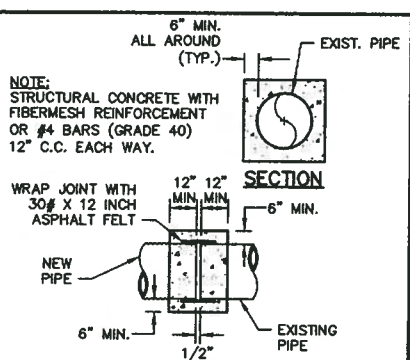
ELEVATION

TYPICAL STORM SEWER OUTFALL STRUCTURE LAYOUT



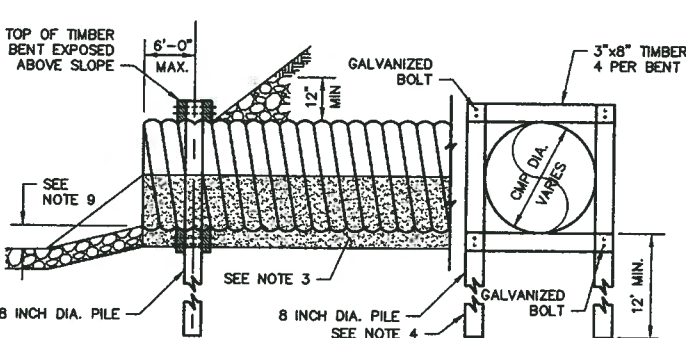
SECTION

CMP BAND COUPLER DETAIL



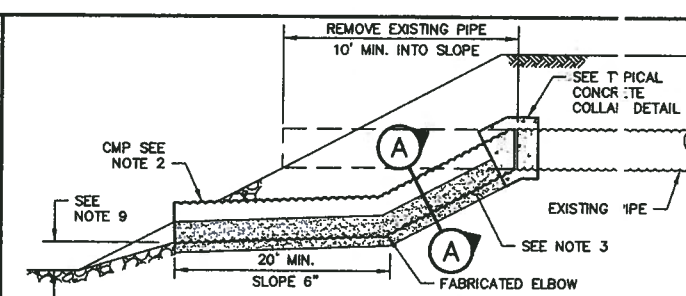
ELEVATION

TYPICAL CONCRETE COLLAR DETAIL

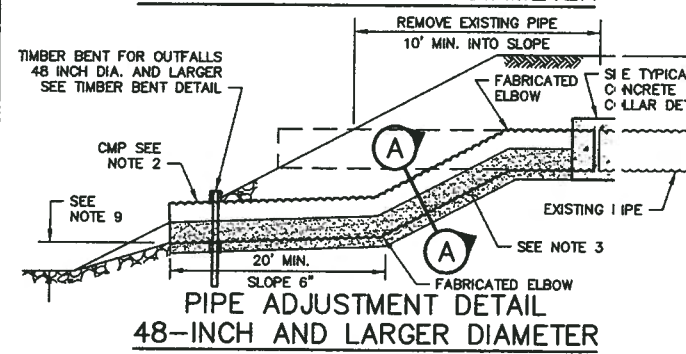


SECTION

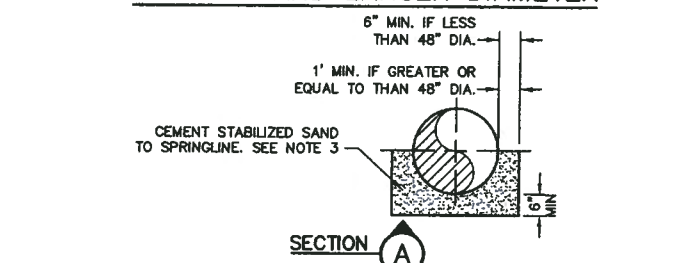
TIMBER BENT DETAIL FOR 48\"/>



PIPE ADJUSTMENT DETAIL 24-INCH TO 42-INCH DIAMETER



PIPE ADJUSTMENT DETAIL 48-INCH AND LARGER DIAMETER



SECTION A

- GENERAL NOTES**
1. INSTALL OUTFALLS 48 INCHES OR LARGER DIAMETER AND TREATMENT PLANT OUTFALLS OF ANY DIAMETER WITH RIPRAP EROSION PROTECTION, DIMENSIONED AS SHOWN IN "TYPICAL STORM SEWER OUTFALL STRUCTURE LAYOUT."
 2. STORM SEWER AND INTERCEPTOR OUTFALL PIPES WITHIN THE HCFC RIGHT-OF-WAY SHALL BE CORRUGATED METAL PIPE (CMP) IN ACCORDANCE WITH SPECIFICATION SECTION NO. 02642-CORRUGATED METAL PIPE.
 3. PROVIDE AND PLACE CEMENT STABILIZED SAND IN ACCORDANCE WITH SPECIFICATION SECTION NO. 02321-CEMENT STABILIZED SAND.
 4. TIMBER BENTS SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION NO. 02464-TIMBER BENTS.
 5. EXCAVATION, FILL AND BACKFILL FOR INTERCEPTOR STRUCTURES SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION NO. 02316-STRUCTURAL EXCAVATING AND BACKFILLING.
 6. RIPRAP SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION NO. 02378-RIPRAP AND GRANULAR FILL.
 7. CONCRETE SHALL BE STRUCTURAL CONCRETE IN ACCORDANCE WITH SPECIFICATION SECTION NO. 03310-CONCRETE.
 8. INTERCEPTOR STRUCTURES:
 - A. ADJUST LENGTH AND WIDTH IN FIELD AS NECESSARY.
 - B. 2'-FEET DEEP X 8-INCH WIDE TOE ALL AROUND THE STRUCTURE.
 - C. STEEL REINFORCING-# 4 BARS (GRADE 40) AT 12 INCHES ON CENTER EACH WAY.
 - D. ANY INTERCEPTOR OUTFALL PIPE LARGER THAN MAXIMUM SIZE INDICATED REQUIRES A SEPARATE DETAIL.
 9. SET FLOWLINE OF OUTFALL PIPES 1 FOOT ABOVE CHANNEL FLOWLINE OR 1 FOOT ABOVE NORMAL WATER SURFACE ELEVATION.
 10. SEE CONCRETE CHANNEL LINING DETAIL SHEET FOR CMP OUTFALL DETAILS THROUGH CONCRETE CHANNEL LINING.
 11. CONCRETE PAD AROUND TYPE "B" INLET: PAID FOR AS CONCRETE INTERCEPTOR STRUCTURE PER UNIT PRICE SCHEDULE.

PBSJ 1880 S. DAIRY ASHFORD, SUITE 300
HOUSTON, TEXAS 77077-4760
281528-4100

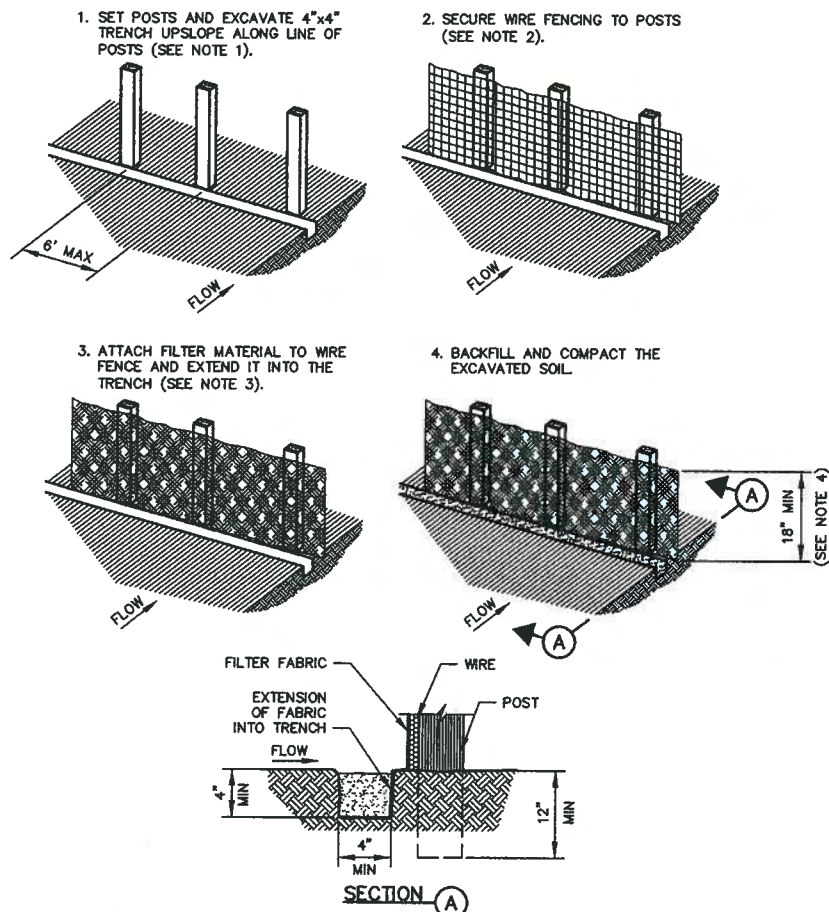
THE CITY OF TOMBALL, TEXAS
FOUNDED 1907

CITY OF TOMBALL
M121-00-00 WEST LATERAL
NORTH OF HOLDERRIETH ROAD
TO HARDIN STREET DITCH

HARRIS COUNTY FLOOD CONTROL DISTRICT
OUTFALL AND INTERCEPTOR STRUCTURE DETAILS

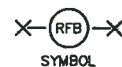
SCALE: HORIZ: NA
VERT: NA
DESIGNED BY: KLC
CHECKED BY: DMH
APPROVED BY: DMH
FILE NO.: 460428.00
DATE: MARCH 2006
SHEET 66 OF 78 SHEETS

STATE OF TEXAS
REGISTERED PROFESSIONAL ENGINEER
NAME: W. HENGGST
61258
3/15/06

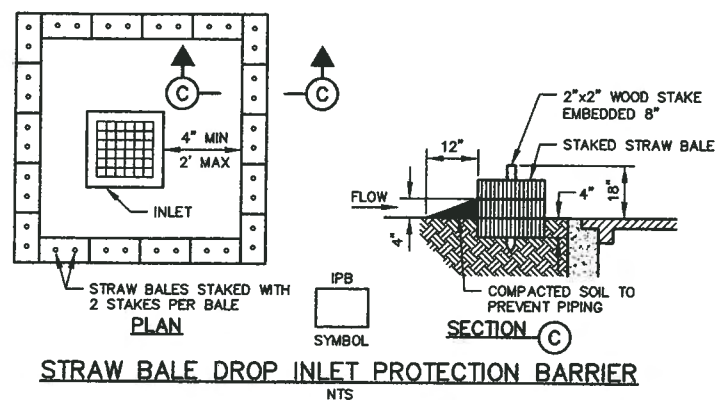


NOTES

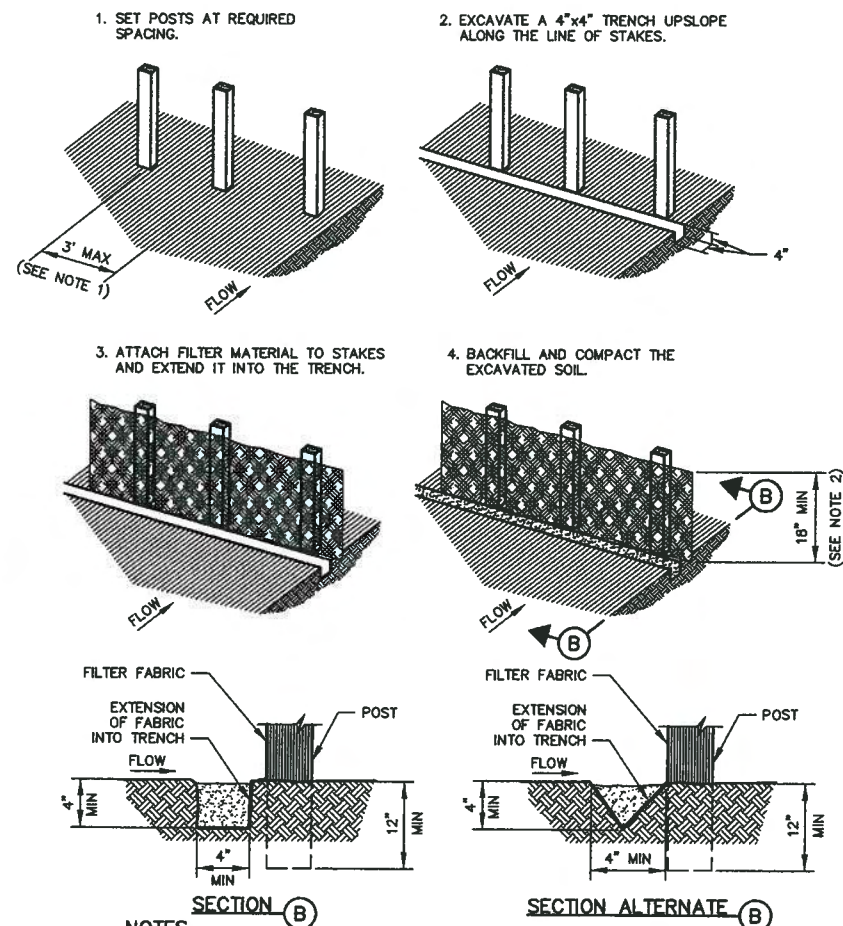
1. SET 2 INCH BY 2 INCH WOODEN STAKES SPACE A MAX OF 6 FEET APART AND EMBEDDED A MIN OF 12 INCHES.
2. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH STAPLES.
3. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE, WITH TIES SPACED EVERY 24 INCHES AT TOP AND MIDSECTION.
4. MINIMUM HEIGHT OF FILTER SHOULD BE 18 INCHES AND A MAXIMUM OF 36 INCHES ABOVE NATURAL GROUND.
5. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED 6 INCHES AT THE POSTS AND FOLDED.



REINFORCED FILTER FABRIC BARRIER
NTS

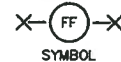


STRAW BALE DROP INLET PROTECTION BARRIER
NTS

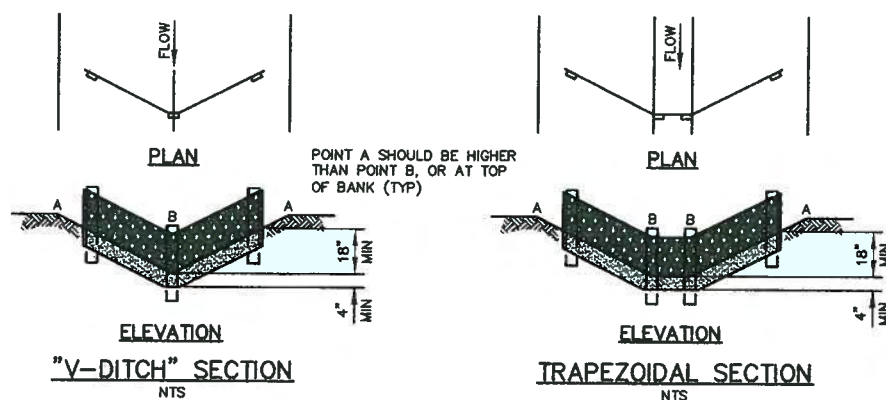


NOTES

1. 2 INCH THICK BY 2 INCH WOODEN STAKES TO BE SET AT MAX SPACING OF 3 FEET AND EMBEDDED A MIN OF 8 INCHES. IF PRE ASSEMBLED FENCE WITH SUPPORT NETTING IS USED, SPACING OF POST MAY BE INCREASED TO 8 FEET MAX.
2. ATTACH FILTER FABRIC TO WOODEN STAKES. FILTER FABRIC FENCE SHALL HAVE A MIN HEIGHT OF 18 INCHES AND MAX HEIGHT OF 36 INCHES ABOVE NATURAL GROUND.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHOULD BE OVERLAPPED 6 INCHES AT THE POSTS AND FOLDED.
4. MINIMUM HEIGHT OF FILTER SHOULD BE 18 INCHES AND A MAXIMUM OF 36 INCHES ABOVE NATURAL GROUND.
5. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED 6 INCHES AT THE POSTS AND FOLDED.

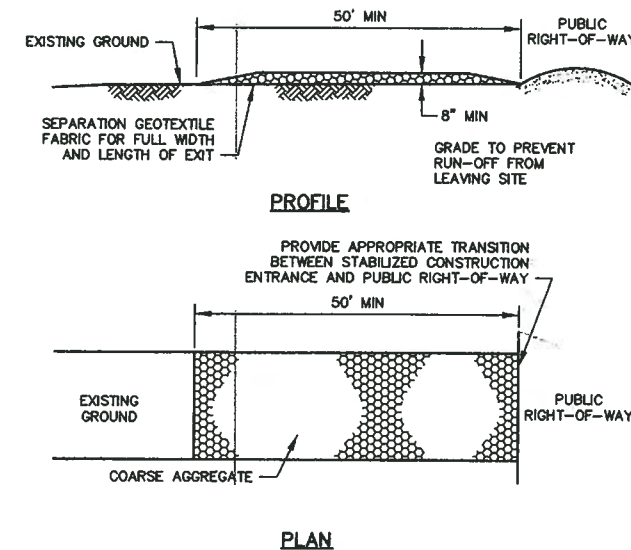


FILTER FABRIC FENCE
NTS



"V-DITCH" SECTION
NTS

TRAPEZOIDAL SECTION
NTS

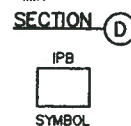
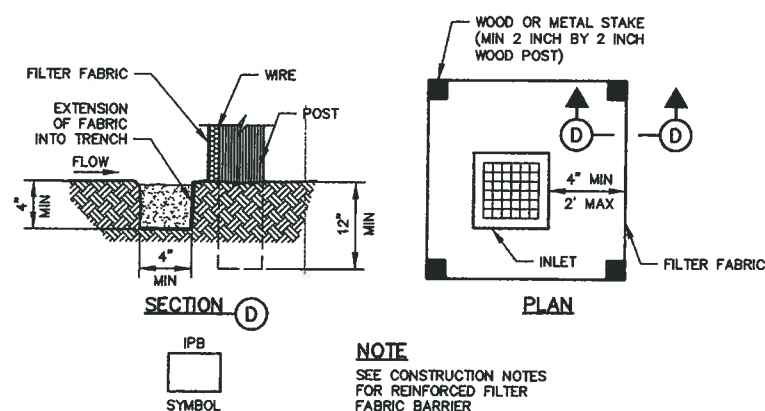


NOTES

1. LENGTH SHALL BE AS SHOWN ON THE CONSTRUCTION DRAWINGS, BUT NOT LESS THAN 50 FEET.
2. THICKNESS SHALL BE NOT LESS THAN 8 INCHES.
3. WIDTH SHALL BE NOT LESS FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
4. STABILIZATION FOR OTHER AREAS SHALL HAVE THE SAME AGGREGATE THICKNESS AND WIDTH REQUIREMENTS AS THE STABILIZED CONSTRUCTION EXIT, UNLESS OTHERWISE SHOWN ON THE CONSTRUCTION DRAWINGS.
5. STABILIZED AREA MAY BE WIDENED OR LENGTHENED TO ACCOMMODATE A TRUCK WASHING AREA. AN OUTLET SEDIMENT TRAP MUST BE PROVIDED FOR THE TRUCK WASHING AREA.
6. STABILIZED CONSTRUCTION EXIT SHALL BE MAINTAINED FREE OF SEDIMENT FOR THE DURATION OF THE PROJECT.



STABILIZED CONSTRUCTION EXIT
NTS

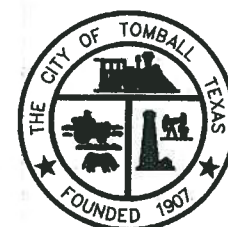


SILT FENCE DROP INLET PROTECTION BARRIER
NTS

CONTRACTOR NOTES

1. CONTRACTOR IS RESPONSIBLE FOR DEVELOPING, IMPLEMENTING AND ADHERING TO THE CONTRACTOR DEVELOPED STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
2. CONTRACTOR SHALL PREPARE ALL NOTICE OF INTENT FORMS FOR THE WORK AND OBTAIN THE NECESSARY CERTIFICATES AND SIGNATURES FROM THE OWNER, APPLICABLE SUBCONTRACTORS AND OTHERS AS REQUIRED.

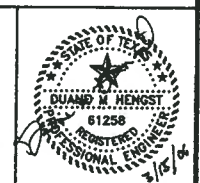
PBSJ 1880 S. DAIRY ASHFORD, SUITE 300
HOUSTON, TEXAS 77077-4760
281.529.4100



CITY OF TOMBALL
M121-00-00 WEST LATERAL
NORTH OF HOLDERRIETH ROAD
TO HARDIN STREET DITCH

STORMWATER POLLUTION
PREVENTION PLAN
DETAILS

SCALE: HORIZ: NA
VERT: NA
DESIGNED BY: KLC
CHECKED BY: DMH
APPROVED BY: DMH
FILE NO.: 460428.00
DATE: MARCH 2006



SHEET 78 OF 78 SHEETS

EXHIBIT A 6/16

CLERK OF DISTRICT COURT
HARRIS COUNTY, TEXAS

[illegible]

10.3275 ACRES, BEING A REPLAT OF RESERVE
"A" AND RESERVE "C" OF TOMBALL
PROFESSIONAL OFFICE BUILDING SUBDIVISION.
F.C. X720152 H.C.M.R.
IN THE CITY OF TOMBALL
HARRIS COUNTY, TEXAS
2 RESERVE, 1 BLOCK
DATE: FEBRUARY, 2006 SCALE: 1"=60'

SURVEYOR:
PSJ
1800 S. DART ASH/CO. SUITE 300
HOUSTON, TEXAS 77077
PHONE (713) 453-5000 FAX (713) 453-
1200

\addtocontents{toc}{\pagebreak}

[illegible]

Regular City Council

Agenda Item

Meeting Date: June 21, 2010

Data Sheet

Topic:

Approve Development Agreement for Construction of Public Improvement with Eagles Nest Christian Fellowship in the Amount of \$18,042.82.

Background:

Eagles Nest Christian Fellowship ("Developer") wishes to develop certain property located within the City limits, which is described as Lot 1 of Block 1 of the Tomball Renewal Center Replat Subdivision, situated in the City of Tomball, Harris County, Texas, as depicted on a plat thereof recorded in Filed Number 20079662993, Film Code Number 617162, of the real property records of Harris County, Texas, reference to said plat being made here for all purposes the Property.

The Property lies within an area of the City which has limited storm water runoff and collection facilities. During the development planning stage for the Property, the Developer submitted to the City a request to install the required storm water runoff and collection facilities which will have regional benefits to a portion of the City. The City has no immediate plans to construct the required storm water runoff and collection facilities. The Developer has requested that it be allowed to construct the required storm water runoff and collection facilities to serve the Property. Improvements shall mean 140 lineal feet of the M121 East Channel from Station 19+35 (end of existing channel) to Station 20+75, including backslope swales and typical interceptors, access aggregate road, and revegetation to be constructed approximately 1300 lineal feet easterly and parallel to Cherry Street and approximately 1900 lineal feet northerly of Holderrieth Road.

The proposed Lot 1, 2.6422 acre development, is situated in the M121 East Drainage Basin of the City of Tomball, Harris County, Texas, as depicted on Exhibit A, identified on the construction plans. In accordance to the City's Code of Ordinances, Chapter 82, Section 156, the development is subject to a drainage impact fee of \$6,828.71 per acre. As a result of the developer constructing a portion of the City's unimproved M121 East Drainage Channel associated with the 2.6422 acres, the development will be credited the cost of channel construction up to the full drainage impact fee assessment of the 2.6422 acres totaling \$18,042.82. Any construction costs exceeding the drainage impact fee assessment shall be at the expense of the Owner.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval and note that the agreement is similar to other agreements executed on other sites and is consistent with the overall development of the M121 West drainage channel.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Eagles Nest Christian Fellowship Developer Agreement

M121 Excavation Plan

Tomball Renewal Center Replat

**AGREEMENT WITH DEVELOPER FOR CONSTRUCTION OF
PUBLIC IMPROVEMENT**

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Development Agreement executed as of the ____ day of _____, 2010 between the City of Tomball, Texas, (“City”) and Eagles Nest Christian Fellowship, Owner and Developer of certain hereinafter described property located within the City, (“Developer”) all collectively referred to as “Parties.”

WHEREAS, Eagles Nest Christian Fellowship (“Developer”) wishes to develop certain property located within the City limits, which is described as Lot 1 of Block 1 of the Tomball Renewal Center Replat Subdivision, situated in the City of Tomball, Harris County, Texas, as depicted on a plat thereof recorded in Filed Number 20079662993, Film Code Number 617162, of the real property records of Harris County, Texas (the “Property”); and

WHEREAS, the Property lies within an area of the City which has limited storm water runoff and collection facilities; and

WHEREAS, during the development planning stage for the Property, the Developer submitted to the City a request to install the required storm water runoff and collection facilities which will have regional benefits to a portion of the City; and

WHEREAS, the City has no immediate plans to construct the required storm water runoff and collection facilities; and

WHEREAS, Developer has requested that it be allowed to construct the required storm water runoff and collection facilities to serve the Property; and

WHEREAS, Section 212.071, *et.seq.* of the Texas Local Government Code authorizes municipalities to enter into a contract with a developer of a subdivision or land in the municipality to construct public improvements related to the development without complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, the Parties agree as follows:

ARTICLE I

Definitions

The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:

- 1.01. "Agreement" means this agreement, including any amendments hereto, between the City and Developer.
- 1.02. "Contractor" shall mean the person, firm, corporation, partnership, association, or other entity awarded the contract by Developer for the construction and installation of the Improvements.
- 1.03. "Improvements" shall mean 140 lineal feet of the M121 East Channel from Station 19+35 (end of existing channel) to Station 20+75, including backslope swales and typical interceptors, access aggregate road, and revegetation to be constructed approximately 1300 lineal feet easterly and parallel to Cherry Street and approximately 1900 lineal feet northerly of Holderrieth Road.

ARTICLE II

Construction of Improvements

- 2.01 Construction of Improvements. Developer agrees to construct the Improvements in accordance with the plans and specifications approved by the Director of Engineering & Planning, and as fully set forth in Exhibit "A" hereto. No change in the construction plans shall be made by Developer without the prior written consent of the Director of Engineering & Planning. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Developer, except as herein provided.
- 2.02. Contracts for Construction. Developer shall contract with a qualified Contractor to construct the Improvements in accordance with the approved plans and specifications. The Director of Engineering & Planning shall review all contract documents and costs estimates, and shall approve the Contractor prior to the award of the contract. Developer shall be solely responsible for payment of the work as it is completed, and shall make all payments in a timely manner to the Contractor, sub-contractors, and other parties involved in the construction of the Improvements.
- 2.03. Performance, Payment and Maintenance Bonds. Developer shall post within the City faithful performance, payment, and maintenance bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code.

- 2.04. Inspection. The Director of Engineering & Planning shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same authority, as is provided during the construction of subdivision improvements pursuant to the City of Tomball Subdivision Ordinance, as amended.
- 2.05. Insurance. The Contractor awarded the contract to construct the Improvements shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence, with property damage insurance of not less than five hundred thousand dollars (\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within ten calendar days of any cancellation of such insurance.
- 2.06. Accounting. Developer shall submit to City a complete accounting of all costs incurred by Developer in the construction of the Improvements. City will not contribute or pay for any costs incurred by Developer which was not approved by City prior to it being incurred. Developer shall maintain the accounting on this project for a period of two years from the date of acceptance by the City, and the City may inspect the Developer's books and records related to the project at any time with reasonable notice.
- 2.07. Indemnity. Developer agrees to protect, indemnify and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Developer or Developer's agents, representatives, employees, contractors, or subcontractors.

ARTICLE III. City Obligations

- 3.01 Credit of Drainage Impact Fees to Developer. The proposed Lot 1, 2.6422 acre development, situated in the M121 East Drainage Basin of the City of Tomball, Harris County, Texas, as depicted on Exhibit A, identified on the construction plans. In accordance to the City's Code of Ordinances, Chapter 82, Section 156, the development is subject to a drainage impact fee of \$6,828.71 per acre. As a result of the developer constructing a portion of the City's unimproved M121 East Drainage Channel associated with the 2.6422 acres, the development will be credited the cost of channel construction up to the full drainage impact fee assessment of the 2.6422 acres totaling \$18,042.82. Any construction costs exceeding the drainage impact fee assessment shall be at the expense of the Owner.

ARTICLE IV

Miscellaneous Provisions

- 4.01 Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Tomball
401 W. Market Street
Tomball, Texas 77375
ATTN: Director of Engineering & Planning

If to Developer: Eagles Nest Christian Fellowship
PO Box 1026
Pinehurst, Texas 77362
Contact: Daniel Noack

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF TOMBALL

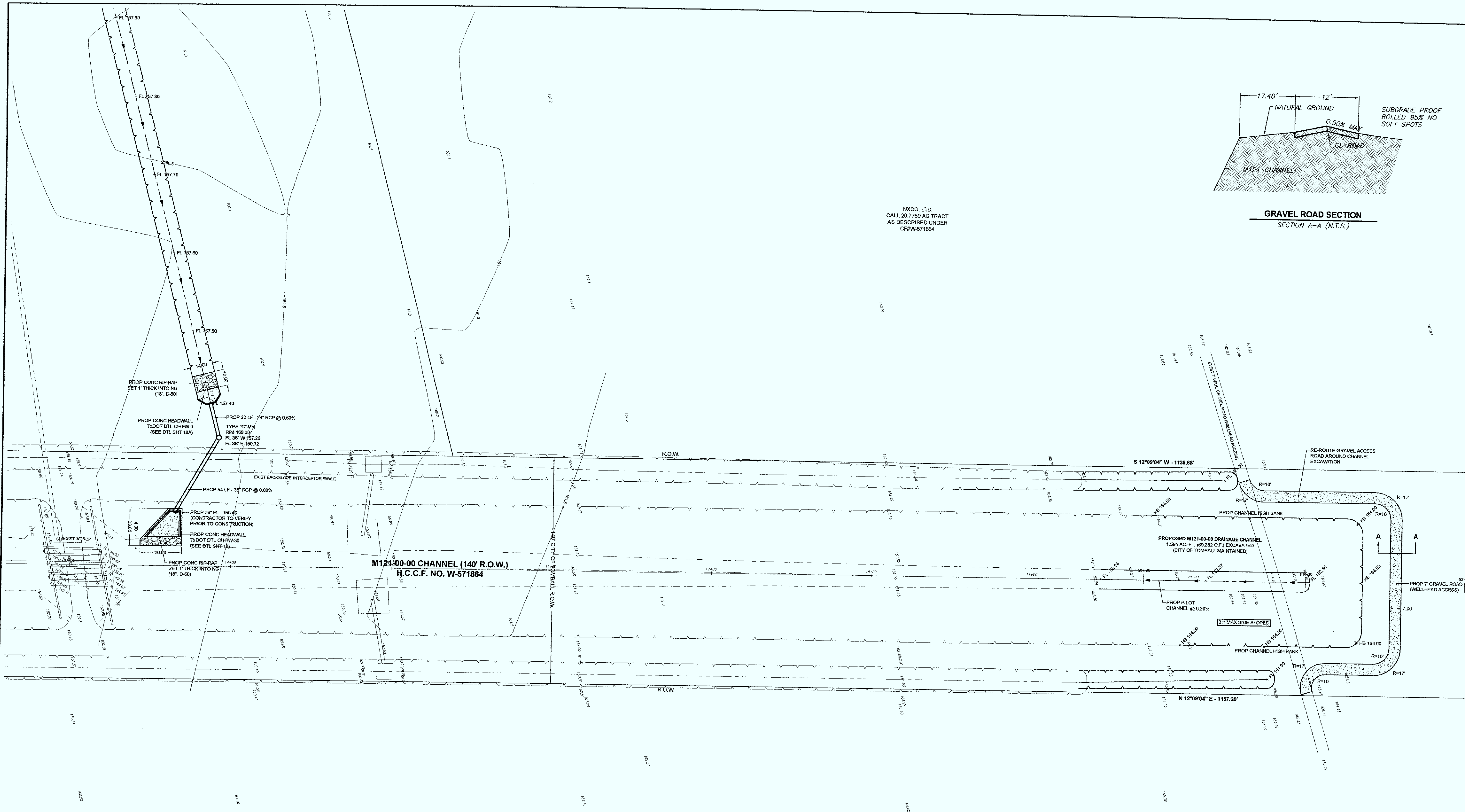
Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

DEVELOPER:

Authorized Signature, Name, and Title:



BENCHMARK:
ELEVATIONS ARE DERIVED FROM FLOOD PLAIN REFERENCE MARK NUMBER 120195 DESCRIBED AS A BRASS DISK STAMPED 120195 AT INTERSECTION OF FM 2920 AND HUFSMITH-KOHRVILLE LOCATED 150 FEET SOUTH OF INTERSECTION, ON SOUTH CURB OF SECOND DRIVEWAY (SOUTH) TO SHELL GAS STATION IN KEY MAP 2688 IN THE WILLOW WATERSHED NEAR STREAM M116-00-00.

ELEVATION = 178.27' NAVD 1988 (2001 ADJ.)

TEMPORARY BENCHMARK:
SET RAILROAD SPIKE IN POWER POLE LOCATED AT SOUTH WEST CORNER OF SUBJECT TRACT.

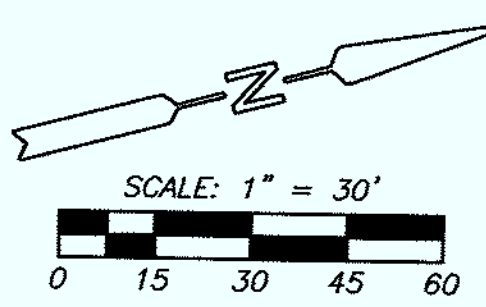
ELEVATION = 157.89' NAVD 1988 (2001 ADJ.)

FLOOD PLAIN STATEMENT:
ACCORDING TO FEMA F.I.R.M. MAP PANEL NO. 48201-C-0230L WITH AN EFFECTIVE DATE OF JUNE 18, 2007, THE SUBJECT TRACT LIES PARTIALLY WITHIN SHADED ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOOD PLAIN.

OWNER TO OBTAIN ALL PERMITS REQUIRED BY HARRIS COUNTY, TEXAS PRIOR TO STARTING CONSTRUCTION OF UTILITY AND/OR CULVERTS WITHIN HARRIS COUNTY ROAD RIGHT OF WAY.

LEGEND

- EXISTING GAS LINE
- EXISTING SEWER LINE
- EXISTING WATER LINE

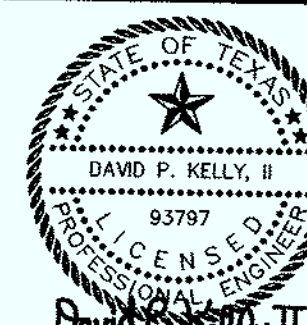


DPK Engineering LLC
Land Development - Site Development - Municipal
32719 Windsor Terrace
Fulshear, Texas 77441
Office and Fax: 281-346-2616
Cell: 281-300-1869
Firm Registration No. F9323

SIGNATURES
Mark A. McClure 04/13/10
DATE
MARK A. MCCLURE, P.E.
DIRECTOR OF ENGINEERING & PLANNING
GOOD FOR ONE YEAR ONLY

DATE: August, 2009
JOB NO. 009-SD-525
DESIGNED BY: SLA
CHECKED BY: DPK

AUTHORIZED SIGNATURE
BY
DAVID P. KELLY II, P.E.
ON
4/05/2010
SURVEYED BY:
EIC SURVEYING



TOMBALL RENEWAL CENTER
PROPOSED NEW SITE DEVELOPMENT

M121 EAST CHANNEL EXCAVATION PLAN

FILE #:	REVISIONS:
GFS #:	N/A
SCALE: 1" = 30'	
SHEET NO. 19 OF 20	

RESIDUE OF 89.292 ACRES
FROM
ARTHUR METZLER, ET AL
TO
H.L. WARD
AUGUST 31, 1960
VOL. 4164, PG. 513 H.C.D.R.
F.N. 6241625

CITY OF TOMBALL
Zoning Administrator
APPROVED
With Conditions/Corrections as Noted
Date: 4/12/2010
City Planner: Kelly Violette
* This approval shall expire 2 years from the date stamped

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 21, 2010

Topic:

Approve **ARMENDARIZ PLACE SUBDIVISION REPLAT**: Being a Subdivision of 0.3214 Acres or 14,000 Square Feet of land, being situated in the Revised Map of Tomball, an addition in Harris County, Texas and Being a Replat of Lots 21, 22, 23, 24, in Block 31 of Revised Map of Tomball in Harris County, Texas as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, 1 Lot and 1 Block.

Background:

The Planning and Zoning Commission recommended approval of Armendariz Place Subdivision Replat, with contingencies on March 8, 2010. Comments have been addressed and the replat is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Almendariz Place Subdivision Replat

STATE OF TEXAS
COUNTY OF HARRIS

I, MONICA ARMENDARIZ, owner hereinafter referred to as owner of the 0.3214 acres tract described in the above and foregoing plat of ARMENDARIZ PLACE SUBDIVISION, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS my hand in the city of Tomball, Texas, this 10th day of May 2010.

Monica Armendariz
MONICA ARMENDARIZ, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Monica Armendariz known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 10th day of May 2010.

Melissa Rodela
Notary Public in and for the State of Texas

My Commission expires: July 23, 2012



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of ARMENDARIZ PLACE SUBDIVISION, is in conformance with the laws of the State of Texas and the ordinances of the City of Houston as shown hereon and authorized the recording of this plat this day of May 2010.

By: TOM CROFOOT
CHAIRMAN
By: LORI WALLACE
VICE CHAIRMAN

I, Billie G. McDuffie, am authorized (or registered) under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, point of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest street intersection.

Billie G. McDuffie 05/11/2010
Billie G. McDuffie
Texas Registration No. 2090



I, Beverly B. Kaufman, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on May 10, 2010, at 1:00 o'clock p.m., and duly recorded on May 10, 2010, at 1:00 o'clock p.m., and at Film Code No. 100 of the Map Records of Harris County for said county.

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

Beverly B. Kaufman
County Clerk of Harris County
Harris County, Texas

By: Deputy

This is to certify that the City Council for the City of Tomball, Texas, has approved this plat and subdivision of Replat of Lots 21, 22, 23 and 24 of Map of Tomball, in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this day of May 2010.

By: GRETCHEN FAGAN,
MAYOR
By: DORIS SPEER,
CITY SECRETARY

We, The City Manager and The Director of Engineering and Planning for the City of Tomball, Texas, do certify that the plat of this acreage complies with the City of Tomball Ordinances.

By: CITY MANAGER
By: MARK MCCLURE, P.E.
DIRECTOR OF ENGINEERING AND PLANNING

Public Easements Note:

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

Flood Information Notes:

According to FEMA Firm Panel No. 48201 0230 L(Effective Date of 06/18/07), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:

All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:

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

Note #3:

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

Note #4:

This plat does not attempt to amend or remove any valid covenants or restrictions.

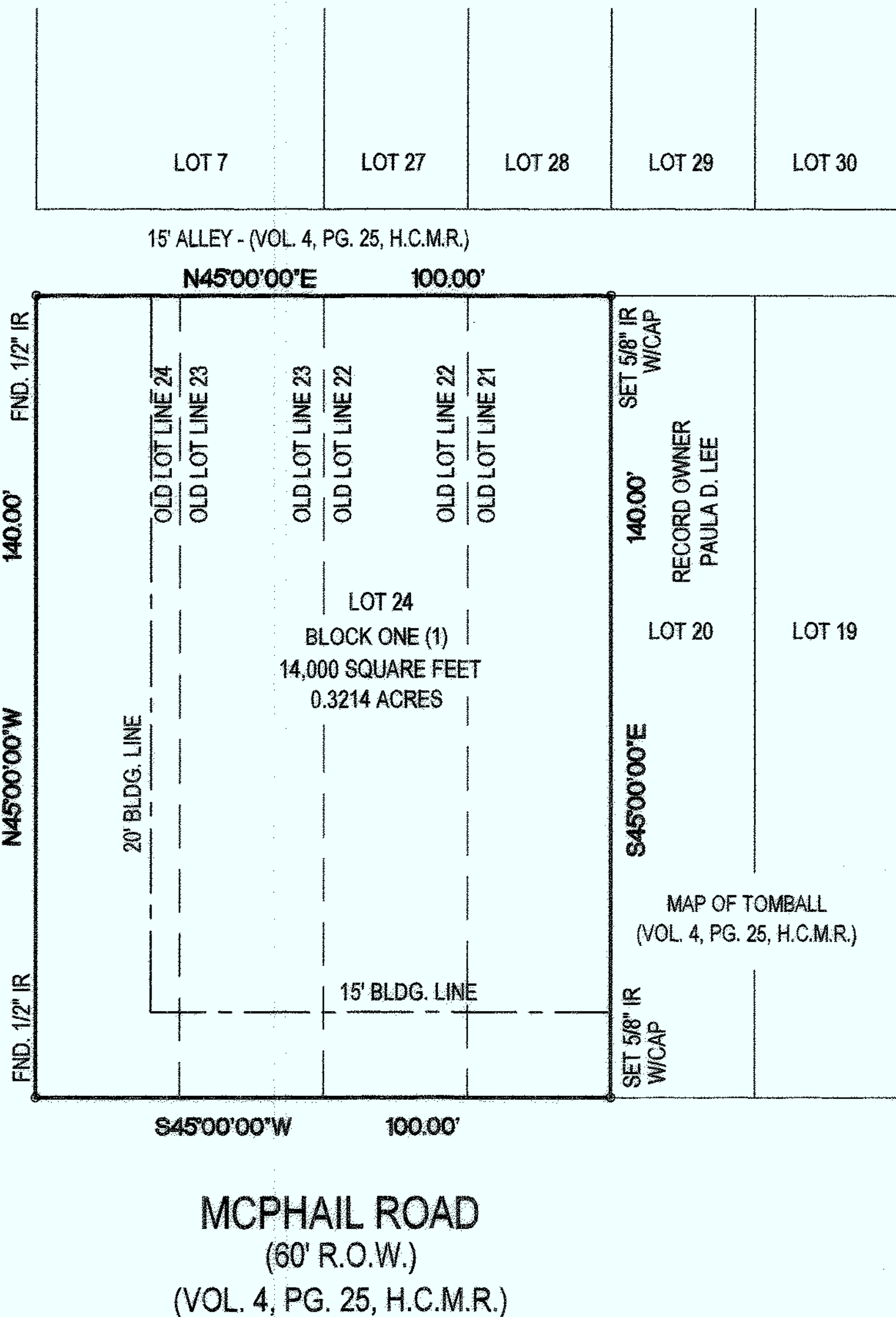
Note #5:

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

LEGEND	
H.C.M.R.	HARRIS COUNTY MAP RECORDS
H.C.C.F.#	HARRIS COUNTY CLERK'S FILE NUMBER
H.C.D.R.	HARRIS COUNTY DEED RECORDS
R.O.W.	RIGHT OF WAY

SOUTH PINE STREET
(60' R.O.W.)
(VOL. 4, PG. 25, H.C.M.R.)

RECORD OWNER
CONSTANCE D. ENNIS



ARMENDARIZ PLACE SUBDIVISION

TOMBALL TEXAS

A SUBDIVISION OF 0.3214 ACRES OR 14,000 SQUARE FEET OF LAND BEING SITUATED IN REVISED MAP OF TOMBALL, AN ADDITION IN HARRIS COUNTY, TEXAS AND BEING A REPLAT OF LOTS 21, 22, 23 AND 24, IN BLOCK 31 OF REVISED MAP OF TOMBALL IN HARRIS COUNTY, TEXAS AS RECORDED IN VOLUME 4, PAGE 25 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

ONE (1) LOT AND ONE (1) BLOCK

REASON FOR REPLAT:
TO CREATE ONE (1) LOT AND ONE (1) BLOCK

SCALE: 1"= 20' DATE 02/10/2010
OWNER:

MONICA ARMENDARIZ
412 S. PINE STREET,
TOMBALL, TEXAS 77375
713-973-0812 (PHONE)

PREPARED BY:
ACCURATE SURVEYS OF TEXAS, INC.
P.O. BOX 842272
HOUSTON, TEXAS 77284
PHONE: (713) 869-6966 FAX: (713) 864-4266

Regular City Council

Agenda Item

Meeting Date: June 21, 2010

Data Sheet

Topic:

Approve **TOMBALL MEDICAL PLAZA FINAL PLAT**: Being a Plat of 2.8278 Acres out of Lot 13, 1.4635 Acre Tract Recorded under File No. J064863 and Tract No. 12, 1.3643 Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.

Background:

The Planning and Zoning Commission recommended approval of the Tomball Medical Plaza Final Plat, with contingencies on May 10, 2010. Comments have been address and the plat is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Mark McClure, Director of Engineering and Planning

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

ATTACHMENTS:

Tomball Medical Plaza Final Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, FAHL Enterprises, LLC acting by and through Mohammad Tarek Al Fahl, being President of FAHL ENTERPRISES, LLC, hereinafter referred to as Owners of the 2.8278 acre tract described in the above and foregoing plat of TOMBALL MEDICAL PLAZA, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plot and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, Owners do hereby dedicate to the public a strip of land 15 feet (15') wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs or any other natural drainage courses located in said plot, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any time for the purpose of construction and maintenance of drainage facilities and structures.

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

IN TESTIMONY WHEREOF, FAHL ENTERPRISES, LLC has caused these presents to be signed by Tarek Fahl, President, thereunto authorized, attested, and its common seal hereunto affixed this _____ day of _____ 2010.

FAHL ENTERPRISES, LLC

By: Mohammad Tarek Al Fahl
President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Tarek Fahl, President, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 8th day of June, 2010.

K. McShaw
Notary Public in and for the State of Texas

My Commission expires: 2/1/14



"We, Bank of America Merrill Lynch, owners and holders of a lien against the property described in the plat known as Tomball Medical Plaza, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof"

Jose Madrigal
Jose Madrigal, Sr. Vice President
Bank of America Merrill Lynch
12605 East Freeway Ste. 108
Houston, TX 77015
888-852-5000 ext 5113

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jose Madrigal, Sr. Vice President, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6 day of June, 2010.

Emmanuel F. Detamont
Notary Public in and for the State of Texas

My Commission expires: 4-13-13



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TOMBALL MEDICAL PLAZA in conformance with the Laws of the State of Texas and the Ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____ 2010.

By: Tom Crofoot, Chairman
By: Lori Wallace, Vice Chairman

This is to certify that the City of Tomball accepts the Planning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the Laws of the State of Texas and the Ordinances of the

By: Gretchen Fagan, Mayor
By: Doris Speer, City Secretary

I, Beverly B. Kaufman, Clerk of the County Court of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____ 2010 at _____ o'clock _____ M., and in Film Code No. _____ of the Map Records of Harris County for said county.

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

Beverly B. Kaufman
Clerk of the County Court
Harris County, Texas

By: _____ Deputy

We, the City Manager and Director of Engineering and Planning for the City of Tomball, do hereby certify that the plat of this subdivision complies with the City of Tomball subdivision ordinance.

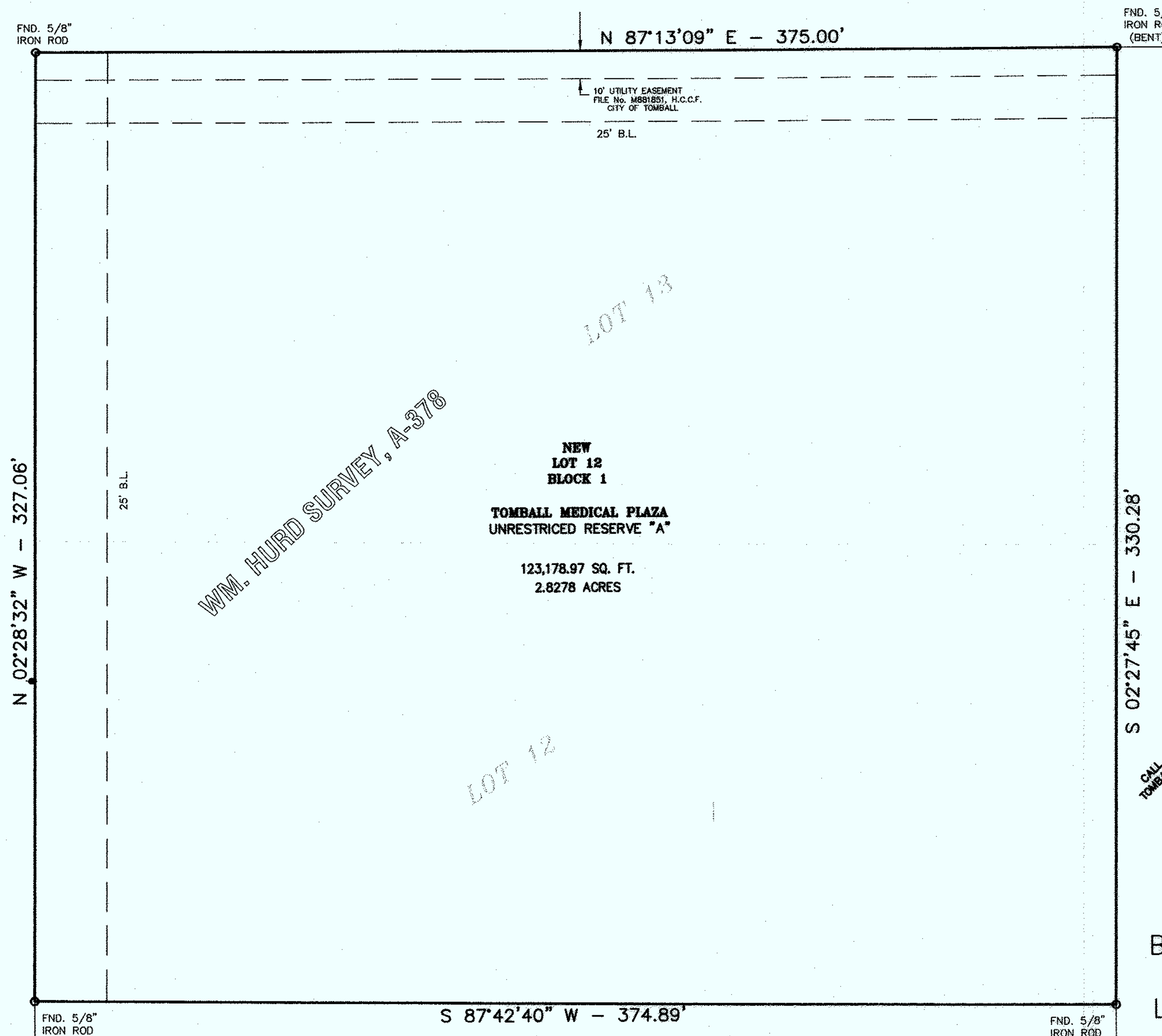
By: Mark A. McClure, P.E.
City Manager
Director of Engineering and Planning

I, David Bowden, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct: was prepared from an actual survey of the property made under my supervision on the ground, that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods with a cap having an outside diameter of not less than three-quarter (3/4) inch and a length of not less than three (3) feet; and that the plot boundary corners have been tied to the nearest original survey corner.

David Bowden
Texas Registration No. 4864

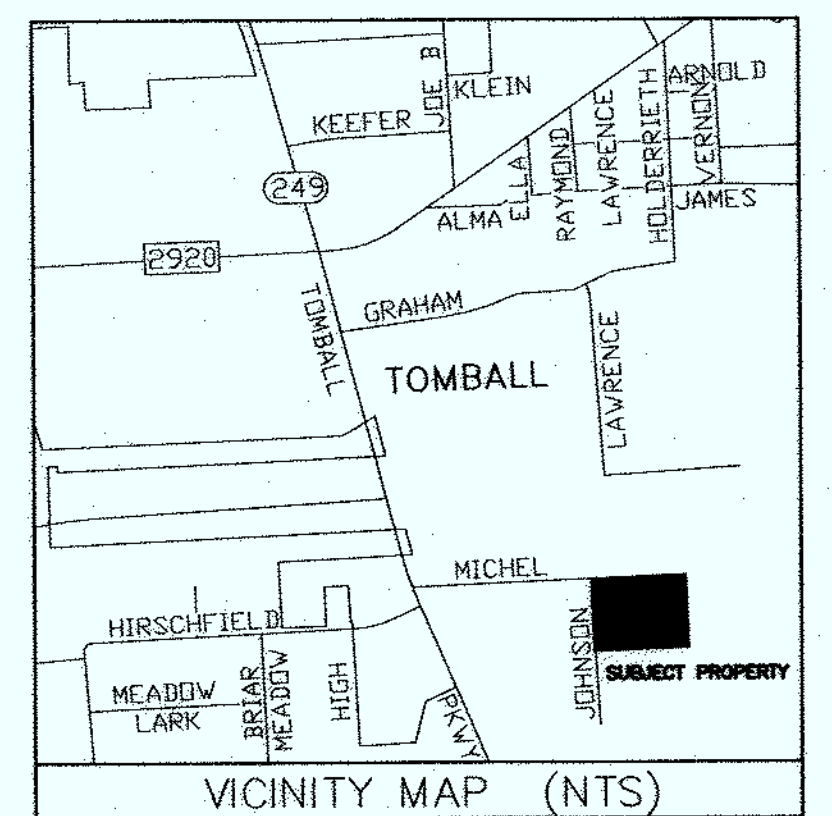
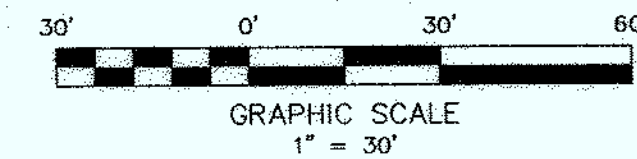


MICHEL ROAD
HCCF#D221070, D792381,
V733697, 334111MR
(60' R.O.W.)



LEGEND

H.C.C.F. Refers to Harris County Clerks File
Bldg. indicates Building
B.L. indicates Building Line
H.C.D.R. indicates Harris County Deed Records
I.R. indicates Iron Rod
P.G. indicates Page
S. F. indicates Square Feet
Vol. indicates Volume
C.O.T.U.E. indicates City of Tomball Utility Easement
A.E. indicates Aerial Easement



Key Map: 288L

Minimum Plat Note Requirements

Public Easements:

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

Flood Information:

According to FEMA Firm Panel No. 48201C0210L (Effective Date 06-18-07), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1

All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2

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

Note #3

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

Note #4

This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5

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

FINAL PLAT TOMBALL MEDICAL PLAZA 2.8278 ACRES

BEING A PLAT OF 2.8278 ACRES OUT OF LOT 13, 1.4635 ACRE TRACT RECORDED UNDER FILE NO. J064863 AND LOT NO. 12, 1.3643 ACRE TRACT RECORDED UNDER FILE NO. J089622 OF THE HARRIS COUNTY MAP RECORDS, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS

(COMBINING LOTS 12 & 13 TO FORM NEW LOT 12)

1 BLOCK 1 LOT
APRIL, 2010

OWNERS / DEVELOPER:
FAHL ENTERPRISES, LLC
9715 Stonecross Bend Dr.
Houston, TX 77070
Phone: 281-660-0706

SURVEYOR:
Bowden Survey Co.
PROFESSIONAL SURVEYING SERVICES
2223 PASO DELLO
HOUSTON, TEXAS 77077
PHONE: (281) 531-1000
FAX: (281) 531-1000
JOB NO. 030044

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Approve Proposed Revisions to the City of Tomball's Administrative Policies, Rules and Procedures #3, entitled "***Municipal Court Temporary Judge Selection Procedure***"

Background:

On December 19, 1995, the Tombal City Council adopted the Current Administrative Policy #3, Municipal Court Temporary Judge Selection Procedure.

The updated policy will define the duties for the Temporary/Alternate Judges in regards to magistration, set the pay rate for docket and magistration appearances, and outline when the Temporary/Alternate Judges should be contacted and utilized.

Origination:

Tomball Municipal Court

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:

Administrative Policy #3

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT MUNICIPAL COURT TEMPORARY/ALTERNATE JUDGE SELECTION PROCEDURE	NUMBER: 3	EFFECTIVE DATE: December 20, 1995	PAGE 1 OF 1
	REVISED:	June 21, 2010	
	SUPERSEDES:	December 19, 1995	

1. The Municipal Court Judge will set the schedule for Temporary/Alternate Judges to appear at dockets, and set the order in which the Temporary/Alternate Judges are to be contact for magistration duties. For instances when that order cannot be followed, the following procedures should be used.

+2. For magistrate duties, the dispatcher shall first attempt to contact the Municipal Judge, and if unable to reach him/her, then the dispatcher will attempt to contact ~~the Mayor, then the Mayor Pro Tem, and then the temporary judge~~ a Temporary/Alternate Judge, then the Mayor.

- Magistration duties for Temporary/Alternate Judges can include but are not limited to
 - a. Informing the defendant of the accusation(s) against them
 - b. Informing the defendant of their rights
 - c. Acceptance of pleas from defendants

The cost for the magistrating by the temporary judge will be ~~\$50.00~~ \$100.00 per call. If more than one prisoner needs magistrating, he/she would only be paid for the one call.

23. In the event that the Judge is unavailable for arraignments due to illness, then one of the temporary judges will be contacted. Each of the temporary judges will be paid for ~~their~~ his/her services at the rate of ~~\$125.00 per hour~~ \$250.00 per docket.

~~3. In the event that the Judge takes a vacation at a time when a court is regularly scheduled, the Judge shall notify the Clerk at least 30 days in advance so that the Court can be rescheduled and held at a time when the Judge is available.~~

~~4. If the court case load requires additional court sessions to be added, then the City management will determine if a temporary judge needs to sit in on those additional sessions on a regular basis at a compensation to be determined at that time.~~

~~5. In the event that the Judge becomes disabled or unable to perform his duties as Judge, then the City Council will appoint someone who will handle the Judge's duties while he is disabled and the City Council will determine the compensation for the Judge and for the temporary judge based upon the circumstances at that time.~~

~~6. In the event of special trials, such as when the Judges needs to recuse himself, then those trials will be set on a date other than the regular trial date for the court and a temporary judge will be called in to preside at the trial. The temporary judge will be compensated at the rate of \$125.00 per hour \$250.00 per docket.~~

~~7. All other circumstances which would require the use of a temporary/alternate judge are to be~~

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

~~brought to the attention of the City Manager and the City Manager will make a decision as to how the circumstances will be handled.~~

Regular City Council Agenda Item Data Sheet

Meeting Date: June 21, 2010

Topic:

Accept Resignation of Councilman Warren Driver

Background:

A copy of Councilman Driver's resignation is presented for Council consideration and acceptance.

Origination:

Warren Driver

Recommendation:

N/A

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Warren Driver Resignation Letter

WKD ENTERPRISES
31115 LOST CREEK COURT, TOMBALL, TEXAS 77375—281-255-6238

Warren Driver
President

713-724-5138-C
warrendriver@sbcglobal.net

To: Mayor and Members of the City Council
City Manager
City Staff and
Citizens of Tomball

From: Warren Driver, Councilmember
Place #5

Subject: Resignation from the City Council

This is to announce my intention to resign from my position on the Tomball City council effective at 11:59pm Monday June 21, 2010.

I am scheduled to move out of town to Canton, Texas on Friday June 25, 2010. This would disqualify me from continuing to serve on the City Council. It will be necessary for the City to call for an election in the next several weeks to fill this position.

This resignation will bring to a close a Texas Municipal career that began in 1964 and has included more than 42 years. Tomball is the seventh city that I have been honored to serve. Positions I have held include; Police Officer, Administrative Assistant, Budget Analyst, Budget Director, Finance Director, Building Official, Parks and Recreation Director, Assistant City Manager and City Manager.

The most rewarding of those years has been right here in Tomball where I served as City Manager for 10 years and was elected three times to serve on the City Council for 6 years. What an honor it has been. Thank you for the confidence you have placed in me.

My wife Jean and I have lived in the Tomball area over 18 years and have enjoyed it immensely. We have never lived in an area where we held more in common with the people than Tomball. This is a bitter-sweet event in our lives. On the one hand we will be disrupting many close personal friendships that have been developed and nurtured over the past years. On the other hand our house and yard are too large and labor intensive. We hope to be able to build a much smaller house in Canton with the equity from the sale of our house. Our youngest daughter and her family recently moved from here with two of our Grandkids to Shepard. The move to Canton will put us two and one half hours closer to four of our five children and ten grandchildren.

We will leave part of our heart in Tomball. We plan to come back and visit often.

Sincerely,

Warren Driver
Councilmember

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 21, 2010

Topic:

Presentation of Plaque to Warren Driver (2004-2010)

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: June 21, 2010

Topic:

Approve Resolution No. 2010-10, a Resolution and Order of the City Council of the City of Tomball, Texas, ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, August 14, 2010; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if needed; and Providing Details Relating to the Holding of Such Election

Aprobar la Resolución Nro. 2010-10, una resolución y Orden de la ciudad de Tomball, Texas, ordenando una Elección Especial de Funcionarios de la Ciudad, a celebrarse en la Ciudad de Tomball el sábado 14 de agosto de 2010; designando los lugares de votación y nombrando a los oficiales de dicha Elección; instruyendo que se notifique la celebración de dicha Elección; designando la fecha de la Elección de Desempeño de ser necesaria; y disponiendo los detalles relacionados a la celebración de dicha Elección

Chấp thuận Nghị Quyết Số 2010-10, một Nghị Quyết và Lệnh của Hội Đồng Thành Phố của Thành Phố Tomball, Texas, yêu cầu một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt được tổ chức trong thành phố Tomball vào thứ bảy, 14 tháng Tám, 2010; Chỉ định các địa điểm bỏ phiếu và Bổ nhiệm các Viên chức phụ trách Cuộc Bầu Cử cho Cuộc Bầu Cử nói trên; Hướng dẫn Thủ tục Đưa ra Thông Báo về Cuộc Bầu Cử trên; Chỉ định Ngày cho Cuộc Bầu Cử Chung Cuộc nếu cần; và Thiết định các Chi Tiết có liên quan đến việc tổ chức Cuộc Bầu Cử nói trên

Background:

Councilman Driver's resignation creates a vacancy which, according to Tomball's Home Rule Charter, must be filled by special election. Additionally, Article XI, Section 11 of the Constitution of Texas provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs; Tomball has three-year terms. The Secretary of State's Office concurs with the use of a non-uniform election date within the timeframe required by the Constitution.

An election calendar, containing the required dates and actions for the special election, is attached. The filing period for place on ballot will begin June 22, 2010 and end July 6, 2010, with an additional five days for write-in candidates. Early voting by personal appearance will begin August 2 and end August 10, with two 12-hour days on August 3 and August 10. Election Day will be Saturday, August 14, 2010, 7:00 a.m.-7:00 p.m.

Should a run-off election prove necessary, Resolution No. 2010-10 sets September 11, 2010 as the date for the runoff election, with early voting from August 30 through September 7. September 11 complies with the requirement under Texas State Election Code Section 2.025 that a run-off election must be held not earlier than the 20th day nor later than the 30th day after the final canvass of the main election.

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2010-10, ordering the special election on August 14, 2010 and possible runoff

election on September 11, 2010.

Funding:

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2010-10_English

Resolution No. 2010-10_Spanish

Resolution No. 2010-10_Vietnamese

Election Calendar

RESOLUTION NO. 2010-10

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF
THE CITY OF TOMBALL, TEXAS, ORDERING A SPECIAL
CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY
OF TOMBALL ON SATURDAY, AUGUST 14, 2010;
DESIGNATING THE POLLING PLACES AND
APPOINTING ELECTION OFFICIALS FOR SUCH
ELECTION; DIRECTING THE GIVING OF NOTICE OF
SUCH ELECTION; DESIGNATING THE DATE FOR A
RUNOFF ELECTION IF NEEDED; AND PROVIDING
DETAILS RELATING TO THE HOLDING OF SUCH
ELECTION**

* * * * *

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

Section 1: An unexpired term remains for Council Position 5, due to the resignation of Council Member Warren Driver on June 21, 2010.

Section 2: It is hereby ordered that a Special Election be held in and throughout the CITY OF TOMBALL, TEXAS, on the 14th day of August 2010, at which election the following officer shall be elected by the resident qualified electors in and for the said CITY OF TOMBALL, to-wit:

POSITION

COUNCIL POSITION 5.

Section 3: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

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

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

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

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

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

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

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, August 3, 2010 and Tuesday, August 10, 2010.

Said clerks shall not permit anyone to vote early by personal appearance on any day

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

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

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

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

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

Section 9: The first day to file an application for place on ballot is June 22, 2010. All candidates for election for the Office of City Councilman, Council Position 5, must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on July 6, 2010, in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, September 11, 2010. Early voting for the Runoff Election will begin August 31, 2010 and end September 7, 2010. All terms, conditions, and provisions established for the August 14, 2010 Special Election shall apply to the Runoff Election.

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

PASSED, APPROVED and RESOLVED this ____ day of June 2010.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2010-10

RESOLUCIÓN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO UNA ELECCIÓN ESPECIAL DE FUNCIONARIOS MUNICIPALES A CELEBRARSE EL DÍA 14 DE AGOSTO DE 2010; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE DE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

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

Sección 1: Queda el término del mandato sin cumplir de la Posición 5 del Consejo debido a la renuncia del Concejal Warren Driver el 21 de junio de 2010.

Sección 2: Se ordena por la presente que se celebre una Elección Especial en y en toda la CIUDAD DE TOMBALL, TEXAS el 14 de agosto de 2010, elección en al cual los votantes calificados de dicha CIUDAD DE TOMBALL elegirán a los siguientes funcionarios municipales, a saber:

CARGO

CONCEJAL, POSICIÓN 5

Sección 3: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Mary Coats, Juez Presidente
Patsy Kinsey, Juez Presidente Alterno

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

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

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

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

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

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

tanto, la votación anticipada en persona se realizará por 12 horas el día jueves 3 de agosto de 2010 y el martes 10 de agosto de 2010.

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

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

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

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

Sección 8: Dicha elección deberá ser celebrada de acuerdo al Código Electoral de Texas, a la Ley Federal de Derechos de Votación de 1965, según enmendada, y a las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, el cual estipula que un organismo municipal con cargos con mandatos de más de dos (2) años deben llenar una vacante en un plazo de ciento veinte (120) días a partir del momento en que se genera la vacante, de acuerdo. Solamente los votantes debidamente habilitados residentes de la Ciudad de Tomball podrán votar.

Sección 9: El primer día para presentar una solicitud de un lugar en la boleta es el 22 de junio de 2010. Todos los candidatos para el cargo de Concejal de la Ciudad, Posición 5, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball, Texas, para las 5:00 P.M. del 6 de julio de 2010 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: De ser necesaria una Elección de Desempate, la fecha de la elección de Desempate será el sábado 11 de septiembre de 2010. La votación anticipada de la Elección de Desempate comenzará el 31 de agosto de 2010 y terminará el 7 de septiembre de 2010. Todos los términos, condiciones y disposiciones establecidas para la Elección Especial del 14 de agosto de 2010 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se autoriza e instruye a la Secretaria de la Ciudad a que Notifique la celebración de dicha elección en cumplimiento de la ley.

PASADA, APROBADA y RESUELTA este día _____ de junio de 2010.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2010-10

MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ ĐẶC BIỆT ĐƯỢC TỔ CHỨC TRONG THÀNH PHỐ TOMBALL VÀO THỨ BẢY, 14 THÁNG TÁM, 2010; CHỈ ĐỊNH CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ CHO CUỘC BẦU CỬ NÓI TRÊN; HƯỚNG DẪN THỦ TỤC ĐƯA RA THÔNG BÁO VỀ CUỘC BẦU CỬ TRÊN; CHỈ ĐỊNH NGÀY CHO CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ THIẾT ĐỊNH CÁC CHI TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC CUỘC BẦU CỬ NÓI TRÊN.

* * * * *

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

Mục 1: Nhiệm kỳ còn lại cho Nghị Viên Vị Trí Số 5 vẫn chưa hết hạn, do việc Nghị Viên Warren Driver đã từ chức vào ngày 21 tháng Sáu, 2010.

Mục 2: Theo đây ra lệnh cho một Cuộc Bầu Cử Đặc Biệt được tổ chức trong toàn phạm vi THÀNH PHỐ TOMBALL, TEXAS vào ngày 14 tháng Tám, 2010, để các cử tri hội đủ điều kiện trong và cho THÀNH PHỐ TOMBALL để bầu chọn các viên chức thành phố:

VI TRÍ

NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 5

Mục 3: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử, phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00) chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

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

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

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

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

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

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

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày thứ Hai, thứ Tư, và thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày thứ Sáu, trừ ngày thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào ngày thứ Ba, 3 tháng Tám, 2010 và thứ Ba, 8 tháng Tám, 2010.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên

cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu đã bầu. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Bí Thư Tiểu Bang chấp thuận.

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

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

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

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo những quy định của Điều Khoản XI, Mục 11 của Hiến Pháp Texas, trong đó một đô thị có điều kiện vượt quá hai (2) năm phải điền vào bất kỳ vị trí trống trong vòng 120 ngày sau khi vị trí trống đó mở, Bộ Luật Bầu Cử Texas và Đạo Luật Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có cư dân cư trú hợp lệ của thành phố Tomball được đủ điều kiện để bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 22 Tháng Sáu năm 2010. Tất cả các ứng cử viên cho cuộc bầu cử cho Văn Phòng của Nghị Viên Thành Phố, Nghị Viên Hội đồng Chức vụ 5, phải điền đơn của họ với các thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều, ngày 06 tháng bảy năm 2010, để tên của họ để được bao gồm trên lá phiếu chính thức.

Mục 10: Nếu một Cuộc Bầu Cử Chung Cuộc được yêu cầu, ngày của cuộc bầu cử được chỉ định là ngày thứ bảy, 11 tháng Chín, 2010. Thủ tục Bỏ phiếu sớm cho Cuộc Bầu Cử sẽ bắt đầu vào ngày 31 Tháng Tám, 2010 và kết thúc ngày 7 tháng Chín, 2010. Tất cả các điều khoản, điều kiện, và các quy định thành lập đối với Cuộc Bầu Cử Đặc Biệt ngày 14 tháng Tám, 2010 sẽ áp dụng cho Các Cuộc Bầu Cử Chung Cuộc.

Mục 11: Bí Thư Thành Phố theo đây được ủy quyền và hướng dẫn đưa ra Thông Báo về cuộc Bầu Cử nói trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày_____ tháng Sáu, 2010.

GRETCHEN FAGAN, Thị trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Bí Thư Thành Phố
Thành Phố Tomball

**CITY OF TOMBALL
CANDIDATES AND MEDIA
SPECIAL ELECTION CALENDAR**

AUGUST 14, 2010

DATE	DAY	ACTION
June 21, 2010 (-54 days)	Monday	Council orders Special Election at Regular Council meeting; first day to issue Election Order Runoff – September 11, 2010
June 22, 2010 (-53 days)	Tuesday	First day for filing application for place on ballot or declaration of write-in candidacy
July 6, 2010 (-39 days)	Tuesday	Last day to file application for place on ballot. Deadline is 5 p.m.
July 8, 2010 (-37 days)	Thursday	Conduct 2 PM drawing for place on ballot ; send information to Robyn at Harris County.
July 12, 2010 (-33 days)	Monday	Last day for write-in candidate to declare candidacy (deadline is 5 p.m.)
July 15, 2010 (-30 days)	Thursday	First report of campaign contributions and expenditures by opposed candidates – 5 p.m. deadline Last day to register to vote in 8/14 election
July 19, 2010 (-26 days)	Monday	Last day for candidate to withdraw or to declare candidate ineligible and remove from ballot (deadline is 5 p.m.)
July 22, 2010 (-23 days)	Thursday	First day to accept applications for early voting by mail ballot.
July 30, 2010 (-15 days)	Friday	Last day to receive applications FROM VOTER IN PERSON for Early Voting by mail - 4 p.m.
August 2, 2010 (-12 days)	Monday	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE.
August 6, 2010 (-8 days)	Friday	Last day to receive application by MAIL for a ballot to be voted by mail – 5 p.m. Last day for filing second report of campaign contributions and expenditures – deadline is 5 p.m.

**CITY OF TOMBALL
CANDIDATES AND MEDIA
SPECIAL ELECTION CALENDAR**

AUGUST 14, 2010

DATE	DAY	ACTION
AUGUST 10, 2010 (-4 days)	Tuesday	Last day to vote by personal appearance during Early Voting
August 14, 2010 (Day 0)	SATURDAY	ELECTION DAY
August 17, 2010 (+3) or August 23, 2010 (+9)	Tuesday Monday	Earliest date for Official Canvass of election results, 5 p.m., and Issue Certificate of Election (Remember, CANNOT finalize election if ANY mail or provisional ballots are still out – until Harris County returns provisional Ballots and all mail ballots are in)
September 11, 2010 (+28)		Runoff election, depending on date of official canvass, unless charter provides for a later date
January 14, 2011	Friday	Last day for timely filing of semiannual report of contributions and expenditures.