

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



MONDAY, MAY 17, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 17, 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 Rick Brown, Sr. Pastor, ChristBridge Fellowship Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Canvass of Elections:

4.1 Canvass of Election
Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

- 4.1 Consideration to Adopt Resolution No. 2010-07, a Resolution and Order Canvassing the Returns and Declaring the Results of the General Election Held on May 8, 2010

Considerar la adopción de la Resolución Nro. 2010-07, una Resolución y Orden de escrutinio y parta declarar los resultados de la Elección General celebrada el 8 de mayo de 2010.

Xem xét Thông Qua Nghị Quyết Số. 2010-07, một Nghị Quyết và Lệnh Yêu Cầu Kiểm Phiếu Bầu và Công Bố Kết Quả của Cuộc Bầu Cử Tổng Quát Tổ Chức ngày 8 tháng Năm, 2010

- 4.2 Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los Oficiales Electos

Làm Lễ Tuyên Thệ Nhậm Chức cho Các Viên Chức Được Bầu Chọn

- 4.3 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.

Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.

- 5.0 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.]*

- 6.0 Presentations:

- Plaque to Councilman and Mayor Pro Tem Bill Webb, (2007-2010)
- Proclamation for Hurricane Preparedness Week – May 23-29, 2010

- 7.0 Reports and Announcements

- FY 2010-Second Quarter Financial Report
- May 20 and May 21, 2010 – Strategic Planning Workshops
- Jerry Matheson Swimming Pool to open Memorial Day Weekend, May 29, 2010, and remain open daily (except Mondays) through Labor Day Weekend, September 6, 2010
- June 12, 2010 – **Farmers Market**
- June 12, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- **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

- 8.0 Approve the Minutes of the following Meetings:

- Special City Council Meeting of April 29, 2010
- Special City Council Meeting of May 3, 2010
- Regular City Council Meeting of May 3, 2010
- Special City Council Meeting of May 7, 2010

9.0 New Business:

9.1 Appoint/Reappoint Member to Planning and Zoning Commission

9.2 Appoint/Reappoint Members to the Tomball Economic Development Corporation

9.3 Consideration and Possible Action Regarding **ZONING CASE P10-226:**
Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249 Business, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P10-226**
- Adopt on First Reading, Ordinance 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.

9.4 Consideration and Possible Action Regarding **ZONING CASE P10-225:**
Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, Generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P10-225**
- Adopt on First Reading, Ordinance 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

- 9.5 Approve Resolution No. 2010-08, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).
- 9.6 Discussion and Possible Action to Waive Tennis Court Reservation Fee for Tina Roquemore.
- 9.7 Approve Request by Apex Towing to Participate in the Emergency Wrecker Rotation List
- 9.8 Approve Request from RE/MAX Platinum for Support with their Susan G. Koman "Walk for the Cure", to be held on Saturday, May 22, 2010
- 9.9 Approve **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1**: Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.
- 9.10 Approve **TOMBALL CENTER III – B2, REPLAT NO. 2**: 7.8351 Acres, Being a partial Replat of Reserves "A" & "B" of Tomball Center III – B2, Replat No. 1, Film Code Number 625078 H.C.M.R. located in the Joseph House Survey, Abstract Number 34, Harris County, Texas, 1 Block, 2 Reserves.
- 9.11 **EXECUTIVE SESSION**: The City Council will meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:
- Section 551.071 – Consultation with Attorney regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
 - Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
 - Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a Municipal Court Judge
- 9.12 Consideration and Possible Action Regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court.

9.13 Consideration and Possible Action Regarding the Appointment of a Municipal Court Judge

9.14 Consideration and Possible Action regarding the Hiring/Employment, Duties and Responsibilities of a City Manager

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of May 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

Meeting Date: May 17, 2010

Data Sheet

Topic:

Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

- 4.1 Consideration to Adopt Resolution No. 2010-07, a Resolution and Order Canvassing the Returns and Declaring the Results of the General Election Held on May 8, 2010

Considerar la adopción de la Resolución Nro. 2010-07, una Resolución y Orden de escrutinio y parta declarar los resultados de la Elección General celebrada el 8 de mayo de 2010.

Xem xét Thông Qua Nghị Quyết Số. 2010-07, một Nghị Quyết và Lệnh Yêu Cầu Kiểm Phiếu Bầu và Công Bố Kết Quả của Cuộc Bầu Cử Tổng Quát Tô Chức ngày 8 tháng Năm, 2010

- 4.2 Administer Oath of Office to Elected Officials

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Làm Lễ Tuyên Thệ Nhậm Chức cho Các Viên Chức Được Bầu Chọn

- 4.3 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.

Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.

Background:

Origination:

City Secretary

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
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ATTACHMENTS:

Resolution No. 2010-07_English

Resolution No. 2010-07_Spanish

Resolution No. 2010-07_Vietnamese

RESOLUTION NO. 2010-07

**RESOLUTION 2010-07 AND ORDER CANVASSING THE RETURNS
AND DECLARING THE RESULTS OF THE GENERAL ELECTION
HELD ON MAY 8, 2010.**

* * * * *

WHEREAS, there came to be considered the returns of **THE GENERAL ELECTION**, conducted on the 8th day of May, 2010, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 1,040 valid and legal votes:

MAYOR

Judith Wilson 443

Gretchen Fagan 591

COUNCIL, POSITION 3

Bill Webb 411

Rick Brown 613

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. That said general election was duly called; that NOTICE OF SAID ELECTION was given in accordance with law, and Gretchen Fagan was duly elected to the position of Mayor.

Section 2. That the above-named Gretchen Fagan is hereby declared duly elected to said position of Mayor, subject to the taking of (his) (her) OATH OF OFFICE as provided by the laws of the State of Texas and the City of Tomball, Texas; and

Section 3. That said general election was duly called; that NOTICE OF SAID ELECTION was given in accordance with law, and Rick Brown was duly elected to the position of Council, Position 3.

Section 4. That the above-named Rick Brown is hereby declared duly elected to said position of Council, Position 3, subject to the taking of (his) (her) OATH OF OFFICE as provided by the laws of the State of Texas and the City of Tomball, Texas; and

Section 5. It is further found and determined that, in accordance with the Order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board,

located in City Hall, in a place convenient to the public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the date of this meeting.

SO IT IS RESOLVED, by ___ votes in favor of and ___ votes against this Resolution by the City Council of the City of Tomball, Texas, on this the 17th day of May, 2010.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2010-07

**RESOLUCIÓN 2010-07 Y ORDEN DE ESCRUTINIO Y
DECLARACIÓN DE LOS RESULTADOS DE LA ELECCIÓN
GENERAL CELEBRADA EL 8 DE MAYO DE 2010.**

* * * * *

EN VISTA DE QUE, se ha puesto a consideración el escrutinio de los resultados de **LA ELECCIÓN GENERAL**, celebrada el 8 de mayo de 2010, con el propósito de elegir a los oficiales nombrados más adelante, y de acuerdo a dicho escrutinio, realizado debida y legalmente, en dicha elección se emitieron 1,040 votos válidos y legales:

ALCALDE

Judith Wilson 443

Gretchen Fagan 591

CONCEJAL, POSICIÓN 3

Bill Webb 411

Rick Brown 613

AHORA POR LO TANTO, POR EL PRESENTE, EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1. Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN de acuerdo con la ley, y Gretchen Fagan fue debidamente electo al cargo de Alcalde.

Sección 2. Que Gretchen Fagan mencionado anteriormente es por el presente declarado debidamente electo a dicho cargo de Alcalde, sujeto a la presentación de su JURAMENTO AL CARGO según lo disponen las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

Sección 3. Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN de acuerdo con la ley, y Rick Brown fue debidamente electo al cargo de Concejal, Posición 3.

Sección 4. Que Rick Brown mencionado anteriormente es por el presente declarado debidamente electo a dicho cargo de Concejal, Posición 3, sujeto a la presentación de su JURAMENTO AL CARGO según lo disponen las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

Sección 5. Se determina además que en conformidad con la Orden de este organismo regente, la Secretaria de la Ciudad colocó el aviso de la fecha, el lugar y el asunto de esta asamblea en el tablero de boletines ubicado en City Hall, un lugar práctico para el público, y dicho aviso se ha colocado y continuará colocado continuamente por lo menos 72 horas antes de la fecha de dicha asamblea.

SE RESUELVE, por _____ votos a favor y ____ votos en contra de esta Resolución por el Consejo Municipal de la Ciudad de Tomball, Texas, este día 17 de mayo de 2010.

Gretchen Fagan, Alcalde
Ciudad de Tomball

ATESTIGUA:

Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2010-07

NGHỊ QUYẾT 2010-07 VÀ LỆNH YÊU CẦU KIỂM PHIẾU BẦU VÀ CÔNG BỐ CÁC KẾT QUẢ CỦA CUỘC BẦU CỬ TỔNG QUÁT TỔ CHỨC NGÀY 8 THÁNG NĂM, 2010.

* * * * *

XÉT RẰNG, cần phải xem xét các kết quả của **CUỘC BẦU CỬ TỔNG QUÁT**, diễn ra vào ngày 8 tháng Năm, 2010, với mục đích bầu chọn các viên chức có tên phía dưới đây, và thấy rằng trong kết quả bầu cử đã nói, theo đúng luật pháp, các ứng viên trong cuộc bầu cử trên có 1,040 phiếu hợp pháp và có hiệu lực.:

THỊ TRƯỞNG

Judith Wilson 443

Gretchen Fagan 591

BAN HỘI ĐỒNG, VỊ TRÍ 2

Bill Webb 411

Rick Brown 613

**DO ĐÓ, BÂY GIỜ, THEO QUYẾT ĐỊNH CỦA HỘI ĐỒNG THÀNH PHỐ THÀNH PHỐ
TOMBALL, TEXAS:**

Mục 1. Rằng cuộc bầu cử được yêu cầu hợp lệ; rằng THÔNG BÁO CỦA CUỘC BẦU CỬ TRÊN đã được đưa ra theo quy định của pháp luật, và Gretchen Fagan, đã được bầu vào vị trí Thị Trưởng.

Mục 2. Rằng người có tên trên đây Gretchen Fagan theo đây tuyên bố được bầu chọn hợp lệ vào vị trí Thị trưởng, yêu cầu (ông) (bà) phải TUYÊN THỆ NHẬM CHỨC theo quy định của pháp luật Texas và thành phố Tomball, Texas; và

Mục 3. Rằng cuộc bầu cử được gọi là hợp lệ; rằng THÔNG BÁO CỦA CUỘC BẦU CỬ nói trên đã được đưa ra theo quy định của pháp luật, và Rick Brown được hợp lệ bầu vào vị trí của Hội đồng, vị trí 3.

Mục 4. Rằng người có tên trên đây, Rick Brown được tuyên bố hợp lệ bầu vào vị trí của Hội đồng, vị trí 3, yêu cầu tuyên thệ nhậm chức theo quy định của pháp luật Texas và thành phố Tomball, Texas; và

Mục 5. Ngoài ra còn được kết luận và quyết định rằng, chiếu theo Lệnh Của Ban điều hành, Bí Thư Thành Phố sẽ niêm yết thông báo về ngày, địa điểm, và mục đích của buổi họp mặt này trên bảng tin, đặt tại Tòa

Thị Chính, nơi tiện cho công chúng, và thông báo này phải được giữ niêm yết tiếp tục ít nhất 72 tiếng trước buổi họp.

ĐÃ QUYẾT ĐỊNH, bằng ____ phiếu ủng hộ và ____ phiếu chống cho Nghị Quyết này của Hội Đồng Thành Phố Tomball, vào ngày 17 tháng Năm, 2010.

Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 17, 2010

Topic:

- Plaque to Councilman and Mayor Pro Tem Bill Webb, (2007-2010)
- Proclamation for Hurricane Preparedness Week – May 23-29, 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:

Proclamation - Hurricane Preparedness Week

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** Texas hurricane season officially begins June 1 and ends November 30, and
- WHEREAS,** the 624-mile Texas Gulf coastline, our area in particular, and areas of Texas hundreds of miles inland, are vulnerable to the devastating effects of a hurricane or tropical storm, and
- WHEREAS,** both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices, and
- WHEREAS,** the National Weather Service and the Texas Division of Emergency Management are designating the week of May 23-May 29, 2010 as Hurricane Preparedness Week in Texas and the City of Tomball; and
- WHEREAS,** the National Weather Service, the Texas Division of Emergency Management, and the leaders of the City of Tomball strongly suggest that all residents and visitors to this area be made aware of the potential dangers of these storms; and
- WHEREAS,** the best defense is preparedness and public education about the dangers of the high winds, storm surge, flooding and tornadoes that may occur for hundreds of miles in conjunction with a hurricane or tropical storm;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim the week of May 23 through May 29, 2010 as:

“HURRICANE PREPAREDNESS WEEK”

and urge all citizens of the City of Tomball and the surrounding community to participate in hurricane preparedness activities, and to pay close attention to watch and warning instructions.



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

ATTEST:

DATE:

[Signature]
[Signature]
May 12, 2010

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 17, 2010

Topic:

- FY 2010-Second Quarter Financial Report
- May 20 and May 21, 2010 – Strategic Planning Workshops
- Jerry Matheson Swimming Pool to open Memorial Day Weekend, May 29, 2010, and remain open daily (except Mondays) through Labor Day Weekend, September 6, 2010
- June 12, 2010 – **Farmers Market**
- June 12, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- **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:

FY 2010-Second Quarter Financial Report
May 20, 2010 Strategic Planning Workshop
May 21, 2010 Strategic Planning Workshop
Jerry Matheson Pool Flyer
Farmer's Market
Walk Tomball!

INTEROFFICE MEMORANDUM

TO: THE MAYOR AND CITY COUNCIL
THRU: CHRISTAL KLIEWER, ASSISTANT CITY MANAGER
FROM: GLENN WINDSOR, FINANCE DIRECTOR
SUBJECT: FY 2010-SECOND QUARTER FINANCIAL REPORT
DATE: 5/12/2010

Attached is the Financial Report for the City's operating results for the 2nd quarter of FY10. As of March 31st, we have completed 50% of the budget year. This report includes financial information on the City's primary funds: the General Fund, the Debt Service Fund, and the Enterprise Fund. In addition to the fund reports, the City's quarterly Investment Report and the Capital Improvement Project Report are also provided.

General Fund

General Fund revenues at the end of the March (first six months) totaled \$ 7,784,608 which is approximately 52% of what is budgeted for the current year. Property tax collections are at 92% of budget, or \$ 1,325,517.54. Last year at this time, property tax collections were at 90% of budget. Sales tax revenues totaled \$ 3,196,827 which is down from the \$ 3,680,198 collected for the same period last year or a 13% reduction. Since this was planned for when the budget was prepared last year, we are still expected to meet projected sales tax revenues for the year. . Permit and Licenses revenues are currently at 35.6% of budget which reflects the slowdown in residential and retail construction. Investment earnings are at 22% of budget due to low earnings rates. Other revenue line items are down from last year, but with sales taxes being our major revenue source, and because of conservative projections, we expect to be within expected total revenues by the end of the fiscal year.

Operating expenditures at the end of March were \$ 7,213,068 (including the transfer to the fleet replacement fund) which is 37% of the total amended budget.

Debt Service Fund

Debt Service Fund revenues at the end of March were \$ 1,421,124 or just over 90% of the total projected for the year. Debt payments on outstanding bonds are made in February and August.

Expenditures, or payments and related fees on outstanding bonds were \$ 1,480,609.

Enterprise Fund

Enterprise Fund revenues totaled \$ 6,243,605 or 59% of what was projected for the year. Water sales were at 52.09% of projected while sewer sales were at 24%. Gas sales were 67.6% of projections primarily due to our cold winter.

Operating expenses were \$ 3,130,398 million which is 52.26% of projected for the year. Debt payments made in February totaled \$ 1,238,113. Capital outlay/projects were at 87.86% of budgeted.

Investments

Cash and investments totaled \$24.9 million at March 31st. The City's funds are diversified with 61% in Local Government Investment Pools (LGIP), 21% in United States Agency Securities, 16% in Certificates of Deposit and 2% in checking and cash on hand. The weighted average maturity of the portfolio at quarter end was 519 days. The weighted average yield of the portfolio was 1.7%.

Capital Improvement Projects

This report shows each project for which funds have been appropriated for FY 2010 plus the planned carried over amounts from the prior fiscal year, the amount spent on the project in prior years, the funding available for 2010, the amount spent this fiscal year and the budget remaining after deducting contracts currently outstanding on the project all separated by general fund and enterprise fund. This report is only to provide a financial status of each project as it relates to the budget. Zero dollars spent on a project doesn't necessarily mean that the project is not moving forward in any manner. As of March 31st, 32.78% of funds budgeted for capital improvement projects had been spent.

If you have any questions regarding any aspect of this report, please let me know.

City of Tomball
Balance Sheet - General Fund
March 31, 2010

Assets

Cash and cash equivalents	\$ 6,265,154
Investments	5,344,898
Receivables, net of allowances	1,753,051
Inventories	19,019
Prepaid expenses	114
 Total Assets	 <u><u>\$ 13,382,237</u></u>

Liabilities

Accounts payable and other current liabilities	\$ 372,580
Deposits	19,525
Due to other funds	
Unearned revenue	9,599
Escrow funds	49,025
Deferred revenue - taxes	105,384
Total Liabilities	<u>556,113</u>

Fund Balance

Unrestricted	12,826,123
Total Fund Balance	<u>12,826,123</u>
 Total Liabilities and Fund Balance	 <u><u>\$ 13,382,237</u></u>

City of Tomball
Statement of Revenues and Expenditures - General Fund
For the Quarter Ending March 31, 2010
50% of Fiscal Year Elapsed

	Budget	FY 2010 Actual	% of Budget Realized
Revenues:			
Property taxes	\$ 1,438,921	\$ 1,325,518	92.12%
Sales taxes	6,242,000	3,217,027	51.54%
Franchise taxes	1,254,540	564,789	45.02%
Permits and licenses	251,750	89,567	35.58%
Fines and warrants	731,200	387,735	53.03%
Service fees	2,365,200	922,769	39.01%
Intergovernmental	32,000	42,162	131.76%
Interest	350,000	76,739	21.93%
Other	68,400	28,236	41.28%
Transfers In	2,260,134	1,130,067	50.00%
Total Revenues	<u>14,994,145</u>	<u>7,784,608</u>	51.92%
Expenditures:			
City Hall Administration	414,103	299,738	72.38%
Building Permits and Inspections	352,300	147,269	41.80%
Mayor and Council	79,968	23,512	29.40%
City Secretary	318,155	112,587	35.39%
Human Resources	408,833	100,388	24.55%
Finance	461,450	210,790	45.68%
Information Systems	249,929	132,948	53.19%
Legal	153,425	42,456	27.67%
Non Departmental	1,893,310	933,814	49.32%
Police	4,334,262	1,903,173	43.91%
Municipal Court	347,449	153,291	44.12%
Community Center	136,096	51,393	37.76%
Fire Marshal	174,373	70,889	40.65%
Fire	1,005,043	461,128	45.88%
Emergency Management	14,520	1,065	7.34%
Public Works Administration	47,242	20,209	42.78%
Garage	68,366	31,420	45.96%
Parks	320,261	126,407	39.47%
Streets	882,542	276,425	31.32%
Sanitation	2,485,055	806,838	32.47%
Engineering and Planning	925,932	328,176	35.44%
Facilities Maintenance	489,478	263,359	53.80%
Capital outlay	3,792,560	471,276	12.43%
Total Expenditures	<u>19,354,652</u>	<u>6,968,551</u>	36.00%

Other Sources/(Uses):

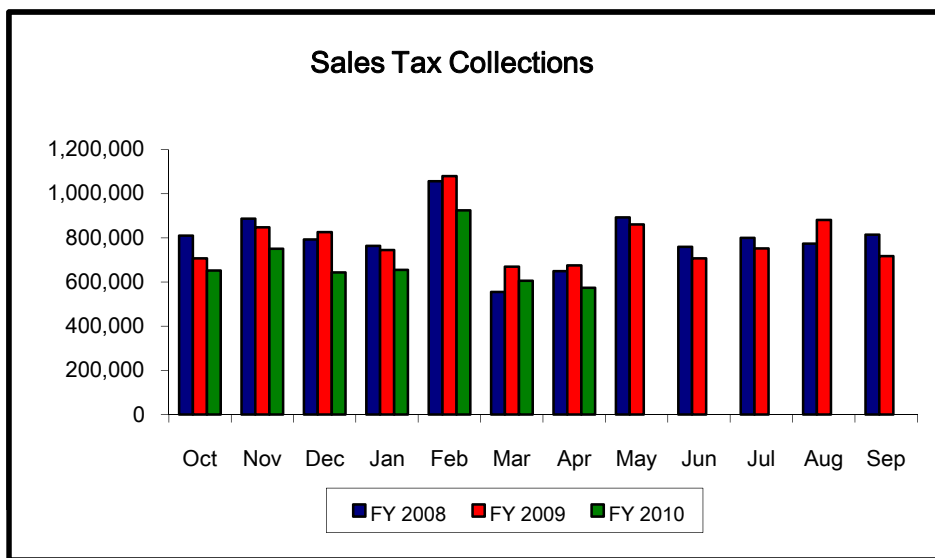
Transfer to Fleet Replacement	489,034	244,517	50.00%
Total Other Sources/(Uses)	<u>489,034</u>	<u>244,517</u>	

Revenues Over/(Under) Expenditures (4,849,541) 571,541

Beginning Fund Balance 12,785,157 12,785,157

Ending Fund Balance \$ 7,935,616 \$ 13,356,698

Reserves 51.0% 205.6%



Sales tax revenues through the first quarter of FY 2010 totaled \$2,047,167 which is a 14% decrease when compared to the same period last year.

City of Tomball
Balance Sheet - Debt Service Fund
March 31, 2010

Assets

Cash and cash equivalents	\$	1,137,829
Investments		
Receivables, net of allowances		157,055
Total Assets	\$	<u>1,294,884</u>

Liabilities

Accounts payable and other current liabilities	\$	0
Deferred revenue - taxes		158,707
Total Liabilities		<u>158,707</u>

Fund Balances

Reserved for debt service		1,136,177
Total Fund Balance		<u>1,136,177</u>
Total Liabilities and Fund Balance	\$	<u>1,294,884</u>

City of Tomball
Statement of Revenues and Expenditures - Debt Service Fund
For the Quarter Ending March 31, 2010
50% of Fiscal Year Elapsed

	Budget	FY 2010 Actual	% of Budget Realized
Revenues:			
Current taxes	\$ 1,497,342	\$ 1,403,035	93.70%
Delinquent, penalty, interest, & fees	56,000	16,778	29.96%
Interest	25,000	1,312	5.25%
Total Revenues	<u>1,578,342</u>	<u>1,421,124</u>	90.04%
Expenditures:			
Principal	1,385,500	1,135,500	81.96%
Interest	659,983	341,759	51.78%
Fees	17,000	3,350	19.71%
Total Expenditures	<u>2,062,483</u>	<u>1,480,609</u>	71.79%
Other Sources/(Uses):			
Transfers	0	0	
Total Other Sources/(Uses)	<u>0</u>	<u>0</u>	
Revenues Over/(Under) Expenditures	(484,141)	(59,485)	
Beginning Fund Balance	1,216,810	1,195,663	
Ending Fund Balance	<u>\$ 732,669</u>	<u>\$ 1,136,178</u>	
Ending FB as % of Next Year's Debt Service Requirement	44.54%		

City of Tomball
Balance Sheet - Enterprise Fund
March 31, 2010-Unaudited

Assets

Cash and cash equivalents	\$ 4,634,594
Investments	3,552,612
Receivables, net of allowances	1,172,461
Due from other funds	
Inventories	77,530
Prepaid expenses	
Capital assets:	
Land and construction in progress	2,930,754
Other capital assets, net of accumulated depreciation	35,074,976
Total Assets	<u>\$ 47,442,928</u>

Liabilities

Accounts payable and other current liabilities	\$ 204,476
Accrued interest payable	66,825
Accrued compensated absences	202,196
Customer deposits	362,228
Bonds and capital leases payable	12,247,000
Other	165,875
Due to other funds	
Total Liabilities	<u>13,248,599</u>

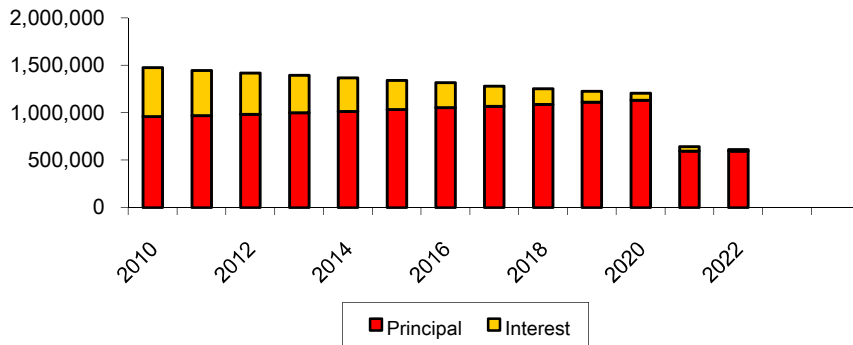
Fund Equity

Invested in capital assets net of debt	24,331,319
Restricted for:	
Debt Service	770,866
Unrestricted	9,092,144
Total Fund Equity	<u>34,194,328</u>
Total Liabilities and Fund Equity	<u>\$ 47,442,927</u>

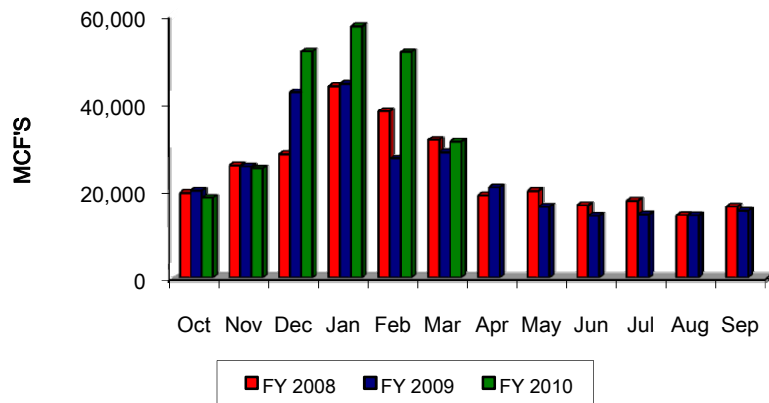
City of Tomball
Statement of Revenues and Expenses - Enterprise Fund
For the Fiscal Year Ending March 31, 2010
50% of Fiscal Year Elapsed

	Budget	FY 2010 Actual	% of Budget Realized
Revenues:			
Administrative charges	\$ 41,000	\$ 20,529	50.07%
Water sales	2,992,500	1,558,738	52.09%
Sewer sales	2,350,000	1,030,290	43.84%
Gas sales	4,080,000	2,757,970	67.60%
Reconnect fees	34,000	15,600	45.88%
Tap fees	32,000	26,164	81.76%
Late penalties	95,000	49,676	52.29%
Interest	214,000	63,709	29.77%
Other	23,800	930	3.91%
Transfers In	720,000	720,000	100.00%
Total Revenues	10,582,300	6,243,605	59.00%
Operating Expenses:			
Utility Administration	268,350	129,809	48.37%
Utility Billing	267,165	136,100	50.94%
Water	1,780,846	850,492	47.76%
Wastewater	1,249,230	548,250	43.89%
Gas	2,424,423	1,465,747	60.46%
Total Expenses	5,990,014	3,130,398	52.26%
Net Revenue Available for Debt	4,592,286	3,113,207	
Debt Service			
Principal	1,269,500	969,500	76.37%
Interest	515,479	267,301	51.85%
Fees	10,000	1,313	13.13%
Total Debt Service	1,794,979	1,238,113	68.98%
Other Sources/(Uses):			
Transfer to Fleet Replacement	121,510	60,755	50.00%
Transfer to General Fund	2,260,134	1,130,067	50.00%
Capital outlay	2,007,100	1,763,510	87.86%
Total Other Sources/(Uses)	4,388,744	2,954,332	
Revenues Over/(Under) Expenses	(1,591,437)	(1,079,238)	
Beginning Unrestricted Net Assets	10,942,247	10,942,247	
Ending Unrestricted Net Assets	\$ 9,350,810	\$ 9,863,009	
Debt Coverage Ratio (1.25 required)	2.57		
Reserves	156%		

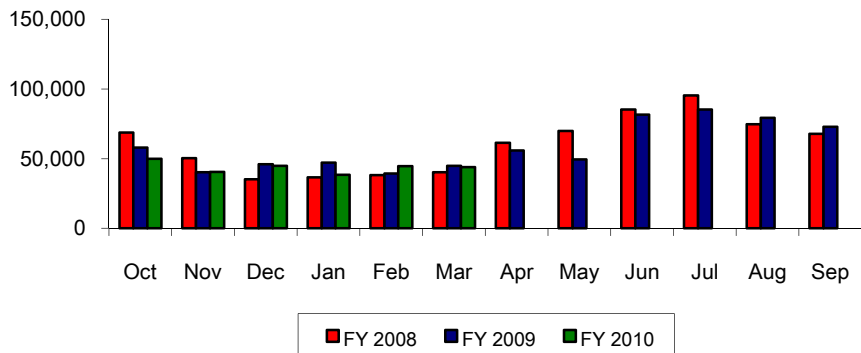
Enterprise System Debt - Annual Requirements



Metered Natural Gas



Water Sales - Gallons Billed (000's omitted)



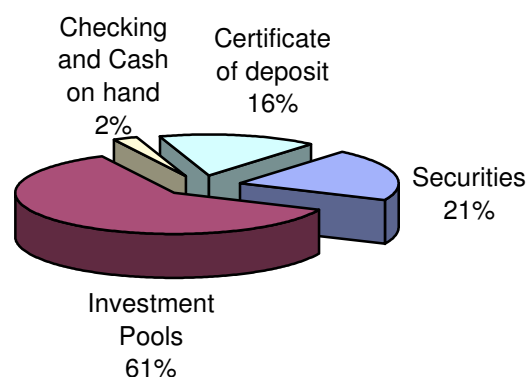
PORTFOLIO DIVERSIFICATION

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 5,147,510	20.65%
Investment Pools	15,156,939	60.81%
Checking and Cash on hand	621,541	2.49%
Certificate of deposit	4,000,000	16.05%
Total Portfolio	<u>\$ 24,925,990</u>	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball currently invests in Securities of the United States, in Texas CLASS and in the state pool, TexPool. These investments are only in securities and pools with an AAA rating, the highest rating available. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City is in compliance with this provision.

Diversification By Type

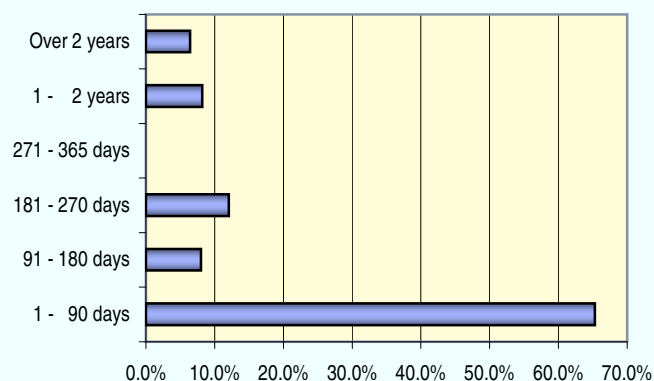


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 16,279,155	65.3%
91 - 180 days	2,000,000	8.0%
181 - 270 days	3,004,233	12.1%
271 - 365 days	-	-
1 - 2 years	2,045,702	8.2%
Over 2 years	1,596,900	6.4%
Total Portfolio	<u>\$ 24,925,990</u>	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. This overnight investment (TexPool) has been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2010

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	5,155,180	5,166,169	1.0021	1.688%	0.47%
Purchases		-			
Maturities		-			
Change in value		18,659			
Sales					
End of period	5,155,180	5,147,510	0.9985	1.688%	0.41%

Total Accrued Interest at end of period: \$ 86,535

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

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

Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2010**

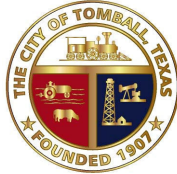
SECURITY DESCRIPTION	CUSIP NUMBER	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/10	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) NE Iowa Community College- 2%	664212BC0	06/01/2010	1.800%	500,675	62	9.727%	6.03
2) Federal Home Loan Bank- 1.125%	3133XTG91	10/06/2010	1.125%	1,004,233	189	19.509%	36.87
3) Texas State Water GO- 4%	882722GR6	08/01/2011	1.250%	1,044,060	488	20.283%	98.98
4) Fannie Mae- 1.25%	3136FHSN6	11/28/2011	1.250%	1,001,642	607	19.459%	118.11
5) NE Iowa Communtiy College- 3%	664212BE6	06/01/2012	2.950%	506,910	793	9.848%	78.09
6) Texas State Water GO- 5%	882722GS4	08/01/2012	1.750%	1,089,990	854	21.175%	180.84
TOTALS			1.688%	5,147,510	499	100.000%	518.92

**CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
March 31, 2010**

FUNDS		CASH AND CASH EQUIVALENTS					INVESTMENTS				TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	CERTIFICATE OF DEPOSIT	INVESTMENT SECURITIES	TOTAL INVESTMENTS			
General	\$ 2,253,370	\$ 3,750,342	\$ 259,281	\$ 2,161	\$ 6,265,154	\$ 2,750,000	\$ 2,594,898	\$ 5,344,898	\$ 11,610,052		
Debt Service	\$ 500,749	\$ 623,581	\$ 13,500	\$ -	\$ 1,137,830	\$ -	\$ -	\$ -	\$ 1,137,830		
Enterprise	\$ 2,002,995	\$ 2,389,512	\$ 241,488	\$ 599	\$ 4,634,594	\$ 1,000,000	\$ 2,552,612	\$ 3,552,612	\$ 8,187,206		
OTHER FUNDS											
Special Revenue	\$ 75,112	\$ 83,079	\$ 5	\$ -	\$ 158,196	\$ -	\$ -	\$ -	\$ 158,196		
Housing Trust		\$ 2,512	\$ -	\$ -	\$ 2,512	\$ -	\$ -	\$ -	\$ 2,512		
Municipal Court Building Security	\$ 100,150	\$ 95,389	\$ 458	\$ -	\$ 195,997	\$ -	\$ -	\$ -	\$ 195,997		
Municipal Court Technology	\$ 60,090	\$ 91,938	\$ 603	\$ -	\$ 152,631	\$ -	\$ -	\$ -	\$ 152,631		
Hotel Tax	\$ 100,150	\$ 152,652	\$ -	\$ -	\$ 252,802	\$ -	\$ -	\$ -	\$ 252,802		
Red Light Camera Program	\$ 250,374	\$ 221,000	\$ 32,760	\$ -	\$ 504,134	\$ -	\$ -	\$ -	\$ 504,134		
PD District Attorney Grant	\$ -	\$ 12,576	\$ -	\$ -	\$ 12,576	\$ -	\$ -	\$ -	\$ 12,576		
Disaster Preparedness	\$ -	\$ 144,389	\$ -	\$ -	\$ 144,389	\$ -	\$ -	\$ -	\$ 144,389		
Tomball "Fun Runs"	\$ -	\$ -	\$ 5,396	\$ -	\$ 5,396	\$ -	\$ -	\$ -	\$ 5,396		
General Capital Projects	\$ 50,075	\$ 83,561	\$ -	\$ -	\$ 133,636	\$ -	\$ -	\$ -	\$ 133,636		
Fleet Replacement	\$ 450,674	\$ 964,832	\$ -	\$ -	\$ 1,415,506	\$ -	\$ -	\$ -	\$ 1,415,506		
Water Capital Recovery	\$ 100,150	\$ 167,799	\$ 10,709	\$ -	\$ 278,658	\$ 125,000	\$ -	\$ 125,000	\$ 403,658		
Sewer Capital Recovery	\$ 150,225	\$ 229,415	\$ 11,596	\$ -	\$ 391,236	\$ 125,000	\$ -	\$ 125,000	\$ 516,236		
Health Insurance Trust	\$ -	\$ 50,248	\$ 42,985	\$ -	\$ 93,233	\$ -	\$ -	\$ -	\$ 93,233		
TOTALS	\$ 6,094,114	\$ 9,062,825	\$ 618,781	\$ 2,760	\$ 15,778,480	\$ 4,000,000	\$ 5,147,510	\$ 9,147,510	\$ 24,925,990		

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

THURSDAY, MAY 20, 2010



5:00 P.M.

Notice is hereby given of a Special meeting of the Tomball City Council, to be held on Thursday, May 20, 2010 at 5:00 p.m., at Harris County Smokehouse, 14239 FM 2920, 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 Workshop Session
 - 2.1 The Tomball City Council will enter into a Strategic Planning Session with Partners in Strategic Action (PSA)
- 3.0 Adjournment

CERTIFICATION

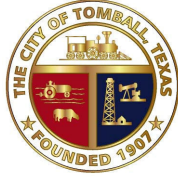
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of May 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled 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.

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



FRIDAY, MAY 21, 2010

7:30 A.M.

Notice is hereby given of a Special meeting of the Tomball City Council, to be held on Friday, May 21, 2010 at 7:30 a.m., Lone Star College-University Park Campus, 20515 SH 249, Houston, Texas 77070, 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 Workshop Session

2.1 The Tomball City Council will enter into a Strategic Planning Session with Partners in Strategic Action (PSA)

3.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of May 2010 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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Tomball City Pool

Summer 2010



Operated by the Magnolia/Tomball YMCA

Pool Hours

Weekends Only May 29-May 31st

and August 21st- September 5th

Open Memorial Day and Labor Day

Weekdays Tuesday—Sunday: 12:00pm-8:00pm

Pool Closed on Mondays

Admission

Children 12 and under \$2.00/ person

13 and over \$4.00/person

Tomball Resident*

Children 12 and under \$1.00/peroon

13 and over \$2.00/person

Swim Pass*

Children \$160

Adult \$240

Family of 4 \$400

Passes can be purchased at the Magnolia/

Tomball YMCA

36725 FM 1774

Magnolia, TX 77355

*Must present recent Tomball City Water Bill in order to receive half off admission, swim passes, and discounted rate for swim lessons.

Swim Lessons*

Pre-School (ages 3-5)

Youth (ages 6 and up)

Facility/Tomball Resident Rate: \$50

Program Rate: \$70

Morning Sessions are Tuesday through Friday

8:30am, 9:15am (classes are 30 minutes in length)

Session 1: June 1-11, **Session 2:** June 15-25, **Session 3:** June 29-July 9, **Session 4:** July 13-23, **Session 5** July 27-August 6

Evening Sessions are Tuesday and Thursday Evenings

5:30pm, 6:15pm, 7:00pm (classes are 30 minutes in length)

Session 1: June 1-24, **Session 2:** June 29-July 22nd



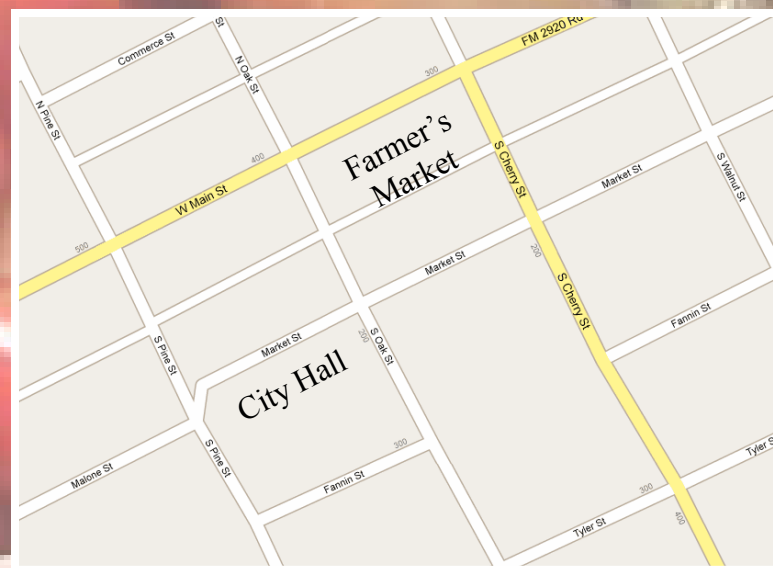
Bringing the farmers back to the community!

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—9 AM
Tomball Depot Plaza
201 S. Elm
1 Block South of Main**

**WALK
TOMBALL!**



...it's a wonderful life

**Door prizes every
Saturday!!!**



~ Fitness ~ Fun ~ Friendship ~ Food ~

9 AM Coffee Stops:

May 1

NWEMS—29530 Quinn RD

Parking at the Fire Station or office building next door.

May 8

Mayor Gretchen Fagan and Council candidate Rick Brown will treat us to Kolaches and drinks at their

tents in the City Hall parking lot.

May 15

Patch Restaurant on 249 by Starbucks.

\$5 for drink and buffet

May 22

El Emperador for the \$1.50 tacos & drinks, 601 W. Main

May 29

El Emperador for the \$1.50 tacos & drinks, 601 W. Main

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



Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

Approve the Minutes of the following Meetings:

- Special City Council Meeting of April 29, 2010
- Special City Council Meeting of May 3, 2010
- Regular City Council Meeting of May 3, 2010
- Special City Council Meeting of May 7, 2010

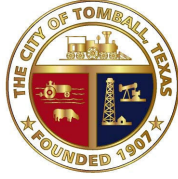
Background:**Origination:****Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

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

ATTACHMENTS:

Draft Council Minutes - April 29, 2010 Workshops
Draft Council Minutes - May 3, 2010 Workshop
Draft Council Minutes - May 3, 2010 Regular
Draft Council Minutes - May 7, 2010 Special

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



THURSDAY, APRIL 29, 2010

4:00 P.M.

1.0 Call to Order

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

Councilman Quinn
Councilman Stoll
Councilman Webb
Councilman Townsend
Councilman Driver

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
HR Director – Lisa Coe
Assistant to City Manager – Shawn Cox

Draft

2.0 Workshop Session

2.1 EXECUTIVE SESSION: The City Council recessed at 4:01 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551.071 (Consultation with Attorney) and 551.086 (Certain Public Power Utilities: Competitive Matters), of the Government Code (the Texas Open Meetings Act), for the Following Purposes:

- Deliberation on Contracts for Gas Supplies
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager

Upon reconvening into open session at 8:40 p.m., no action was taken.

3.0 Motion was made by Councilman Townsend, second by Councilman Webb, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of May 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

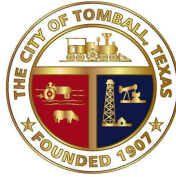
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 26th day of April 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 contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

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



MONDAY, MAY 3, 2010

6:00 P.M.

1.0 Call to Order

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

Councilman Stoll
Councilman Webb
Councilman Townsend
Councilman Driver
Councilman Quinn

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
Director of Engineering & Planning – Mark McClure
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox

draft

2.0 Workshop Session:

2.1 The City Council entered into a Workshop Session to consider the following:

Discussion regarding the Klein Independent School District's request for the Extension of Utility Services.

Mark McClure provided an overview of KISD's request for the extension of utility services to the planned development. Ed Shackelford and Robert Robertson, representing Klein Independent School District, presented information regarding KISD's development considerations.

KISD and City staff will bring proposal back to Council, including potential additional ETJ, protection of emergency services, and extension of utility services; City staff will work with KISD as needed.

Councilman Townsend requested that the original alignment of Medical Complex be used in preparing the proposal.

3.0 Motion was made by Councilman Townsend, second by Councilman Quinn, to adjourn.

Motion carried unanimously.

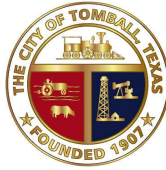
Meeting adjourned.

PASSED AND APPROVED this ____ day of ____ 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, MAY 3, 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 Webb
Councilman Townsend
Councilman Driver
Councilman Quinn

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette

Draft

- 2.0** The invocation was led by Pastor Bobby Ferguson, Freewill Baptist Church
- 3.0** The pledges to U. S. and Texas Flags were led by James Liu and Danny Zepeda, members of the THS Student Council
- 4.0** The following public comments were received:
- | | |
|---|--|
| Latrell Shannon
823 Lizzie Lane, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
|---|--|

- | | |
|--|---|
| Cassandra Blackshear-Bradley
911 Timkin Road, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Rick Tomlinson
1720 Baker Drive, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Paul Mladenka
1631 S. Persimmon, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Peggy Ford
930 Agg Road, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| John Ford
930 Agg Road, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Corrine Bauer
14102 Limerick, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Robert Fontenot
14150 Carneswood, 77375 | - Did not wish to speak; however, asked that his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Joy Fontenot
14150 Carneswood, 77375 | - Did not wish to speak; however, asked that her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Bill O'Neal (email) | - Asked that his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Brett Tynes
824 Wilson Lane, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |

5.0 The following presentation was made by Mayor Fagan:

- Proclamation for “National Emergency Medical Services Week”, May 16-22, and “Emergency Medical Services for Children (EMSC) Day”, May 19
- Due to the absence of David Kauffman, Director of Public Works, the presentation of the Proclamation for “National Public Works Week – Above, Below and All Around You”, May 16-22 will be presented to Public Works staff at a later date.

6.0 Reports and Announcements:

- April 26-May 4 – **Early Voting** at City Hall
- May 6, 2010 – **Mayor's Coffee** – (New Location) **Bootsie's** – 5:30 p.m-7:00 p.m.
- **May 8, 2010 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 8, 2010 - **Farmers Market**
- May 8, 2010 - **2nd Saturday at the Depot**
- May 11, 2010 – Ceremony in Heritage Plaza, 9:00 a.m. to “*Honor the Standing and the Fallen*”, honoring Law Enforcement personnel
- May 17, 2010 – Tomball Economic Development Corporation Appointments
- May 17, 2010 – Planning and Zoning Commission Member Appointments
- Hurricane Preparedness Week – May 23-29, 2010
- June 12, 2010 - 2nd Saturday at the Depot, 6:00 p.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Report by the Interim City Manager on the permitted use of Cross-linked Polyethylene (PEX) pipe and tubing in construction
- Reports by City staff and members of council about items of community interest on which no action will be taken

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

- Special City Council Meeting of April 19, 2010
- Regular City Council Meeting of April 19, 2010

Motion carried unanimously.

8.0 Old Business:

- 8.1 Mark McClure presented an overview of the proposed Request for the extension of water utilities to Pine Country Subdivision, Section One. Motion was made by Councilman Townsend, second by Councilman Drive, to Approve Request by the Owners of Pine Country Subdivision, Section One, for the Extension of City of Tomball's Water Main to Service Their Eight-Lot Subdivision.

Motion carried unanimously.

- 8.2 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-206. Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2010-07, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.006 Acres of land, Legally Described as Tract 281, Tomball Outlots, of the Map Records of Harris County, Texas, from the SF-20-E Single-

Family Estate Residential-20 District to the LI - Light Industrial District; Said Property Being Located on the westerly side of South Persimmon Street, northerly of Agg 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 Stoll	<u>Nay</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Nay</u>
Councilman Quinn	<u>Nay</u>

Motion to adopt Ordinance No. 2010-07 on second reading FAILED unanimously.

- 8.3 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-208. Motion was made by Councilman Townsend, second by Councilman Driver, to Adopt on Second Reading, Ordinance No. 2010-08, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 2.456 Acres of land, legally described as Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas, from the SF-6 Single-Family Residential-6 District to the OT&MU - Old Town and Mixed Use District, said property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street; 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 Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 8.4 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-218. Motion was made by Councilman Townsend, second by Councilman Webb, to Adopt on Second Reading, Ordinance No. 2010-09, Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 38, Use Regulations, to add "Temporary Real Estate Field Office" and "Model Home" as Listed Uses; Amending Section 43.8, Temporary Buildings, to Rename the Section "Temporary Structures and Uses" and add Development Regulations for Such; Amending Section 45, Definitions, to add a New Definition for "Temporary Real Estate Field Office;" 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 Webb	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Scott Bean, PID Contract Administrator, Hawes Hill Calderon, presented an overview of the proposed Development Agreement. Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Development Agreement between the City of Tomball and Zion Road Properties, LLC.

Motion carried unanimously.

- 9.2 Mark McClure presented an overview of the request by Klein Independent School District (KISD) for the extension of utility services. Motion was made by Councilman Townsend, second by Councilman Driver, to direct the City Manager to work with KISD to develop a written proposal and a draft contract between the City of Tomball and Klein Independent School District for the extension of utility services.

Motion carried unanimously.

- 9.3 Mark McClure presented an overview of the proposed capital improvement plan. Motion was made by Councilman Townsend, second by Councilman Driver to approve Rudolph Road and Utilities Capital Improvement Plan Project Amended Design Contract with O'Malley Engineers, LLC for \$55,000.00. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>

Motion carried, 3 Aye votes to 2 Nay votes.

- 9.4 Mark McClure presented an overview of the request for continued funding. Motion was made by Councilman Driver, second by Councilman Webb, to approve continued

funding for Professional Services on Existing Agreement with Lockwood, Andrews, and Newnam, Inc., in the Amount of \$449,974.00 and to Authorize Director of Engineering and Planning to Request that Harris County Flood Control District (HCFCD) Develop Interlocal Agreement for Further Council Consideration.

Motion carried unanimously.

Mayor Fagan called for a 10-minute break at 8:27 p.m.; upon reconvening at 8:34 p.m., the following items were considered:

- 9.5 Mark McClure presented an overview of the proposed Dedication of Easement. Motion was made by Councilman Driver, second by Councilman Townsend, to approve the Dedication of Easement from the City of Tomball to CenterPoint Energy Houston Electric, LLC, associated with City of Tomball Water Well No. 5 and 6 Sites.

Motion carried unanimously.

- 9.6 Approval of the Proposal from Cobb, Fendley and Associates for Landman and Appraisal Services Associated with the Tomball Hufsmith Water and Gas Improvements Project, in an Amount Not to Exceed \$103,250.00 was pulled from the agenda, as the request had been approved by Council on April 5, 2010.

- 9.7 Christal Kliewer led the Discussion regarding development standards and platting requirements for the Depot area. Consensus of Council was unanimous that City staff bring a proposal for Council's consideration and possible action on May 17, 2010 for a plan and the associated costs to plat the depot property.

- 9.8 **EXECUTIVE SESSION:** The City Council recessed at 8:44 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager

Upon reconvening into Regular session at 9:27 p.m., the following action was taken:

- 9.9 Motion was made by Councilman Townsend, second by Councilman Driver, to authorize the Mayor, Interim City Manager, and City Attorney to negotiate a contract and conditional offer of employment with the selected candidate for City Manager.

Motion carried unanimously.

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

Motion carried unanimously.

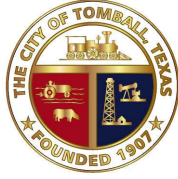
Meeting adjourned.

PASSED AND APPROVED this 17th day of May 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

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



THURSDAY, MAY 7, 2010

4:00 P.M.

1.0 Call to Order

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

Councilman Quinn
Councilman Stoll
Councilman Webb
Councilman Townsend
Councilman Driver

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer

Draft

2.0 New Business

2.1 EXECUTIVE SESSION: The City Council recessed at 4:01 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551 of the Government Code (the Texas Open Meetings Act), for the Following Purposes:

- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a Municipal Court Judge

Upon reconvening into open session at 5:15 p.m., no action was taken.

2.2 Appoint City Manager and Authorize the Mayor to Execute and the City Secretary to Attest an Employment Agreement with the City Manager Candidate.

No action taken.

3.0 Motion was made by Councilman Townsend, second by Councilman Driver, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

Appoint/Reappoint Member to Planning and Zoning Commission

Background:

The term for Lori Wallace, Planning and Zoning Commission member, expires June 1, 2010.

Ms. Wallace has expressed her desire to continue serving on the Planning and Zoning Commission and currently serves only on the P&Z Commission.

In addition to Ms. Wallace, the following individuals (shown in alphabetical order) have expressed an interest in serving on the Planning and Zoning Commission:

Dea R. Bruce
John Dillon
Preston Dodson
April Gray
Mary Harvey
Billy Hemby
Fredreck "Field" Hudgens
James Kendler
Roy Lazenby
Barbara Tague
Judith Wilson.

Mr. Hemby, Mrs. Tague, and Mrs. Gray currently serve on the Board of Adjustments as alternate members. Mr. Hudgens was appointed to the BOA but resigned in April 2009.

Mayor Fagan recommends the reappointment of current P&Z board member, Lori Wallace. This would constitute the second term for Ms. Wallace.

Copies of applications from Ms. Wallace and others interested in serving on the P&Z Commission are attached for your consideration.

Origination:

City Secretary

Recommendation:

N/A

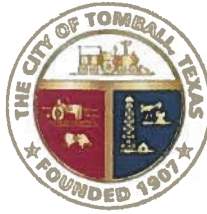
Funding:**Party(ies) responsible for placing this item on agenda:**

Doris Speer, City Secretary

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

ATTACHMENTS:

Applications for P&Z



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: Loxi Wallace

Date: Feb. 22, 2010

Phone: 832 549 4079

Address: 1821 S. Cherry St.

Phone: 713-441-5521 (Home)
(Work)

City/State/Zip: Tomball, TX 77375

Email: wallace/loria@sbglobal.net

I have lived in Tomball 9 years.

I am am not a U.S. Citizen

Occupation: Wellness Consultant for Methodist Hospital

Professional and/or Community Activities: ESS #8 Board Member Since 2007, Planning/Zoning Commission Board member Since 2007, Tomball Business Association VP-Communications

Additional Pertinent Information/References:

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.



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

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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

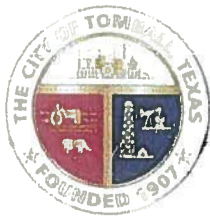
Fourth Wednesday each month, 4 p.m.

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 or Print Clearly:

Name: JOHN P. DILLON

Address: 14166 TURNER VIVE

City/State/Zip: TOMBALL TX 77375

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

Date: 01/26/ 2010

Phone: 281-351-2921

Phone: 713-755-7405 (Home)
CELL (Work)
281-610-1133

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

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.

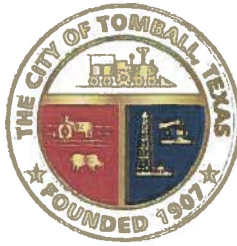
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



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.

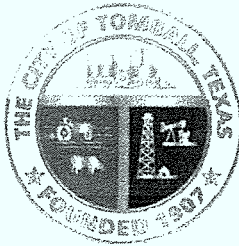
- Reestablished the purchasing department during a corporate restructure.
- Integrated purchasing, shipping/receiving and accounting departments.

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

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Please Type or Print Clearly:

Name: MARY HARVEY

Date: 5-7-2010

Address: 405 S. WALNUT

Phone: 713-582-5139

Phone: 281-351-8903 (Home)

City/State/Zip: Tomball, TX 77375

Email: GRANNYS KORNER TOMBALL

(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

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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

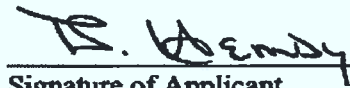
Meeting Information

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.

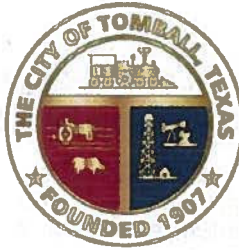
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

2009

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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

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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.

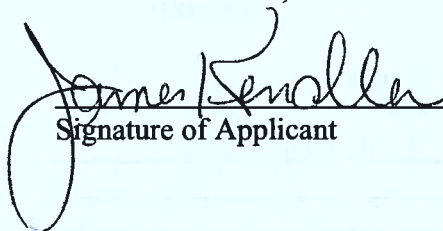
Meeting Information

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

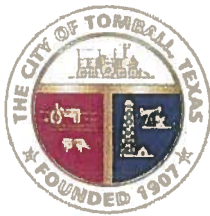
*From the Desk
Of
Jim Kendler*

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

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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.

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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.

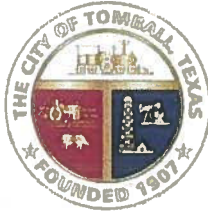
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



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

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Please Type of 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: 4tague@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

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

Additional Pertinent Information/References: Harris County CERT Raleo 2010 Chair

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.

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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

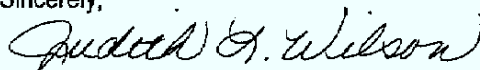
I would like to take this opportunity to tell you why I feel that I am qualified to serve the City of Tomball. I started my family after graduation from Sam Houston High School in Houston, TX, and went to work as a Directory Assistance Operator for Southwestern Bell Telephone Co, now AT&T. I held various 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.

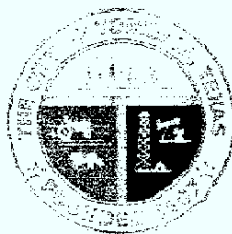
My most recent work experience while in the corporate world included various positions in the Real Estate Management Division for AT&T. Texas was divided into thirds and I was responsible for the acquisition of land/buildings/leases for one third of the state. After the real estate was acquired for administrative 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

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Please Type or Print Clearly:

Date: 6/5/09

Name: JUDITH L. (JUDY) WILSON

Phone: 281 351 9151
(Home)

Address: 506 N. PECAN DR.

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.

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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: May 17, 2010

Topic:

Appoint/Reappoint Members to the Tomball Economic Development Corporation

Background:

The terms for the following TEDC board members expire May 2, 2010:

Mark Stoll
David Quinn
Jerald Till
Gary Smith.

Mark Stoll and David Quinn do not wish to be re-appointed to the TEDC. Councilman Stoll wishes to nominate Vincent O'Donnell to serve on the TEDC and Mr. O'Donnell has stated that he will resign from the P&Z if appointed to the TEDC.

Jerald Till and Gary Smith have each expressed their desire to continue serving on the TEDC board and currently serve only on the TEDC. Mayor Fagan will be the only member of Council now serving on the TEDC board; however, the City may appoint up to four council members if desired.

In addition to the above board members, the following individuals (shown in alphabetical order) have expressed an interest in serving on the TEDC board:

Dea R. Bruce
John Dillon
Preston Dodson
April Gray
Mary Harvey
Fredreck "Field" Hudgens
James Kendler
Roy Lazenby
Vincent O'Donnell
William Sumner
Barbara Tague
Judith Wilson.

Mrs. Gray, Mrs. Tague, and Ms. Torres-Chervenak were appointed to the Board of Adjustments as alternate members in 2009 and are currently serving on that board.

Mayor Fagan recommends the reappointment of current TEDC board members Jerald Till and Gary Smith and the appointment of Vincent O'Donnell and Bill Sumner to the positions formerly held by Mark Stoll and David Quinn. This would constitute the third full term for Jerald Till and the second full term for Gary Smith.

Copies of applications from current board members and those interested in serving on the TEDC board are attached for your consideration.

Origination:

City Secretary

Recommendation:

N/A

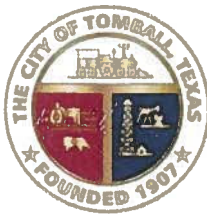
Funding:**Party(ies) responsible for placing this item on agenda:**

City Secretary

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

ATTACHMENTS:

Applications for TEDC Board of Directors



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 2/2/10

Name: Gary L Smith

Phone: 281 357 8052

Address: 31422 Rigel Ct

Phone: 713 252 8887

City/State/Zip: gsmith@tomballtx.com Tomball 77375

Email: gsmith@tomballtx.com

I have lived in Tomball 13 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: President/Owner of In Line Services Inc

Professional and/or Community Activities: NorthStar Estates HOA Board, TERC Board, Chamber Board, Salem Lutheran Mission Com

Additional Pertinent Information/References: Bruce Hillegast, Mark Stoll, Betty Reinhardt, Mya Grechen Pagen

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

() Planning & Zoning Commission

() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

(✓) Tomball Economic Development Corporation

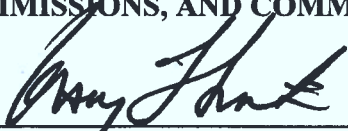
() Tomball Hospital Board

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

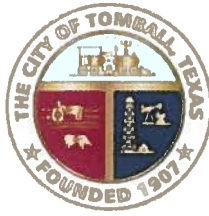
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 2/8/10

Name: JERRARD J TILL

Phone: 281-357-8514

Address: 13302 Wildwood Dr

(Home)
Phone: 281-639-7656
(Work) cell

City/State/Zip: Tomball, TX 77375

Email: JERRY.15260@yahoo.com

I have lived in Tomball 18 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired (work part time @ Lone Star College)

Professional and/or Community Activities: TEDC member, Rotary Club

Additional Pertinent Information/References: _____

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Decision-Making Boards and Commissions

() Planning & Zoning Commission

() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

☒ Tomball Economic Development Corporation

☒ Tomball Hospital Board

Meeting Information

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Fourth Wednesday each month, 4 p.m.

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Signature of Applicant

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CITY OF TOMBALL

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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.

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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.

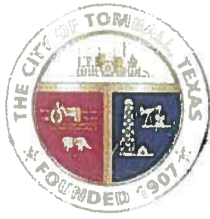
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

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

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Please Type or Print Clearly:

Name: JOHN P. DILLON

Address: 14166 TURNER VIVE

City/State/Zip: TOMBALL TX 77375

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

Date: 01/26/ 2010

Phone: 281-351-2921

Phone: 713-755-7405 (Home)
CELL (Work)
281-610-1133

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.

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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

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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

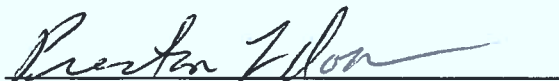
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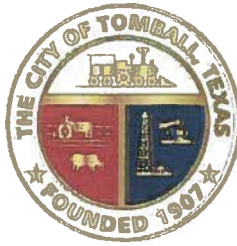
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Signature of Applicant

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City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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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

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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

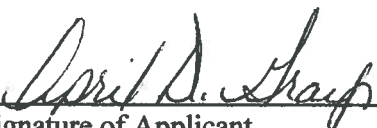
Meeting Information

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.

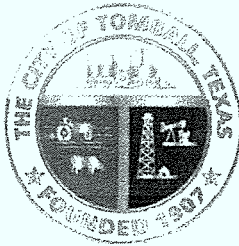
- Reestablished the purchasing department during a corporate restructure.
- Integrated purchasing, shipping/receiving and accounting departments.

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

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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: 281-351-8903 (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.

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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

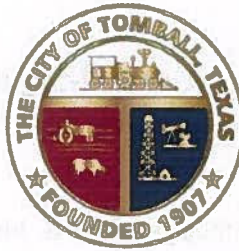
Fourth Wednesday each month, 4 p.m.

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Signature of Applicant

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CITY OF TOMBALL

2009

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Please Type or Print Clearly:

Date:

2/24/09

Name:

Field Hudgens

Phone:

281-255-2996

(Home)

Address:

717 Barbara St.

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:

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Advisory Boards & Commissions

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

Decision-Making Boards and Commissions

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

Separate Legal Entities

- (1) Tomball Economic Development Corporation
- (2) Tomball Hospital Board

Meeting Information

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

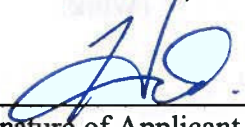
Meeting Information

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

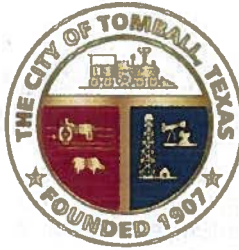
First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

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Signature of Applicant

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CITY OF TOMBALL

2009

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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

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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

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As needed, second Monday in
month, 6 p.m.

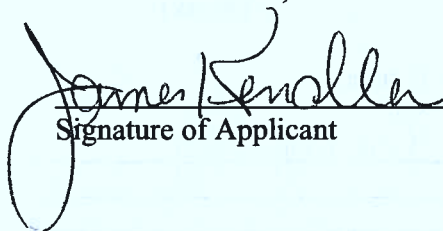
Meeting Information

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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 &
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Signature of Applicant

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City of Tomball
401 Market Street
Tomball, TX 77375

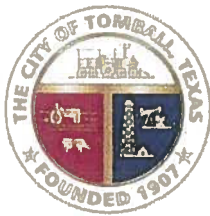
*From the Desk
Of
Jim Kendler*

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

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Please Type or Print Clearly:

Date: 2-1-2010

Name: William E. Sumner, Jr.

Phone: 281-351-7653

Address: 12321 Zion RD

Phone: 281-351-1726

City/State/Zip: Tomball 77375

Email: MSL131912@aol.com

(Work)

I have lived in Tomball 24 years.

I am X am not a U.S. Citizen

Occupation: MANAGER Houston Poly BAC

Professional and/or Community Activities: Society of SENIORS
Trinity Lutheran Church

Additional Pertinent Information/References:

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

() Planning & Zoning Commission

() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

~~X~~ Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

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

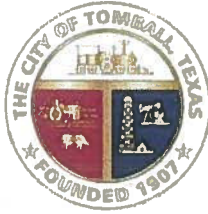
Fourth Wednesday each month, 4 p.m.

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

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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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
Northwest 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.

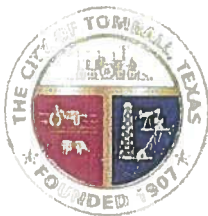
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Name: Evelyn Torres-Chervena

Address: 111 Mc Phail

City/State/Zip: Tomball Tx 77375

Email: _____

Date: January 26, 2010

Phone: 832-704-8090

Phone: 832-704-8090
(Home)
(Work)

I have lived in Tomball 1 1/2 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Accountant

Professional and/or Community Activities:

Haplan University - Student Accounting Association (SAA) member
SAA Judicial Committee Member
SAA Special Review and Task Force Committee ~~At~~ Secretary

Additional Pertinent Information/References:

Self Employed - Etc. Services

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.

(1) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

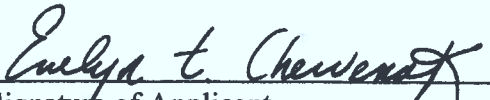
(2) Tomball Economic Development Corporation

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

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

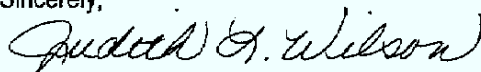
I would like to take this opportunity to tell you why I feel that I am qualified to serve the City of Tomball. I started my family after graduation from Sam Houston High School in Houston, TX, and went to work as a Directory Assistance Operator for Southwestern Bell Telephone Co, now AT&T. I held various 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.

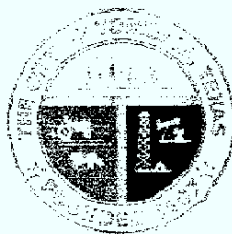
My most recent work experience while in the corporate world included various positions in the Real Estate Management Division for AT&T. Texas was divided into thirds and I was responsible for the acquisition of land/buildings/leases for one third of the state. After the real estate was acquired for administrative 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

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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

Meeting Date: May 17, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-226**: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249 Business, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P10-226**
- Adopt on First Reading, Ordinance 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.

Background:

On March 31, 2010, the City received a rezoning application from Pete Terpstra to rezone an approximately 5.3584 acre tract of land, legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, generally located on the westerly side of State Highway 249 Business, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

The property is known as the Tomball Parkway Business Center and is currently developed with two brick-clad commercial buildings totaling approximately 26,122 square feet in size that primarily house transportation and auto service related uses.

The subject site was annexed into the City of Tomball on December 1, 2008 as part of the 172.812 acre SH 249 Bypass (Tomball Expressway) Road Right-of-Way annexation. Because the subject site was annexed after the passage of the Zoning Ordinance and because a concurrent rezoning request was not filed by the property owner, the subject site was given an initial zoning classification of AG-Agricultural District.

After reviewing the request, staff prepared a report to the Planning and Zoning Commission recommending approval based on the fact that the proposed zoning is consistent with the existing and intended uses in the area, is consistent with the Comprehensive Plan's Future Land Use Plan Map designation of Commercial, and will help support the commercial development pattern along the SH 249 Business corridor and future commercial development along the SH 249 Bypass (Tomball Expressway).

On May 10, 2010, the Planning and Zoning Commission, after conducting a public hearing on this request, voted unanimously to recommend approval. This request is now being forwarded to City Council for consideration and possible action.

Origination:

Pete Terpstra, Property Owner

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted unanimously to approve Zoning Case P10-226, as recommended by staff, based on the following: a. The proposed zoning of C-Commercial District will be compatible with the land uses in the vicinity. b. The proposed zoning of C-Commercial District is compatible with the Tomball Comprehensive Plan. c. The proposed zoning of C-Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area. d. There is sufficient utility capacity to service commercial uses on this site.

Funding:

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

Kelly Violette, City Planner

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

ATTACHMENTS:

- Staff Report P10-226
- Draft Ordinance No. 2010-10
- Notice of Public Hearing
- Adjacent Property Owner Notification



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: May 10, 2010

Rezoning Case: P10-226
Property Owner(s): Peter S. Terpstra
Applicant(s): Peter S. Terpstra
Legal Description: Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, within the City of Tomball, Harris County, Texas
Location: 27503 Tomball Parkway (Generally located between SH 249 Bypass (Tomball Expressway) and SH 249 Business, southerly of Alice Road)
Area: 5.3584 acres
Present Zoning and Use: AG-Agricultural District / Commercial (Tomball Parkway Business Center)
Comp Plan Designation: Commercial
Proposed Zoning and Use: C-Commercial District / Office, office warehouse, retail, etc.

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

Adjacent Zoning & Land Uses:

North: AG-Agricultural / Manufactured Home Display and Sales
South: C-Commercial / Mini-Storage/Warehouses
East: C-Commercial / SH 249 Business and retail uses
West: ETJ (unzoned) / SH 249 Bypass (Tomball Expressway), vacant land, and energy distribution facility

BACKGROUND

The subject site is a 5.3584 acre tract legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, within the City of Tomball, Harris County, Texas. The site is generally located on the westerly side of State Highway 249 Business, southerly of Alice Road and is bound on the west by the SH 249 Bypass (Tomball Expressway) (Exhibit "C"). The property is known as the Tomball Parkway Business Center and is currently developed with two brick-clad commercial buildings totaling approximately 26,122 square feet in size that primarily house transportation and auto service related uses (Fig. 1). The southerly two-thirds of the site is largely undeveloped, however a Purple Heart clothing donation trailer is situated near the SH

249 Business frontage (Fig. 2). Aerial photos indicate that this portion of the site was previously utilized as a sales/display location for portable and modular buildings; however the use it not presently operating on the site at this time.

The subject site was annexed into the City of Tomball on December 1, 2008 as part of the 172.812 acre SH 249 Bypass (Tomball Expressway) Road Right-of-Way annexation (Exhibit "I"). Because the subject site was annexed after the passage of the Zoning Ordinance and because a concurrent rezoning request was not filed by the property owner, the subject site was given a zoning classification of AG-Agricultural District. Section 6.1 of the Zoning Ordinance states, "For any period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural ('AG'), and all zoning and development regulations of the 'AG' zoning district shall be adhered to with respect to the development and use of the land."

On March 11, 2010, City staff met with a tenant of the Tomball Parkway Business Center, Mr. Ken Harvey, regarding a proposed ambulance service at the subject site. Earlier that day, Mr. Harvey had been issued a stop work order by the City after the City's Fire Marshal observed contractor's performing interior renovations to one of the lease spaces without City permits. During the March 11th meeting, Mr. Harvey was informed that the property was zoned AG-Agricultural District and his proposed use as an ambulance service was not permitted in that zoning district.

As a matter of information, Section 43.002 of the Texas Local Government Code provides for the continuation of land use in the manner in which the land was being used prior to annexation. However, the ambulance service was not operating at the location at the time of annexation and therefore constitutes a new use and not a continuation of the existing land uses typically associated with the Tomball Parkway Business Center.

On March 17, 2010, City staff met with the property owner's representatives to discuss the zoning issues associated with the proposed ambulance service. Staff informed the representatives that the property was annexed into the City of Tomball in December 2008, the property was given an initial zoning classification of AG-Agricultural, and that the ambulance service would not be permitted until the property was rezoned to a district permitting such a use. Additionally, staff explained that the property has a Future Land Use designation of "Commercial" under the City's adopted Comprehensive Plan and that a rezoning request to the C-Commercial District would be consistent with this designation and would permit an ambulance service land use. The property owner's representatives expressed intent to rezone the subject site in order to get the zoning classification in line with the site's existing and future uses. Additionally, the representatives indicated that the property owner also owned 6.3637 acres of land southerly of the subject site and that a rezoning of that property to the C-Commercial District would also be requested.

On March 31, 2010, the applicant submitted rezoning applications to rezone the subject site as well as Tracts 2B, 2Y-1, and 2Z (Zoning Case P10-225) to the south of the property from the AG-Agricultural District to the C-Commercial District.

ANALYSIS

According to the Tomball Zoning Ordinance, the C-Commercial District “is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

The applicant is requesting the rezoning to bring the property’s zoning classification in line with the uses already established on the site and to permit office, office warehouse, retail, and other related uses in the future (Exhibit “D”).

The uses in the general vicinity of the subject site are predominately commercial and retail related (Exhibit “C”). To the north of the subject site is a manufactured home display and sales location operated by Luv Homes, to the south is a mini-storage/warehouse facility (Excel Storage), to the east of the site (across SH 249 Business) is the Wal-Mart shopping center, and to the west of the site is the SH 249 Expressway ROW, vacant land, and an energy distribution facility in portions of the unzoned extraterritorial jurisdiction (ETJ) (Exhibit “A”).

The proposed rezoning to the C-Commercial District is consistent with the “Commercial” Comprehensive Plan land use designation (Exhibit “B”). The Comprehensive Plan states that the Commercial land use designation “is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops.” Additionally, the “Commercial Planning Guidelines” outlined in the Comprehensive Plan provide that commercial development is to be compatible with surrounding land uses and that consideration for the impacts of commercial development on the local and regional roadway network shall be determined.

Due to the fact that the requested rezoning is consistent with the Comprehensive Plan’s Future Land Use Plan Map, is consistent with the existing and intended uses in the area, and will help support the commercial development pattern along the SH 249 Business corridor and future commercial development along the SH 249 Bypass (Tomball Expressway), staff is supportive of the rezoning request.

ZONING CONSIDERATIONS

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

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

The uses in the general vicinity of the subject site are predominately commercial and retail related. To the north of the subject site is a manufactured home display and sales location operated by Luv Homes, to the south is a mini-storage/warehouse facility (Excel Storage), to the east of the site (across SH 249 Business) is the Wal-Mart shopping center, and to the west of the site is the SH 249 Expressway ROW, vacant land, and an energy distribution facility in portions of the unzoned extraterritorial jurisdiction (ETJ).

As such, the rezoning and permitted land uses in the C-Commercial District would be in keeping with the existing and intended land uses in the vicinity.

Any future development/redevelopment of this site will require compliance with the City's land use and development regulations.

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

There is currently sufficient water, sewer, and gas capacity in the area to service this site (Exhibit "H"). Future development/redevelopment of the site may require the extension of utilities to and through the site.

SH 249 Business and SH 249 Bypass (Tomball Expressway) are designated as "State Highways" on the adopted Major Thoroughfare Plan (MTP). The MTP states, "The main purpose of State Highways and FM Roadways is to move large volumes of traffic through urban areas and provide direct access to local freeways, while also providing controlled access to adjacent businesses." The right-of-way for State Highway 249 and State Highway 249 Expressway has been acquired in the vicinity and the impacts to these roadways due to the rezoning of the site are anticipated to be minimal.

The development of the site for commercial purposes would not impact the public school system as it would not increase attendance to the school system.

As a matter of information, any further future development of the site will likely result in increased impermeable area, thereby altering absorption rates and increasing surface runoff. Drainage improvements shall comply with the requirements of the City's Engineering and Public Works Departments.

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

There are a limited number of undeveloped properties zoned C-Commercial District in the immediate vicinity (Exhibit "C"). However, there is a large amount of vacant land available along Holderrieth Road and in the rest of the City of Tomball that is zoned C-Commercial District. Most of the undeveloped acreage along SH 249 and SH 249 Expressway south of Alice Road (within the City of Tomball) is zoned AG-Agricultural District because of the December 2008 annexation, however it is anticipated that these properties will be rezoned at some point in the future to accommodate future commercial growth.

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

The subject property is located in an area that is developed with extensive commercial uses. The surrounding commercial and retail uses have developed steadily for a number of years due to the high traffic volumes and visibility on SH 249.

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

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

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

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

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

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

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

The request is consistent with the Comprehensive Plan’s land use designation (Exhibit “B”). The Comprehensive Plan states that the Commercial land use “is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional office uses such as physicians, accountants, or therapy offices would be permitted.”

Additionally, the “Commercial Planning Guidelines” aim to ensure commercial development compatibility with surrounding land uses and provide proper transitions, buffers, or architectural reliefs to minimize negative impacts to adjacent uses.” The proposed rezoning of the property to the C-Commercial District is consistent with the Comprehensive Plan’s Future Land Use Plan Map, will help to ensure commercial land use consistency along the SH 249 corridor, and will enhance the area’s long-term economic viability.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 30, 2010 and, as of the writing of this report, no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P10-226 based on the following:
 - a. The proposed zoning of C-Commercial District will be compatible with the land uses in the vicinity.
 - b. The proposed zoning of C-Commercial District is compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of C-Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There is sufficient utility capacity to service commercial uses on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Metes and Bounds
- G. Property Survey
- H. Utility Block Map
- I. Ordinance 2008-32 Annexation Map
- J. Site Photos

Exhibit "A"
Location/Zoning Map

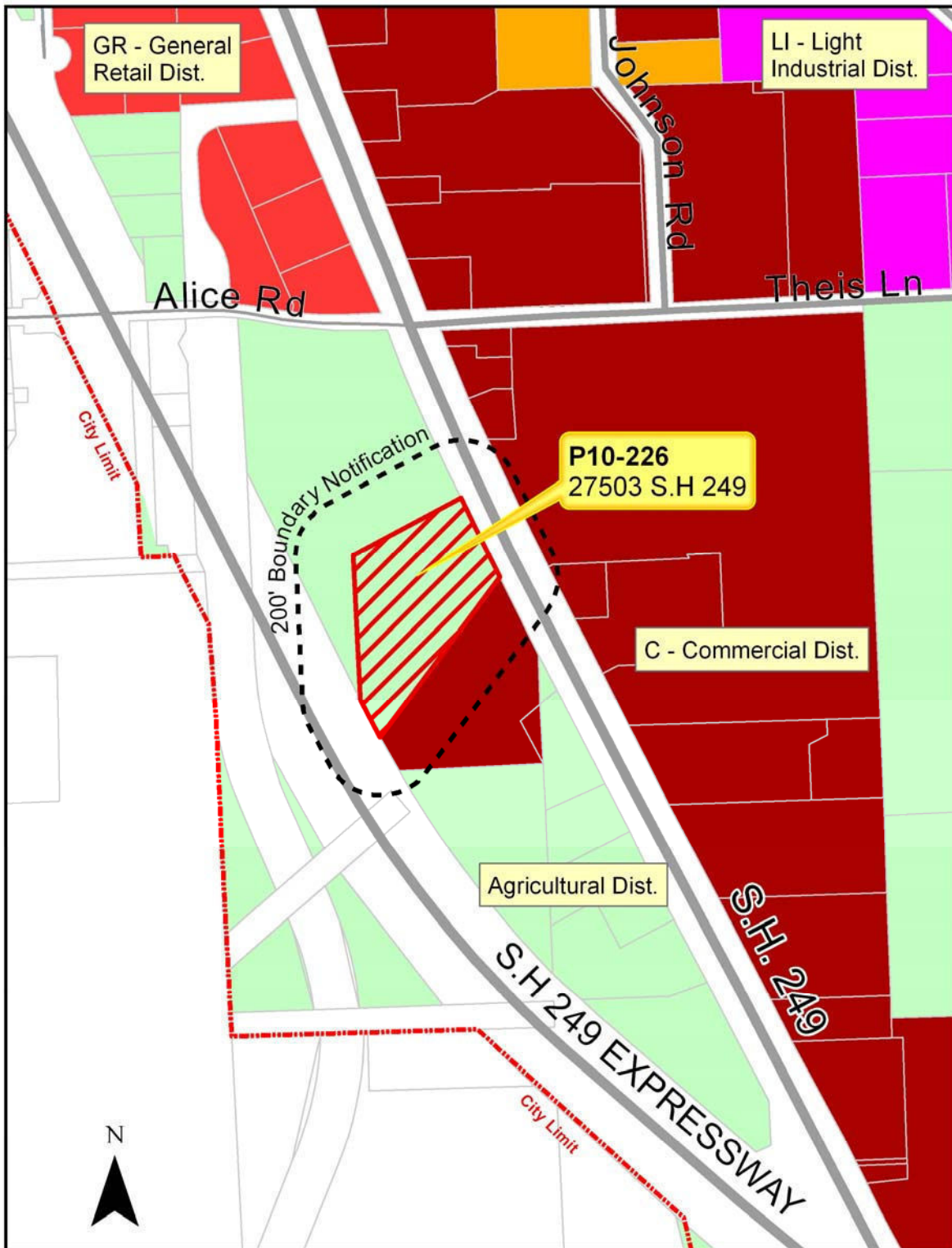


Exhibit "B"
Comprehensive Plan Future Land Use Map

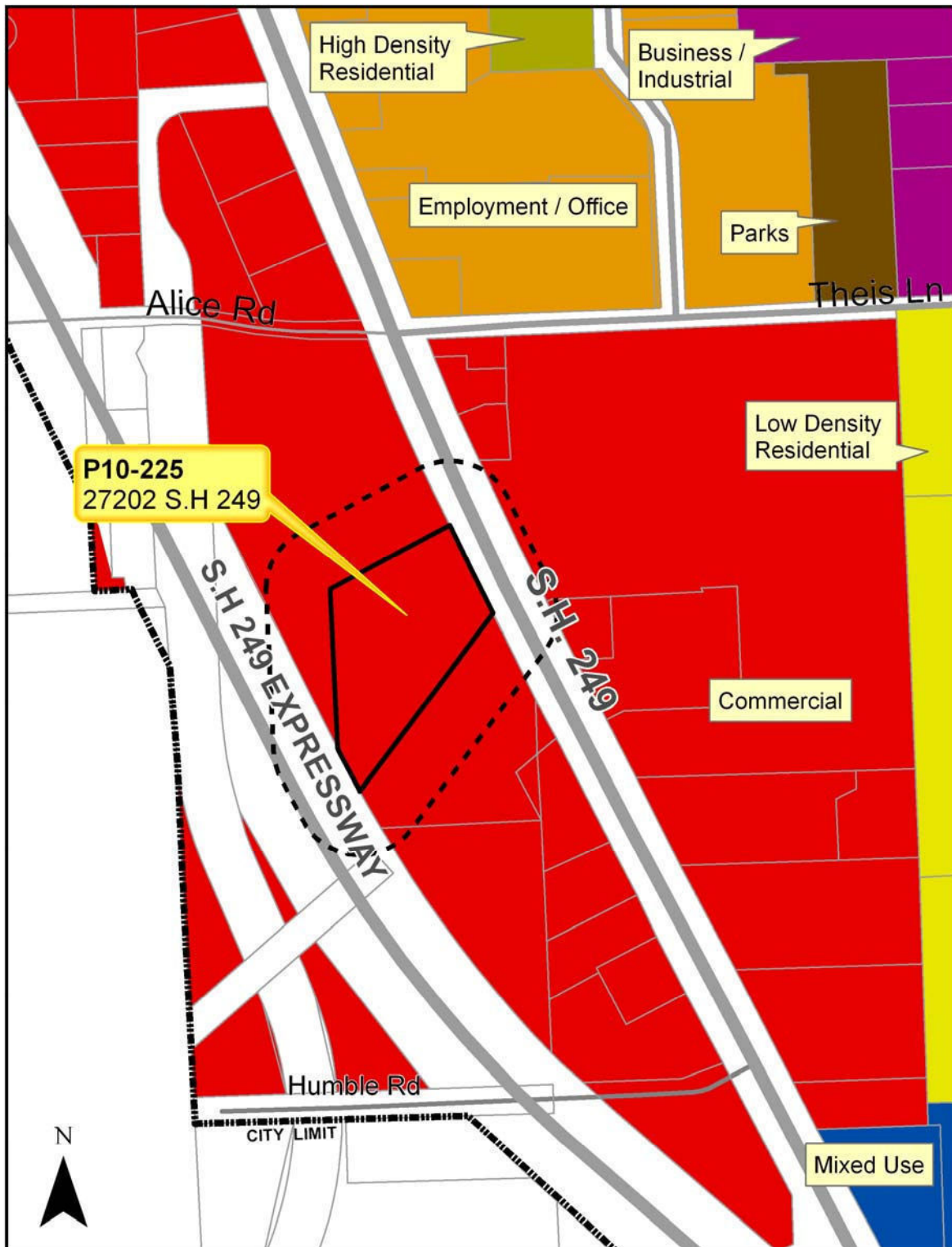


Exhibit "C"
Aerial Photo

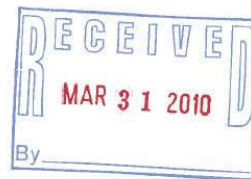


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER S. TERPSTRA Title: _____
Mailing Address: 14343-B TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 580-4855 Fax: (281) 580-3808 Email: terprealestate@mind.spring.com

Owner

Name: PETE TERPSTRA, TRUSTEE Title: OWNER
Mailing Address: 14343-B TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 580-4855 Fax: (281) 580-3808 Email: terprealestate@mind.spring.com

Engineer/Surveyor (if applicable)

Name: JOHN G. THOMAS Title: THOMAS LAND SURVEYING
Mailing Address: 14340 TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 440-7730 Fax: (281) 440-7737 Email: john@thomaslandsurveying.com

Description of Proposed Project: COMMERCIAL OFFICE, OFFICE WAREHOUSE, RETAIL, ETC.

Physical Location of Property: WEST SIDE OF TOMBOLL PARKWAY
635 FT SOUTH OF ALICE ROAD
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 5.3584 ACRES OUT OF THE SAM LEWIS SURVEY, A-1704
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: COMMERCIAL

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: OFFICE, OFFICE WAREHOUSE, RETAIL, ETC.

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

www.ci.tomball.tx.us

HCAD Identification Number: 048-241-000-0002 Acreage: 5.3584 ACRES

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

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

X Peter P. Despotis 3/31/10
Signature of Applicant Date

X Peter P. Despotis 3/31/10
Signature of Owner Date

Exhibit "E"
Rezoning Request Letter

Thomas Land Surveying
Surveying • Planning • Project Management

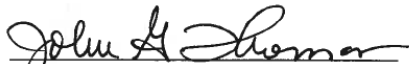
March 31, 2010

Reference: 5.3584 Acres
Sam Lewis Survey, A-1704
Tomball, Harris County, Texas

To Whom It May Concern:

We have requested a zoning change on the referenced tract from ag zoning to Commercial zoning as the tract is proposed to be and currently is used for commercial purposes.

Respectfully


John G. Thomas

14340 Torrey Chase Boulevard • Suite 270 • Houston, Texas 77014
(281) 440-7730 • Fax (281) 440-7737
www.thomaslandsurveying.com

Exhibit "F"
Metes and Bounds

Thomas Land Surveying

Surveying • Planning • Project Management

March 31, 2010
5.3584 Acres

Fieldnotes for a 5.3584 acre tract of land out of the Sam Lewis Survey, abstract No. 1704, in Harris County, Texas, being that same tract of land conveyed to Pete Terpstra, Trustee as described in instrument recorded under County Clerk's File NO. N357294 of the Real Property Records of Harris County, Texas, and being out of and a part of that certain 11.0045 acre tract of land (called 11.054 acres) described in deed recorded under Film Code no. 158-22-0813 of the said Real Property records, said 5.3584 acres being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch steel pipe found in the Southwesterly line of State Highway No. 249 (also known as Tomball Parkway), based on a 180.00 foot right-of-way, marking the most Northerly or Northeasterly corner of the said 11.0045 acre tract and the herein described tract, said point also being the Southeast corner of a residue tract of 145.78 acres of land conveyed to Ralph Lewis Frapart, et al and described as Tract 6 in instrument recorded under County Clerk's File No. F014298 of the said Real Property Records of;

Thence, in a Southeasterly direction with the Southwesterly line of State Highway No. 249 and with a curve to the left, having a radius of 11,549.16 feet and a central angle of 1°29'53" (chord bearing South 24°54'39" East, 301.96 feet), an arc distance of 301.96 feet to a ½ inch steel rod set for the Southeast corner of the herein described tract, said point being the most Northerly or Northeast corner of that certain 5.2445 acre tract of land conveyed to Iamcam Investors, LLC as described in deed recorded under County Clerk's File No. 20070114155 of the said Real Property Records;

Thence, South 36°49'00" West, 693.70 feet with the Northwesterly line of the said 5.2445 acre tract to a ½ inch steel rod with cap set in the Northeasterly line of State Highway No. 249 (By Pass) for the most Southerly or Southwesterly corner of the herein described tract, said point also being the Northwest corner of the said 5.2445 acre tract, said point also being in a non-tangent curve to the right having a radius of 3644.72 feet and a central angle of 02°07'47";

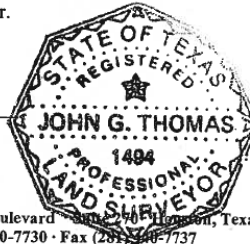
Thence, in a Northwesterly direction with the Northeasterly line of said State Highway 249 (By Pass) and with the said curve to the right having a radius of 3644.72 feet (chord bearing North 27°29'47" West, 135.47 feet), an arc distance of 135.48 feet to a 5/8 inch steel rod found at an angle point, said point, said point also being a Southerly corner of the residue of the aforesaid 145.78 acre tract, said point also being in the West line of the said 11.0045 acre tract;

Thence, North 02°27'59" West, 514.61 feet with the West line of the said 11.0045 acre tract and an Easterly line of the said residue tract to a ½ inch steel rod found marking the Northwest corner of the said 11.0045 acre tract and the herein described tract, said point being an inside ell corner to the right of the said residue tract;

Thence, North 62°25'33" East, 421.04 feet with the North line of the said 11.0045 acre tract and a Southerly line of the said residue tract to the POINT OF BEGINNING and containing 5.3584 acres or 233,411 square feet of land, more or less.

This description is based on the Land Title Survey and Plat (Job No. 11701 made under the direction of John G. Thomas, Registered Professional Land Surveyor.


John G. Thomas, R.P.L.S. No. 1494



14340 Torrey Chase Boulevard • San Antonio, Texas 77014
(281) 440-7730 • Fax (281) 440-7737
www.thomaslandsurveying.com

Exhibit "G" Property Survey

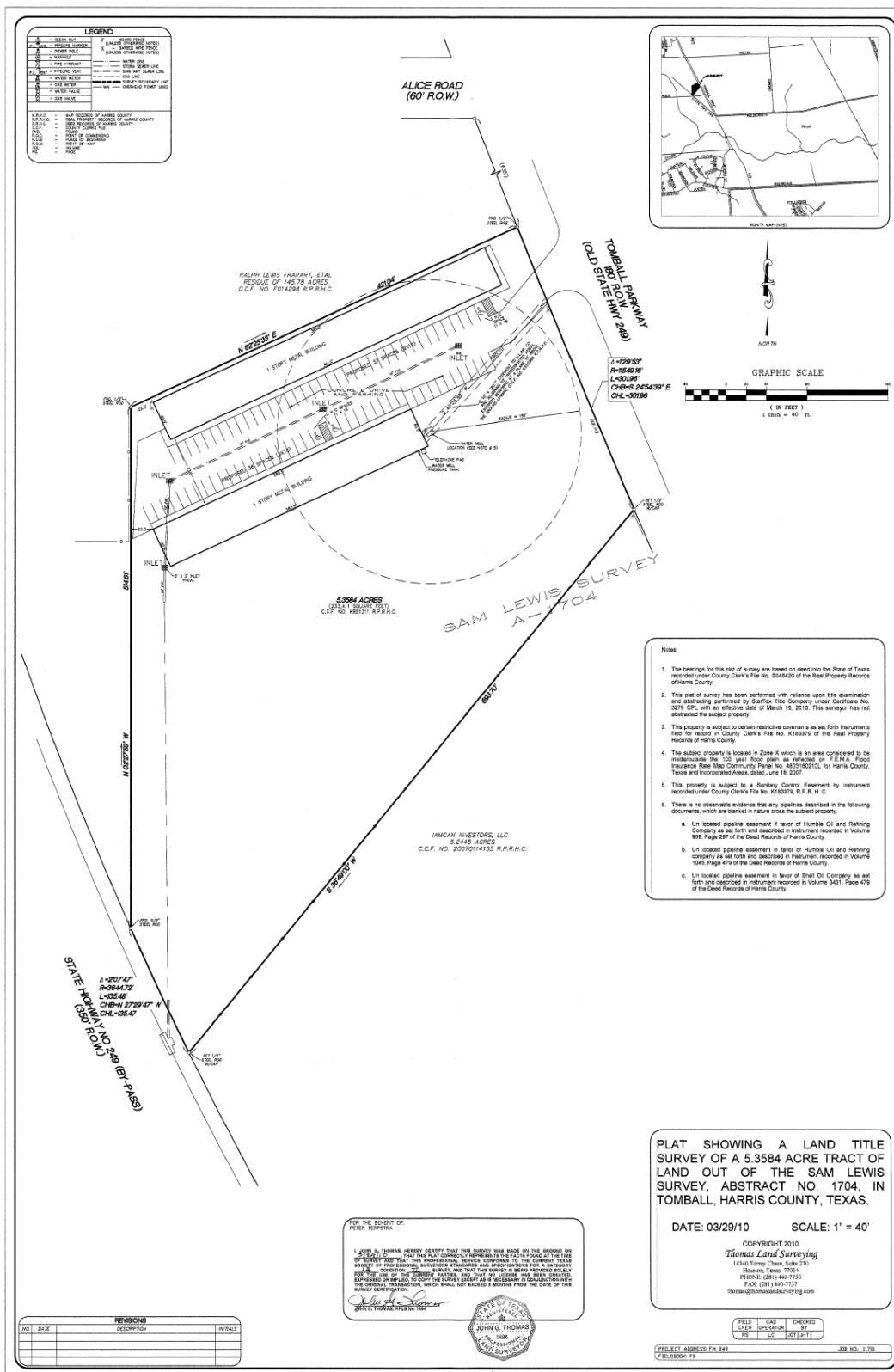


Exhibit “H”

Utility Block Map

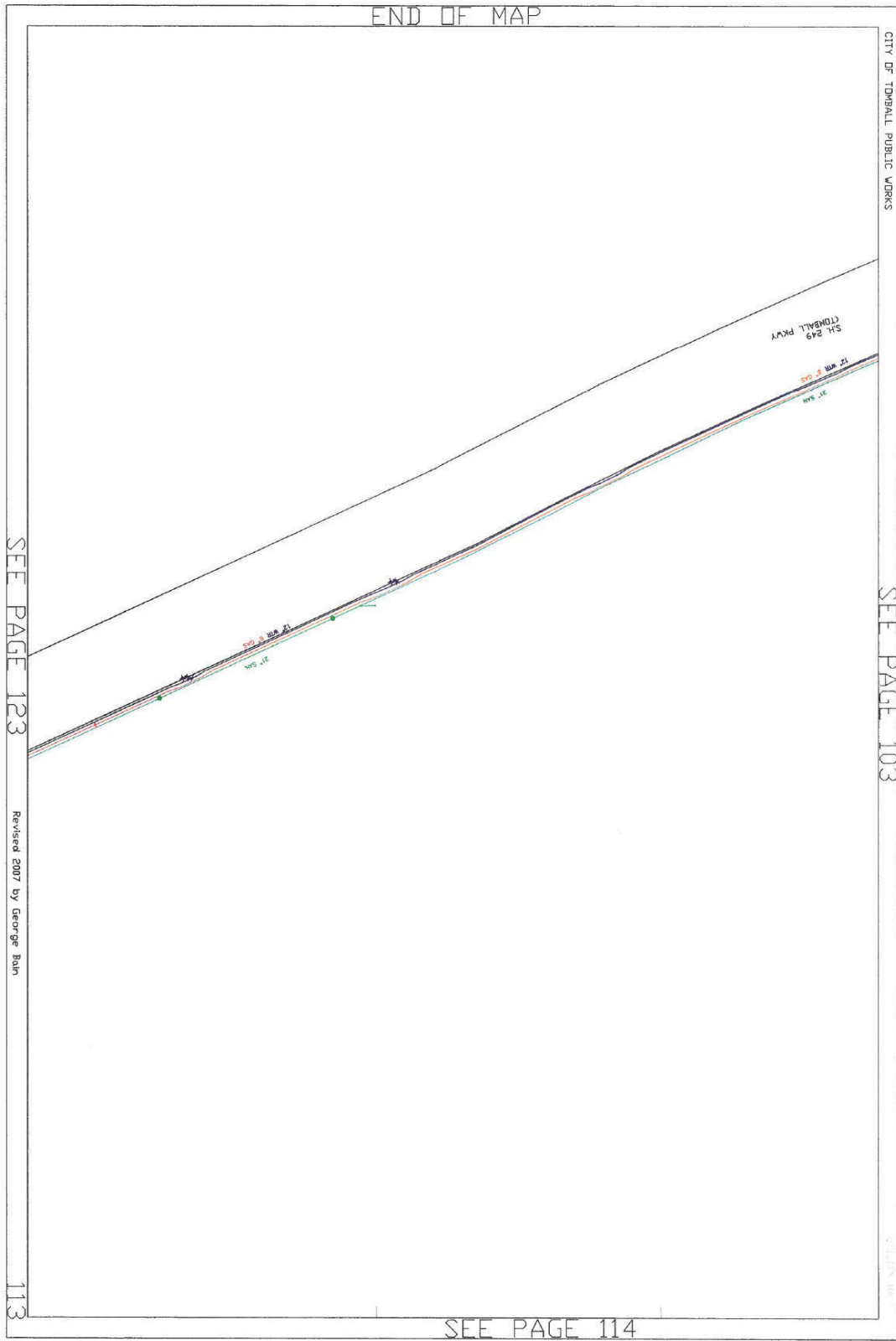
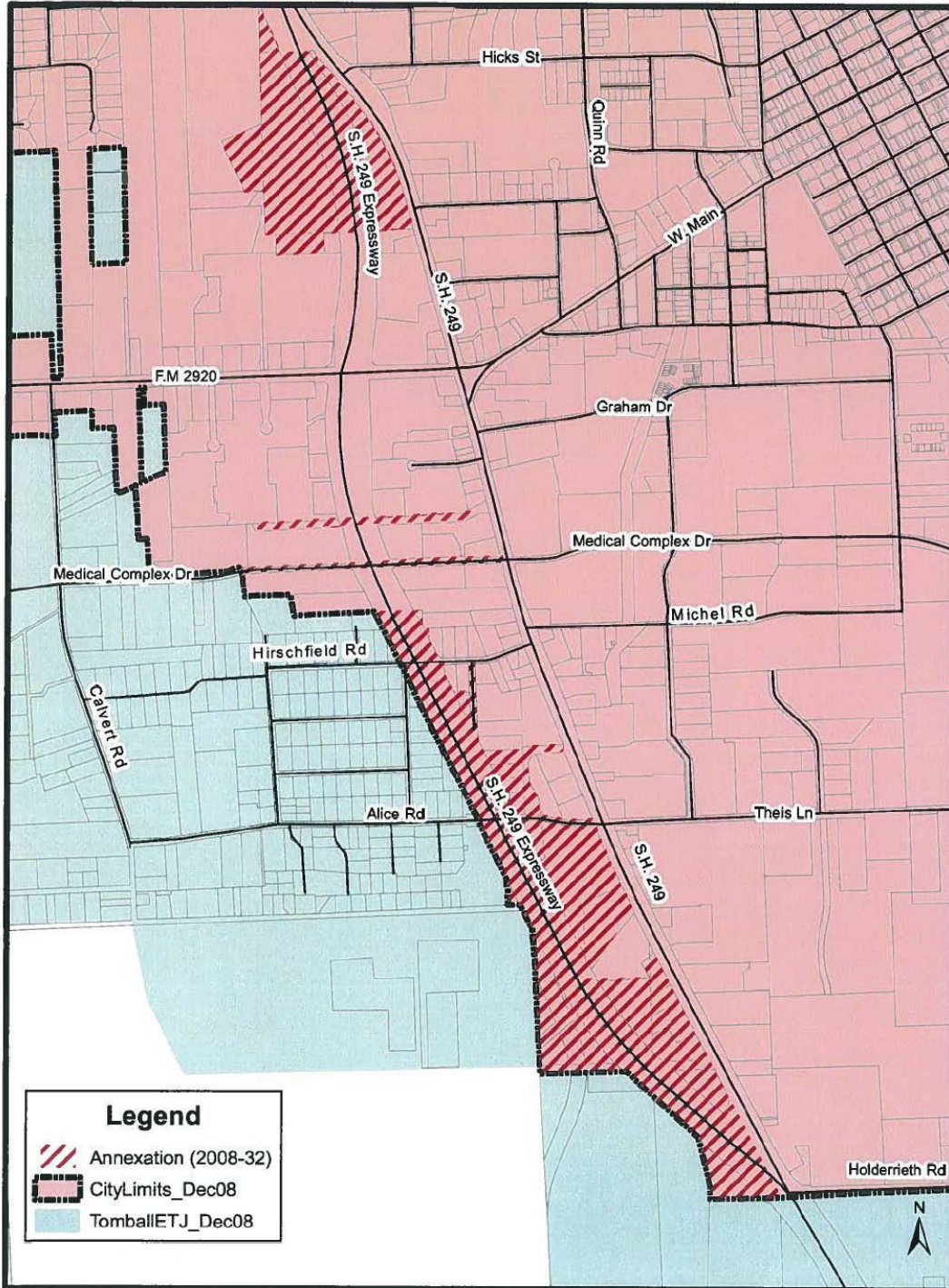


Exhibit "I"
Ordinance 2008-32 Annexation Map

City of Tomball Annexation (Ordinance #:2008-32)



**Exhibit “J”
Site Photos**



Figure 1: Northwesterly view of subject site.



Figure 2: Southerly view of subject site.



Figure 3: Northerly view up SH 249. Subject site to the left of photographer. Various retail and commercial uses on left and right.



Figure 4: Easterly view from subject site. SH 249 ROW and Wal-Mart.



Figure 5: Southerly view down SH 249. Subject site on right. Various retail and commercial uses on left and right.



Figure 6: Northeasterly view of largely undeveloped portion of SH 249 Expressway. Subject site in center left of photo.

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

* * * * *

Whereas, the owner(s) of 5.3584 acres of land, legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from AG-Agricultural District to the C-Commercial District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

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

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

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

Section 2. The zoning classification of 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, (the "Property"), is hereby changed from AG-Agricultural District to the C-Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 5.3584 acres of land, legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road, as C-Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 5.3584 acres of land, legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road, to C-Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF MAY 2010.

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

SECOND READING:

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

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 10, 2010
&
CITY COUNCIL
MAY 17, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 10, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2010, at 7:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P10-225: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

ZONING CASE P10-226: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of May 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate

Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P10-226

APPLICANT: Pete Terpstra

LOCATION: Westerly side of State Highway 249, southerly of Alice Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone 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.

* * *

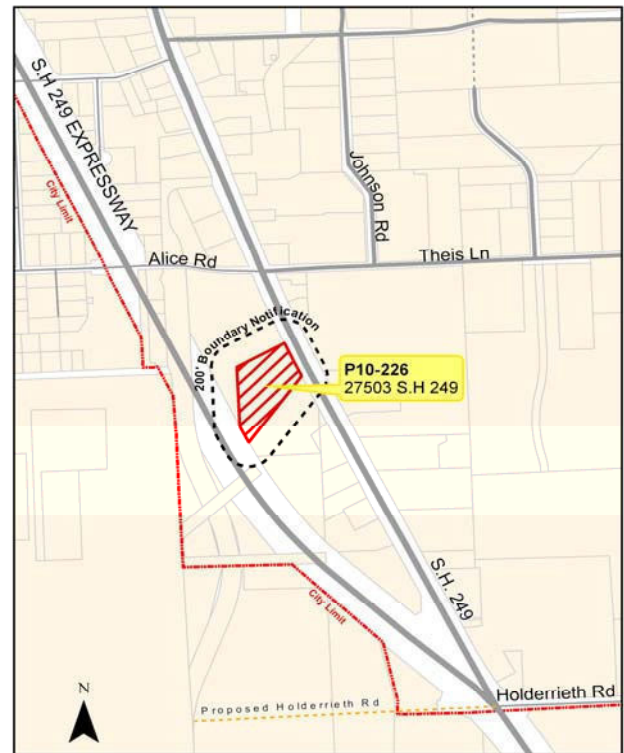
CONTACT PLANNER: Kelly Violette

PHONE: (281) 290-1491

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

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

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



**Planning and Zoning Commission
Public Hearing:
Monday, May 10, 2010, 6:00 PM**

**City Council Public Hearing:
*Monday, May 17, 2010, 7:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: May 17, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-225**: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, Generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

- Conduct a Public Hearing on **ZONING CASE P10-225**
- Adopt on First Reading, Ordinance 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

Background:

On March 31, 2010, the City received a rezoning application from Pete Terpstra to rezone 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, generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

The northerly site (Tracts 2B & 2Y-1) is currently developed with an approximately 2,400 square foot metallic commercial warehouse facility that houses Ham's Truck Plus, Inc. The southerly site (Tract 2Z) is currently vacant. There is a private road known as Humble Road along the northern boundary of Tract 2Z.

The subject site was annexed into the City of Tomball on December 1, 2008 as part of the 172.812 acre SH 249 Bypass (Tomball Expressway) Road Right-of-Way annexation. Because the subject site was annexed after the passage of the Zoning Ordinance and because a concurrent rezoning request was not filed by the property owner, the subject site was given an initial zoning classification of AG-Agricultural District.

After reviewing the request, staff prepared a report to the Planning and Zoning Commission recommending approval based on the fact that the proposed zoning is consistent with the existing and intended uses in the area, is consistent with the Comprehensive Plan's Future Land Use Plan Map designation of Commercial, and will help support the commercial development pattern along the SH 249 Business corridor and future commercial development along the SH 249 Bypass (Tomball Expressway).

On May 10, 2010, the Planning and Zoning Commission, after conducting a public hearing on this request, voted unanimously to recommend approval. This request is now being forwarded to City Council for consideration and possible action.

Origination:

Pete Terpstra, Property Owner

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted unanimously to approve Zoning Case P10-225, as recommended by staff, based on the following: a. The proposed zoning of C-Commercial District will be compatible with the land uses in the vicinity. b. The proposed zoning of C-Commercial District is compatible with the Tomball Comprehensive Plan. c. The proposed zoning of C-Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area. d. There is sufficient utility capacity to service commercial uses on this site.

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

Kelly Violette, City Planner

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

ATTACHMENTS:

P10-225 Staff Report

Public Comment Forms

Draft Ordinance No. 2010-11

Notice of Public Hearing

Adjacent Property Owner Notification



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: May 10, 2010

Rezoning Case: P10-225

Property Owner(s): Peter S. Terpstra
R.K. McGaughy

Applicant(s): Peter S. Terpstra

Legal Description: Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas

Location: 27202 SH 249 & 0 SH 249 (Generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road)

Area: 6.3637 acres

Present Zoning and Use: AG-Agricultural District / Commercial (Ham's Truck Plus, Inc.) and vacant

Comp Plan Designation: Commercial

Proposed Zoning and Use: C-Commercial District / Office, retail, hotel, restaurants, etc.

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

Adjacent Zoning & Land Uses:

North: AG-Agricultural / Tool rental facility and vacant land

South: ETJ (unzoned) / SH 249 Expressway ROW and vacant land

East: C-Commercial District / SH 249 Business and various retail and commercial uses

West: AG-Agricultural and ETJ (unzoned) / SH 249 Bypass (Tomball Expressway), vacant land, and Harris County Flood Control District detention facility

BACKGROUND

The subject site is 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. The site is generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road (Exhibit "C"). The northerly

site (Tracts 2B & 2Y-1) is currently developed with an approximately 2,400 square foot metallic commercial warehouse facility that houses Ham's Truck Plus, Inc. (Fig. 3). The southerly site (Tract 2Z) is currently vacant. There is a private road known as Humble Road (Fig. 2) along the northern boundary of Tract 2Z.

The property was annexed into the City of Tomball on December 1, 2008 as part of the 172.812 acre SH 249 Bypass (Tomball Expressway) Road Right-of-Way annexation (Exhibit "I"). Because the subject site was annexed after the passage of the Zoning Ordinance and because a concurrent rezoning request was not filed by the property owner, the subject site was given a zoning classification of AG-Agricultural District. Section 6.1 of the Zoning Ordinance states, "For any period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural ('AG'), and all zoning and development regulations of the 'AG' zoning district shall be adhered to with respect to the development and use of the land."

On March 17, 2010, City staff met with representatives of the property owner to discuss the Agricultural zoning of the site along with zoning issues associated with a proposed ambulance service at the Tomball Parkway Business Center (27503 Tomball Parkway), which the property owner also owns. City staff informed the representatives that the subject properties were annexed into the City of Tomball in December 2008 and given an initial zoning classification of AG-Agricultural. Additionally, staff explained that both properties have a Future Land Use designation of "Commercial" under the City's adopted Comprehensive Plan and that a rezoning request to the C-Commercial District would be consistent with this designation. The property owner's representatives expressed intent to rezone both sites.

On March 31, 2010, the applicant submitted rezoning applications to rezone the subject site as well as Tract 2 (27503 Tomball Parkway) from the AG-Agricultural District to the C-Commercial District.

ANALYSIS

According to the Tomball Zoning Ordinance, the C-Commercial District "is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration."

The applicant is requesting the rezoning to bring the property's zoning classification in line with the commercial use already established on the site and to permit future potential uses including office, retail, hotel, restaurant, and other uses (Exhibit "D").

The uses in the general vicinity of the subject site are predominately commercial and retail related (Exhibit "C"). To the north of the subject site is the Tomball Tool Rental facility and vacant land fronting onto SH 249 Bypass (Tomball Expressway), to the south of the subject site is the SH 249 Bypass (Tomball Expressway), vacant land, and a Harris County Flood Control District detention facility in the AG-Agricultural District and in portions of the unzoned extraterritorial jurisdiction (ETJ) (Exhibit "A"). To the east of the subject site is SH 249 Business and various retail and commercial uses including the former McCauley Lumber Yard

and Palm Harbor manufactured home display and sales facility in the C-Commercial District (Exhibit “A”). To the west of the subject site is the SH 249 Bypass (Tomball Expressway), vacant land, and a Harris County Flood Control District detention facility in the AG-Agricultural District and in portions of the unzoned extraterritorial jurisdiction (Exhibit “A”).

The proposed rezoning to the C-Commercial District is consistent with the “Commercial” Comprehensive Plan land use designation (Exhibit “B”). The Comprehensive Plan states that the Commercial land use designation “is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops.” Additionally, the “Commercial Planning Guidelines” outlined in the Comprehensive Plan provide that commercial development is to be compatible with surrounding land uses and that consideration for the impacts of commercial development on the local and regional roadway network shall be determined.

Due to the fact that the requested rezoning is consistent with the Comprehensive Plan’s Future Land Use Plan Map, is consistent with the existing and intended uses in the area, and will help support the commercial development pattern along the SH 249 Business corridor and future commercial development along the SH 249 Bypass (Tomball Expressway), staff is supportive of the rezoning request.

As a matter of information, the future development of this site will require the applicant to comply with the City’s platting requirements, including dedication of utility easements and ROW, abandonments of appropriate ROW, as well as the use and area regulations outlined in the Zoning Ordinance. A site plan application, which will require civil drawings, including all proposed grading, drainage and utility plans, building elevations and landscape plans, will be required to be submitted and approved by the Engineering & Planning and Fire Departments prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses in the general vicinity of the subject site are predominately commercial and retail related. To the north of the subject site are various retail and commercial uses in the AG-Agricultural and C-Commercial districts (Exhibit “A”). To the south of the subject site is the SH 249 Bypass (Tomball Expressway), vacant land, and a Harris County Flood Control District detention facility in the AG-Agricultural District and in portions of the unzoned extraterritorial jurisdiction. To the east of the subject site is SH 249 Business and various retail and commercial uses in the C-Commercial District (Exhibit “A”). To the west of the subject site is the SH 249 Bypass (Tomball Expressway), vacant land, and a Harris County Flood Control District detention facility in the AG-Agricultural District and in portions of the unzoned extraterritorial jurisdiction.

Staff feels the rezoning and proposed land uses would be in keeping with the existing mix of land uses in the vicinity.

As such, the rezoning and permitted land uses in the C-Commercial District would be in keeping with the existing and intended land uses in the vicinity.

Any future development/redevelopment of this site will require compliance with the City's land use and development regulations.

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

There is currently sufficient water, sewer, and gas capacity in the area to service this site (Exhibit "H"). The future development of the site may require the extension of utilities to and through the site.

SH 249 Business and SH 249 Bypass (Tomball Expressway) are designated as "State Highways" on the adopted Major Thoroughfare Plan (MTP). The MTP states, "The main purpose of State Highways and FM Roadways is to move large volumes of traffic through urban areas and provide direct access to local freeways, while also providing controlled access to adjacent businesses." The right-of-way for State Highway 249 and State Highway 249 Expressway has been acquired in the vicinity and the impacts to these roadways due to the rezoning of the site are anticipated to be minimal.

The development of the site for commercial purposes would not impact the public school system as it would not increase attendance to the school system.

As a matter of information, the future development of the site will likely result in increased impermeable area, thereby altering absorption rates and increasing surface runoff. Drainage improvements shall comply with the requirements of the City's Engineering and Public Works Departments.

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

There are a limited number of undeveloped properties zoned C-Commercial District in the immediate vicinity (Exhibit "C"). However, there is a large amount of vacant land available along Holderrieth Road and in the rest of the City of Tomball that is zoned C-Commercial District. Most of the undeveloped acreage along SH 249 and SH 249 Expressway south of Alice Road (within the City of Tomball) is zoned AG-Agricultural District because of the December 2008 annexation, however it is anticipated that these properties will be rezoned at some point in the future to accommodate future commercial growth.

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

The subject property is located in an area that is developed with extensive commercial uses. The surrounding commercial and retail uses have developed steadily for a number of years due to the high traffic volumes and visibility on SH 249.

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

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

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

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

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

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

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

The request is consistent with the Comprehensive Plan’s land use designation (Exhibit “B”). The Comprehensive Plan states that the Commercial land use “is where retail sales and service activities should occur. These uses include but are not limited to shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional office uses such as physicians, accountants, or therapy offices would be permitted.”

Additionally, the “Commercial Planning Guidelines” aim to ensure commercial development compatibility with surrounding land uses and provide proper transitions, buffers, or architectural reliefs to minimize negative impacts to adjacent uses.” The proposed rezoning of the property to the C-Commercial District is consistent with the Comprehensive Plan’s Future Land Use Plan Map, will help to ensure commercial land use consistency along the SH 249 corridor, and will enhance the area’s long-term economic viability.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 30, 2010 and, as of the writing of this report, no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P10-225 based on the following:
 - a. The proposed zoning of C-Commercial District will be compatible with the land uses in the vicinity.
 - b. The proposed zoning of C-Commercial District is compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of C-Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There is sufficient utility capacity to service commercial uses on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Metes and Bounds
- G. Property Survey
- H. Utility Block Maps
- I. Ordinance 2008-32 Annexation Map
- J. Site Photos

Exhibit "A"
Location/Zoning Map

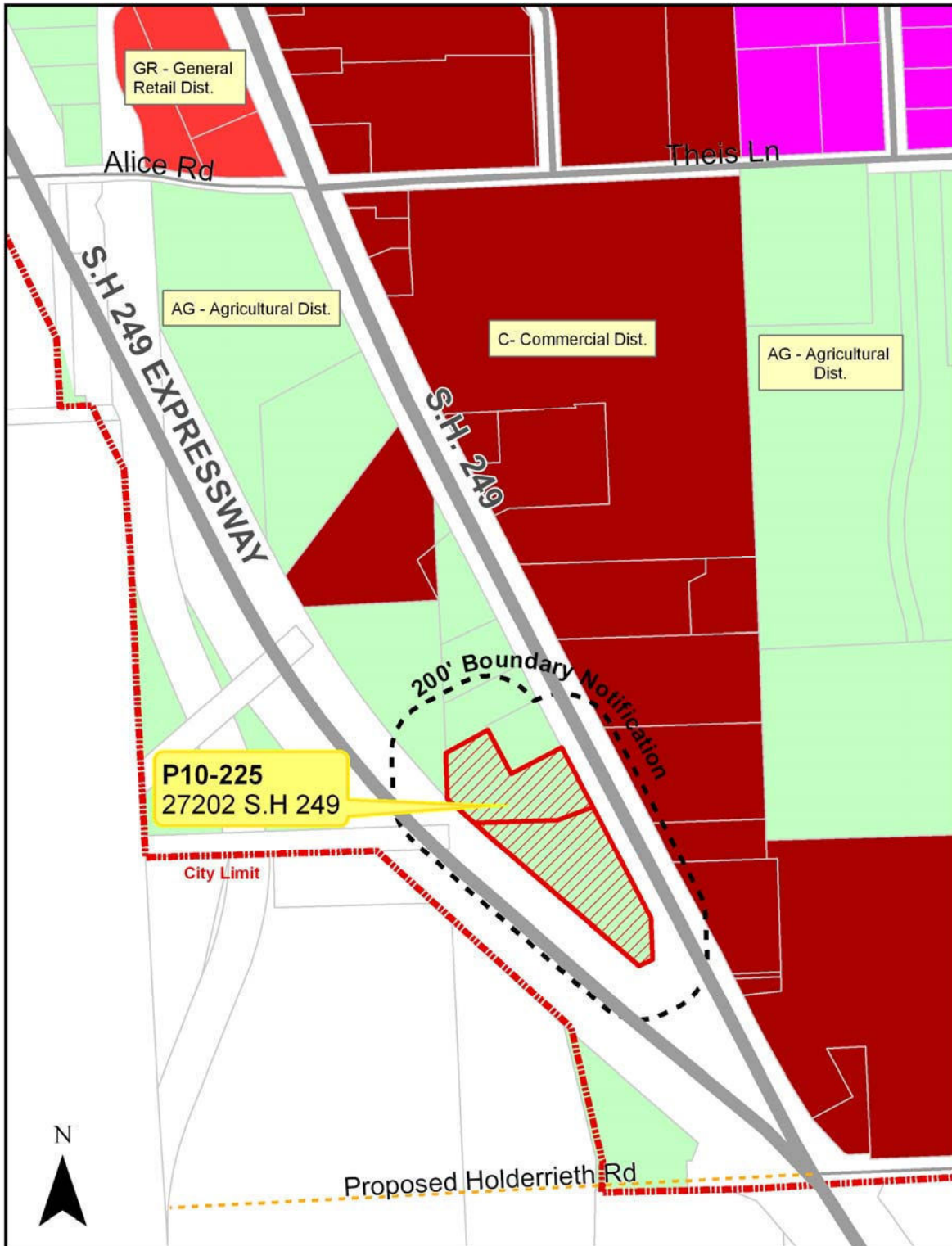


Exhibit "B"
Comprehensive Plan Future Land Use Map

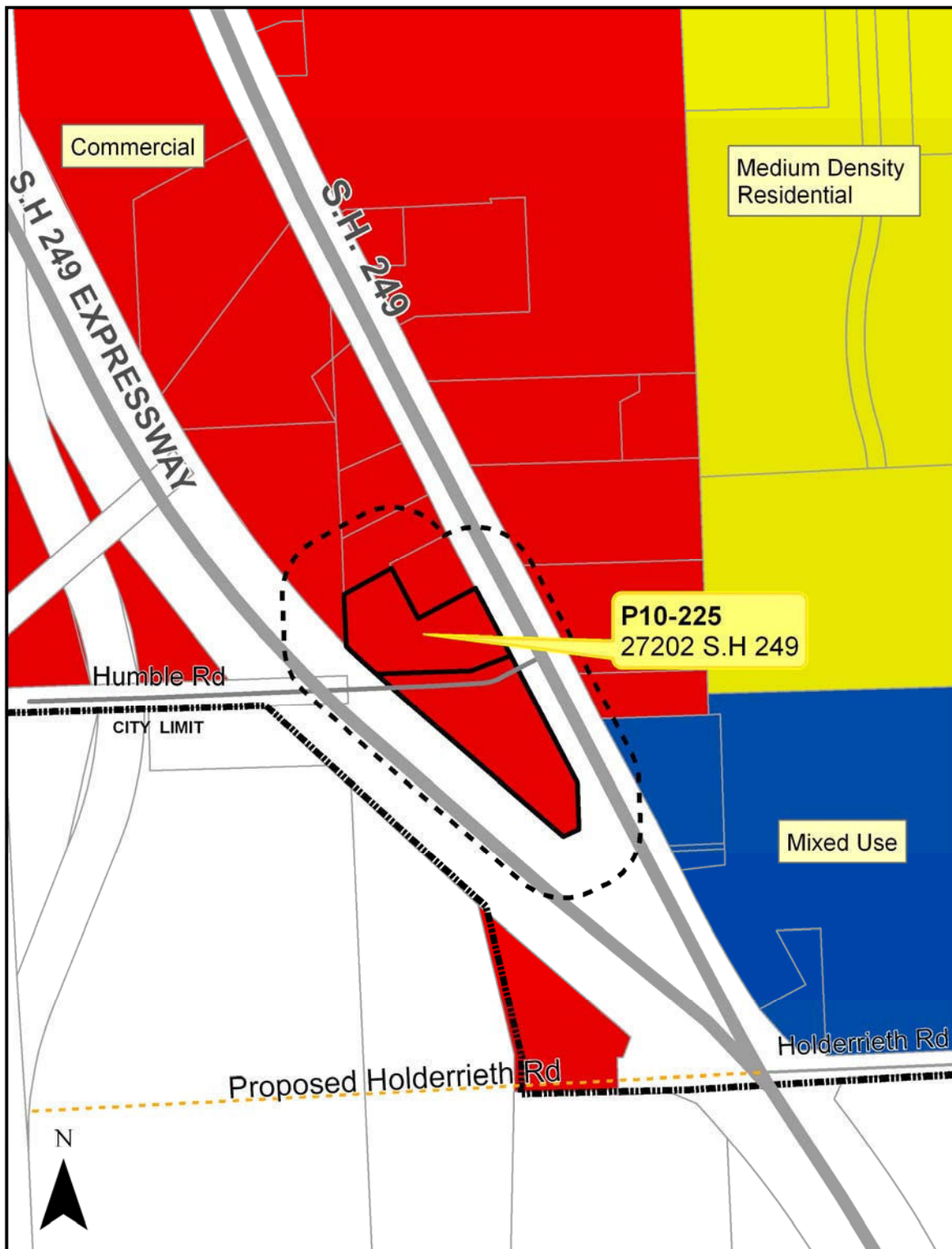


Exhibit "C"
Aerial Photo

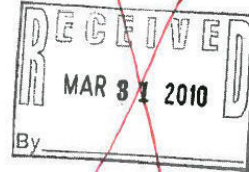


Exhibit "D"
Rezoning Application



Revised 1/20/09

APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER S. TERPSTRA Title: _____
Mailing Address: 14343-B TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 580-4855 Fax: (281) 580-3808 Email: terprestate@mind.spring.com

Owner PETER S. TERPSTRA

Name: R.K. MCGAUGHY Title: Owners
Mailing Address: 14343-B TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 580-4855 Fax: (281) 580-3808 Email: terprestate@mind.spring.com

Engineer/Surveyor (if applicable)

Name: JOHN G. THOMAS #270 Title: PRESIDENT
Mailing Address: 14340 TORREY CHASE BLVD City: HOUSTON State: TX
Zip: 77014
Phone: (281) 440-7730 Fax: (281) 440-7737 Email: john@thomaslandsurveying.com

Description of Proposed Project: Commercial, Offices, RETAIL, Hotel, Restaurants, etc.

Physical Location of Property: Intersection of Tomball Parkway and State Hwy 249 BY PASS

[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 6.3637 ACRES OUT OF THE CLAUDE M. PILLOT SURVEY, ABSTRACT NO. 632
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Harris County, TEXAS

Current Zoning District: AG

Current Use of Property: COMMERCIAL

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: OFFICE, RETAIL, HOTEL, RESTAURANTS, ETC.

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

www.ci.tomball.tx.us

HCAD Identification Number: 044-058-000-0264
044-058-000-0282 Acreage: 6.3637 Acres

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

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

X Pete P. Dwyer 3/31/10
Signature of Applicant Date

X Pete P. Dwyer 3/31/10
Signature of Owner Date

R. K. McGaughey, Trustee 4/20/10
R. K. McGaughey, Trustee Date

Exhibit "E"
Rezoning Request Letter

Thomas Land Surveying
Surveying · Planning · Project Management

March 31, 2010

Reference: 6.3637 Acres
C.N. Pillot Survey, A-632
Tomball, Harris County, Texas

To Whom It May Concern:

We have requested a zoning change on the referenced tract from ag zoning to Commercial zoning as the tract is proposed to be and currently is used for commercial purposes.

Respectfully


John G. Thomas

14340 Torrey Chase Boulevard · Suite 270 · Houston, Texas 77014
(281) 440-7730 · Fax (281) 440-7737
www.thomaslandsurveying.com

Exhibit "F"

Metes and Bounds



March 31, 2010
6.3637 Acres

Fieldnotes for 6.3637 acres of land out of the Claude M. Pillot Survey, Abstract No. 632, in Harris County, Texas and being all of that certain 1 acre tract, more or less conveyed to A.W. Theis and Thelma Theis by deed recorded in Volume 6895, Page 342 of the Deed Records of Harris County, and being out of and a part of that certain 160 acres of land conveyed to said A.W. Theis and Thelma Theis by deed recorded in Volume 3395, page 47 of the said Deed Records, and being all of that certain 2.8181 acre tract of land conveyed to Peter S. Terpstra, Trustee as described in deed recorded under County Clerk's File No. S283264 of the Real Property Records of Harris County, and all of that certain 3.6571 acre tract of land described as Tract 1 in deed to R.K. McGaughy recorded under County Clerk's File No. Z273961 of the said Real Property Records, said 6.3637 acres of land being more particularly described by metes and bounds as follows:

Commencing at a 5/8 inch iron rod found in the West line of State Highway No. 249, (Tomball Parkway) based on a 180.00 foot right-of-way, marking the Southeast corner of that certain 1.2618 acre tract of land conveyed to Gregory D. Kitchens, et ux by deed recorded under County Clerk's File No. T027655 of the said Real Property Records, said point also being the Northeast corner of that certain 1.0127 acre tract of land conveyed to Morris W. Kitchens and Virgie F. Kitchens by deed recorded under County Clerk's File No. G716425 of the said Real Property Records, said point also being South 27°31'59" east, 772.49 feet from the intersection of the West line of said State Highway No. 249 with the West line of the said C.M. Pillot Survey and the Sam Lewis Survey, Abstract No. 1704;

Thence, South 27°31'59" East, 208.00 feet with the East line of the said Kitchens 1.0127 acre tract and the common West line of said State Highway No. 249 to a 5/8 inch steel rod set for the most Easterly North east corner and PLACE OF BEGINNING for the herein described tract of land, said point also being the Southeast corner of the said 1.0127 acre tract;

Thence, South 27°31'59" east, 703.84 feet with the Southwest line of said State Highway No. 249 to a 5/8 inch steel rod set for an angle point for the herein described tract, said point also being at the North end of a cut-back for said State Highway No. 249 bypass;

Thence, South 02°11'48" East, 151.01 feet with the said cut-back to a 5/8 inch steel rod set for a second angle point and the most easterly Southeast corner of the herein described tract;

Thence, continuing with the said cut-back, South 64°18'58" West, 55.75 feet to a 5/8 inch steel rod set at a third angle point and the most Southerly corner of the herein described tract, said point being at the Southwest end of the said cut-back;

Thence, North 49°10'17" West, 658.65 feet with the Northeast line of said State Highway No. 249 bypass to a 5/8 inch steel rod set at a point of curve to the right, having a radius of 3644.72 feet and a central angle of 04°32'12";

Thence, continuing with the Northeast line of said proposed State Highway no. 249 bypass and with the said curve to the right having a radius of 3644.72 feet (chord bearing North 46°54'10" West, 288.52 feet) an arc distance of 288.52 feet to a 1/2 inch steel rod set in the West line of the said 2.8181 acre tract, said point also being in the West line of the said Claude M. Pillot Survey and the East line of the Sam Lewis Survey, Abstract NO. 1704, said point also being a Southerly corner of a residue tract of a 145.78 acre tract conveyed to Ralph Lewis Frapart and described as tract 6 in instrument recorded under County Clerk's File No. F014298 of the said Real Property Records;

Thence, North 02°34'51" West, 156.55 feet with the West line of the said 2.8181 acre tract and the said C.N. Pillot Survey and with the common East line of the said Sam Lewis Survey and an Easterly line of the said residue tract to a 1/2 inch steel rod with cap set for the Northwest corner of the said 2.8181 acre tract and the herein described tract, said point also being the Southwest corner of the aforesaid Kitchens 1.2618 acre tract;

14340 Torrey Chase Boulevard · Suite 270 · Houston, Texas 77014
(281) 440-7730 · Fax (281) 440-7737
www.thomaslandsurveying.com

March 31, 2010
6.3637 Acres
Page 2

Thence, North $61^{\circ}14'30''$ East, 180.64 feet with the North line of the said 2.8181 acre tract and the South line of the said Kitchens 1.2618 acre tract to a $\frac{5}{8}$ inch steel rod found marking the most Northerly Northeast corner of the said 2.8181 acre tract and the herein described tract, said point also being in the West of the said Kitchens 1.0127 acre tract;

Thence, South $27^{\circ}31'59''$ east, 191.17 feet with the West line of the said Kitchens 1.0127 acre tract and an Easterly line of the said 2.8181 acre tract to a 4 inch steel post found at an ell corner, said point being the Southwest corner of the said Kitchens 1.0127 acre tract;

Thence, North $62^{\circ}36'28''$ East, 212.27 feet with the South line of the said Kitchens 1.0127 acre tract and the North line of the said 2.8181 acre tract to the PLACE OF BEGINNING and containing 6.3637 acres or 277, 201 square feet of land, more or less.

This description is based on the Land Title Survey and Plat (Job No. 14367 made under the direction of John G. Thomas, Registered Professional Land Surveyor.


John G. Thomas, R.P.L.S. No. 1494



Page 161 of 244

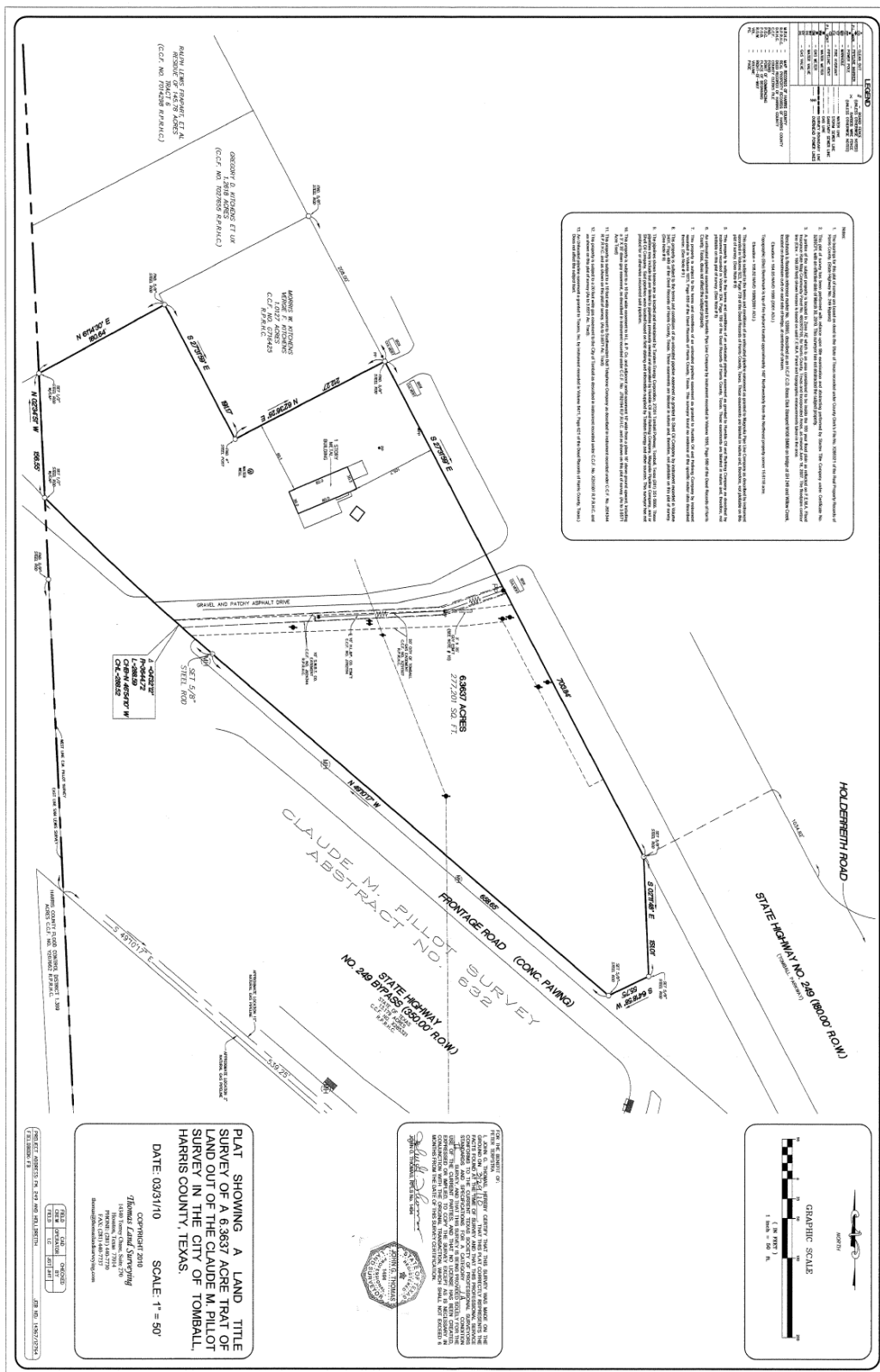


Exhibit "H"
Utility Block Maps

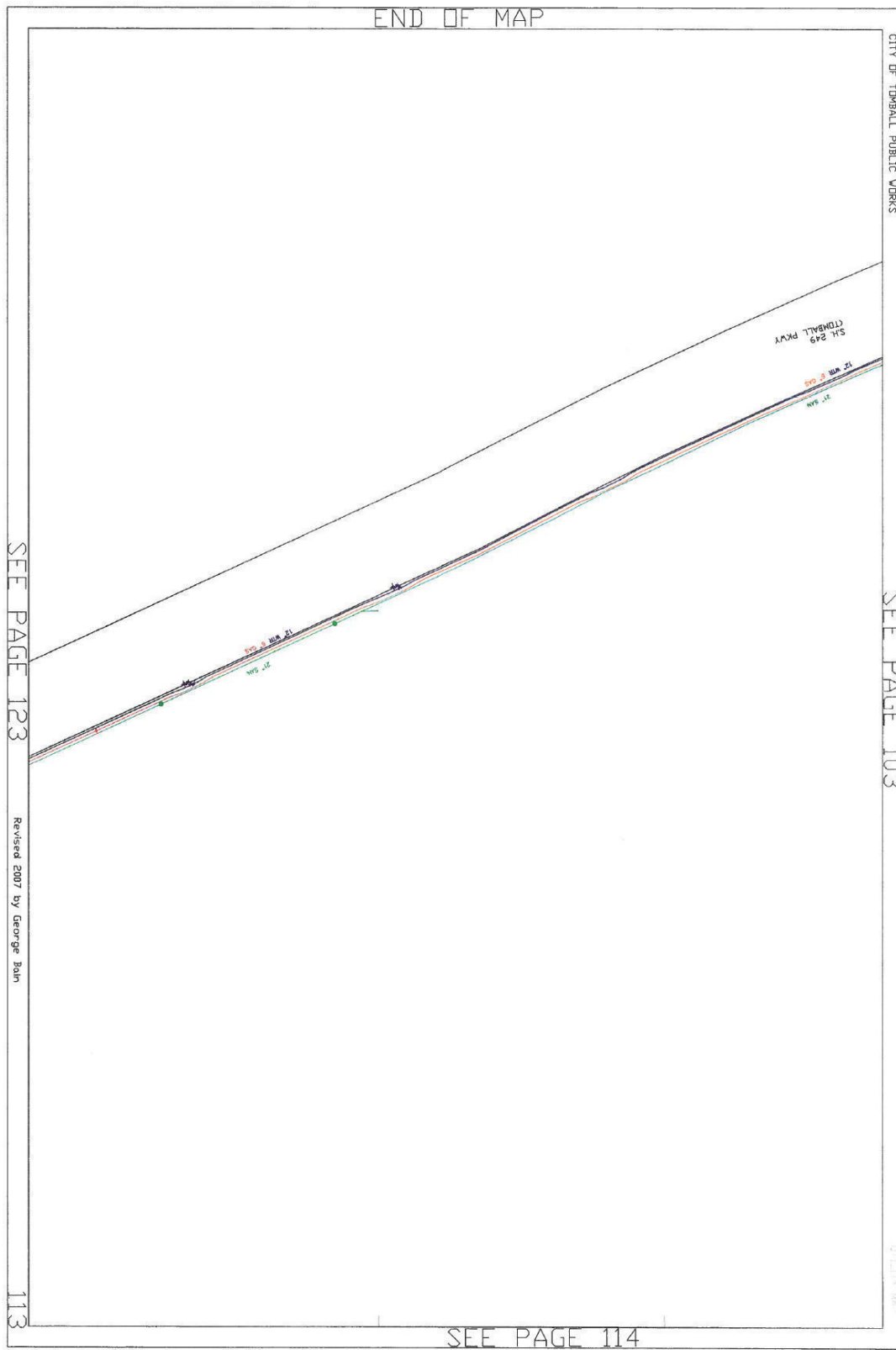
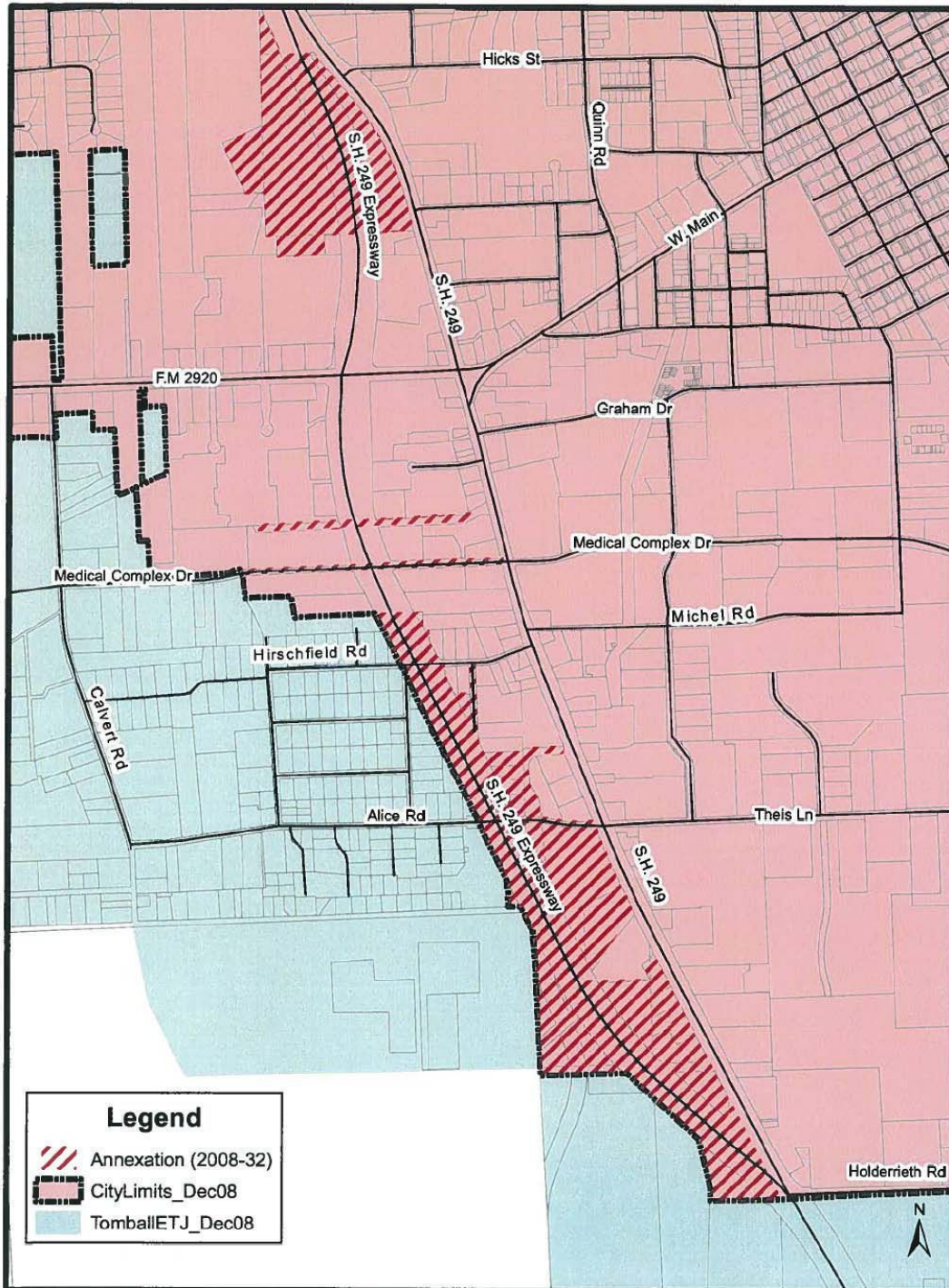


Exhibit "I"
Ordinance 2008-32 Annexation Map

City of Tomball Annexation (Ordinance #:2008-32)



Date Created: 2/26/09
Map Created By: City of Tomball
Engineering & Planning Dept.

**Exhibit “J”
Site Photos**



Figure 1: Southerly view of subject site.



Figure 2: Westerly view of subject site. Humble Road in center of photo.



Figure 3: Westerly view of subject site. Ham's Trucks Plus, Inc.



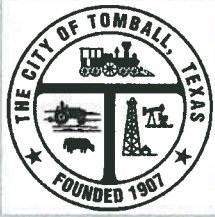
Figure 4: Northerly view up SH 249. Subject site on left. Various retail and commercial uses north of subject site.



Figure 5: Southerly view down SH 249. Subject site on right. Commercial and retail uses on left.



Figure 6: Harris County Flood Control District detention facility to the west of subject site.



Public Comment Form

(Please type or use black ink)

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

Please return to:

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



Name: MC CAULEY LUMBER TOMBALL INC

(please print) Address: (27210 SH 249 TOMBALL)

30814 QUINN RD TOMBALL 77375

Signature: [Handwritten Signature]

Date: 5-3-10

X

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-225**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-225**. (Please state reasons below)

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

Monday, May 10, 2010, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, May 17, 2010, 7:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

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

BROKER:
Pete Terpstra
Mark Terpstra

TEL: (281) 580-4855
FAX: (281) 580-3808

TERPSTRA & ASSOCIATES

COMMERCIAL and INVESTMENT REAL ESTATE
CENTRAL TEXAS RANCHES



May 4, 2010

City of Tomball
Department of Engineering & Planning
Attn: Kelly Violette
501 James Street
Tomball, Texas 77375

Re: Zoning Case P10-225
Peter S. Terpstra, Applicant

Dear Ms. Violette:

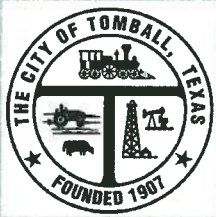
Enclosed herewith is the Public Comment Form which I have signed indicating that I am "for the requested rezoning" as referenced in the above zoning case.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Peter S. Terpstra

amp
Encl.



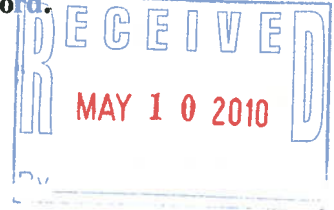
Public Comment Form

(Please type or use black ink)

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

Please return to:

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



Name: Peter S. Terpstra

(please print)

Address: 14343-B Torrey Chase Blvd.

Houston Texas 77014

Signature: *Peter S. Terpstra*

Date: May 4, 2010

X

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-225**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-225**. (Please state reasons below)

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

Monday, May 10, 2010, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, May 17, 2010, 7:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

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

ORDINANCE NO. 2010-11

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. PILOT 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

* * * * *

Whereas, the owner(s) of 6.3637 acres of land, legally described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pilot Survey, Abstract Number 632, generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from AG-Agricultural District to the C-Commercial District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and,

Whereas, the City Council deems it appropriate to grant such proposed change in the

zoning district classification of the Property;

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

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

Section 2. The zoning classification of 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, (the "Property"), is hereby changed from AG-Agricultural District to the C-Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 6.3637 acres of land, legally described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, as C-Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 6.3637 acres of land, legally described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, to C-Commercial District as described above.

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF MAY
2010.

COUNCILMAN QUINN
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DRIVER

SECOND READING:

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

COUNCILMAN QUINN
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DRIVER

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 10, 2010
&
CITY COUNCIL
MAY 17, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 10, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2010, at 7:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P10-225: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

ZONING CASE P10-226: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of May 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate

Senior Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P10-225

APPLICANT: Pete Terpstra

LOCATION: Westerly side of State Highway 249, northerly of Holderrieth Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone 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.

* * *

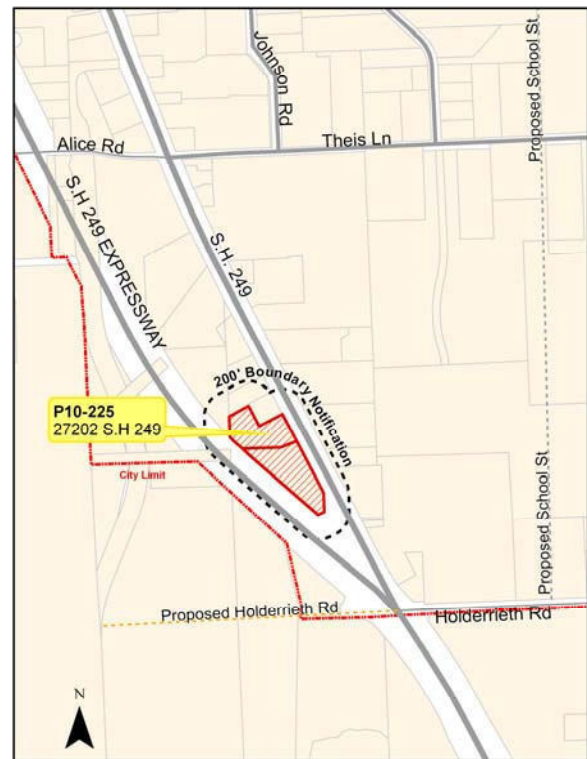
CONTACT PLANNER: Kelly Violette

PHONE: (281) 290-1491

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

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

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



**Planning and Zoning Commission
Public Hearing:**

Monday, May 10, 2010, 6:00 PM

City Council Public Hearing:

***Monday, May 17, 2010, 7:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: May 17, 2010

Data Sheet

Topic:

Approve Resolution No. 2010-08, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).

Background:

In April 2007, Council approved Resolution No. 2007-22 authorizing the establishment of PID No. 2 and approved the Development Agreement for the proposed residential subdivision, Raleigh Creek. The Development Agreement was executed by the Mayor on May 31, 2007. The agreement stipulated that the developer had 18 months from the date the Agreement was executed to complete or start the infrastructure improvements or the PID would expire. Shortly thereafter, the housing market started to slow down and then the economy in general started to slow. As the developer, Jim Spurlin worked with his banks and began the process of talking to builders. No builders were willing to commit to purchasing lots due to the state of the economy. Therefore, the construction of the project improvements were put on hold.

By the Fall of 2008, the economy had still not recovered and an 18-month extension to the original terms of the Development Agreement was granted by the City Council at the regular City Council meeting held on November 17, 2008. This extension (Resolution No. 2008-29) is set to expire in May.

With the continuing downturn in the economy, Mr. Spurlin is once again requesting an extension to the original terms of the Development agreement with the hopes that the market will turn around and he can begin development within the next 18 months. Staff is proposing an 18-month extension to coincide with the original terms of the Agreement.

Origination:

Glenn Windsor, Finance Director/Treasurer

Recommendation:

Staff recommends approval of Resolution 2010-08.

Funding:

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

Glenn Windsor, Finance Director/Treasurer

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

ATTACHMENTS:

Resolution No. 2010-08

RESOLUTION 2010-08

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

* * * * *

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

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

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

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

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

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

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

Section 2. Under Sections 2.02.c. and 6.01.b. of the Development Agreement for Public Improvement District Number Two, attached hereto as Exhibit "A," the amended Agreement will expire on May 16, 2010; however, the City of Tomball and LS Development, LLC wish to extend the term of the Development Agreement an additional eighteen (18) months.

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

PASSED AND ADOPTED this ____ day of _____, 2010.

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Approved as to Form:

SCOTT BOUNDS, City Attorney

DEVELOPMENT AGREEMENT

This Development Agreement (this "*Agreement*") is made as of May 7, 2007, by and between the **CITY OF TOMBALL**, a municipal corporation and a home-rule city in the State of Texas (the "City"), and **LS DEVELOPMENT, LLC**, a Texas limited liability company (the "*Developer*").

RECITALS

WHEREAS, in accordance with the provisions of Chapter 372, TEX. LOCAL GOV'T CODE, and Resolution 2007-22, the City Council of the City of Tomball created the Public Improvement District Number Two (the "*PID*") pursuant to the petition for creation from the owner thereof; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City and the land within the PID to finance the construction of certain PID Improvements (defined below) and that an assessment against the benefited property within the PID should be made; and

WHEREAS, the Developer is the owner of certain property within the PID described in Exhibit A, and wishes to finance and construct certain PID projects; and

WHEREAS, the Developer intends to assist the City in the financing and construction of the PID Improvements, in exchange for the City's agreement to reimburse the Developer in accordance with the terms of this Agreement; now, therefore,

AGREEMENT

For and in consideration of the mutual promises, covenants, obligations, and benefits of this Agreement, the Developer contract and agree as follows:

ARTICLE 1 GENERAL TERMS

1.01 **Definitions.** The terms "*Agreement*," "*City*," "*Developer*," "*PID*," and "*PID Agreement*" have the meanings set forth in the preamble hereof, and the following terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For purposes of this Agreement, the words "shall" and "will" are mandatory, and the word "may" is permissive.

Act shall mean the Public Improvement District Assessment Act, Chapter 372, TEX. LOCAL GOV'T CODE, as amended.

Assessments shall mean assessments levied and collected in connection with the PID pursuant to the Act and the Plan, and deposited by the City into a PID Revenue Fund.

Developer Advances shall mean any funds advanced by the Developer pursuant to **Section 5.01**, and shall include any interest payable thereon.

Net Assessments shall mean the annual deposits of the Assessments into the PID Revenue Fund, less amounts reasonably required or anticipated to be required for the administration and operation of the PID in carrying out its responsibilities hereunder, including a reasonable operating reserve.

Parties or Party shall mean the City, and the Developer as parties to this Agreement.

PID Improvements shall mean the improvements described in **Article 3** hereof.

PID Revenue Fund shall mean the special fund established by the City and funded with payments made to the City pursuant to the PID.

Plan shall mean the final Service and Assessment Plan for the PID as approved by City Council in accordance with the Act.

Project shall mean the residential development within the PID projected to be carried out by the Developer described on Exhibit B.

1.02 Singular and plural; gender. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa. Likewise, any masculine references shall include the feminine, and vice versa.

ARTICLE 2 REPRESENTATIONS

2.01 Representations of the City. The City hereby represents that:

a. The City is duly authorized and is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The City has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the City, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the City under any agreement or instrument to which the City is a party or by which the City or its assets may be bound or affected.

c. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

2.02. Representations of the Developer. The Developer hereby represents that:

a. The Developer is duly authorized, created and existing under the laws of the State of Texas, is qualified to do business in the State of Texas and is duly qualified to do business wherever necessary to carry on the operations contemplated by this Agreement.

b. The Developer has the power, authority and legal right to enter into and perform its obligations set forth in this Agreement, and the execution, delivery and performance hereof, (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any judgment, order, law or regulation applicable to the Developer or any provisions of the Developer's organizational documents, and (iii) does not constitute a default under or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the Developer under any agreement or instrument to which the Developer is a party or by which the Developer or its assets may be bound or affected.

c. The Developer has sufficient capital to perform its obligations under this Agreement and will commence construction of the Project within eighteen (18) months of execution of this Agreement.

d. This Agreement has been duly authorized, executed and delivered and constitutes a legal, valid and binding obligation of the Developer, enforceable in accordance with its terms.

ARTICLE 3
THE PLAN AND PID IMPROVEMENTS

3.01 The PID Improvements. The PID Improvements are intended to enhance the proposed implementation of a development within the PID constituting the Project, as more fully described in the Plan.

3.02 PID Improvements description. The PID Improvements consist of acquisition, construction and development of the public improvements within the portion of the PID comprising the Project, as more fully described in Exhibit C, and as described in the Plan. The PID Improvements will be developed pursuant to a schedule consistent with the pace of development of the Project that is mutually agreeable to the Parties. The PID Improvements shall include all engineering, legal and other consultant fees and expenses related to such PID Improvements. The Developer shall be entitled to reimbursement of up to 50% of the project costs described in Exhibit C subject to the limitations contained in Section 3.03 of this agreement.

3.03 General terms of the Plan. The Plan has not yet been adopted by the City. The Parties anticipate that the Plan, at a minimum, will include the PID Improvements described above to serve the land within the PID, and such other facilities as may be agreed upon by the Parties, and that the Assessments shall be assessed in phases to affect only the portions of the PID directly benefited by the PID improvements to be financed by each Assessment. The Assessments shall be based upon the agreed-upon percentage of estimated costs of the Public Improvements as reflected in Exhibit C, plus those related costs as deemed reimbursable by the City; however, the Assessments in the Plan shall be formulated in a manner that generally

conforms to the equivalent of a \$0.50 tax rate for each property covered by the Plan and a maximum ten (10) year payment term for each property covered by the Plan.

3.04. Additional Projects. This Agreement does not apply to any projects not specifically included in the Plan and defined herein unless this Agreement is amended to provide for the design and construction of such additional projects.

ARTICLE 4

DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

4.01 Construction manager. The Developer agrees to construct the PID Improvements and to provide and furnish, or cause to be provided and furnished, all materials and services as and when required in connection with the construction of the PID Improvements. The Developer will obtain all necessary permits and approvals from the City and all other governmental officials and agencies having jurisdiction, provide supervision of all phases of construction of the PID Improvements, provide periodic reports of such construction to the City upon request, and cause the construction to be performed in accordance with the Plan.

4.02 Design of the PID Improvements. The Developer shall prepare or cause to be prepared the plans and specifications for the PID Improvements. Prior to the commencement of construction or implementation of the PID Improvements, the plans and specifications must be approved by the City. The PID Improvements shall be designed in accordance with City standards applicable to similar public improvements within the City.

4.03 Construction contracts. The Developer shall prepare the PID Improvements construction contract documents to ensure that the contract documents are in accordance with the approved plans and specifications. The Developer shall comply with all laws and regulations regarding the bidding and construction of public improvements applicable to similar facilities constructed by the City, including without limitation any applicable requirement relating to payment, performance and maintenance bonds.

4.04. Construction and implementation of the PID Improvements. The Developer shall be responsible for the inspection and supervision of the construction and implementation of the PID Improvements.

a. The Developer shall commence construction of the PID Improvements in a timely fashion to coincide with the expected development of the Project.

b. Upon completion of a contract for the construction of the PID Improvements, the Developer shall provide the City with a final summary of all costs associated with such contract, and show that all amounts owing to contractors and subcontractors have been paid in full evidenced by customary affidavits executed by such contractors. Following completion of a construction contract, the Developer will call for inspection of the applicable PID Improvements by the City, and upon approval thereof as being in compliance with City standards relating thereto, the PID Improvements will be conveyed to the City, subject only to the right to reimbursement for Developer Advances with respect thereto.

ARTICLE 5 PROJECT FINANCING AND FUNDING

5.01. The Developer Advances.

a. In connection with the construction of the PID Improvements the Developer has determined are required to be constructed to serve the Project, the Developer agrees to provide sufficient funds as such become due for all costs thereof (the "Developer Advances"), such as costs of design, engineering, materials, labor, construction, and inspection fees arising in connection with the PID Improvements, including all payments arising under any contracts entered into pursuant to this Agreement.

b. Interest on each Developer Advance shall accrue at a seven percent (7%) annual rate, compounded annually, whether such costs, fees, or expenses are paid or incurred before or after the effective date of this Agreement. Interest shall be calculated on the basis of a year of 360 days and the actual days elapsed (including the first day but excluding the last day) occurring in the period for which such interest is payable, unless such calculation would result in a usurious rate, in which case interest shall be calculated on the per annum basis of a year of 365 or 366 days, as applicable, and the actual days elapsed (including the first day but excluding the last day).

5.02. Repayment of Developer Advances.

a. In consideration of the development and construction of the PID Improvements, the City shall begin repaying the Developer Advances, and shall continue such repayment until repaid in full, on the earliest date that funds are available from the following source, and solely from such source:

(i) the Net Assessments, subject to the limitations set forth in **subsection (c)**.

b. the City shall reimburse the Developer for Developer Advances, plus interest, from Net Assessments from the Project accumulated in the PID Revenue Fund available in accordance with the priorities described in **Section 5.03** below.

c. At such time as funds are available to pay all or any portion of the Developer Advances made hereunder, the City shall hire a certified public accountant at the Developer's expense to calculate the amount due the Developer and prepare and submit a report to the City certifying (1) the amount due the Developer for the Developer Advances being repaid with interest calculated thereon, and (2) that funds are available to make such payment. Such report shall be approved at the earliest practicable time, but not later than 90 days after submission by the Developer of the records required therefor. The City shall make payment to the Developer within 30 days of approval of the auditor's report.

5.03. Priorities. Amounts deposited in the PID Revenue Fund shall be applied in the following order of priority (i) administrative and operating costs of the PID, (ii) payments to the Developer pursuant to **Section 5.02**, above.

ARTICLE 6 DEFAULT

6.01. Default.

a. If the City does not perform its obligations hereunder in substantial compliance with this Agreement, in addition to the other rights given the Developer under this Agreement, the Developer may enforce specific performance of this Agreement or seek actual damages incurred by the Developer for any such default.

b. If the Developer fails to commence or complete the PID Improvements or the Project in accordance with the terms of this Agreement, including the failure to fund Developer Advances or commence construction of the Project within eighteen (18) months, the City may terminate this Agreement with respect to its obligations to the Developer and shall be relieved of any obligation to reimburse the Developer for any Developer Advances or seek actual damages incurred for any such default.

c. The Party alleging default shall provide written notice to the other party of such default, and the defaulting party shall have 60 days to remedy the default prior to the declaration of any default hereunder.

ARTICLE 7 GENERAL

7.01. Inspections, audits. The Developer agrees to keep such operating records with respect to the PID Improvements and other activities contemplated by this Agreement and all costs associated therewith as may be required by the City, or by State and federal law or regulation. The Developer shall allow the City access to, and the City shall have a right at all reasonable times to audit, all documents and records in the Developer's possession, custody or control relating to the PID Improvements that the City deems necessary to assist the City in determining the Developer's compliance with this Agreement.

7.02 Developer operations and employees. All personnel supplied or used by the Developer in the performance of this Agreement shall be deemed contractors or subcontractors of the Developer and will not be considered employees, agents, contractors or subcontractors of the City for any purpose whatsoever. The Developer shall be solely responsible for the compensation of all such contractors and subcontractors.

7.03 Personal liability of public officials, legal relations. To the extent permitted by State law, no director, officer, employee or agent of the City shall be personally responsible for any liability arising under or growing out of the Agreement. THE DEVELOPER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS RESPECTIVE OFFICERS, REPRESENTATIVES, AND AGENTS FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED BY ANY PERSON, PERSONS, OR PROPERTY RESULTING FROM THE NEGLIGENT ACTS OF THE DEVELOPER, OR ANY OF ITS AGENTS, OFFICERS, OR REPRESENTATIVES IN PERFORMING ANY OF THE SERVICES AND ACTIVITIES UNDER THIS AGREEMENT.

7.04 Notices. Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the receiving party at the following addresses:

City of Tomball
c/o City Manager
401 Market Street
Tomball, Texas 77375

PID Contract Administrator
Hawes Hill Calderon, LLP
P.O. Box 22167
Houston, Texas 77092
Attn: Scott Bean

Mr. Jim Spurlin
LS DEVELOPMENT, LLC
10423 Huffsmith
Tomball, Texas 77375

Each party may change its address by written notice in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipted for by, or actually received by the City, or the Developer, as the case may be.

7.05 Amendments and waivers. Any provision of this Agreement may be amended or waived if such amendment or waiver is in writing and is signed by the City and the Developer. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

7.06 Invalidity. In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provision of this Agreement.

7.07 Successors and assigns. All covenants and agreements contained by or on behalf of a Party in this Agreement shall bind its successors and assigns and shall inure to the benefit of the other Parties, their successors and assigns. The Parties may assign their rights and obligations under this Agreement or any interest herein, only with the prior written consent of the other Parties, and any assignment without such prior written consent, including an assignment by operation of law, is void and of no effect; provided that, the Developer may make a collateral assignment in favor of a lender without consent. This section shall not be construed to prevent the Developer from selling lots, parcels or other portions of the Project in the normal course of business. If such assignment of the obligations by the Developer hereunder is effective, the

Developer shall be deemed released from such obligations. If any assignment of the obligations by the Developer hereunder is deemed ineffective or invalid, the Developer shall remain liable hereunder.

7.08 Exhibits; titles of articles, sections and subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the agreement between the parties hereto. Any reference herein to a section or subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

7.09 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect.

7.10 Entire Agreement. **THIS WRITTEN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

7.11 Term. This Agreement shall be in force and effect from the date of execution hereof for a term expiring on the date that the Developer Advances have been repaid in full, or January 1 of the year following the date the last assessment payment has been made in accordance with the PID Service and Assessment Plan and Assessment Roll(s).

7.12 Time of the essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

7.13 Approval by the Parties. Whenever this Agreement requires or permits approval or consent to be hereafter given by any of the parties, the parties agree that such approval or consent shall not be unreasonably conditioned, withheld or delayed.

7.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which when so executed and delivered shall be deemed an original, but such counterparts together shall constitute but one and the same instrument.

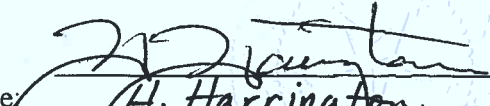
7.15 Legal costs. If any Party hereto is the prevailing party in any legal proceedings against another Party brought under or with relation to this Agreement, such prevailing Party shall additionally be entitled to recover court costs and reasonable attorneys' fees from the non-prevailing Party to such proceedings.

7.16 Further assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of May 31, 2007.

CITY OF TOMBALL, TEXAS

By: 

Name: H. Harrington

Title: Mayor

LS DEVELOPMENT, LLC


Jim Spurlin

Title: owner

EXHIBIT A

LEGAL DESCRIPTION

Job #35093

Description of a 142.770 acre tract of land in the Joseph Miller Survey, Abstract No. 50 in Harris County, Texas, being a portion of a called 153.45 acre tract described in deed recorded in Harris County Clerk's File No. C-817579 being all of a called 7.3765 acre tract described in deed recorded in Harris County Clerk's File No. S-040074, and being all of a called 8.7325 acre tract described in deed recorded in Harris County Clerk's File No. S-040076, and said 142.770 acre tract being more fully described as follows (with bearings referenced to the Southwesterly right-of-way line of the I. & G.N. Railroad right-of-way as South 56° 30' 48" East):

BEGINNING at a ½ inch iron rod set for the Southwest corner of the above referenced 7.3765 acre tract in the North right-of-way line of Zion Road (60 feet wide) and being also the Southeast corner of a called 0.5264 acre tract recorded in Harris County Clerk's File No. V-471789, and from which a found ½ inch iron rod bears North 82° 21' 48" East, 15.33 feet and a found ¾ inch iron pipe bears North 82° 34' 12" East, 15.20 feet;

THENCE North 00° 04' 01" East, along the East line of said 0.5264 acre tract, the East line of a called 2.29 acre tract recorded in Harris County Clerk's File No. R-006483, the East line of a called 1.224 acre tract recorded in Harris County Clerk's File No. R-404456, the East line of a called File No. R-404456, the East line of a called 1.0354 acre tract recorded in Harris County Clerk's File No. S-053503, and the East line of another called 1.0354 acre tract recorded in Harris County Clerk's File No. P-336468, 1777.49 feet to a ½ inch iron rod set for the Northwest corner of the aforementioned 8.7325 acre tract in the South line of the aforementioned called 153.45 acre tract, from which a found ¾ inch iron pipe bears North 15° 01' 09" West, 3.16 feet, and a found ¾ inch iron pipe bears North 28° 46' 23" West, 0.70 feet;

THENCE South 88° 50' 47" West, along the South line of said 153.45 acre tract and the North line of the aforementioned 1.0354 acre tract, 150.09 feet to a 2 inch iron pipe found for its Northwest corner and an angle point in the upper South line of this tract;

THENCE South 88° 48' 41" West, along the South line of said 153.45 acre tract and the North line of a called 3.4015 acre and a called 0.7718 acre tract, both recorded in Harris County Clerk's File No. S-398301, 623.36 feet to a fence corner found for the upper Southwest corner of this tract in the East line of a called 22.8140 acre tract recorded in Harris County Clerk's File No. U-623541;

THENCE North 00° 27' 22" West, along the East line of said 22.8140 acre tract and the East line of a called 68 acre tract recorded in Harris County Clerk's File No. U-139153, 1805.55 feet to a ½ inch iron rod found for the most Westerly Northwest corner of this tract and the Southwest corner of a called 15.6463 acre tract recorded in Harris County Clerk's File No. L-547016, and from which a found ½ inch iron rod bears South 00° 23' 12" East, 84.64 feet, and a found ½ inch iron rod bears North 00° 19' 15" East, 90.25 feet;

THENCE South 89° 56' 50" East, along the South line of said 15.6463 acre tract, passing a one inch iron rod found for its Southeast corner and the Southwest corner of a called 13.476 acre tract recorded in Harris County Clerk's File No. U-002476 at 403.01 feet and continuing for a total distance of 805.79 feet to a ½ inch iron rod found for the Southeast corner of said 13.476 acre tract and an interior corner of this tract;

THENCE North 00° 01' 04" East, along the East line of said 13.476 acre tract, 1263.73 feet to a ½ inch iron rod set for the Northwest corner of this tract in the Southwesterly line of the I. & G. N. Railroad right-of-way as recorded in Volume 140, Page 486 of the Harris County Deed Records, and from which a found 1 inch iron rod bears North 00° 01' 04" East, 59.94 feet;

THENCE South 56° 30' 48" East, along the Southwesterly right-of-way line of said I. & G. N. Railroad, 41.04 feet to a ½ inch iron rod set for an angle point;

THENCE South 89° 24' 47" East, along the Southwesterly right-of-way line of said I. & G. N. Railroad, 92.05 feet to a ½ inch iron rod set for an angle point;

THENCE South 56° 30' 48" East, continuing along the Southwesterly right-of-way line of said I. & G. N. Railroad, 1780.39 feet to a railroad tie fence corner for the Northeast corner of the herein described tract in the West line of a called 44.1 acre tract recorded in Harris County Clerk's File No. U-330857;

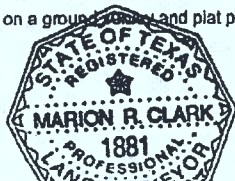
THENCE South 01° 39' 12" West, along the West line of said 44.1 acre tract the West line of a called 2.934 acre tract recorded in Harris County Clerk's File No. U-822429, and the West line of a called 2.00 acre tract recorded in Harris County Clerk's File No. U-140795, 2048.02 feet to a fence corner post for the upper Southeast corner of this tract and being a point in the North line of a called 48 acre tract recorded in Volume 915, Page 177 of the Harris County Deed Records;

THENCE North 89° 35' 19" West, along the North line of said 48 acre tract, 1177.80 feet to an axle found for an interior corner of this tract and the Northeast corner of the aforementioned 8.7325 acre tract;

THENCE South 00° 06' 23" West, along the West line of said 48 acre tract and the East line of the aforementioned 8.7325 acre and 7.3765 acre tracts, 1782.90 feet to a ½ inch iron rod set for the Southeast corner of the herein described tract in the North right-of-way line of Zion Road, and from which a found ¾ inch iron rod bears North 47° 50' 10" West, 73.98 feet, and a found ¾ inch iron rod bears South 89° 35' 31" West, 129.16 feet;

THENCE South 89° 38' 14" West, along the North right-of-way line of Zion Road, 391.58 feet to the POINT OF BEGINNING and containing 142.770 acres of land.

This description is based on a ground survey and plat prepared by Marion R. Clark, R.P.L.S. and dated November 28, 2005.



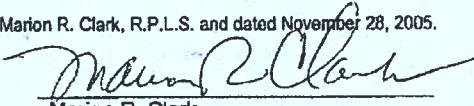
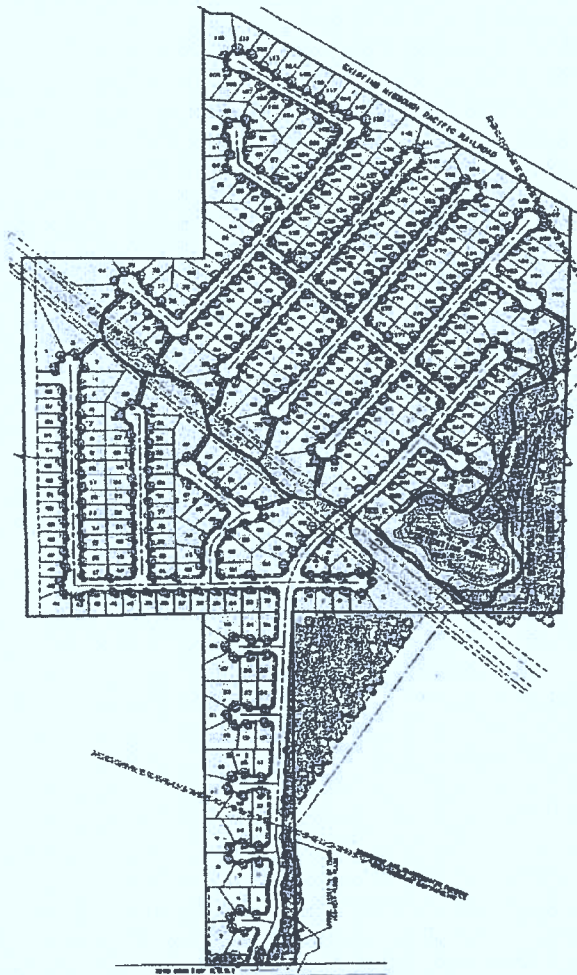

Marion R. Clark
Registered Professional Land Surveyor
Texas Registration No. 1881
November 29, 2005

EXHIBIT B

Description of Residential Development



Master Plan

Scale 1" = 200'



Entry Elevation

Scale 1/4" = 1' = 10'

RALEIGH CREEK

L-S Development



Town Center Landscapes Inc.
PO Box 88
Portland, ME 04101
Phone: (207) 875-1000
Fax: (207) 875-1001
www.towncenterlandscapes.com

EXHIBIT C

The PID Improvements

Project	Estimated Cost
Water Lines	\$480,000
Sanitary Sewer	\$750,000
Storm Sewer & Drainage	\$2,100,000
Storm Water Detention	\$375,000
Street Paving and Sidewalks	\$3,080,000
Engineering & Contingencies (15%)	\$1,017,759
TOTAL	\$7,802,750

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 17, 2010

Topic:

Discussion and Possible Action to Waive Tennis Court Reservation Fee for Tina Roquemore.

Background:

Origination:

Councilmember Stoll

Recommendation:

Funding:

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

Mayor Fagan Christal Kliwer, Assistant City Manager

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

ATTACHMENTS:

Tennis Court Reservation Policy

Tennis Courts Memo

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

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 1 OF 2
	REVISED:	APPROVED BY CITY MANAGER: August 3, 2009	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 3, 2009	

The general public may reserve Jerry Matheson Park tennis courts. Reserving tennis courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.

Priority use of tennis courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on tennis courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 2 hour time limit.
11. No more than 3 of 4 courts reserved at one time, except on designated league days for league play with staff permission.
12. No more than 3 months reserved at one time.
13. Tennis shoes must be worn at all times.
14. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

☐ **Residency verification :** _____ (city staff)

☐ ***RESIDENT** ☐ **PER COURT-2 HOURS \$5.00**

☐ **NON-RESIDENT** ☐ **PER COURT-2 HOURS \$10.00**

☐ **LEAGUE FEES: \$150.00 per league-per season (4 months)**

☐ **Spring-(Feb., Mar., Apr., May)**

☐ **Fall-(Sept., Oct., Nov., Dec.)**

***Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.**

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Contact Person: _____ Email: _____

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

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 2 OF 2
	REVISED:	APPROVED BY CITY MANAGER: August 3, 2009	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 3, 2009	

Business Phone: _____ Home
phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or have been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

Signature _____ Date: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

Public Works Depart.-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451

Regular City Council

Agenda Item

Data Sheet

Meeting Date: August 3, 2009**Topic:**

Approve New Administrative Policy No. 24, entitled "Tennis Courts Reservation Policy"

Background:

The City of Tomball Public Works Department has successfully allowed and managed reservations of the city owned tennis courts located at Matheson Park. The intent of this practice is to ensure availability and effectively manage the growing demand for use of this facility. The city currently does not charge for tennis court reservations. There is no current policy adopted for tennis court reservations.

The purpose of this policy is to allow city council to adopt a policy that is consistent with current administrative policies for city owned facilities, and to establish rates that are consistent with current costs. A recent survey of rental rates for similar municipal facilities is attached, along with our current rates and the recommended policy.

Origination:

Public Works Department

Recommendation:

Staff recommends approval of New Administrative Policy No. 24 - Tennis Court Reservation Policy

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

David Kauffman, Director of Public Works

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

ATTACHMENTS:

Current Reservation Fees

Facility Rate Survey Spreadsheet with Tab Indicating Tennis Court Rates

Proposed Administrative Policy 24 - Tennis Courts Reservation Policy

TENNIS COURTS RENTAL RATES

CITY OF FREDERICK	Resident	Non-resident
1-1/2 hours	\$ 10.00	\$ 50.00

CITY OF HIGHLAND VILLAGE	User fee
game session	\$ 5.00

CITY OF AUSTIN	User fee
fees for 1-1/2 hr. singles, 2 hr. doubles	
adults per person	\$ 2.75
juniors, 18 & under	\$ 1.50
seniors, 62 & over	\$ 2.50

CITY OF JOHNSCREEK	User fee
schools/non-profit-per hour	\$ 5.00
others-per hour	\$ 7.50

CITY OF OAKLAND	User fee
regular fee-per hour	\$ 5.00
senior-per hour	\$ 4.00
tournaments-2 hours	\$ 75.00
leagues	\$ 30.00

CITY OF BROOKFIELD	User fee
1-1/2 hours	\$ 3.00
leagues-1-1/2 hours/wkly.per season	\$ 30.00

NEW CASTLE COUNTY	User fee
9-2 hour time slots	\$ 80.00
10 or more-2 hour slots	\$ 165.00
tournament-2 days	\$ 110.00

CITY OF ALBUQUERQUE	User fee
adults-2 hours	\$ 2.00
seniors-2 hours	\$ 1.50
juniors-2 hours	\$ 1.00

SEATTLE PARKS	User fee
1-1/2 hours	\$ 10.00

tournaments/person

\$ 5.00

PARK RENTAL PAVILLION RATES SURVEY

HARRIS COUNTY	No.People	User fee	Deposit
	1-25	\$ -	\$ 25.00
	26-50	\$ 25.00	\$ 25.00
	51-100	\$ 35.00	\$ 25.00
	101-200	\$ 50.00	\$ 50.00
	201-250	\$ 75.00	\$ 75.00
	251-300	\$ 100.00	\$ 75.00
	301-350	\$ 125.00	\$ 75.00
	351-400	\$ 150.00	\$ 75.00

CITY OF TERRELL	User fee	Deposit
hourly rate	\$ 25.00	\$ 100.00

CITY OF HIGHLAND VILLAGE	No.People	Resident	Non-resident
2 hours	0-25	\$ 20.00	\$ 30.00
	26-50	\$ 35.00	\$ 55.00
	51-75	\$ 50.00	\$ 80.00
	76-100	\$ 65.00	\$ 105.00
	101-150	\$ 80.00	\$ 130.00

CITY OF MURPHY	Resident	Non-resident	Non-organization	Deposit
	\$ 150.00	\$ 187.50	\$ 75.00	\$ 100.00

CITY OF TAYLOR	Resident	Non-resident	Deposit
	\$ 95.00	\$ 150.00	\$ 100.00

CITY OF BRYAN	Resident	Non-resident
1/2 day	\$ 75.00	\$ 85.00
full day	\$ 125.00	\$ 135.00

CITY OF FRIENDSWOOD	Resident	Non-resident	Deposit
	\$ 50.00	\$ 150.00	\$ 150.00

CITY OF EULESS	Resident	Non-resident
4 hours	\$ 50.00	\$ 100.00
each additional hour	\$ 10.00	\$ 10.00

CITY OF CEDAR PARK	Resident	Non-resident	Deposit
1/2 day-Park 1(cap.25)	\$ 25.00	\$ 50.00	

full day	\$ 50.00	\$ 75.00		
1/2 day-Park 2(cap.50)	\$ 50.00	\$ 75.00		
full day	\$ 75.00	\$ 100.00		
full day-Park 3(cap.100)	\$ 75.00	\$ 125.00	\$ 100.00	

CITY OF CLEAR LAKE SHORES	Resident	Non-resident	Deposit
	\$ 50.00		\$ 100.00
		\$ 300.00	\$ 300.00

CITY OF O'FALLON	Resident	Non-resident
	\$ 100.00	\$ 150.00

CITY OF JOHNS CREEK	User fee	Deposit
hourly rental fee	\$ 40.00	\$ 250.00

CITY OF HAPPY VALLEY	No.People	User Fee
resident	1-20	\$ 22.00
	21-40	\$ 33.00
	41-60	\$ 55.00
	61-80	\$ 66.00
	81-100	\$ 88.00
non-resident	1-20	\$ 44.00
	21-40	\$ 66.00
	41-60	\$ 110.00
	61-80	\$ 132.00
	81-100	\$ 176.00

CITY OF BERE A	Resident	Non-resident
2 hours	\$ 75.00	\$ 150.00

CITY OF OMAHA	User fee	Deposit
2 hours	\$ 100.00	\$ 250.00
4 hours	\$ 110.00	\$ 250.00
8 hours	\$ 180.00	\$ 250.00

CITY OF GRAPEVINE	Resident	Non-resident
accommodate 48 people-3 hours	\$ 30.00	\$ 40.00
additional hours	\$ 10.00	\$ 15.00
accommodate 80 people-3 hours	\$ 70.00	\$ 100.00

additional hours	\$ 20.00	\$ 25.00
accommodate 260 people-a day	\$ 300.00	\$ 340.00

CITY OF GAITHERSBURG	No.People	User Fee
Resident non-commercial	1-50	\$ 175.00
	51-200	\$ 245.00
Resident commercial	1-50	\$ 220.00
	51-200	\$ 350.00
Nonresident,non-commercial	1-50	\$ 260.00
	51-200	\$ 350.00
Nonresident commercial	1-50	\$ 330.00
	51-200	\$ 500.00

CITY OF PARKLAND	User fee
4 hours	\$ 135.00

CITY OF HIBBING	User fee
3 hours	\$ 50.00
5 hours	\$ 75.00
8 hours	\$ 100.00

CITY OF GREENSBURG	Resident	Non-resident
	\$ 100.00	\$ 125.00

GAZEBO RENTAL RATES

CITY OF ALBUQUERQUE	User fee	Deposit
	\$ 250.00	\$ 250.00

CITY OF FRIENDSWOOD	User fee	Deposit
resident	\$ 25.00	\$ 25.00
non-resident	\$ 50.00	\$ 25.00
resident group	\$ 50.00	\$ 25.00
non-resident group	\$ 75.00	\$ 25.00

CITY OF MONTGOMERY	User fee	Deposit
first hour	\$ 30.00	\$ 400.00
each additional hour	\$ 10.00	

CITY OF HARLINGEN	User fee
capacity(40) per day	\$ 60.00

CITY OF SHELDON	User fee
	\$ 25.00

CITY OF EULESS	Resident	Non-resident	add.hr.
4 hours	\$ 25.00	\$ 50.00	\$ 10.00

CITY OF CLUTE	User fee	Deposit
Monday-Thursday	\$ 50.00	\$ 125.00
Friday-Sunday	\$ 100.00	\$ 125.00

CITY OF LANCASTER	Resident	Non-resident	Deposit
	\$ 75.00		\$ 100.00
		\$ 125.00	\$ 150.00

CITY OF KISSIMMEE	User fee
hourly	\$ 15.00
10 hours	\$ 150.00

CITY OF KENNEWICK	Resident	Non-resident
1/2 day	\$ 50.00	\$ 75.00

all day	\$ 80.00	\$ 120.00
---------	----------	-----------

CITY OF BERA	Resident	Non-resident
2 hours	\$ 75.00	\$ 150.00

CITY OF SANDY	User fee
	\$ 100.00

CITY OF DES MOINES	User fee
weekday	\$ 45.00
weekend	\$ 65.00

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 17, 2010

Topic:

Approve Request by Apex Towing to Participate in the Emergency Wrecker Rotation List

Background:

Apex Towing requests Council's approval to operate in the City of Tomball and to participate in the Emergency Wrecker rotation list.

Tomball Police Department and the City Secretary's office have completed reviews and approvals regarding the application, storage lot and insurance requirements, and ownership of the equipment, copies of which are attached. Vehicle inspections will be performed as soon as TPD personnel are available; the license will not be issued until the vehicle inspections have been completed by TPD and documentation has been received by the City Secretary.

If approved, Apex Towing will be the eighth company participating on the emergency wrecker rotation list.

Origination:

Apex Towing

Recommendation:

Approval of request to participate on the emergency rotation list.

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:

Apex Towing Application

Current Emergency Wrecker Rotation List



Application for Emergency Wrecker License

for year ending in December 31, 2010

Date of Application 5-5-10

TO: THE OFFICE OF DIRECTOR OF TRAFFIC AND TRANSPORTATION
CITY OF TOMBALL
401 MARKET STREET
TOMBALL, TEXAS 77375
TEL. 281.351.5484 FAX 281.351.6256

I, Jenifer Miller/Apex Towing, do hereby make application for a license to operate an emergency wrecker service in the City of Tomball.

NOTICE: All spaces provided on this application MUST be filled out to the best of the applicant's knowledge. If a question does not apply, please state so by writing in N/A. The City of Tomball reserves the right to deny an application for falsifying information or failing to provide information.

Business & Owner Information

True Name Apex Towing
Trade Name Apex Towing
Address 22406 Lantana dr City Magnolia State TX Zip 77355
Telephone Business 832-286-3143 Home 832-286-3143 Mobile 281-642-8936
E-mail Address Apextow@sbcglobal.net
Owner ☒ Individual ☐ Partnership ☐ Corporation

If Owner is an Individual, Please Provide the Following:

Name Jenifer Miller
Address 22406 Lantana dr City Magnolia State TX Zip 77355
Business Address 22406 Lantana dr City Magnolia State TX Zip 77355
Telephone Business 832-286-3143 Home 832-286-3143 Fax N/A
Mobile 281-642-8936 E-mail Address apextow@sbcglobal.net

If Owner is a Partnership, Please Provide the Following:

Name _____
Address _____ City _____ State _____ Zip _____
Telephone Business _____ Home _____ Fax _____
Mobile _____ E-mail Address _____
Name _____
Address _____ City _____ State _____ Zip _____
Telephone Business _____ Home _____ Fax _____
Mobile _____ E-mail Address _____
Business Address _____ City _____ State _____ Zip _____
Business Fax _____ Business E-mail _____

If Owner is Corporation, please provide names and addresses of partners or officers and stockholders holding more than 10% interest.

Business Address N/A City N/A State N/A Zip N/A
Business Phone N/A Business Fax N/A

Name N/A
Address N/A City N/A State N/A Zip N/A
Telephone Business N/A Home N/A Fax N/A
Mobile N/A E-mail Address N/A

Name N/A
Address N/A City N/A State N/A Zip N/A
Telephone Business N/A Home N/A Fax N/A
Mobile N/A E-mail Address N/A

Name N/A
Address N/A City N/A State N/A Zip N/A
Telephone Business N/A Home N/A Fax N/A
Mobile N/A E-mail Address N/A

Name N/A
Address N/A City N/A State N/A Zip N/A
Telephone Business N/A Home N/A Fax N/A
Mobile N/A E-mail Address N/A

Number of Vehicles to be Operated Under This License

Vehicle No. 1

Year 2000 Make Ford Model F-450
Serial No. 1FDXF46S2YEE27011 License No. T83-58E

Vehicle No. 2

Year 2001 Make GMC Model 3500 HD
Serial No. 3GDKC346X1M104515 License No. T83-73E

Vehicle No. 3

Year _____ Make _____ Model _____
Serial No. _____ License No. _____

Vehicle No. 4

Year _____ Make _____ Model _____
Serial No. _____ License No. _____

Vehicle No. 5

Year _____ Make _____ Model _____
Serial No. _____ License No. _____

Storage Lot Information

Location of Storage Lot 23237 Snook Lane - Tomball, Texas - 77375
Name of Owner of Lot Tomball Towing and Recovery
24-Hour Number for Retrieval of Vehicles From Lot 281-825-6232

IMPORTANT - Please Read & Attach Appropriate Documents

THIS APPLICATION MUST BE ACCOMPANIED BY AN AUTO WRECKER LICENSE FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR EACH VEHICLE AND A POLICY OR CERTIFICATE OF INSURANCE OF PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE ISSUED BY A CASUALTY INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS AND THE STANDARD FORM APPROVED BY THE BOARD OF INSURANCE COMMISSIONERS OF THE STATE OF TEXAS WITH THE COVERAGE PROVISION INSURING THE PUBLIC FROM LOSS OR DAMAGE THAT MAY ARISE TO ANY PERSON OR PROPERTY BY REASON OF THE OPERATION OF A WRECKER OF SUCH COMPANY AND PROVIDING THAT THE AMOUNT OF RECOVERY OF EACH WRECKER SHALL BE IN LIMITS OF NOT LESS THAN THE FOLLOWING SUMS:

FOR DAMAGES ARISING OUT OF BODILY INJURY TO OR DEATH OF ONE
PERSON IN ANY ONE ACCIDENT: **\$300,000.00**

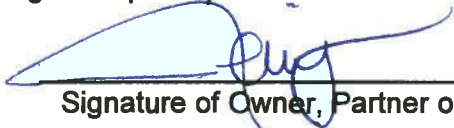
FOR INJURY TO OR DESTRUCTION OF PROPERTY IN ANY ONE ACCIDENT:
\$100,000.00

Please Attach the Following

- ☒ **PROOF OF OWNERSHIP OF ALL WRECKERS**
- ☒ **CERTIFICATE OF REGISTRATION OF EACH TOW TRUCK/WRECKER FROM STATE OF TEXAS**
- ☒ **STATE LICENSE TO OPERATE A VEHICLE STORAGE FACILITY**

I will obey the provisions of Ordinance 89-17 and all other ordinances and statutes applicable to "Auto Wreckers" and agree that upon failure to obey such laws that this license may be revoked and/or suspended. Any false or misleading information on this application may result in denial or suspension of said license. All the information supplied in this application is true and correct.

Do you agree to participate in the wrecker rotation list? ☒ Yes ☐ No


Signature of Owner, Partner or Officer

5-10-10
Date

FOR OFFICE USE ONLY

Application received by <u>Wendy Jones</u>	Date <u>5/10/10</u>
Application approved by _____	Date _____
License Issued by _____	Date _____
License Expires _____	License No. _____
Refused _____	Reason for Refusal _____
City Manager Approval _____	Date _____
City Manager Refusal _____	Reason for Refusal _____

Sergeant
Jeff Williams -281-290-1327

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
11/16/2009

PRODUCER (210) 366-1455

Alexander Insurance Agency
909 N. E. Loop 410
Suite 902
San Antonio, TX 78209THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURED Jenifer Miller DBA: Apex Towing
22406 Lantana Drive
Magnolia, TX 77355-

INSURER A: State National Insurance Company Inc.

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	TIP-002619	11/17/2009	11/17/2010	EACH OCCURRENCE \$ 500,000
	☒ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 500,000
					GENERAL AGGREGATE \$ 1,000,000
					PRODUCTS - COMP/OP AGG \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				
	☒ POLICY ☐ PRO-JECT ☐ LOC				
A	AUTOMOBILE LIABILITY	TIP-002619	11/17/2009	11/17/2010	COMBINED SINGLE LIMIT (Ea accident) \$ 500,000
	☐ ANY AUTO				BODILY INJURY (Per person) \$
	☒ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☒ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	☒ HIRED AUTOS				
	☐ NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
					\$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$
A	Cargo / On - Hook	TIP-002619	11/17/2009	11/17/2010	Per Scheduled Unit \$50,000/\$1,000 Ded
A	Garagekeepers'	TIP-002619	11/17/2009	11/17/2010	Legal Liability \$50,000/\$500 Ded

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

VEHICLES: 2005 Dodge #3434; 2000 Ford #7011; 2001 GMC #4515 & 1998 Chevy #3975.

CERTIFICATE HOLDER

Harris County Sheriff's Dept.
Att:Traffic Division
1200 Baker Street
Houston, TX 77002-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE





**TEXAS DEPARTMENT OF LICENSING AND REGULATION
VEHICLE STORAGE FACILITY LICENSE**

0641839VSF

**TOMBALL TOWING & RECOVERY
23237 SNOOK LANE
TOMBALL TX 77375**

Be It Known That :

TOMBALL TOWING & RECOVERY

**Located at:
23237 SNOOK LANE
TOMBALL TX 77375-**

Has paid the required fee, satisfied the prerequisites for a license as a TEXAS VEHICLE STORAGE FACILITY under the Vehicle Storage Facility Act, and has agreed to comply with its provisions. This license is issued on April 06, 2010 and shall expire on June 05, 2010.

This license is NON-TRANSFERABLE and NON-ASSIGNABLE

TOMBAL

Tomball Towing & Recovery
23237 Snook Lane
Tomball TX 77375
VSF#0641839
04/06/2010

To whom it may concern,
This letter gives *Apex Towing* permission to store City of Tomball tows at 23237 Snook Lane,
Tomball TX 77375 VSF#0641839.

Thanks,



Rick Taylor

TX

INSURANCE IDENTIFICATION CARD

(STATE)

COMPANY NUMBER

COMPANY



COMMERCIAL



PERSONAL

State National Insurance Company Inc.

POLICY NUMBER

TIP-002619

EFFECTIVE DATE

11/17/2009

EXPIRATION DATE

11/17/2010

YEAR

2000 Ford F450

MAKE/MODEL

VEHICLE IDENTIFICATION NUMBER

1FDXF46S2YEE27011

AGENCY/COMPANY ISSUING CARD

Alexander Insurance Agency

909 N. E. Loop 410

Suite 902

San Antonio TX 78209

(210) 366-1455

INSURED

Jenifer Miller DBA Apex Towing

22406 Lantana Drive

Magnolia, TX 77355

SEE IMPORTANT NOTICE ON REVERSE SIDE

THIS CARD MUST BE KEPT IN THE INSURED
VEHICLE AND PRESENTED UPON DEMAND

IN CASE OF ACCIDENT: Report all accidents to your Agent/Company as
soon as possible. Obtain the following information:

1. Name and address of each driver, passenger and witness.
2. Name of Insurance Company and policy number for each vehicle involved.

TX

INSURANCE IDENTIFICATION CARD

(STATE)

COMPANY NUMBER

COMPANY



COMMERCIAL



PERSONAL

State National Insurance Company Inc.

POLICY NUMBER

TIP-002618

EFFECTIVE DATE

11/17/2009

EXPIRATION DATE

11/17/2010

YEAR

2001

MAKE/MODEL

GMC 3500

VEHICLE IDENTIFICATION NUMBER

3GDKC34GX1M104515

AGENCY/COMPANY ISSUING CARD

Alexander Insurance Agency

909 N. E. Loop 410

Suite 902

San Antonio TX 78209

(210) 366-1455

INSURED

Jenifer Miller DBA Apex Towing

22406 Lantana Drive

Magnolia, TX 77355

SEE IMPORTANT NOTICE ON REVERSE SIDE

THIS CARD MUST BE KEPT IN THE INSURED
VEHICLE AND PRESENTED UPON DEMAND

IN CASE OF ACCIDENT: Report all accidents to your Agent/Company as
soon as possible. Obtain the following information:

1. Name and address of each driver, passenger and witness.
2. Name of Insurance Company and policy number for each vehicle involved.

Upon sale of this vehicle, the purchaser must apply for a new title within 20 working days unless the vehicle is purchased by a dealer. Until a new title is issued, the vehicle record will continue to reflect the owner's name listed on the current title. SEE BACK FOR ADDITIONAL INFORMATION.



APEX TOWING
22406 LANTANA DR
MAGNOLIA, TX 77355-6231

016332

↓ DETACH HERE ↓

TEXAS CERTIFICATE OF TITLE



VEHICLE TITLES AND REGISTRATION DIVISION

VEHICLE IDENTIFICATION NUMBER
1FDXF46S2YEE27011

YEAR MODEL
2000

MAKE OF VEHICLE
FORD

82023896

BODY STYLE
TT

TITLE/DOCUMENT NUMBER

DATE TITLE ISSUED

17020239354134451 10/09/2007

MODEL

MFG. CAPACITY
IN TONS

WEIGHT

LICENSE NUMBER

1 1/2 7400 T8358E

PREVIOUS OWNER

THOMAS TUCKER/DFW ADJUST SCURRY TX

OWNER

ODOMETER READING
290495

REMARK(S)

ACTUAL MILEAGE

**APEX TOWING
22406 LANTANA DRIVE
MAGNOLIA, TX 77355**

X

SIGNATURE OF OWNER OR AGENT MUST BE IN INK

UNLESS OTHERWISE AUTHORIZED BY LAW, IT IS A VIOLATION OF STATE LAW TO SIGN THE NAME OF ANOTHER PERSON ON A CERTIFICATE OF TITLE OR OTHERWISE GIVE FALSE INFORMATION ON A CERTIFICATE OF TITLE.

DATE OF LIEN

1ST LIENHOLDER

NONE

1ST LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

DATE OF LIEN

2ND LIENHOLDER

2ND LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

DATE OF LIEN

3RD LIENHOLDER

3RD LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

IT IS HEREBY CERTIFIED THAT THE PERSON HEREIN NAMED IS THE OWNER OF THE VEHICLE DESCRIBED ABOVE WHICH IS SUBJECT TO THE ABOVE LIENS.

RIGHTS OF SURVIVORSHIP AGREEMENT
WE, THE PERSONS WHOSE SIGNATURES APPEAR HEREIN, HEREBY AGREE THAT THE OWNERSHIP OF THE VEHICLE DESCRIBED ON THIS CERTIFICATE OF TITLE SHALL FROM THIS DAY FORWARD BE HELD JOINTLY, AND IN THE EVENT OF DEATH OF ANY OF THE PERSONS NAMED IN THE AGREEMENT, THE OWNERSHIP OF THE VEHICLE SHALL VEST IN THE SURVIVOR(S).

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

Upon sale of this vehicle, the purchaser must apply for a new title within 20 working days unless the vehicle is purchased by a dealer. Until a new title is issued, the vehicle record will continue to reflect the owner's name listed on the current title. SEE BACK OF TAB FOR ADDITIONAL INFORMATION.



KELLY JAMES ESKEW
22406 LANTANA DR
MAGNOLIA, TX 77355-6231

012879



TEXAS CERTIFICATE OF TITLE



VEHICLE TITLES AND REGISTRATION DIVISION

91260512

VEHICLE IDENTIFICATION NUMBER
3GDKC34GX1M104515

YEAR MODEL
2001

MAKE OF VEHICLE
GMC

BODY STYLE
TT

TITLE/DOCUMENT NUMBER

DATE TITLE ISSUED

17000239980105127 06/25/2009

MODEL

MFG. CAPACITY
IN TONS

WEIGHT

LICENSE NUMBER

1

10600

T8373E

PREVIOUS OWNER

ARTUR YEREMYAN SANTA CLARI CA

OWNER

ODOMETER READING
105844

REMARK(S)

KELLY JAMES ESKEW
22406 LANTANA
MAGNOLIA, TX 77355

ACTUAL MILEAGE

X _____
SIGNATURE OF OWNER OR AGENT MUST BE IN INK

UNLESS OTHERWISE AUTHORIZED BY LAW, IT IS A VIOLATION OF STATE LAW TO SIGN THE NAME OF ANOTHER PERSON ON A CERTIFICATE OF TITLE OR OTHERWISE GIVE FALSE INFORMATION ON A CERTIFICATE OF TITLE.

DATE OF LIEN

1ST LIENHOLDER

NONE

1ST LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

DATE OF LIEN

2ND LIENHOLDER

2ND LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

DATE OF LIEN

3RD LIENHOLDER

3RD LIEN RELEASED

DATE

BY

AUTHORIZED AGENT

IT IS HEREBY CERTIFIED THAT THE PERSON HEREIN NAMED IS THE OWNER OF THE VEHICLE DESCRIBED ABOVE WHICH IS SUBJECT TO THE ABOVE LIENS.

RIGHTS OF SURVIVORSHIP AGREEMENT
WE, THE PERSONS WHOSE SIGNATURES APPEAR HEREIN, HEREBY AGREE THAT THE OWNERSHIP OF THE VEHICLE DESCRIBED ON THIS CERTIFICATE OF TITLE SHALL FROM THIS DAY FORWARD BE HELD JOINTLY, AND IN THE EVENT OF DEATH OF ANY OF THE PERSONS NAMED IN THE AGREEMENT, THE OWNERSHIP OF THE VEHICLE SHALL VEST IN THE SURVIVOR(S).

SIGNATURE

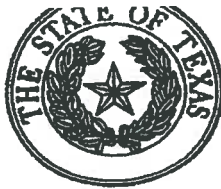
DATE

SIGNATURE

DATE

SIGNATURE

DATE



Cab Card for Certificate #:

006293207C

APEX TOWING
22406 LANTANA
MAGNOLIA TX 77355

APEX TOWING
22406 LANTANA
MAGNOLIA TX 77355

Seq #	Unit #	Make	Model YR	VIN	Expires
1	002	FORD	2000	1FDXF46S2YEE27011	06/30/2010
	Permit #:	TDLR0006293207004IM	Purpose:	Incident Management	Type: Light Duty
2	03	GMC	2001	3GDKC34GX1M104515	06/30/2010
	Permit #:	TDLR0006293207006IM	Purpose:	Incident Management	Type: Light Duty
3	3	DODGE	2005	3D7MR48C15G743434	06/30/2010
	Permit #:	TDLR0006293207003IM	Purpose:	Incident Management	Type: Light Duty

(VOID IF ALTERED)

This card signifies that the Tow Truck Company has fulfilled the registration requirements of Chapter 86 as of the date this cab card was issued. To receive the current status of registration or insurance coverage, please call TDLR Customer Service at 1-800-803-9202.

The original Cab Card must be retained in the Tow Truck Company principle place of business. A copy of the page that identifies (by highlighting) the vehicle being operated must be placed in the cab of the identified tow truck.



Texas Department of Transportation

DUPLICATE RECEIPT

01 GMC
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

COUNTY: MONTGOMERY

TAC NAME: J. R. MOORE, JR.

PLATE NO: T8373E

DATE: 01/27/2010

EFFECTIVE DATE: 06/18/2009

DOCUMENT NO: 17000239980105127

TIME: 09:47AM

EXPIRATION DATE: 5/2010

EMPLOYEE ID: 1709170

TRANSACTION ID: 17000240203094750

OWNER NAME AND ADDRESS

KELLY JAMES ESKEW

22406 LANTANA

MAGNOLIA, TX 77355

REGISTRATION CLASS: TOW TRK-LESS/EQL. 1 TON

PLATE TYPE: TOW TRUCK PLT (LARGE)

ORGANIZATION:

STICKER TYPE: WS

PREVIOUS PLATE NO: PREVIOUS EXP MO/YR: /

VEHICLE CLASSIFICATION: TRK<=1 CUSTOMER REG FEES PAID: \$149.54

VEHICLE IDENTIFICATION NO: 3GDKC34GX1M104515

YR/MAKE: 2001/GMC MODEL: BODY STYLE: TT UNIT NO:

EMPTY WT: 10600 CARRYING CAPACITY: 3000 GROSS WT: 13600 TONNAGE: 1.00

BODY VEHICLE IDENTIFICATION NO: TRAVEL TRLR LENGTH: 0

REGISTRATION ISSUE DATE: 06/18/2009 COUNTY OF REGISTRATION: 170

FEES ASSESSED

DUPLICATE RECEIPT \$ 2.00

TOTAL \$ 2.00

VEHICLE RECORD NOTATIONS

ACTUAL MILEAGE

PAPER TITLE

DOCUMENT TYPE : REGULAR TITLE

THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.



Texas Department of Transportation

REGISTRATION RENEWAL RECEIPT

COUNTY: MONTGOMERY
 PLATE NO: T8358E
 DOCUMENT NO: 17020239354134451

TAC NAME: J. R. MOORE, JR.
 DATE: 01/27/2010
 TIME: 09:48AM
 EMPLOYEE ID: 1709170
 EFFECTIVE DATE: 02/01/2010
 EXPIRATION DATE: 1/2011
 TRANSACTION ID: 17000240203094852

OWNER NAME AND ADDRESS
 APEX TOWING
 22406 LANTANA DR
 MAGNOLIA, TX 77355-6231

REGISTRATION CLASS: TOW TRK-MORE THAN 1 TON
 PLATE TYPE: TOW TRUCK PLT (LARGE)
 ORGANIZATION:
 STICKER TYPE: WS

PREVIOUS PLATE NO: T8358E
 VEHICLE IDENTIFICATION NO: 1FDXF46S2YEE27011
 YR/MAKE: 2000/FORD MODEL: BODY STYLE: TT
 EMPTY WT: 7400 CARRYING CAPACITY: 3800
 BODY VEHICLE IDENTIFICATION NO:

VEHICLE CLASSIFICATION: TRK>1

UNIT NO:
 GROSS WT: 10400 TONNAGE: 1.50
 TRAVEL TRLR LENGTH: 0

INVENTORY ITEM(S)
 WINDSHIELD STICKER

YR
 2011

FEE ASSESSED	\$	99.36
WINDSHIELD STICKER	\$	1.00
REG FEE-DPS	\$	15.00
TOW TRUCK FEE	\$	0.30
REFLECTORIZATION FEE	\$	10.00
CNTY ROAD BRIDGE ADD-ON FEE	\$	1.00
AUTOMATION FEE (LARGE CNTY)	\$	

TOTAL \$ 126.66

VEHICLE RECORD NOTATIONS
 ACTUAL MILEAGE
 PAPER TITLE

2000 Ford

THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.
 Current law requires an additional \$1.00 fee (already included) in counties with 50,000 or more vehicles.

PEEL FROM BACK ONLY / DESPEGAR POR DETRÁS

T8358E

23438066

01 11

MONTGOMERY

YEE27011

WINDSHIELD STICKER /

Peel sticker from any corner.
 Despegar de cualquier esquina.

23438066

VOID
 DO NOT USE/
 NO USE

PLATE STICKER /
 CALCOMANÍA DE PLACA

**Wrecker Companies
Participating on Emergency Rotation List**

Collision Express

d/b/a Tomball Collision

Contact Person: Greg Eckelcamp

Phone Number: 281-290-8888

Case Towing

Contact Person: Elva Case or James Brannon

Phone Number: 281-226-0094

Lamar Little Paint & Body

Contact Person: Joseph Little

Phone Number: 281-802-2069

Magnolia Towing & Recovery

Contact Person: Wade Evans

Phone Number: 713-545-5917

Tomball Towing & Recovery

Contact Person: Rick Taylor

Phone Number: 281-516-7785

Tomball Paint & Body

Contact Person: E.L. Chapman

Phone Number: 281-351-4332

Tomball Towing & Storage

Contact Person: Randy Schmidt

Phone Number: 281-351-9697 or 832-256-9194

Apex Towing – Requesting approval to participate on rotation list

Contact Person: Jenifer Miller

Phone Number: 832-286-3143

Regular City Council

Agenda Item

Meeting Date: May 17, 2010

Data Sheet

Topic:

Approve Request from RE/MAX Platinum for Support with their Susan G. Koman "Walk for the Cure", to be held on Saturday, May 22, 2010

Background:

On May 4, 2010, the City of Tomball's special events team met with RE/MAX Platinum owner, Larry Sanders, and his staff to discuss the Susan G. Koman "Walk for the Cure" they have planned for Saturday, May 22, 2010.

From that meeting and discussions with staff, RE/MAX requests the following support from the City:

1. Allowed use of the 7 acre lot at Huffsmith and Ulrich (triangle lot across from the ball fields) for the RE/MAX hot air balloon
2. Permission to place port-a-cans at Jurgens Park, the Baseball fields, and at the Depot
3. Police assistance for traffic control at the intersection Pine St and Main (2920) Cherry and Market, and at the curve in Ulrich
4. Permission to close Market Street from Walnut to the Depot and Elm St. to the Depot

Staff estimates a cost of \$1,400 for the use of Tomball's Police services for the event. In talking with Public Works, there are no additional cost from their end.

Staff has met with RE/MAX and informed them of the requirements they will have to meet; currently RE/MAX is working to meet those needs. RE/MAX has reserved the Depot area for Saturday, May 22, 2010 and has paid their deposit and rental fees.

Origination:

City Manager's Office

Recommendation:

Funding:

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

Shawn Cox - Assistant to the City Manager

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

ATTACHMENTS:

RE/MAX Request Letter and Map

To whom this may concern,

Date: May 4, 2010

It was a pleasure meeting with all of you today, May 4, 2010. Per your request, we are writing this letter to provide the information you requested on our upcoming "Walk For The Cure", May 22, 2010. Please submit this letter to council for approval on May 17, 2010.

We are having our first annual Susan G. Komen walk in hopes to bring the community and people together for a fun filled day, for a great cause. RE/MAX International has been a proud supporter of Susan G. Komen for the Cure® since 2006. Through its sponsorship of the Susan G. Komen Race for the Cure® Series and the Home for the Cure™ program, RE/MAX International and its associates have contributed over \$3.1M to the fight against breast cancer! We plan to have 100 -200 walkers for this event. They will be coming from Katy, Conroe, Houston, Cypress, Montgomery, Spring, Magnolia and surrounding cities. For those who do not know about Tomball, this will be a great way for them to experience our wonderful town and all that it has to offer. During the walk we have designed a game requiring the walkers to visit a select group of participating shops along the route.. They will then turn in their game cards to be entered in a drawing at the end of the walk. This will bring exposure to many of the shops of Tomball.

We are hoping for great weather so that we can have the RE/MAX hot air balloon on display. The location that we would like to request to be approved is the 7 acre lot at Huffsmith and Ulrich. The RE/MAX Hot Air Balloon is one of the most widely recognized corporate symbols in the world. Today, the RE/MAX hot air balloon represents service excellence to hundreds of thousands of home buyers and sellers in over 70 countries around the world. Millions of people around the world see the RE/MAX hot air balloon and immediately think of the RE/MAX organization of professional real estate associates. As you can see, this would be a fantastic attraction for the Tomball area. We will get a site plan together and submit it as soon as possible.

We are going to be placing "Pink" porta potties at specific locations along the route. We will have a water table at each of these locations as well. The porta potties will be set up at and Quinn/Hicks at a personal residence, Juergens Park, the Baseball field at Huffsmith/N. Elm and at the starting location at the Depot. The porta potties will be delivered Friday evening and picked up on Saturday after the event. Texas Outhouse is our vendor for the porta potties.

We are requesting assistance for traffic control at the light at Pine/Main and Cherry/Market, also at the S curve/railroad tracks on Ulrich. We will want to close the street off at Walnut/N. Elm/Market from through traffic.

Please find attached a map of the route and also the participating shops. On the map you will see the (R) sites for the porta potties and the (W) sites will have a table with water and one of our volunteers. We have solicited many of the vendors/shops in the area and everyone seems very excited about this event. If you drive through Tomball you will see our flyers prominently displayed in their windows. We have had a tremendous success from our postings on facebook, mail outs to hundreds of our personal clients; we will have radio/TV ads, as well as RE/MAX of Texas promoting us in their reporter newsletter. We are looking forward to this event and its success, this year and many more to come. We look forward to your hearing your decision regarding our event.

Sincerely,

RE/MAX Platinum
Larry Sanders, Owner
Mobile: 281-850-8750



RE/MAX Platinum
735 E. Main St.
TOMBALL, TX 77375

SUSAN G KOMEN WALK SATURDAY - MAY 22, 2010

WALK: 10:00 AM to 1:00 PM

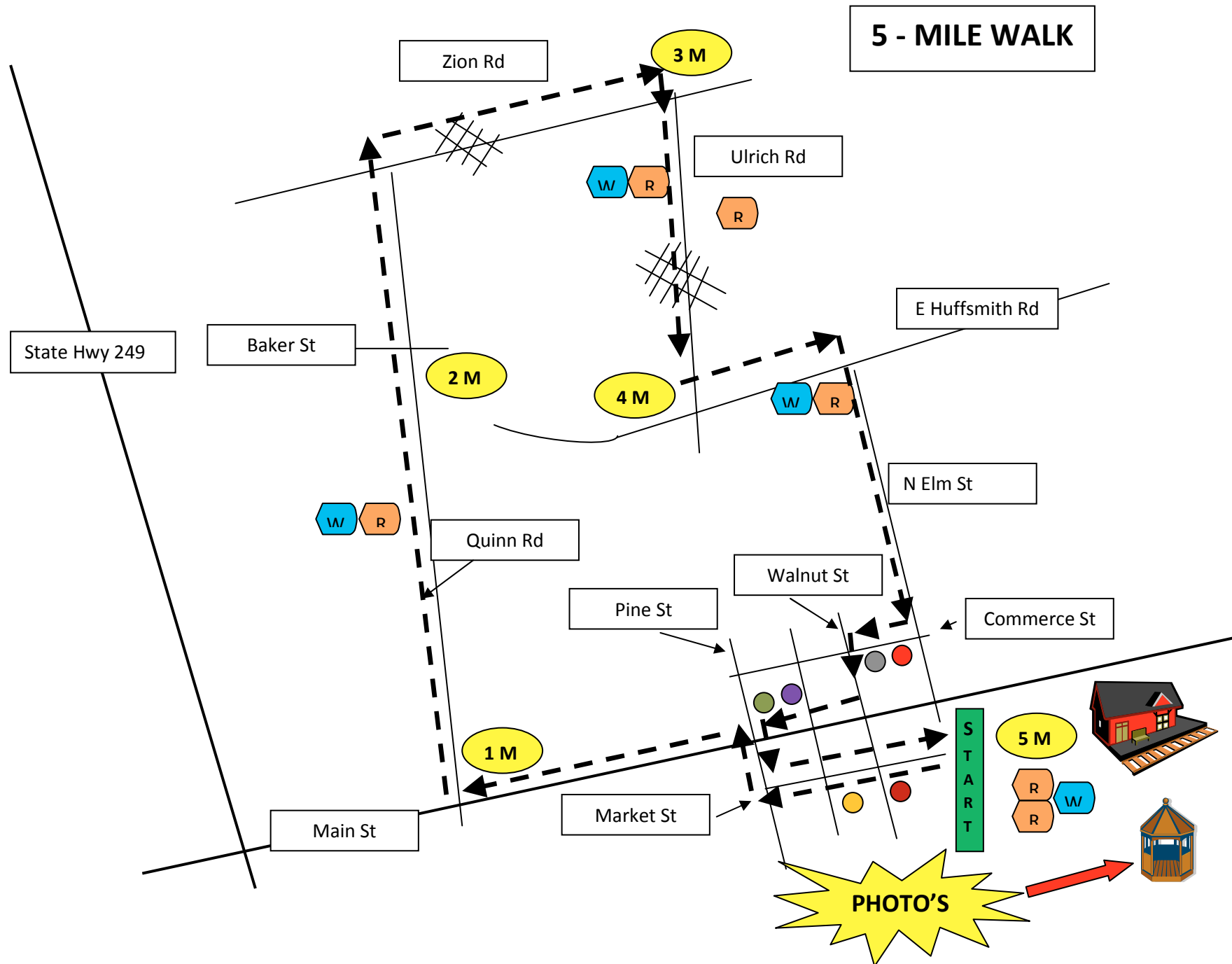
EVENT: 8:00 TO 2:00 PM

MAP LEGEND

-  - RESTROOM
-  - WATER STATION
-  - MILE MARKER

PUNCH STOPS

WHISTLE STOP	
BATH HUTT	
BOB'S WILD WEST	
MIMI'S	
GRANNY'S CORNER	
EVERYTHING BLING	



EMERGENCY NUMBERS: JO FREE-GREEN - (713) 725-9287 or JIM KNOUS (713) 907-5947

Regular City Council

Agenda Item

Meeting Date: May 17, 2010

Data Sheet

Topic:

Approve **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1**: Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.

Background:

The Planning and Zoning Commission approved the plat with contingencies on April 12, 2010. Corrections have been made and the plat is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommends approval.

Funding:

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

Kelly Violette, City Planner

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

ATTACHMENTS:

Final Plat of Parkway Oasis Partial Replat No. 1

Page 238 of 244

Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

Approve **TOMBALL CENTER III – B2, REPLAT NO. 2:** 7.8351 Acres, Being a partial Replat of Reserves “A” & “B” of Tomball Center III – B2, Replat No. 1, Film Code Number 625078 H.C.M.R. located in the Joseph House Survey, Abstract Number 34, Harris County, Texas, 1 Block, 2 Reserves.

Background:

The Planning and Zoning Commission voted unanimously to approve this replat on May 10, 2010. It is now being forwarded to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Engineering and Planning recommends approval of this replat.

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

Kelly Violette, City Planner

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

ATTACHMENTS:

Tomball Center III B2 - Replat No. 2

STATE OF TEXAS
COUNTY OF HARRIS

We, Tomball Town Center, Ltd., a Texas limited partnership acting by and through TTC-OP, LLC, a Texas limited liability company, its sole General Partner, S. Jay Williams, Managing Member, hereinafter referred to as owners of the 7.8351 acre tract described in the above and foregoing plat of Tomball Center III-B2, Replat No. 2, do hereby make and establish said subdivision of said property according to all lines, 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 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 aerial easement five feet in width from a plane twenty feet (20') above ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet 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 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, plantings, 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, Tomball Town Center, Ltd., a Texas limited partnership, has caused these to be signed by S. Jay Williams, Managing Member of TTC-OP, LLC, a Texas limited liability company, its sole general partner, authorized, attested by its secretary, and its common seal hereunto affixed this 11th day of May, 2010.

By: TTC-OP, LLC,
a Texas limited liability company,
and its sole general partner:

Name: S. Jay Williams
Title: Managing Member

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared S. Jay Williams, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of May, 2010.



Notary Public in and for the State of Texas
My Commission Expires: 4-9-12

We, Whitney National Bank, owner and holder of a lien against a portion of the property described in the plat known as Tomball Center III-B2, Replat No. 2, said lien being evidenced by instrument of record in the Clerk's File Number X016651 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

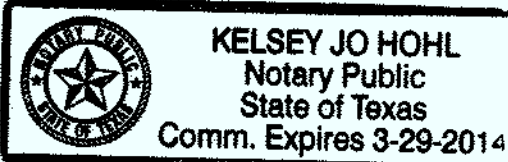
By: Print name: Ruben Alvarez
Title: Vice President

STATE OF TEXAS
COUNTY OF HARRIS

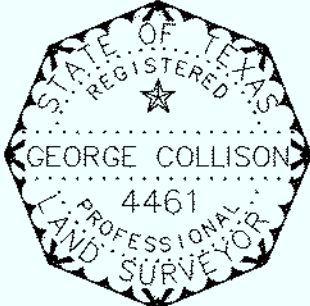
BEFORE ME, the undersigned authority, on this day personally appeared Ruben Alvarez, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said bank.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11 day of May, 2010.

Notary Public in and for the State of Texas
My Commission Expires: 3-29-2014



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



George Collison
Registered Professional Land Surveyor
Texas Registration No. 4461

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of Tomball Center III-B2, Replat No. 2, in conformance with the laws of the State of Texas as shown hereon and authorized the recording of this plat this day of May, 2010.

Tim Crofoot
Chairman

Lori Wallace
Vice-Chairman

We, the City Manager and the Director of Engineering and Planning for the City of Tomball, do hereby certify that this plat of Tomball Center III-B2, Replat No. 2 is in compliance with the ordinances of the City of Tomball.

City Manager

Mark A. McClure, P.E.
Director of Engineering and Planning

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of Tomball Center III-B2, Replat No. 2, in conformance with the laws of the State of Texas and ordinances of the City of Tomball as shown hereon and authorized the recording of the plat this day of May, 2010.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

I, Beverly B. Kaufman, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on May 11, 2010, at o'clock P.M., and duly recorded on May 11, 2010, at o'clock P.M., and at Film Code No. of the Map Records of Harris County for said county.

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

Beverly B. Kaufman
County Clerk
of Harris County, Texas

By: Deputy

NOTES:

1. Building lines are not waived but can be superseded with appropriate firewall construction approved by the City of Tomball Building Official and Fire Marshall based on code.
2. Bearings shown hereon are oriented to the bearing base reflected on the plat of Tomball Center III-B2, REPLAT NO. 1 a subdivision plat of record at Film Code Number 625078 of the Map Records of Harris County, Texas.
3. All existing pipelines or pipeline easements through the subdivision have been shown.
4. All oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.
5. All corners have been marked with 3/4-inch iron rods, unless noted otherwise hereon.
6. Street access was dedicated by plat of Tomball Center II recorded in Film Code No. 562200, H.C.M.R. and Reciprocal Access Rights under H.C.C.F. No. W962188.
7. 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 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 the property within an easement arising out of the removal or relocation of any obstruction in the public easement.

8. According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not within the 0.2% Annual Chance Flood Plain.

9. 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 the centerline of low pressure gas lines and 30 feet off the centerline of high pressure gas lines.

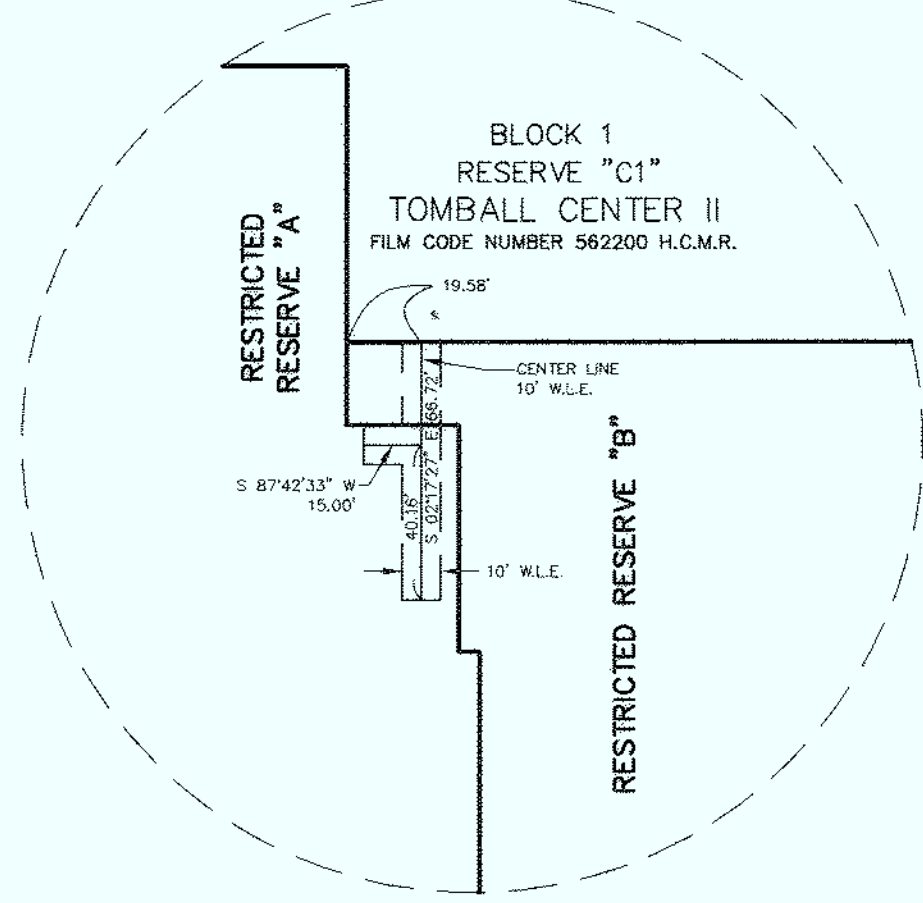
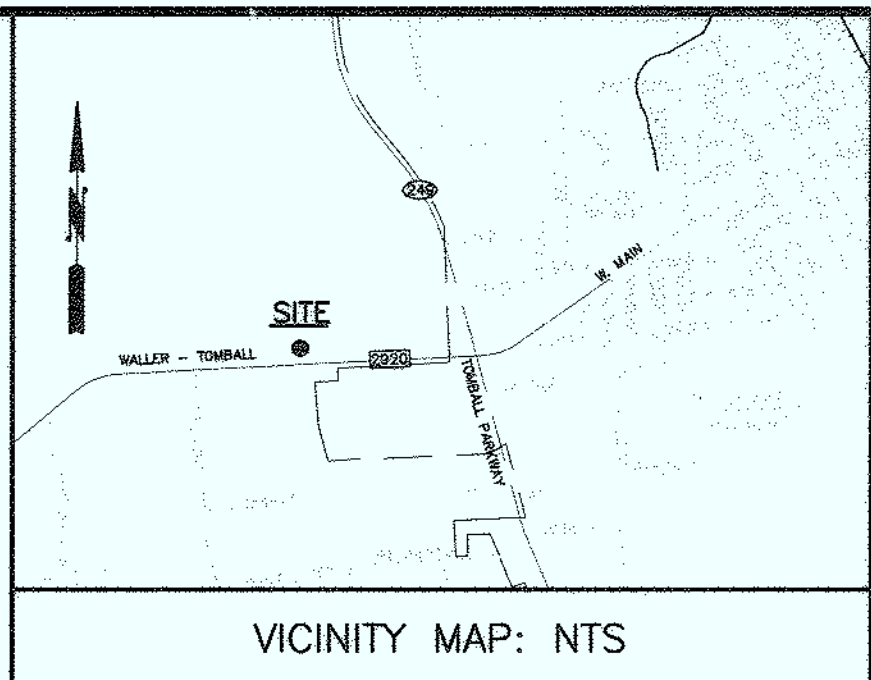
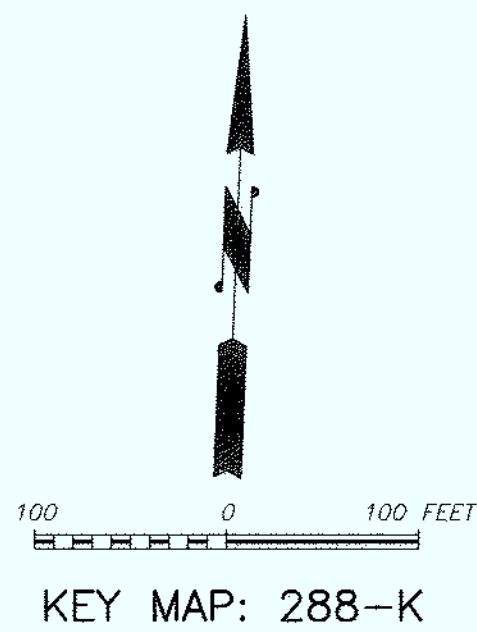
10. This plat does not attempt to amend or remove any valid covenants or restrictions.

11. 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.

12. The square feet Area Calculation for Reserves "A" & "B" are shown to the nearest one hundredth of a square foot in keeping with the city subdivision ordinance only. The surveying standards for the State of Texas, and industry tolerances for measurements do not allow for such accuracy.

ABBREVIATIONS LEGEND:

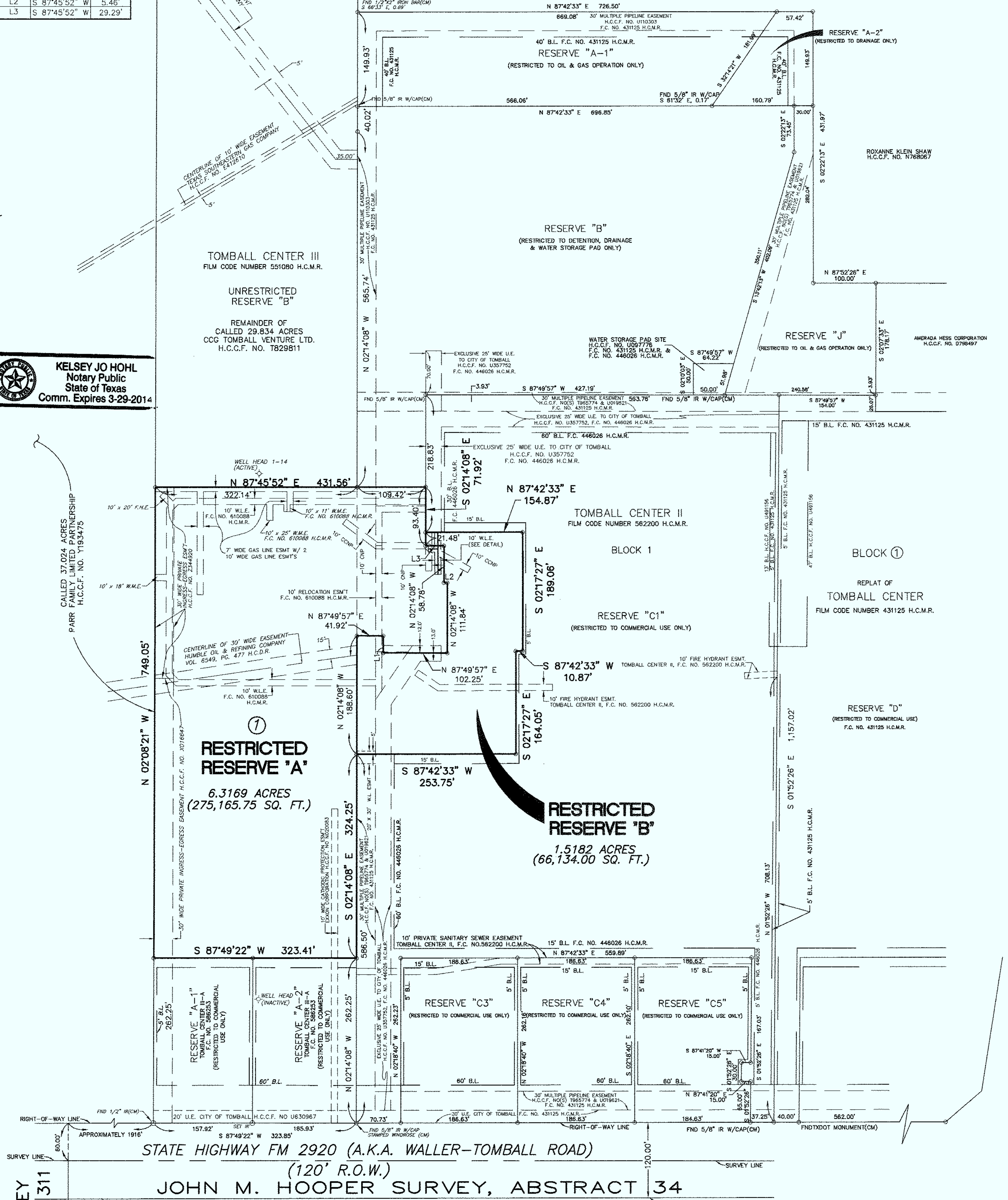
A.K.A. Also Known As
H.C.C.F. Harris County Clerk's File
H.C.M.R. Harris County Map Records
B.L. Building Line
FND. Found
I.R. Iron Rod
F.C. Film Code
U.E. Utility Easement
H.C.C.F. Harris County Clerk File Number
O.P.R.O.R.P. Official Public Records of Real Property
PLM. pipeline marker
SET 5/8" Iron Rod
SET IR. with Cap Stamped
"Terra Surveying" control monument
CM. Harris County Deed Records
H.C.D.R. utility easement
E.S.M.T. easement
F.H.E. fire hydrant easement
W.M.E. water meter easement
W.L.E. water line easement
CNP. CenterPoint Energy, LLC, 10 feet wide easement
CCNP. W/ 11' 6" adjacent aerial easement east side
CenterPoint Energy, LLC, 10 feet wide easement
H.C.C.F. No. 20070538947
W/ 10' adjacent aerial easement both sides
H.C.C.F. No. 20070538947



WATER LINE EASEMENT DETAIL
1"=50'

JOSEPH HOUSE SURVEY, ABSTRACT 34

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 02°14'08" E	27.31'
L2	S 87°45'52" W	5.46'
L3	S 87°45'52" W	29.29'



TOMBALL CENTER III-B2, REPLAT NO. 2
7.8351 ACRES BEING A
PARTIAL REPLAT OF RESERVES "A" & "B" OF
TOMBALL CENTER III-B2, REPLAT NO. 1, FILM CODE NUMBER 625078 H.C.M.R.
LOCATED IN JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34,
HARRIS COUNTY, TEXAS

1 BLOCK

2 RESERVES

OWNER:
TOMBALL TOWN CENTER, LTD.
11000 BRITTMORE PARK DR.
SUITE 100
HOUSTON, TEXAS 77041
(281) 668-3400

SURVEYOR:
TERRA SURVEYING CO., INC.
3000 WILCREST, SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0327

PROJ. No.: 2171-0804-S

SCALE: 1" = 100'

DATE: MAY 2010

Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

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

- Section 551.071 – Consultation with Attorney regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a Municipal Court Judge

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

N/A

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

City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

Consideration and Possible Action Regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court.

Background:

Executive Session materials will be provided to City Council under separate cover.

Origination:

Gary Smith

Recommendation:

Provide status of issue and request direction for further action from City Council.

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

Scott Bounds, City Attorney Mark McClure, City Engineer

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

Regular City Council Agenda Item Data Sheet

Meeting Date: May 17, 2010

Topic:

Consideration and Possible Action Regarding the Appointment of a Municipal Court Judge

Background:

George Covington, Tomball's Municipal Court Judge will be retiring effective May 31, 2010.

Staff is asking Council to appoint an Interim Municipal Court Judge. Council has the option to appoint the Mayor as Municipal Court Judge. Council also has the option to appoint the current Alternate Judge, Laryssa Korduba, appointed by Council on October 20, 2008.

Staff is currently working with the attorney on an ordinance to clarify term and appointment of the Tomball Municipal Judge. This ordinance will be brought to Council at a future meeting. Staff is also seeking direction on how to proceed with recruiting & selecting a new judge.

Origination:

City Manager's Office

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

Shawn Cox - Assistant to the City Manager

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 17, 2010

Topic:

Consideration and Possible Action regarding the Hiring/Employment, Duties and Responsibilities of a City Manager

Background:

Origination:

City Council

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	