

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



**Tuesday, July 6, 2021
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Tuesday, July 6, 2021 at 6:00 PM, 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.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JULY 6, 2021 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 898 0555 4533, Passcode: 119367. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Chaplain Steve Allison – Tomball VFW Post 2427
- C. Pledges to U.S. and Texas Flags

D. 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 - GC, 551.042.]*

E. Reports and Announcements

1. Announcements

I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.

II. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club began a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. ***Tomball Kid's Club*** is not a drop-off camp.

III. July 10, 2021 – **2nd Saturday at the Depot**

IV. August 6, 2021 – **49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

V. August 14, 2021 – **2nd Saturday at the Depot**

VI. September 18, 2021 – **GroovFest 2021** – 11:00 a.m.-6:00 p.m., at the Depot

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

I. Mike Baxter – Report on the success of the June 19, 2021 ***Tomball Honky Tonk Chili Challenge Festival*** and the **July Fourth Celebration & Street Fest**

F. Approval of Minutes

1. Approve the Minutes of the June 21, 2021 Special Tomball City Council Meeting, the June 21, 2021 Regular Tomball City Council Meeting, and the June 29, 2021 Special Tomball City Council Meeting

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2021-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District, said property being generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas; 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.

H. New Business

1. Approve Request by Tomball High School for In-Kind Services from Police, Fire and Public Works for the 14th Annual Homecoming Parade & Community Rally at the Depot on Wednesday, September 29, 2021
2. Approve Tomball ISD (TISD) Interlocal Agreement amendment for one additional School Resource Officer (SRO)
3. Award Contract for Bid Number 2021-02 for the Reclamation of Agg Road.
4. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 1st day of July 2021 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 6, 2021

Topic:

Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	<u>4-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager _____
				Date _____



Jerry Matheson Park Pool

1240 Ulrich RD Tomball Texas 77375

Pool Manager : Brian Vestal

Public Hours

Monday	Closed
Tuesday	10am -6pm
Wednesday	10am -6pm
Thursday	10am -6pm
Friday	10am -6pm
Saturday	12pm - 8pm
Sunday	12pm -8pm

Notes:

The pool will be open to the public on Memorial Day Weekend.

The pool will be open to the public on Memorial Day.

The Pool will be open to the public on weekends until Labor Day.



Jerry Matheson Park Pool

1240 Ulrich RD Tomball Texas 77375

Pool Manager : Brian Vestal

Public Hours

PRESEASON HOURS 2021

May 29th (Saturday) Noon - 8pm

May 30th (Sunday) Noon – 8pm

May 31st (Monday) 10am – 6pm

REGULAR SEASON HOURS 2021

June 1st (Tuesday) 10am – 6PM Start Date

August 15th (Sunday) Noon – 8pm End Date

END OF SEASON HOURS 2021

August 21st (Saturday) Noon – 8pm

August 22nd (Sunday) Noon – 8pm

August 28th (Saturday) Noon – 8pm

August 29th (Sunday) Noon – 8pm

September 4th (Saturday) Noon – 8pm

September 5th (Sunday) Noon – 8pm

September 6th (Monday) 10am – 6pm

Notes:

The pool will be open to the public on Memorial Day Weekend.

The pool will be open to the public on Memorial Day.

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City Council Meeting

Agenda Item

Data Sheet

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Signed	<u>Doris Speer</u>	<u>4-28-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

Topic:

July 10, 2021 – 2nd Saturday at the Depot

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

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Signed	Doris Speer	5-12-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

Topic:

August 6, 2021 – 49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

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Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	<u>5-12-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



June 1, 2021

City of Tomball
401 Market Street
Tomball, Texas 77375

RE: Tomball Night Street Closures, Electricity and Community Center Usage

Dear David,

We are anticipating a fabulous 49th Annual **Tomball Night**, Friday, August 6, 2021 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night's festivities has been met with overwhelming enthusiasm over the past several years. This year we are planning to add a Health and Wellness Fair to the festivities. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

The Greater Tomball Area Chamber of Commerce is requesting permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, a highly trained and licensed pyrotechnician.

To insure the safety of the many visitors that will be in Tomball on Friday, August 6, 2021 and the multiple number of vendors we are expecting, we are asking for street closures for the following streets on Friday night only from

12:00 p.m. until 11:00 p.m.

- Market St. – 100, 200 and 300 blocks
- S. Elm – 100 Block

And from 5:00 p.m. until 11:00 p.m.

- S. Walnut – between Market and Main
- Sycamore from Main St. South

Enclosed is a map for your review. We are also requesting permission for the use of electricity on Walnut Street, by the Depot, 100 & 200 blocks of Market Street, the alley on south side of Main between Cherry and Oak and at 200 S. Walnut.

Finally, we would like to use the Tomball Community Center as a “cool zone” and for the Health and Wellness Fair. The Health and Wellness Fair would take place from 4pm to 8pm. The Chamber’s committee, the Health and Wellness Alliance, will be working in conjunction with the Tomball Community Center staff, Chamber staff and the Tomball Night committee to coordinate both events. Any proceeds received from the Health & Wellness Fair will go to the Chamber to continue its mission.

We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Hillegeist", with a stylized flourish at the end.

Bruce Hillegeist
President



SPECIAL EVENT GUIDELINES & APPLICATION

CITY OF TOMBALL, TEXAS

Effective Date:

INTRODUCTION: Any organized activity or event and open to the general public that involves the use of, or having an impact upon, public property, facilities, public parks, sidewalks, or street areas in the City of Tomball require prior approval and must meet certain requirements for consideration.

PROCEDURES: Several procedures and guidelines must be followed before any non-city staged event may take place. Those include, but are not limited to, the following:

1. A completed Special Event application must be submitted to the Tomball Department of Marketing & Tourism at least 180 days prior to any proposed festival or event. Tomball City Council approval is required if event meets one of the following criteria: sale of alcohol, street closures or contains a request for in-kind donations from the City of Tomball.
2. A written proposal must accompany the application. The proposal should include the overall event concept, a detailed site map, a list of planned activities, hours of operation, proposed vendors, food and beverage, entertainment and any other relevant aspects of the event.
3. If a charity is involved, or is the beneficiary of funds raised, information about the charity needs to be included as a part of the application process, as well as proof of non-profit status. If requesting in-kind services, preference will be given to organizations providing donations to agencies within the city limits of Tomball.
4. A fee equal to the actual cost of city services to host the event will be required of for-profit event planners to be paid no less than ten business days before the event. Non-profit organizations may request city services as an in-kind donation.
5. A meeting will be scheduled with the Tomball Events Team (representatives of Tomball Police, Fire, Public Works, Marketing and Northwest EMS) to discuss the merits and feasibility of the proposed event. The applicant is required to be at this meeting to answer questions regarding the application. Failure to attend will result in the event being cancelled by the City of Tomball.
6. If approved by the Tomball Events Team, the proposed event will be presented to City Council for final approval. The applicant is required to be at this meeting to answer questions regarding the application if necessary.
7. Ten days prior to the event, proof of general liability insurance (\$1,000,000 minimum) must be provided by the event organizer naming the City of Tomball as additional insured.
8. Event coordinators must provide their own volunteers or staff; oversee food and beverage permits, vendors, site clean-up and other aspects of staging a festival/special event.
9. Failure to comply with the guidelines listed above will preclude applicant from staging future events.

For additional information, or to submit an event application, please contact:

Denise Fiore - Community Events Coordinator
401 Market Street
Tomball, Texas 77375
281-351-5484 | Email - dfiore@tomballtx.gov



SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, Texas 77375 | 281-351-5484

An application to stage an event within the City of Tomball shall be filed with the Community Events Coordinator at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Date: 08/06/2021 Is this event Co-City sponsored? Yes ☐ No ☐

Request for permission to use a public venue for the following type of event (please check one):

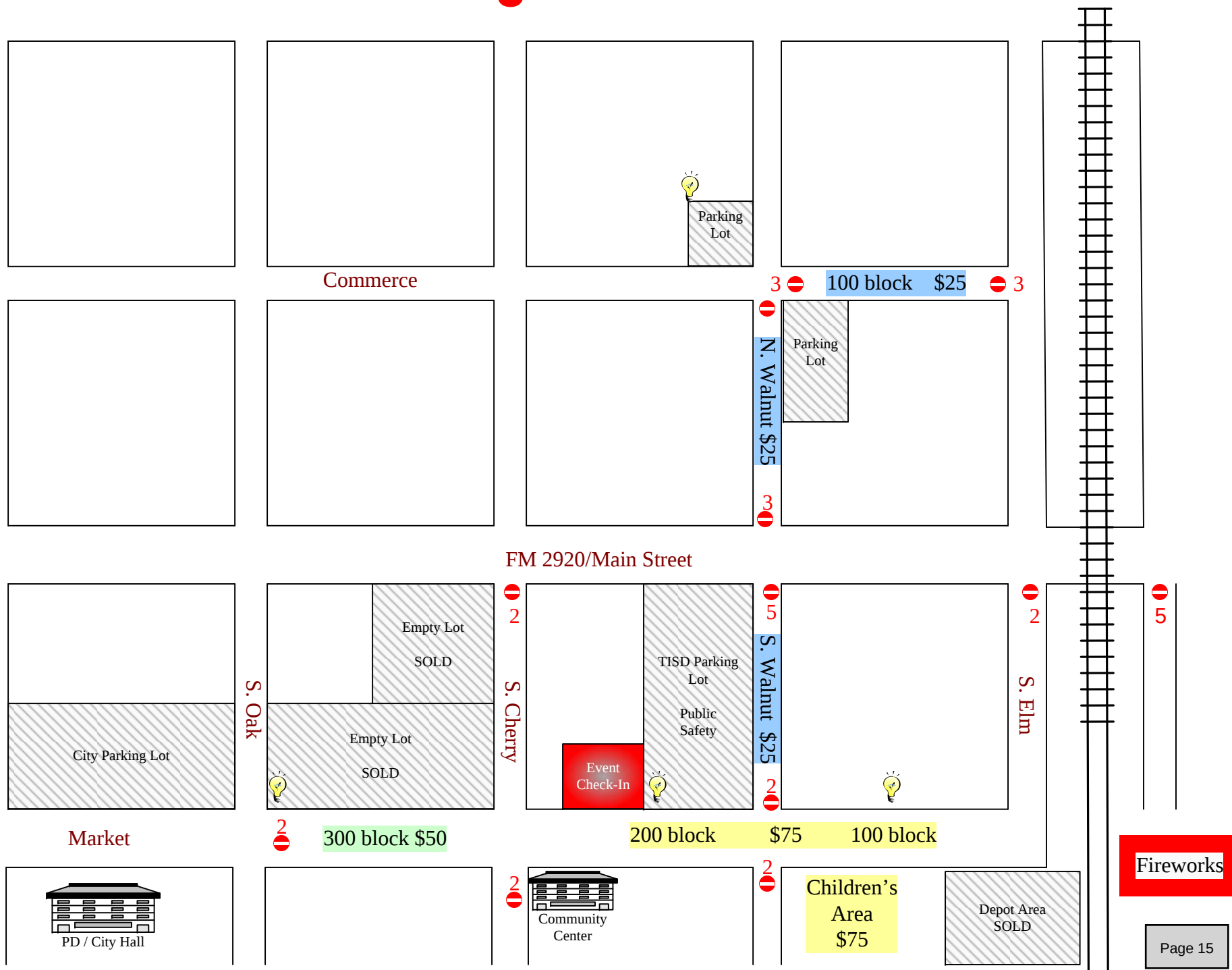
Festival ☒ Community Event ☐ Arts & Crafts Event ☐ Music Event ☐ Other (specify) ☐

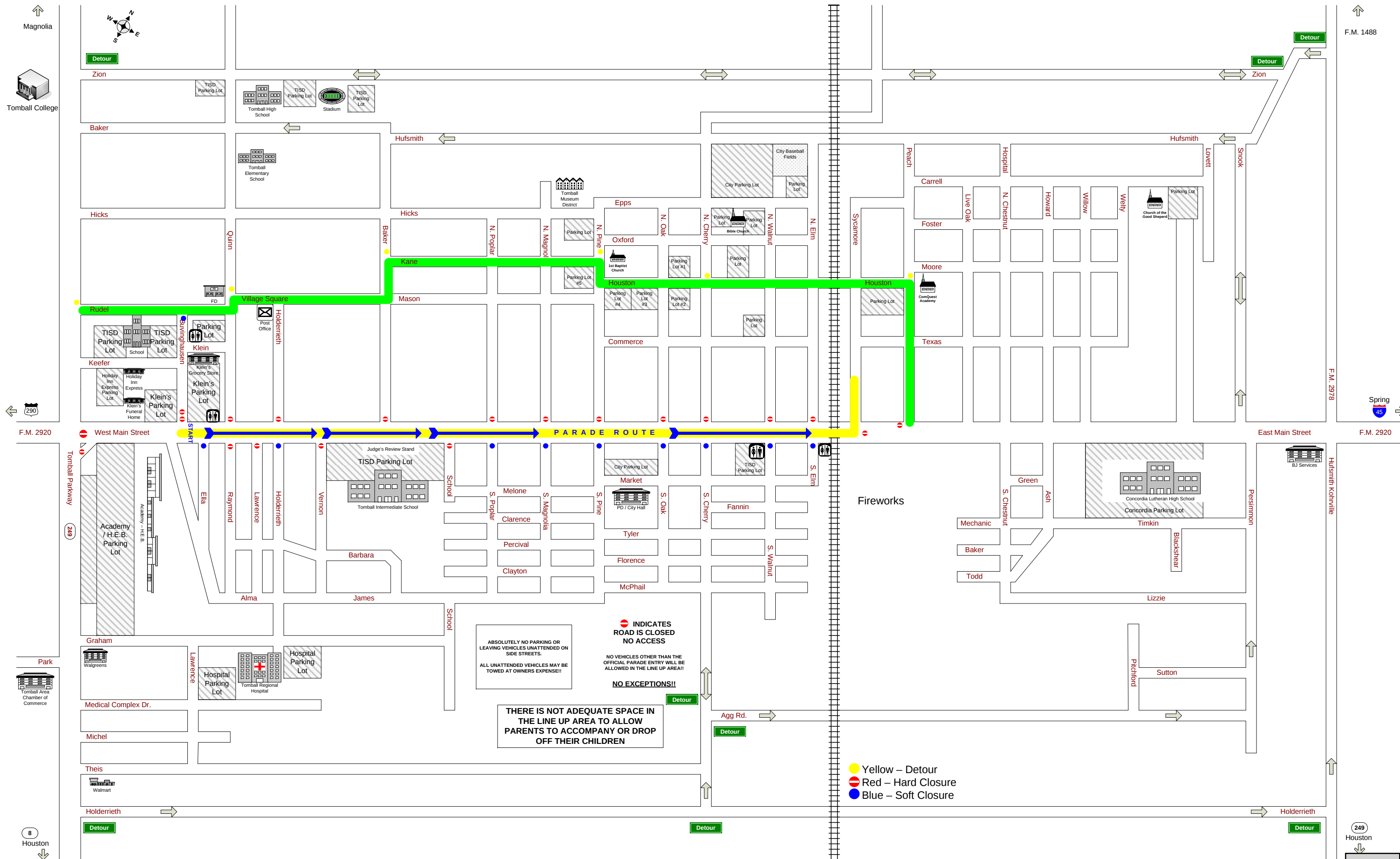
1. Event title: Tomball Night
2. Sponsoring entity: Greater Tomball Area Chamber of Commerce
3. Is this organization based in Tomball: Yes ☒ No ☐ *we are a 501 c 6
4. Is this organization *non-profit* ☒ or *for-profit* ☐ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: Brandy Beyer Phone: 281.351.7222
6. Contact address: 29201 Quinn Road, Ste. B
7. Contact email: bbeyer@tomballchamber.org
8. Event date: 08/06/2021
9. Event times: Start 5pm Finish 10:00pm Set-up 12pm Breakdown 10:30pm
10. Is this event for charity? Yes ☒ No ☐
11. If yes, what charity? Greater Tomball Area Chamber of Commerce Tax ID 74-1495125
12. If yes, what percentage of net proceeds will be donated to the charity? 100%
13. On-site contact: Brandy Beyer Mobile Phone: 713.594.3449
14. Estimated number of attendees: 10,000
15. Detailed site map in attached: Yes ☒ No ☐
16. Is this event open to the public: Yes ☒ No ☐
17. Admission fee: \$ Free ☒
18. Time at which event staff will begin to arrive: 7am
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.
Initial
20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial
21. Name of insurance carrier: Higginbotham IAS Group
22. Organization has secured date with the Public Works Dept. and has paid deposit.

Signature: Brandy Beyer

FOR OFFICIAL USE - Fee required: Yes ☐ No ☐ Amount Due: \$

Tomball Night Downtown





Registered Location(s):

1605 CRESCENT CIR STE 200
CARROLLTON TX 75006-3500

Registration Number

FWD-2402278

Expiration Date: 04-30-2022

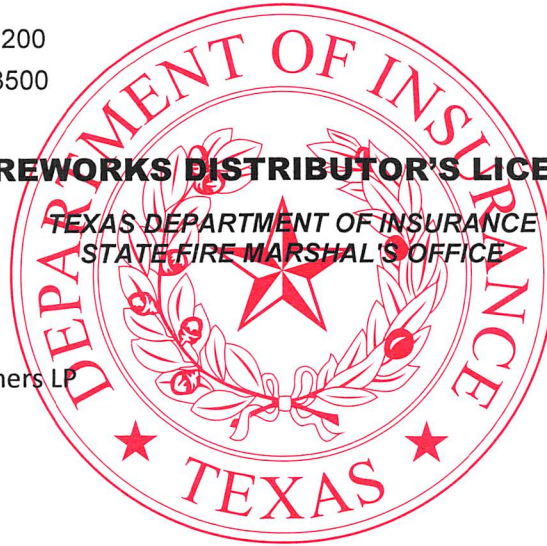
EFFECTIVE DATE: 04-30-2019

FIREWORKS DISTRIBUTOR'S LICENSE

TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE

Issued To:

Illumination Fireworks Partners LP



DATE ISSUED: March 4, 2021

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Orlando P. Hernandez, State Fire Marshal

SF081|1119



THE HARTFORD
BUSINESS SERVICE CENTER
3600 WISEMAN BLVD
SAN ANTONIO TX 78251

May 24, 2021

City of Tomball
401 MARKET ST
TOMBALL TX 77375

Account Information:



Contact Us

Business Service Center

Business Hours: Monday - Friday
(7AM - 7PM Central Standard Time)

Phone: (866) 467-8730

Fax: (888) 443-6112

Email: agency.services@thehartford.com

Website: <https://business.thehartford.com>

Policy Holder Details :	GREATER TOMBALL AREA CHAMBE OF COMMERCE
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Enclosed please find a Certificate Of Insurance for the above referenced Policyholder. Please contact us if you have any questions or concerns.

Sincerely,

Your Hartford Service Team



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/24/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HIGGINBOTHAM INS AGENCY INC/PHS 61611737 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	CONTACT NAME: PHONE (866) 467-8730 FAX (888) 443-6112 (A/C, No, Ext): E-MAIL ADDRESS:																					
INSURED GREATER TOMBALL AREA CHAMBE OF COMMERCE 292201 QUINN STEB TOMBALL TX 77375	<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC#</th></tr> </thead> <tbody> <tr> <td>INSURER A :</td><td>Hartford Lloyd's Insurance Company</td><td>38253</td></tr> <tr> <td>INSURER B :</td><td></td><td></td></tr> <tr> <td>INSURER C :</td><td></td><td></td></tr> <tr> <td>INSURER D :</td><td></td><td></td></tr> <tr> <td>INSURER E :</td><td></td><td></td></tr> <tr> <td>INSURER F :</td><td></td><td></td></tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE		NAIC#	INSURER A :	Hartford Lloyd's Insurance Company	38253	INSURER B :			INSURER C :			INSURER D :			INSURER E :			INSURER F :		
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COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ General Liability	X		61 SBA VM8139	12/20/2020	12/20/2021	EACH OCCURRENCE \$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000
							MED EXP (Any one person) \$10,000
							PERSONAL & ADV INJURY \$1,000,000
							GENERAL AGGREGATE \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:						PRODUCTS - COMP/OP AGG \$2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			61 SBA VM8139	12/20/2020	12/20/2021	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
							BODILY INJURY (Per person)
							BODILY INJURY (Per accident)
							PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ RETENTION \$						EACH OCCURRENCE
							AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				☐ PER STATUTE ☐ OTH-ER
							E.L. EACH ACCIDENT
							E.L. DISEASE -EA EMPLOYEE
							E.L. DISEASE - POLICY LIMIT
A	EMPLOYMENT PRACTICES LIABILITY			61 SBA VM8139	12/20/2020	12/20/2021	Each Claim Limit \$5,000 Aggregate Limit \$5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Certificate holder is an additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER

City of Tomball
 401 MARKET ST
 TOMBALL TX 77375

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

Topic:

August 14, 2021 – 2nd Saturday at the Depot

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	Doris Speer	5-12-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

Topic:

September 18, 2021 – *GroovFest 2021* – 11:00 a.m.-6:00 p.m., at the Depot

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	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

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Mike Baxter – Report on the success of the June 19, 2021 *Tomball Honky Tonk Chili Challenge Festival* and the **July Fourth Celebration & Street Fest**

Background:

Origination:

Recommendation:

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	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 6, 2021

Topic:

Approve the Minutes of the June 21, 2021 Special Tomball City Council Meeting, the June 21, 2021 Regular Tomball City Council Meeting, and the June 29, 2021 Special Tomball City Council Meeting

Background:

Origination: City Secretary

Recommendation:

Approve

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

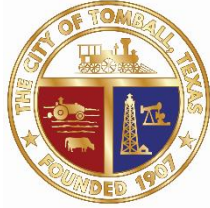
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	<u>6-30-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, June 21, 2021
4:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 21, 2021, 4:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the special meeting of the Tomball City Council to order.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll (arrived 4:31 p.m.)
Council 3 Chad Degges (arrived 4:13 p.m.)
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna
Senior HR Generalist – Alison Asbury
HR Generalist – Shanna Botelho

B. No Public Comments were received.

C. New Business

1. City Council entered into a Workshop Session to receive presentations from Texas Municipal Retirement System (TMRS), Hub International, and Public

Sector Personnel Consultants (PSPC). Representative for Hub International was unable to attend.

Mayor Fagan called for a recess at 4:54 p.m.; workshop session resumed at 5:04 p.m.

- D. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to adjourn.
Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

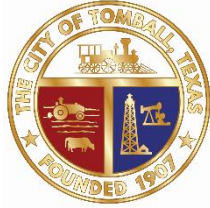
Meeting adjourned.

PASSED AND APPROVED this the 7th day of July 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, June 21, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 21, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the regular meeting of the Tomball City Council to order at 6:03 p.m.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
Director of Community Development – Craig Myers
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Accountant – Luisa Taylor
Police Officer-Investigations – James Harral
Assistant Director-TEDC – Tiffani Wooten

B. Invocation - Led by Pastor Bill Rasco – Spring Creek Church of Christ

C. Pledges to U.S. and Texas Flags – Led by Bruce Hillegeist

D. No Public Comments were received.

E. Presentations

1. Mayor Fagan presented a Proclamation, honoring June 21, 2021 as ***“HCA Houston Healthcare Tomball CEO Robert Marmerstein and Team: Winter Storm Uri Heroes” Day***

F. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except July 4th and Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- II. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club began a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. ***Tomball Kid's Club*** is not a drop-off camp.
- III. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)
- IV. July 10, 2021 – **2nd Saturday at the Depot**
- V. August 6, 2021 – **49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the June 7, 2021 Special Tomball City Council and Tomball Economic Development Corporation Meeting and the Minutes of the June 7, 2021 Regular Tomball City Council Meeting

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

H. Old Business: Tabled Items

1. Adopt on First Reading, Ordinance No. 2021-05, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Nine (*Tomball Heights, aka Sydney's Park*)
2. Adopt on First Reading, Ordinance No. 2021-06, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Nine (Tomball Heights Subdivision); and Making Certain Findings Related Thereto (*Sydney's Park*)
3. Approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to remove Items H.1, H.2, and H.3 from the table.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to Table Items H.1, H.2, and H.3 indefinitely.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

- I. Old Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Mayor Fagan advised that Items I.1 and I.2 would be removed from consideration as Consent Agenda items, for Council consideration and discussion. Items I.1 and I.2 will be considered after remaining Consent Agenda items.

3. Adopt, on Second Reading, Ordinance No. 2021-20, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 32-45, Fingerprints, Photographs, of Article II, Permits, of Chapter 32, Peddlers and Solicitors, to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters
4. Adopt, on Second Reading, Ordinance No. 2021-21, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Chapter 48, Vehicles For Hire, to Delete Article II, Taxicabs, in Its Entirety; Amending Section 48-177 Tow Truck Company Application, Renewal, of Division 2, Tow Truck Company License, of Article II Tow Trucks and Tows, to Remove the Requirement of a Tow Truck Company to Provide a Background Check on Its Drivers; Amending Section 48-192, Application, of Division 3 Tow Truck Driver's Permit; of Article III, Tow Trucks and Tows; to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.
5. Adopt, on Second Reading, Ordinance No. 2021-22, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 10-445, General Standards, and Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention of Chapter 10, Buildings and Building Regulations; 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.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to Adopt and Approve Consent Agenda Items I.3, I.4, and I.5.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

1. Motion made by Council 3 Degges, Seconded by Council 5 Klein Quinn, to ratify Approval the Payment in Full Payment Option to GEXA Energy for Increased Ancillary Charges Rate due to the Winter Storm

Voting Yea: Council 3 Degges, Council 5 Klein Quinn

Voting Nay: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr.

Motion FAILED, 2 votes Aye, 3 votes Nay.

2. Motion made by Council 4 Townsend, Sr., Second by Council 3 Degges, to adopt, on Second Reading, Ordinance 2021-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, Section 44-164, Parking Restricted on Certain Streets, of Division 2, Prohibited. Restricted on Certain Streets, of Article V, Stopping, Standing and Parking, of Chapter 44, Traffic and Vehicles, Establishing a “No Parking, Stopping or Standing” Zone on the North Side of FM 2920 beginning approximately 150 Feet East of Tomball Cemetery Road, Extending East approximately 885 Feet to approximately 1,560 Feet West of Park Road; Providing a Penalty in an Amount Not to Exceed \$200 for Each Violation Hereof; and Providing for Severability; and Making Findings Related Thereto.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

J. New Business

1. Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to their current positions and to appoint Randy Parr to the unexpired vacancy on the Tomball Economic Development Corporation Board of Directors for new terms expired on May 31, 2023.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

2. Consideration to approve Zoning Case P21-257: Request by HistoryMaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-257 at 7:20 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:20 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to read Ordinance No. 2021-17 by caption only, on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District, said property being generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas; 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

3. Jeff Bert presented an update regarding the City's Strategic Plan for FY 2020–FY2022 for Council review and discussion.

No action necessary.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve a Contract for Dispatch System with Northwest Communications, Inc, in the amount of \$172,359.69 and authorize the Interim City Manager to execute the necessary documents.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve a contract with B&C Constructors for the replacement of the HVAC system at the Community Center for Room A in the amount of \$75,192.48, to be completed through a 1GPA contract.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to award the purchase of One (1) Rubber Tire Front Loader in the Amount of \$149,950.00 to Waukesha-Pearce Industries, LLC, through a State Buyboard Cooperative Purchasing Contract.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

7. Executive Session: The City Council recessed at 8:12 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening in session at 9:26 p.m., no action was taken.

K. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

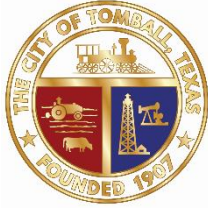
Meeting adjourned.

PASSED AND APPROVED this the 18th day of May 2020.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Tuesday, June 29, 2021
5:30 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for Tuesday, June 29, 2021, 5:30 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the special meeting of the Tomball City Council to order at 5:30 p.m.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 5 Lori Klein Quinn

ABSENT:

Council 4 Derek Townsend, Sr. - Excused

OTHERS PRESENT:

City Secretary – Doris Speer
City Attorney – Loren Smith
HR Director – Lisa Coe

B. No public comments were received.

C. New Business

1. Executive Session: The City Council recessed at 5:35 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session
- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into session at 7:55 p.m., no action was taken.

D. Motion made by Council 1 Ford, Seconded by Council 2 Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned at 7:56 p.m.

PASSED AND APPROVED this the 6th day of July 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 6, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2021-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District, said property being generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas; 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:

City Staff recommends approval. Planning & Zoning Commission recommends approval (4-0)

Origination: HistoryMaker Homes

Recommendation:

Adopt Ordinance No. 2021-17 on Second Reading

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., Community Development Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: Doris Speer 6-30-2021 **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 19.65 ACRES OF LAND LEGALLY DESCRIBED AS TRACTS 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) AND TRACT 14H-4 ABSTRACT 632 C N PILLOT, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE PLANNED DEVELOPMENT (PD-17) DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF HOLDERRIETH ROAD AT 11922 HOLDERRIETH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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, HistoryMaker Homes has requested that approximately 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, generally located north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; 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 and at least ten (10) days after written notice of that hearing was mailed 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 requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of the Planned Development (PD-17) District; 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 for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 20 Estate District to the Planned Development (PD-17) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-17) 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 the Property to the Planned Development (PD-17) District as described above.

Section 5. The Planned Development (PD-17) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-17) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.
- B. The proposed walking path adjacent to the retention pond shall include lighting for the safety of the pedestrians;
- C. The perimeter of the development shall be screened with a fence.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. 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.

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 21ST DAY OF JUNE 2021.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JULY 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



RECEIVED (KC)
05/20/2021 3:06:46 PM

Revised 5/19/15
P&Z #P21-257

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: BGE, Inc. (Contact: Andrew Lang) Title: Planner
Mailing Address: 10777 Westheimer Road, Ste. #400 City: Houston State: TX
Zip: 77042
Phone: (281) 558-8700 Fax: (281) 558-9701 Email: alang@bgeinc.com

Owner

Name: Karen M. Cox Title: _____
Mailing Address: 11922 Holderrieth Road City: Tomball State: TX
Zip: 77375
Phone: (281) 451-6080 Fax: () Email: kmc821@yahoo.com

Engineer/Surveyor (if applicable)

Name: BGE, Inc. (Contact: Bill Kotlan) Title: Director
Mailing Address: 1450 Lake Robbins Drive, Ste. #310 City: The Woodlands State: TX
Zip: 77380
Phone: (281) 210-5570 Fax: (281) 210-0141 Email: bkotlan@bgeinc.com

Description of Proposed Project: Townhome Development - Fee Simple for Sale

Physical Location of Property: 1/2 Mile west of intersection of Holderrieth Road and Huffsmith-Kohville Road
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TRS-14H, 14H1, 14H-1A, 14H-1B, 14H-2, 14H-3, & 14H-4 Abst. 632 CN Pilot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000104 & 0440580000266 Acreage: 19.65 Ac.

Current Use of Property: Rural Residential

Proposed Use of Property: Townhome Development - SFR Fee Simple for Sale

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 [Signature] 5/18/2021
Signature of Applicant Date

X [Signature] 5/18/2021
Signature of Owner Date

EXHIBIT A

EXHIBIT "A"

BEING 19.6454 acres out of the West 22.1454 acres of land in the C. N. Pillot Survey, Abstract 632, Harris County, Texas and being out of that certain 34.7173 acre tract of land described in deed dated August 9, 1979 and recorded under Harris County Clerk's File No. G196478, Official Public Records of Real Property, Harris County, Texas; said 19.6454 acres being more particularly described as follows:

COMMENCING at a point marking Southeast corner of said 34.7173 acre tract at the intersection of the North line of Holderrieth Road (60 feet wide) the West line of the Burlington Rock Island Railroad (100 feet wide);

THENCE South 80° 02' 34" West, 311.39 feet along the North line of said Holderrieth Road to a 5/8 inch iron rod found marking Southeast corner of said 22.1454 acre tract and the PLACE OF BEGINNING for herein described tract;

THENCE South 80° 02' 34" West, 671.45 feet in the North line of said Holderrieth Road to a 1/2 inch iron rod with a 3/4 inch iron pipe found marking the Southwest corner of said 22.1454 acres, and a 30 feet wide road easement;

THENCE North 18° 38' 19" West, 1463.65 feet along the center line of said road easement to a 1/2 inch iron rod set for the Northwest corner for herein described tract;

THENCE North 72° 23' 22" East, with the South line of a 2.5000 acre tract, part of said 22.1454 acre tract, 476.54 feet to a 1/2 inch iron rod set for corner;

THENCE South 25° 30' 00" East, with the Northeast line of said 22.1454 acre tract, 1567.68 feet to the PLACE OF BEGINNING containing 19.6454 acres of land.

HOLDERRIETH ROAD

PARCEL No. 23
METES AND BOUNDS DESCRIPTION
13,519 SQUARE FEET
(0.3104 ACRES)
C.N. PILLOT SURVEY, ABSTRACT No. 632
HARRIS COUNTY, TEXAS
Page 1 of 2

Being a 0.3104 acre tract of land situated in the C.N. Pilot Survey, Abstract No. 632, Harris County, Texas, said 0.3104 acre tract of land being a portion of a 22.1454 acre tract of land (by deed) deeded to Franklin L. Cox, Et Ux as recorded in Clerk's File No. M269425 of the Official Public Records of Real Property of Harris County, Texas, said 0.3104 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING (N=13,952,357.860, E=3,044,040.175) at a 5/8 inch iron rod with cap stamped "E.E. Coon" found for the southwest corner of said 22.1454 acre tract of land, said 5/8 inch iron rod with cap stamped "E.E. Coon" being the southeast corner of a 21.361 acre tract of land (by deed) deeded to Frank Leon Denina, Et Ux as recorded in Clerk's File No. E712621 of said Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "E.E. Coon" also being in the existing northerly right-of-way line of Holderrieth Road (a variable width right-of-way);

THENCE, North 21 degrees 06 minutes 31 seconds West, with the westerly line of said 22.1454 acre tract of land and with the easterly line of said 21.361 acre tract of land, a distance of 20.64 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner in the proposed northerly right-of-way line of said Holderrieth Road;

THENCE, North 77 degrees 37 minutes 37 seconds East, with the proposed northerly right-of-way line of said Holderrieth Road, a distance of 668.55 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner in the easterly line of said 22.1454 acre tract of land;

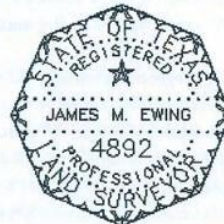
THENCE, South 27 degrees 58 minutes 12 seconds East, with the easterly line of said 22.1454 acre tract of land, a distance of 20.73 feet to a 5/8 inch iron rod with cap stamped "E.E. Coon" found for the southeast corner of said 22.1454 acre tract of land, said 5/8 inch iron rod with cap stamped "E.E. Coon" being in the southerly line of a 34.7173 acre tract of land (by deed) deeded to Trumix Concrete Company as recorded in Clerk's File No. G196478 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "E.E. Coon" also being in the existing northerly right-of-way line of said Holderrieth Road, from which a 3/4 inch iron rod found for reference bears North 40 degrees 13 minutes 46 seconds West, a distance of 0.56 feet;

Parcel No. 23
Page 2 of 2

THENCE, South 77 degrees 35 minutes 25 seconds West, with the southerly line of said 24.1454 acre tract of land and with the existing northerly right-of-way line of said Holderrieth Road, a distance of 670.99 feet to the **POINT OF BEGINNING** and containing 13,519 square feet or 0.3104 acres of land, more or less.

Notes:

- (1) This legal description is issued in conjunction with and based on the route survey by Gorrondona & Associates, Inc. Last certified December 14, 2018. Reference is hereby made to that survey as Part 1 of 2.
- (2) ROW markers along proposed line are a 5/8 inch iron rod set with cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings are referenced to the Texas Coordinate System, NAD-83, The South Central Zone 4204, all coordinates, distances and areas shown are surface values utilizing a surface scale factor of 1.000058726.



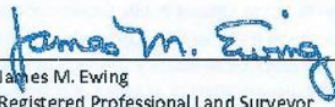

James M. Ewing
Registered Professional Land Surveyor
Texas Registration No. 4892
Texas Firm No. 10106902

EXHIBIT C



May 18, 2021

City of Tomball
Community Development Department – Planning Division
501 James Street
Tomball, Texas 77375

Re: Application for rezoning of +/- 19.33 acres located at 11922 Holderrieth Rd.

To whom it may concern,

HistoryMaker Homes is currently under contract to purchase +/- 19.33 acres at 11922 Holderrieth Rd., which is located near the northwest corner of the intersection of Holderrieth Rd. and the Burlington – Rock Island rail line, approximately 1.4 miles east of SH 249.

This property sits between new and existing Single-Family communities to the west and the railroad and new Business and Technology Park immediately to the east. As such, we believe that a higher density residential product is an ideal fit for this transitional location – a natural link between detached Single-Family and Light Industrial land uses.

HistoryMaker desires to introduce our attached, alley-served townhome product, which would require Planned Development Zoning. This is a for-sale product that comes in 3-pack, 4-pack, 5-pack and 6-pack building configurations, which will be thoughtfully placed within the site to promote a diverse and appealing street scene. This alley-served product provides an aesthetic advantage over traditional density product – so often overburdened by the garage on a front-loaded elevation.

Please review the attached materials for more information. Thank you for your consideration.

Sincerely,



Nicole C. Zimmermann
Director, Land Acquisition & Development
HistoryMaker Homes

Exhibit “B” Planned Development Regulations

COX TRACT PLANNED DEVELOPMENT DISTRICT

May 19, 2021

A. Introduction

1. Description of the Property

The subject property consists of 19.65 acres and is located in south Tomball at the southernmost portion of the city limits, along the north side of Holderrieth Road. The legal description of the property is shown on **Exhibit “A”**.

2. Description of Proposed Development

The proposed development will consist of single-family residential attached townhomes to be sold as fee simple lots and will include a mix of three-unit, four-unit, five-unit, and six-unit townhomes. All homes will have public street frontage with vehicular access provided by private alleys. This will allow for an enhanced streetscape and pedestrian environment. In addition, all yards and common areas will be maintained by the Homeowner's Association (HOA) which will ensure that the high-quality appearance of the community will be preserved. **Exhibit “B”** illustrates the proposed conceptual plan for the tract.

3. Description of the Area

The site is located west of the intersection of Huffsmith-Kohrville Road and Holderrieth Road, in an area that is beginning to experience significant development with the Tomball Business and Technology Park and Alexander Estates single family residential community currently under construction. The properties immediately to the north and east of the tract are currently undeveloped. The property to the west is currently being used for single family residential purposes.

4. Purpose

The purpose of the Planned Development is to allow for new or innovative concepts in land utilization not permitted in other zoning districts. In this case, the proposed district will allow for the development of a unique single-family residential housing option for the community.

5. Comprehensive Plan

The proposed PD is consistent with the goals established by the Comprehensive plan by providing a high-quality development that:

- Provides a wider range of residential options to meet the “life-cycle” housing needs of current and future Tomball residents.
- Provides quality design and long-term sustainability of newer residential areas.

- Provides a continued emphasis on Tomball's housing quality and options as a fundamental economic development advantage and benefit for current and prospective residents.

6. Applicability

To be eligible for a PD, a property must be at least four (4) acres in size. The subject tract consists of 19.65 acres.

B. Zoning and Land Use

1. Existing Zoning

The property is currently zoned as "Single Family 20 Estate District" (SF-20-E).

The City's Future Land Use Plan identifies the site as "Corridor Commercial".

The property is entirely within the Tomball Independent School District.

2. Permitted Use(s)

Single Family Attached Townhomes.

C. Design Standards

1. Height Regulations

Maximum Height: Main Buildings – Three (3) stories, not to exceed forty-five (45) feet.

Maximum Height: Accessory Buildings – One (1) story, not to exceed fifteen (15) feet.

2. Area Regulations

Minimum lot area: 1,800 square feet

Minimum lot width: Twenty (20) feet

Minimum lot depth: Eighty (80) feet

3. Size of Yard Regulations

Minimum Front Yard: Ten (10) Feet

Minimum Side Yard: Zero (0) feet for internal (attached) units. Five (5) feet for corner units.

Minimum Rear Yard: Fifteen (15) feet. The minimum rear yard where lots back on a designated arterial street shall not be less than twenty-five (25) feet. However, lots backing up to a twenty (20) foot alley shall have a ten (10) foot minimum rear yard.

4. Landscape Buffers

There shall be a minimum 25-foot-wide landscape buffer along Holderrieth Road.

5. Landscaping Requirements

Per section 50-113 of the Tomball Code of Ordinances.

6. Parking Requirements

Per section 50-112 of the Tomball Code of Ordinances.

7. Screening, Buffering, and Fencing Requirements

Per section 50-115 of the Tomball Code of Ordinances.

8. Building Requirements

Minimum Building Separation –Ten (10) feet for buildings with or without openings

9. Lot Requirements

Maximum lot coverage within the district shall be seventy-five (75) percent combined for main buildings and accessory buildings.

Minimum floor area per dwelling unit for the district shall be one-thousand four-hundred (1,400) square feet of heated and/or air-conditioned floor area per unit.

10. Additional Requirements

Maximum Dwelling Units per Acre: 20

Public Rights-Of-Way serving single-family residential uses within the district shall be permitted to be a minimum of fifty (50) feet wide.

Private Alleys providing vehicular access to single-family residential uses within the district shall be permitted and shall be a minimum of twenty (20) feet wide.

Building length: Buildings shall not exceed one hundred fifty (150) feet in length

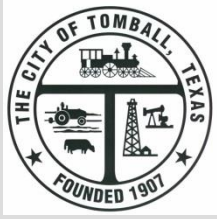
D. Exhibits

- a. Metes and Bounds Description
- b. Conceptual Plan
- c. Letter of Intent
- d. Product Renderings

Exhibit “C”

Concept Plan





Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 14, 2021

City Council Public Hearing Date: June 21, 2021

Rezoning Case: P21-257

Property Owner(s): Karen M. Cox

Applicant(s): HistoryMaker Homes

Legal Description: Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot

Location: North side of Holderrieth Road at 11922 Holderrieth Road (Exhibit "A")

Area: 19.65 acres

Comp Plan Designation: Corridor Commercial (Exhibit "B")

Present Zoning and Use: Single-Family 20 Estate District (Exhibit "C") / Single-family residence (Exhibit "D")

Request: Rezone from the Single-Family 20 Estate District to the Planned Development (PD-17) District

Adjacent Zoning & Land Uses:

- North:** Single-Family 20 Estate District / Undeveloped
- South:** Agricultural District / Single-Family residences
- West:** Single-Family 20 Estate District / Single-family residence
- East:** Single-Family 20 Estate District / Undeveloped

BACKGROUND

City Staff met with the applicant to discuss the development of the subject site in March 2021. The applicant submitted a Rezoning Application for the Multi-Family District, however, after discussions with City Staff, it was determined the Planned Development District was a more appropriate district.

ANALYSIS

The subject site is approximately 19.65 acres located on Holderrieth Road, just west of the Burlington Northern railroad tracks. According to the Planned Development Application (Exhibit "E"), the applicant is proposing "single-family residential attached townhomes to be sold as fee simple lots and will include a mix of three-unit, four-unit, five-unit, and six-unit townhomes".

According to Section 50-80 (*Planned Development District*), the nature of a Planned Development District is to accommodate “planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two-family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts”.

Surrounding zoning districts in the area include Single-Family 20 Estate District to the north, west and east. Most of the south side of Holderrieth Road is outside the City limits of Tomball; however, there is one single-family residence zoned Agricultural District to the south of the subject site. Properties east of the railroad track are zoned Light Industrial include Houston Poly Bag and the TEDC Business and Technology Park. There is also a multi-family development on Holderrieth Road – HomeTowne at Tomball and an approved multi-family development, which was approved at the northeast corner of Holderrieth Road and SH 249 as part of Planned Development 8.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “predominantly nonresidential uses along high-traffic, regionally serving thoroughfares”. Appropriate land use types “include regional commercial, personal service offices, multi-family, retail, entertainment, dining, hotels, and brew pubs/distilleries. Planned Development Districts are an appropriate zoning district in this category.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on June 2, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

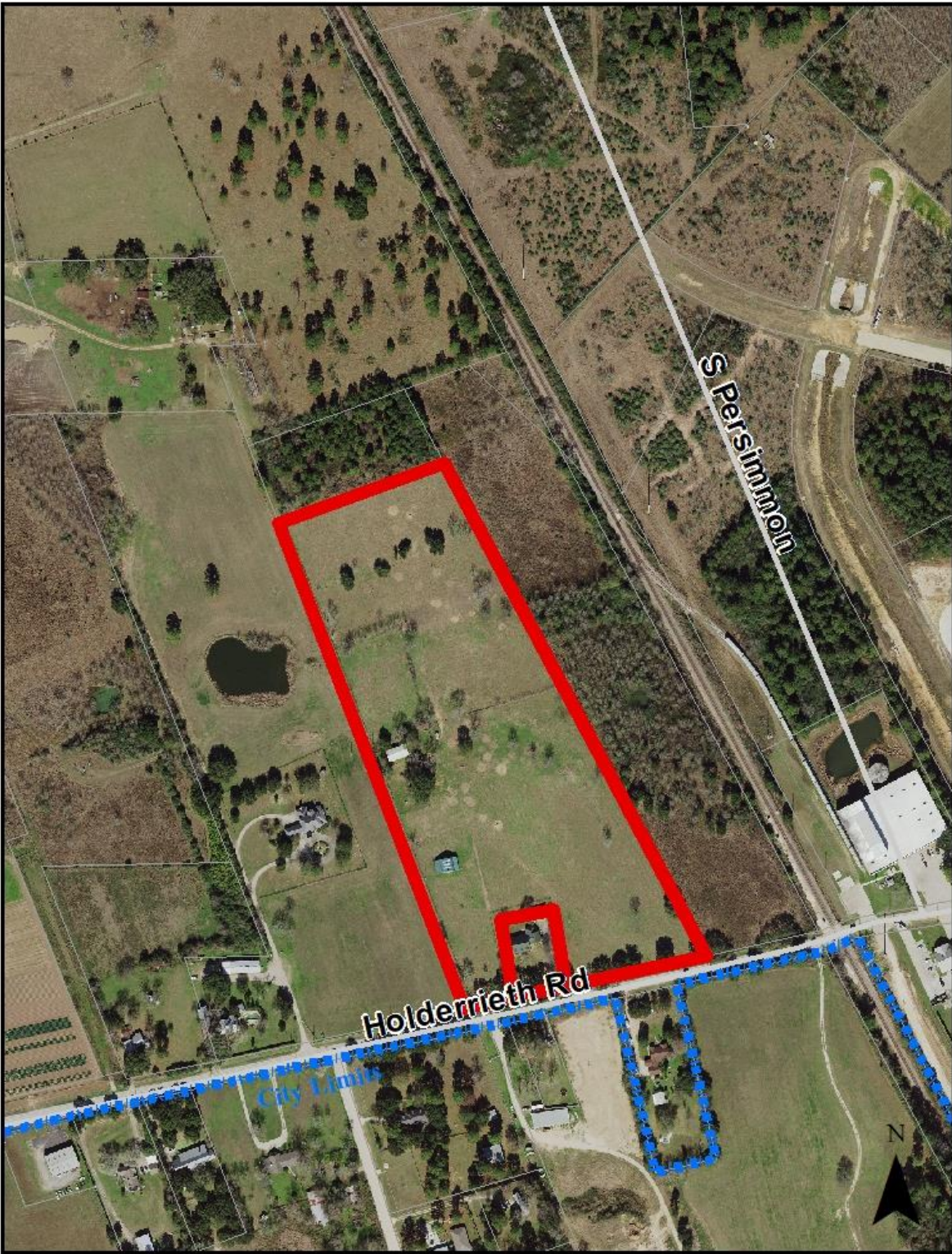
Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-257.

- The proposed rezoning is in conformance with the City’s Future Land Use Map.
- The proposed development meets the intent of the Planned Development District;
- There are two multi-family developments on Holderrieth Road in this area: HomeTowne at Tomball, which is developed on the northeast corner of Holderrieth Road and South Cherry Street, and another multi-family development was approved at the northeast corner of Holderrieth Road and SH 249 as part of a Planned Development (PD-8).

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application

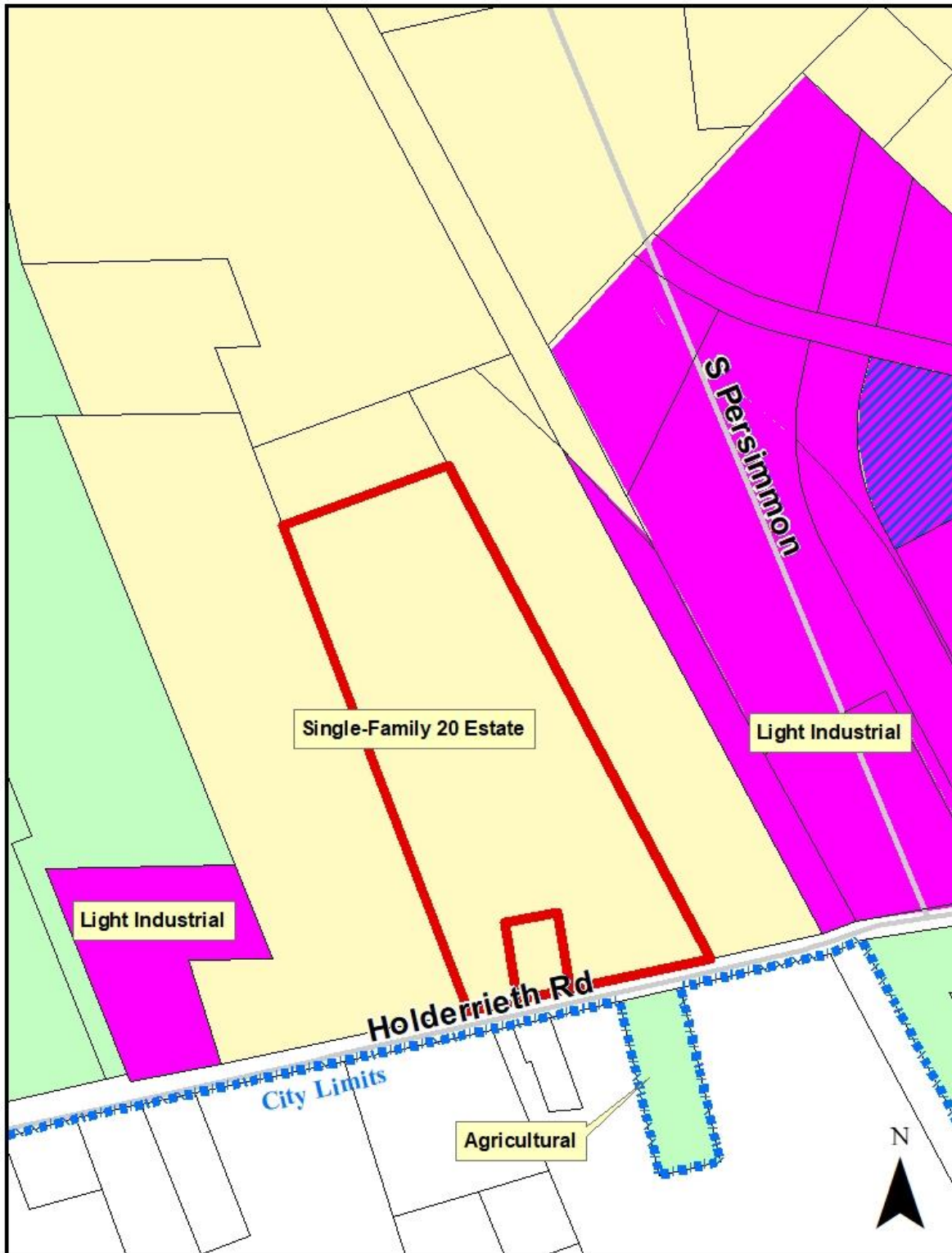
Exhibit "A"
Aerial Photo



**Exhibit “B”
Comprehensive Plan**



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"

Planned Development Application



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Revised 5/19/15
P&Z #P21-257

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: BGE, Inc. (Contact: Andrew Lang) Title: Planner
Mailing Address: 10777 Westheimer Road, Ste. #400 City: Houston State: TX
Zip: 77042
Phone: (281) 558-8700 Fax: (281) 558-9701 Email: alang@bgeinc.com

Owner

Name: Karen M. Cox Title: _____
Mailing Address: 11922 Holderrieth Road City: Tomball State: TX
Zip: 77375
Phone: (281) 451-6080 Fax: (____) _____ Email: kmc821@yahoo.com

Engineer/Surveyor (if applicable)

Name: BGE, Inc. (Contact: Bill Kotlan) Title: Director
Mailing Address: 1450 Lake Robbins Drive, Ste. #310 City: The Woodlands State: TX
Zip: 77380
Phone: (281) 210-5570 Fax: (281) 210-0141 Email: bkotlan@bgeinc.com

Description of Proposed Project: Townhome Development - Fee Simple for Sale

Physical Location of Property: 1/2 Mile west of intersection of Holderrieth Road and Huffsmith-Kohrville Road

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

Legal Description of Property: TRS-14H, 14H1, 14H-1A, 14H-1B, 14H-2, 14H-3, & 14H-4 Abst. 632 CN Pilot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000104 & 0440580000266 Acreage: 19.65 Ac.

Current Use of Property: Rural Residential

Proposed Use of Property: Townhome Development - SFR Fee Simple for Sale

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 [Signature] 5/18/2021
Signature of Applicant Date

X [Signature] 5/18/2021
Signature of Owner Date

**COX TRACT
PLANNED DEVELOPMENT DISTRICT**

May 19, 2021

A. Introduction

1. Description of the Property

The subject property consists of 19.65 acres and is located in south Tomball at the southernmost portion of the city limits, along the north side of Holderrieth Road. The legal description of the property is shown on **Exhibit "A"**.

2. Description of Proposed Development

The proposed development will consist of single-family residential attached townhomes to be sold as fee simple lots and will include a mix of three-unit, four-unit, five-unit, and six-unit townhomes. All homes will have public street frontage with vehicular access provided by private alleys. This will allow for an enhanced streetscape and pedestrian environment. In addition, all yards and common areas will be maintained by the Homeowner's Association (HOA) which will ensure that the high-quality appearance of the community will be preserved. **Exhibit "B"** illustrates the proposed conceptual plan for the tract.

3. Description of the Area

The site is located west of the intersection of Huffsmith-Kohrville Road and Holderrieth Road, in an area that is beginning to experience significant development with the Tomball Business and Technology Park and Alexander Estates single family residential community currently under construction. The properties immediately to the north and east of the tract are currently undeveloped. The property to the west is currently being used for single family residential purposes.

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The purpose of the Planned Development is to allow for new or innovative concepts in land utilization not permitted in other zoning districts. In this case, the proposed district will allow for the development of a unique single-family residential housing option for the community.

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The proposed PD is consistent with the goals established by the Comprehensive plan by providing a high-quality development that:

- Provides a wider range of residential options to meet the "life-cycle" housing needs of current and future Tomball residents.
- Provides quality design and long-term sustainability of newer residential areas.

- Provides a continued emphasis on Tomball's housing quality and options as a fundamental economic development advantage and benefit for current and prospective residents.

6. Applicability

To be eligible for a PD, a property must be at least four (4) acres in size. The subject tract consists of 19.65 acres.

B. Zoning and Land Use

1. Existing Zoning

The property is currently zoned as "Single Family 20 Estate District" (SF-20-E).

The City's Future Land Use Plan identifies the site as "Corridor Commercial".

The property is entirely within the Tomball Independent School District.

2. Permitted Use(s)

Single Family Attached Townhomes.

C. Design Standards

1. Height Regulations

Maximum Height: Main Buildings – Three (3) stories, not to exceed forty-five (45) feet.

Maximum Height: Accessory Buildings – One (1) story, not to exceed fifteen (15) feet.

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Minimum lot area: 1,800 square feet

Minimum lot width: Twenty (20) feet

Minimum lot depth: Eighty (80) feet

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Minimum Front Yard: Ten (10) Feet

Minimum Side Yard: Zero (0) feet for internal (attached) units. Five (5) feet for corner units.

Minimum Rear Yard: Fifteen (15) feet. The minimum rear yard where lots back on a designated arterial street shall not be less than twenty-five (25) feet. However, lots backing up to a twenty (20) foot alley shall have a ten (10) foot minimum rear yard.

4. Landscape Buffers

There shall be a minimum 25-foot-wide landscape buffer along Holderrieth Road.

5. Landscaping Requirements

Per section 50-113 of the Tomball Code of Ordinances.

6. Parking Requirements

Per section 50-112 of the Tomball Code of Ordinances.

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Per section 50-115 of the Tomball Code of Ordinances.

8. Building Requirements

Minimum Building Separation –Ten (10) feet for buildings with or without openings

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Minimum floor area per dwelling unit for the district shall be one-thousand four-hundred (1,400) square feet of heated and/or air-conditioned floor area per unit.

10. Additional Requirements

Maximum Dwelling Units per Acre: 20

Public Rights-Of-Way serving single-family residential uses within the district shall be permitted to be a minimum of fifty (50) feet wide.

Private Alleys providing vehicular access to single-family residential uses within the district shall be permitted and shall be a minimum of twenty (20) feet wide.

Building length: Buildings shall not exceed one hundred fifty (150) feet in length

D. Exhibits

- a. Metes and Bounds Description
- b. Conceptual Plan
- c. Letter of Intent
- d. Product Renderings

EXHIBIT A

EXHIBIT "A"

BEING 19.6454 acres out of the West 22.1454 acres of land in the C. N. Pillot Survey, Abstract 632, Harris County, Texas and being out of that certain 34.7173 acre tract of land described in deed dated August 9, 1979 and recorded under Harris County Clerk's File No. G196478, Official Public Records of Real Property, Harris County, Texas; said 19.6454 acres being more particularly described as follows:

COMMENCING at a point marking Southeast corner of said 34.7173 acre tract at the intersection of the North line of Holderrieth Road (60 feet wide) the West line of the Burlington Rock Island Railroad (100 feet wide);

THENCE South 80° 02' 34" West, 311.39 feet along the North line of said Holderrieth Road to a 5/8 inch iron rod found marking Southeast corner of said 22.1454 acre tract and the PLACE OF BEGINNING for herein described tract;

THENCE South 80° 02' 34" West, 671.45 feet in the North line of said Holderrieth Road to a 1/2 inch iron rod with a 3/4 inch iron pipe found marking the Southwest corner of said 22.1454 acres, and a 30 feet wide road easement;

THENCE North 18° 38' 19" West, 1463.65 feet along the center line of said road easement to a 1/2 inch iron rod set for the Northwest corner for herein described tract;

THENCE North 72° 23' 22" East, with the South line of a 2.5000 acre tract, part of said 22.1454 acre tract, 476.54 feet to a 1/2 inch iron rod set for corner;

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HOLDERRIETH ROAD

PARCEL No. 23
METES AND BOUNDS DESCRIPTION
13,519 SQUARE FEET
(0.3104 ACRES)
C.N. PILLOT SURVEY, ABSTRACT No. 632
HARRIS COUNTY, TEXAS
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THENCE, North 21 degrees 06 minutes 31 seconds West, with the westerly line of said 22.1454 acre tract of land and with the easterly line of said 21.361 acre tract of land, a distance of 20.64 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner in the proposed northerly right-of-way line of said Holderrieth Road;

THENCE, North 77 degrees 37 minutes 37 seconds East, with the proposed northerly right-of-way line of said Holderrieth Road, a distance of 668.55 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner in the easterly line of said 22.1454 acre tract of land;

THENCE, South 27 degrees 58 minutes 12 seconds East, with the easterly line of said 22.1454 acre tract of land, a distance of 20.73 feet to a 5/8 inch iron rod with cap stamped "E.E. Coon" found for the southeast corner of said 22.1454 acre tract of land, said 5/8 inch iron rod with cap stamped "E.E. Coon" being in the southerly line of a 34.7173 acre tract of land (by deed) deeded to Trumix Concrete Company as recorded in Clerk's File No. G196478 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "E.E. Coon" also being in the existing northerly right-of-way line of said Holderrieth Road, from which a 3/4 inch iron rod found for reference bears North 40 degrees 13 minutes 46 seconds West, a distance of 0.56 feet;

Parcel No. 23

Page 2 of 2

THENCE, South 77 degrees 35 minutes 25 seconds West, with the southerly line of said 24.1454 acre tract of land and with the existing northerly right-of-way line of said Holderrieth Road, a distance of 670.99 feet to the **POINT OF BEGINNING** and containing 13,519 square feet or 0.3104 acres of land, more or less.

Notes:

- (1) This legal description is issued in conjunction with and based on the route survey by Gorrondona & Associates, Inc. Last certified December 14, 2018. Reference is hereby made to that survey as Part 1 of 2.
- (2) ROW markers along proposed line are a 5/8 inch iron rod set with cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings are referenced to the Texas Coordinate System, NAD-83, The South Central Zone 4204, all coordinates, distances and areas shown are surface values utilizing a surface scale factor of 1.000058726.



James M. Ewing
James M. Ewing
Registered Professional Land Surveyor
Texas Registration No. 4892
Texas Firm No. 10106902

EXHIBIT C



May 18, 2021

City of Tomball
Community Development Department – Planning Division
501 James Street
Tomball, Texas 77375

Re: Application for rezoning of +/- 19.33 acres located at 11922 Holderrieth Rd.

To whom it may concern,

HistoryMaker Homes is currently under contract to purchase +/- 19.33 acres at 11922 Holderrieth Rd., which is located near the northwest corner of the intersection of Holderrieth Rd. and the Burlington – Rock Island rail line, approximately 1.4 miles east of SH 249.

This property sits between new and existing Single-Family communities to the west and the railroad and new Business and Technology Park immediately to the east. As such, we believe that a higher density residential product is an ideal fit for this transitional location – a natural link between detached Single-Family and Light Industrial land uses.

HistoryMaker desires to introduce our attached, alley-served townhome product, which would require Planned Development Zoning. This is a for-sale product that comes in 3-pack, 4-pack, 5-pack and 6-pack building configurations, which will be thoughtfully placed within the site to promote a diverse and appealing street scene. This alley-served product provides an aesthetic advantage over traditional density product – so often overburdened by the garage on a front-loaded elevation.

Please review the attached materials for more information. Thank you for your consideration.

Sincerely,



Nicole C. Zimmermann
Director, Land Acquisition & Development
HistoryMaker Homes



CONCEPTUAL LAND USE PLAN

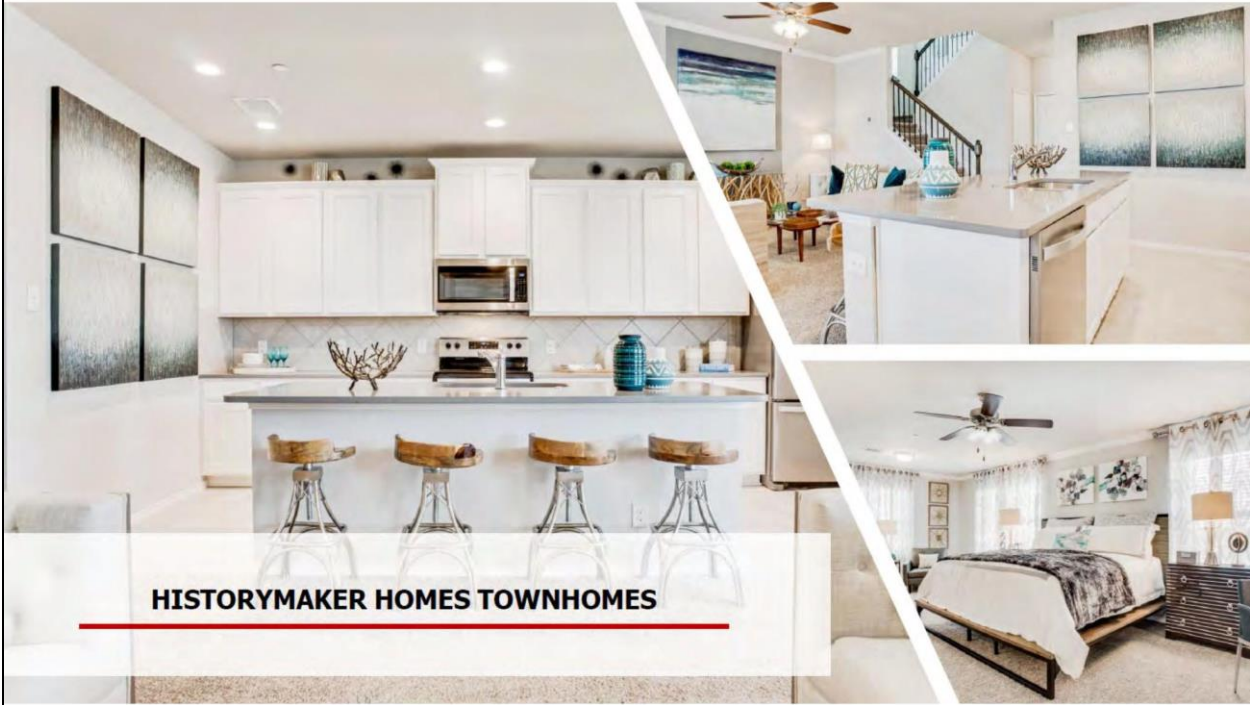
HISTORYMAKER HOLDERRIETH

±19.6 ACRES OF LAND
TOMBALL, TEXAS
JUNE 11, 2021
BGE #8883

BGE BGE, Inc.
10777 Westheimer, Suite 400
Houston, TX 77042
Tel: 281-558-8700
www.bgeinc.com

0 50 100 200





HISTORYMAKER HOMES TOWNHOMES

STREETSCAPE



Note: color selections subject to change

3 UNIT BUILDING



4 UNIT BUILDING



5 UNIT BUILDING



Note: color selections subject to change

6 UNIT BUILDING



Note: color selections subject to change

EXTERIOR



Note: color selections subject to change

INTERIOR



INTERIOR



ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000



2020 Property Tax Statement
Web Statement

Statement Date:	May 19, 2021
Account Number	
	044-058-000-0104

Additional city sales tax reduced your city ad valorem tax by: \$4.90



COX KAREN M
11922 HOLDERRIETH RD
TOMBALL TX 77375-7316

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	2,640	0.391160	\$10.33
Harris County Flood Control Dist	0	2,640	0.031420	\$0.83
Port of Houston Authority	0	2,640	0.009910	\$0.26
Harris County Hospital District	0	2,640	0.166710	\$4.40
Harris County Dept. of Education	0	2,640	0.004993	\$0.13
Lone Star College System	0	2,640	0.107800	\$2.85
City of Tomball	0	2,640	0.337862	\$8.92
Emergency Service Dist #8 (EMS)	0	2,640	0.097000	\$2.56

Property Description	
11922 HOLDERRIETH RD 77375 TRS 14H 14H-1 14H-1A 14H-1B 14H-2 & 14H-3 (AG-USE) ABST 632 C N PILLOT 18.8603 AC	
Appraised Values	
Land - Market Value	821,555
Impr - Market Value	0
Total Market Value	821,555
Less Capped Mkt Value	818,915
Appraised Value	2,640
Exemptions/Deferrals	
Farm Productivity	

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:		\$30.28		
Payments Applied To 2020 Taxes		\$30.28		
Total Current Taxes Due (Including Penalties)		\$0.00		
Prior Year(s) Delinquent Taxes Due (If Any)		\$0.00		
Total Amount Due For May 2021		\$0.00		
Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2021	7%	\$0.00	\$0.00	\$0.00
By March 31, 2021	9%	\$0.00	\$0.00	\$0.00
By April 30, 2021	11%	\$0.00	\$0.00	\$0.00
By May 31, 2021	13%	\$0.00	\$0.00	\$0.00
By June 30, 2021	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2015 to 2020: Appraised Value 14%, Taxable Value 14%, Tax Rate -3%, Tax Bill 10%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

COX KAREN M
11922 HOLDERRIETH RD
TOMBALL TX 77375-7316

Make check payable to:

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

Account Number
044-058-000-0104
Amount Enclosed
\$ _____

Web Statement - Date Printed: 05-19-2021

04405800001049 2020 000000000 000000000 000000000 000000000

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000



2020 Property Tax Statement
Web Statement

Statement Date:	May 19, 2021
Account Number	
	044-058-000-0266

Additional city sales tax reduced your city ad
valorem tax by: \$485.14



COX KAREN M
11922 HOLDERRIETH RD
TOMBALL TX 77375-7316

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	299,224	51,896	0.391160	\$203.00
Harris County Flood Control Dist	299,224	51,896	0.031420	\$16.31
Port of Houston Authority	299,224	51,896	0.009910	\$5.14
Harris County Hospital District	299,224	51,896	0.166710	\$86.52
Harris County Dept. of Education	230,224	120,896	0.004993	\$6.04
Lone Star College System	80,000	271,120	0.107800	\$292.27
City of Tomball	90,000	261,120	0.337862	\$882.23
Emergency Service Dist #8 (EMS)	50,000	301,120	0.097000	\$292.09

Property Description	
11922 HOLDERRIETH RD 77375 TR 14H-4 ABST 632 C N PILLOT .7900 AC	
Appraised Values	
Land - Market Value	34,412
Impr - Market Value	340,588
Total Market Value	375,000
Less Capped Mkt Value	23,880
Appraised Value	351,120
Exemptions/Deferrals	
Residential Homestead (Multiple)	

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:				\$1,783.60
Payments Applied To 2020 Taxes				\$1,783.60
Total Current Taxes Due (Including Penalties)				\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)				\$0.00
Total Amount Due For May 2021				\$0.00
Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2021	7%	\$0.00	\$0.00	\$0.00
By March 31, 2021	9%	\$0.00	\$0.00	\$0.00
By April 30, 2021	11%	\$0.00	\$0.00	\$0.00
By May 31, 2021	13%	\$0.00	\$0.00	\$0.00
By June 30, 2021	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2015 to 2020: Appraised Value 8%, Taxable Value 9%, Tax Rate -3%, Tax Bill -10%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

COX KAREN M
11922 HOLDERRIETH RD
TOMBALL TX 77375-7316

Make check payable to:

IF YOU ARE 65 YEARS OF AGE OR OLDER OR
ARE DISABLED AND THE PROPERTY
DESCRIBED IN THIS DOCUMENT IS YOUR
RESIDENCE HOMESTEAD, YOU SHOULD
CONTACT THE APPRAISAL DISTRICT
REGARDING ANY ENTITLEMENT YOU MAY
HAVE TO A POSTPONEMENT IN THE
PAYMENT OF THESE TAXES.

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

Account Number
044-058-000-0266
Amount Enclosed
\$ _____

Web Statement - Date Printed: 05-19-2021

04405800002666 2020 0000000000 0000000000 0000000000 0000000000

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JUNE 14, 2021
&
CITY COUNCIL
JUNE 21, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 14, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 21, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-250: Request by 3 ORB LLC c/o Lori Klein Quinn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.27 acres of land legally described as Tracts 24M ABST 34 J House, from the Multi-Family District to the Commercial District. The property is generally located at the southwest corner of Rudel Road and Buvinghausen Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-257: Request by Historymaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

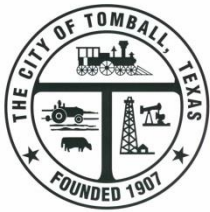
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **June 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley

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.tomballtx.gov.



Notice of Public Hearing

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

CASE NUMBER: P21-257

APPLICANT/OWNER: Historymaker Homes

LOCATION: Generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development 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.



**Planning & Zoning Commission
Public Hearing:
Monday, June 14, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, June 21, 2021 6:00 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 & Zoning Commission.



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
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

Paola Tavares

(please print)

Address:

11835 Holderness Rd

Tomball TX 77375

Signature:

Date:

6/12/21

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P21-257**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P21-257**. (Please state reasons below)

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

Monday, June 14, 2021 @ 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, June 21, 2021 @ 6:00 PM

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

COMMENTS:

I do not agree with this development. Traffic is terrible as it is. Having townhomes causes constant movement of people which turns into increase crime rates. I firmly oppose the rezoning and building of the History Maker townhome community.

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 21, 2021

Topic:

Approve Request by Tomball High School for In-Kind Services from Police, Fire and Public Works for the 14th Annual Homecoming Parade & Community Rally at the Depot on Wednesday, September 29, 2021

Background:

Tomball High School respectfully requests the opportunity to host its 14th Annual Homecoming Parade & Community Rally on Wednesday, September 29, 2021, beginning at 6:00 p.m. and ending at 8:00 p.m. Participants in this event will include the 9th-12th grade students, faculty, and staff of Tomball High School as well as students, faculty, and staff affiliated with the schools in the THS feeder pattern.

It is a well publicized community event that is open to the public and is free to attend. This event begins with a parade that starts at Tomball Intermediate School and proceeds east down Main Street entering the park area by The Train Depot at S. Elm Street.

This event will culminate in a community pep rally that takes place on the pad site immediately in front of The Depot and will include special introductions of TISD Administration and Executive Team, the 2021 Homecoming Court, and the various teams representing THS fall sports.

We would like to request that setup begin as early as 3:30 p.m. and that cleanup be allowed until 9:00 p.m. No goods and services will be sold on location, but we would like to request permission to place tents around the park's perimeter for fall sports teams to gather prior to the rally if requested.

Origination: Tomball High School

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Larrissa Roberts, Marketing Assistant

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed _____ Approved by _____
Staff Member Date City Manager Date



SPECIAL EVENT GUIDELINES & APPLICATION

CITY OF TOMBALL, TEXAS

Effective Date:

INTRODUCTION: Any organized activity or event and open to the general public that involves the use of, or having an impact upon, public property, facilities, public parks, sidewalks, or street areas in the City of Tomball require prior approval and must meet certain requirements for consideration.

PROCEDURES: Several procedures and guidelines must be followed before any non-city staged event may take place. Those include, but are not limited to, the following:

1. A completed Special Event application must be submitted to the Tomball Department of Marketing & Tourism at least 180 days prior to any proposed festival or event. Tomball City Council approval is required if event meets one of the following criteria: sale of alcohol, street closures or contains a request for in-kind donations from the City of Tomball.
2. A written proposal must accompany the application. The proposal should include the overall event concept, a detailed site map, a list of planned activities, hours of operation, proposed vendors, food and beverage, entertainment and any other relevant aspects of the event.
3. If a charity is involved, or is the beneficiary of funds raised, information about the charity needs to be included as a part of the application process, as well as proof of non-profit status. If requesting in-kind services, preference will be given to organizations providing donations to agencies within the city limits of Tomball.
4. A fee equal to the actual cost of city services to host the event will be required of for-profit event planners to be paid no less than ten business days before the event. Non-profit organizations may request city services as an in-kind donation.
5. A meeting will be scheduled with the Tomball Events Team (representatives of Tomball Police, Fire, Public Works, Marketing and Northwest EMS) to discuss the merits and feasibility of the proposed event. The applicant is required to be at this meeting to answer questions regarding the application. Failure to attend will result in the event being cancelled by the City of Tomball.
6. If approved by the Tomball Events Team, the proposed event will be presented to City Council for final approval. The applicant is required to be at this meeting to answer questions regarding the application if necessary.
7. Ten days prior to the event, proof of general liability insurance (\$1,000,000 minimum) must be provided by the event organizer naming the City of Tomball as additional insured.
8. Event coordinators must provide their own volunteers or staff; oversee food and beverage permits, vendors, site clean-up and other aspects of staging a festival/special event.
9. Failure to comply with the guidelines listed above will preclude applicant from staging future events.

For additional information, or to submit an event application, please contact:

Denise Fiore - Community Events Coordinator
401 Market Street
Tomball, Texas 77375
281-351-5484 | Email - dfiore@tomballtx.gov



SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, Texas 77375 | 281-351-5484

An application to stage an event within the City of Tomball shall be filed with the Community Events Coordinator at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Date: 5/24/2021 Is this event Co-City sponsored? Yes ☐ No ☒

Request for permission to use a public venue for the following type of event (please check one):

Festival ☐ Community Event ☒ Arts & Crafts Event ☐ Music Event ☐ Other (specify) ☐

1. Event title: Tomball High School's 14th Annual Homecoming Parade & Community Pep Rally
2. Sponsoring entity: Tomball High School Student Council
3. Is this organization based in Tomball: Yes ☒ No ☐
4. Is this organization *non-profit* ☒ or *for-profit* ☐ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: Tammy Baker Phone: 980-939-2522
6. Contact address: Tomball High School, 30330 Quinn Road, Tomball, TX 77375
7. Contact email: tamarabaker@tomballisd.net
8. Event date: Wednesday, September 29, 2021
9. Event times: Start 6:00pm Finish 8:00pm Set-up 3:30pm Breakdown 9:00pm Is this event for charity? Yes ☐ No ☒
10. If yes, what charity? Tax ID
11. If yes, what percentage of net proceeds will be donated to the charity?
12. On-site contact: Tammy Baker Mobile Phone: 980-939-2522
13. Estimated number of attendees: 2,000
14. Detailed site map in attached: Yes ☒ No ☐
15. Is this event open to the public: Yes ☒ No ☐
16. Admission fee: \$ Free ☒
17. Time at which event staff will begin to arrive: 3:30 pm
18. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.
Initial TB
19. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial TB
20. Name of insurance carrier: TASB Risk Management Fund
21. Organization has secured date with the Public Works Dept. and has paid deposit. N/A

Signature: Tamara Baker (TB)

FOR OFFICIAL USE - Fee required: Yes ☐ No ☐ Amount Due: \$

14th THS Homecoming Parade/Community Rally Wednesday, September 29, 2021

Parade Route

Participants will enter W. Main Street from School St. at 6:00 PM heading east to S. Elm where they will turn right to enter The Train Depot area, followed by another right turn onto Market Street. The pep rally will begin at The Train Depot at approximately 7:00 PM and should end at approximately 7:45 PM.



Tomball High School's
14th Annual Homecoming Parade
& Community Rally Proposal

Tomball High School respectfully requests the opportunity to host its 14th Annual Homecoming Parade & Community Rally on Wednesday, September 29, 2021, beginning at 6:00 pm and ending at 8:00 pm. Participants in this event will include the 9th-12th grade students, faculty, and staff of Tomball High School as well as students, faculty, and staff affiliated with the schools in the THS feeder pattern. It is a well publicized community event that is open to the public and is free to attend. This event begins with a parade that starts at Tomball Intermediate School and proceeds east down Main Street entering the park area by The Train Depot at S. Elm Street. This event will culminate in a community pep rally that takes place on the pad site immediately in front of The Depot and will include special introductions of TISD Administration and Executive Team, the 2019 Homecoming Court, and the various teams representing THS fall sports. We would like to request that set up begin as early as 3:30 and that clean up be allowed until 9 pm. No goods and services will be sold on location, but we would like to request permission to place tents around the park's perimeter for fall sports teams to gather prior to the rally if requested..

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 07/06/2021

Topic:

Approve Tomball ISD (TISD) Interlocal Agreement amendment for one additional School Resource Officer (SRO)

Background:

The 2020-2021 TISD Interlocal Agreement contracts with the City of Tomball for seven (7) School Resource Officers plus one (1) Police Sergeant, for a total of eight (8) Tomball Police Officers to devote 182 days of their working time to the Tomball Independent School District facilities during the 2020-2021 school year (shortened school calendar due to COVID-19).

A new Junior High School Campus, Grand Lakes Junior High, is set to open for the 2021-2022 school year, and Tomball ISD has requested one (1) additional School Resource Officer be added to the TISD Interlocal Agreement with the City of Tomball. This would increase the number of School Resource Officers from seven (7) to eight (8), plus one (1) Police Sergeant, for a total of nine (9) Tomball Police Officers, to devote 187 days of their working time to the Tomball Independent School District facilities during the 2021-2022 school year (standard school year number of days).

With this increase in the number of officers, the school district has taken into account the increase in salary and benefits funding required for an additional officer, as well as the costs associated with an additional vehicle needed for the officer to drive to Grand Lakes Junior High daily.

The district has proposed an increase of \$91,532.46 annually, bringing the school year 2021-2022 total to \$712,091.46 from \$620,559.00 in school year 2020-2021. Nine (9) payments of \$79,121.27 would be due on the 20th of each month, with the first payment due on September 20, 2021.

Origination: Requested by Tomball Independent School District

Recommendation:

Approve the new Tomball ISD Interlocal Agreement with the City of Tomball.

Assign one Police Officer to the newly created SRO position.

Create a new Police Officer position to offset the loss of one officer to the newly created SRO position, and hire one additional Police Officer to fill the newly created Police Officer position.

Party(ies) responsible for placing this item on agenda: Jeffrey Bert, Police Chief

FUNDING (IF APPLICABLE)

Tomball ISD Interlocal Agreement with City of Tomball

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	Jeff Bert		Approved by		
	Staff Member	Date	City Manager	Date	

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF TOMBALL AND
THE TOMBALL INDEPENDENT SCHOOL DISTRICT
FOR USE OF POLICE OFFICERS AND MANNED VEHICLES**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

This Interlocal Cooperation Agreement (the "Agreement") is made and entered into effect the 1st day of August, 2020, by and between the City of Tomball, Texas (the "City"), and the Tomball Independent School District (the "School"), each acting through its duly authorized executive officer.

RECITATIONS

The City and the School are governmental units and political subdivisions authorized by the Interlocal Cooperation Act, Article 4413(32c), Texas Revised Civil Statutes, to enter into this Agreement for the purpose of performing governmental functions and services; and

The School desires to obtain the authorized services of City police officers and/or patrol vehicles, operated by City Police Officers and City Part-Time Police Officers only, for School functions including, but not limited to, traffic direction at athletic events, traffic duty for the first day of school, and as escorts to out-of-town athletic events.

The School recognizes that the primary duty of the Police Chief and the City Police Department is to serve the City of Tomball and that the provision of the officers and/or manned vehicles shall be governed by the terms of this Agreement; **NOW THEREFORE,**

Section 1.0, The recitations stated above are true and correct.

Section 2.0, Consideration and Term, For and in consideration of the mutual promises, covenants, obligations, and benefits to the City and the School, the parties agree and contract is provided below in this Agreement. This agreement shall remain in effect for the 2020-2021 school year, and it shall be renewed automatically, from school year to school year, unless terminated by either party in accordance with the provisions of Section 8.0, "Termination," of this Agreement.

ARTICLE I

OBLIGATIONS OF CITY

Section 3.0 Police Officer and Patrol Vehicle Services. The City will provide and assign police officers and/or patrol vehicles, to be operated by Tomball Regular and Part-Time Police Officers only (the "*Vehicle* or *Vehicles*"), to the School for the performance of reasonable police services including, by way of illustration and not limitation, the following:

- 3.1 Traffic direction for football games or other school-sponsored events;
- 3.2 Traffic duty for the first day of school;
- 3.3 Escorts of out-of-town athletic events; and
- 3.4 Assistance with crowd control at school-sponsored events.

This Agreement will not obligate the School to pay additional compensation to the City for customary or routine services of the Police Department, as such services are customarily provided to citizens, businesses, and governmental units within the City's jurisdiction, it being the intention of the parties to provide for situations in which additional services are requested and provided in accordance with the terms of this Agreement.

Section 4.0, Procedure. Prior to the need of officers and/or Vehicles by the School, the School shall contact the City of Tomball Chief of Police, (the "*Chief*") and outline to the Chief the particular needs, services, and scheduling required. The Chief, or the Chief's designee if the Chief is absent, shall assign Officers and/or Vehicles to the School for such duties.

Section 5.0, As Assigned, When Available: Control. Assignments will be made solely as and when available, and at the sole discretion of the Chief of Police. The parties acknowledge that in making Officer and Vehicle assignments, the Chief and the Police Officers have a first and primary duty to perform police functions and services for the citizens of the City of Tomball, including cooperative efforts with other jurisdictions, and in the events of the occurrence of any public disaster, major crime, riot, or such other paramount public need as may arise (as determined by the Chief of Police or the Chief's Designee), then the police will be obligated to first devote their efforts and equipment to those needs, rather than in connection with this Agreement with the School.

This Agreement is not intended, nor shall it be construed, to obligate the City of Tomball or its Police Department in any manner whatsoever; it is intended to set out the terms and conditions for the assignment of Officers and Vehicles operated by the City Police Officers in accordance with this Agreement.

The Officers and the Vehicles assigned in accordance with this Agreement shall perform the duties as assigned by the School subject to the control and supervision of the Chief

of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this Agreement.

Section 6.0, Vehicle Charges: Payments for Officers' Services.

6.1. Vehicle Charges. The School will pay for actual mileage, computed from the time a Vehicle leaves the Police Department through its return to the Police Department. The rate shall be computed at the then current mileage rate allowed under IRS regulations. Actual mileage information shall be kept by the Police Officer(s) in written record form and submitted to the Chief of Police who shall approve it and then forward the information on the City's Chief Financial Officer.

6.2. Regular Police Officers. Time or hours worked by Regular Police Officers who perform services under this Agreement for the School as an extra job shall be submitted by the Police Officer(s) in written form to the Chief of Police. After approval, the Chief shall forward the charge(s) to the School, and the School will pay for those services directly to the individual Officer(s) who worked those extra jobs for the school.

It is the intent of this Agreement that Regular Police Officers contract directly with the School in connection with these extra jobs.

6.3. Part-Time Police Officers. Part-Time Officers who perform services under this agreement are performing contract services for the School, through the City, at a rate of \$37.50 per hour with a (4) hour minimum. Special Assignments/Events, such as "Opening Day of School/Traffic Control," of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The school will reimburse the City at the same rate. The Chief of Police will submit records of the work performed to the Chief Financial Officer for billing.

6.4. Regular/Full-Time Police Officers. Regular/Full-Time Police Officers who perform services under this Agreement are performing contract services for the School, at a rate of \$37.50 per hour with a four (4) hour minimum. Assignments/Events, such as "Opening Day of School/Traffic Control," of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The School will pay the officer directly.

6.5. Statement of Charges: Disputes. A statement of charges due for mileage and Part-Time Officer work will be sent to the School District by the Chief Financial Officer. The statements may be prepared on a monthly or quarterly basis. All statements of charges will be delivered or sent by regular mail to the School and

will be due upon receipt. Charges shall be paid no later than thirty (30) days from the date of the statement.

All questions or disputes regarding charges under this contract may be resolved between the Chief Financial Officer of the City, the Chief of Police, and the Chief Financial Officer of the School, with a written report of the resolution to be made a part of the record. Upon request to the City's Chief Financial Officer, the School or its representatives may inspect and review the city's documentation supporting any statement at any time during the City's regular business hours.

Section 7.0. Insurance: Responsibility. It is expressly understood and agreed that the City and the School shall each provide insurance coverage for their respective personnel, agents, representatives, and equipment in connection with this Agreement. Further, each party shall be responsible for the actions of its respective personnel, agents, representatives, and equipment, in accordance with State and federal laws.

This provision is to delineate the continued, independent operations of the City and the School as separate political subdivisions, and it is not intended, nor shall it be construed, to create any right, benefit, entitlement, or third-party beneficiary relationship with any person or entity.

Section 8.0. Termination. This Agreement may be terminated at any time by either party by giving at least thirty (30) days advance written notice to the other party. The termination notice shall specify the effective date of the termination, which shall in no event be more than sixty (60) days after the date the termination notice is given. This Agreement may be terminated immediately if the School defaults in the payment of mileage charges; provided, however, such termination will not prejudice the City's right to payment of any outstanding charges or the obligation of the School to pay them.

Section 9.0. Notice. Any notice which is permitted or required to be given under this Agreement shall be given in writing, sent by registered or certified mail, addressed to the respective parties, as follows:

Chief of Police
City of Tomball
400 Fannin Street
Tomball, Texas 77375

Assistant Superintendent for Administrative Services
Tomball Independent School District
310 South Cherry Street
Tomball, Texas 77375

Notice shall be deemed given to either party upon delivery or deposit of the notice in the U.S. mail.

Section 10.0. General.

- 10.1. This Agreement is the sole agreement between the parties. There are no other agreements between the parties, nor will any purported agreement, oral or in writing, be given effect. This Agreement may be amended by the authorized execution of an amending document executed in the same manner and with the same formalities as this Agreement.
- 10.2. This Agreement shall be construed and governed by the laws of the State of Texas, and enforced in Harris County, Texas.
- 10.3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Agreement or the application of the same shall for any reason be adjudged invalid or held unconstitutional by a court of competent Jurisdiction, it shall not affect, impair, or invalidate this Agreement as a whole or Any part or provision hereof other than the part declared be invalid or unconstitutional.
- 10.4. This Agreement may not be assigned by either party.

Executed in multiple, original counterparts, each of which shall be considered an original

Agreement for all purposes, effective the 15 day of September 2020.

APPROVED AS TO FORM:

City of Tomball

ATTEST:



By:
Doris Speer
City Secretary



By:
Gretchen Fagan
Mayor

Tomball Independent School District

ATTEST:



By:
Steven Gutierrez
Assistant Superintendent



By:
Martha Salazar-Zamora
Superintendent

**INTERLOCAL AGREEMENT
(Student Resource Officer)**

1. PARTIES

1.1. The Parties to this Agreement are the City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct seven (7) police officers, and one (1) police sergeant, to each devote 182 days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officers."

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2020, and ends on July 31, 2021, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 182 days of his or her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of SIX HUNDRED TWENTY THOUSAND AND FIVE HUNDRED AND FIFTY-NINE DOLLARS (\$620,559.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 182 days beginning the 20th day of August, 2020. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

Nine (9) payments of \$68,951.00, due on the 20th of each month, first payment due September 20, 2020.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 187 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Police Department
Attn: Chief of Police
400 Fannin Street
Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. SRO DUTIES

9.1. The extra officer will, under general supervision, perform the following duties:

- Patrol district property for suspicious activity or unauthorized persons;
- Provide in-service training to help administrators be better prepared to deal with security-related matters;
- Serve as a team member to support students;
- Serve as a visible and active law enforcement officer on campus dealing with law-related areas such as drugs, traffic, trespassing, fighting, and thefts. If requested by school administrators, assist in the enforcement of campus rules and regulations;
- Take law enforcement actions to protect the students, faculty, and visitors;
- Make arrests only when necessary;
- Work and collaborate with outside law enforcement agencies;
- Assist in coordinating security for crowd or vehicle control situations;
- Assist in outer agency investigations when it involves a student in district;
- Provide instructions and directions to others as it pertains to law enforcement matters and emergency situations;
- Conduct security building assessments for schools, guard and check/secure doors, rooms, buildings, and equipment;
- Conduct investigations involving crimes, gang activity, violence, threats, or drugs;
- Develop crime prevention efforts/strategies;
- Educate school-age victims in crime prevention;
- Develop and expand community justice initiatives for students;
- Help students with conflict resolution, restorative justice, and crime awareness;
- Assist in the identification of physical changes in the environment that may reduce crime in or around schools;
- Maintain all certifications and stay current on training;
- Assist with all types of threats as a team member of the threat assessment team; and,
- Perform other duties as directed by school administration to create a safe and positive environment for staff, students, parents, and visitors.

9.2 This classification is distinguished from Police Sergeant who provides general supervision of the Police Officer in addition to the duties listed above.

10. MISCELLANEOUS

10.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this 15, day of September 2020.

APPROVED AS TO FORM:

City of Tomball

ATTEST:



By:
Doris Speer
City Secretary



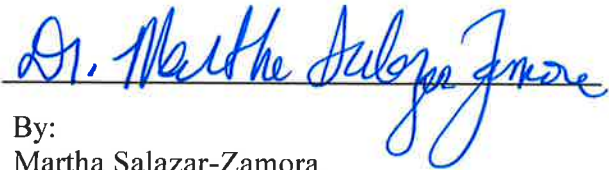
By:
Robert S. Hauck
City Manager

Tomball Independent School District

ATTEST:



By:
Steven Gutierrez
Chief Operating Officer



By:
Martha Salazar-Zamora
Superintendent

INTERLOCAL AGREEMENT (Student Resource Officer)

1. PARTIES

1.1. The Parties to this Agreement are the City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct **nine (9) law enforcement officers** to each devote **187** days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officers" whether one or more.

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on **August, 1, 2021**, and ends on **July 31, 2022**, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote **187** days of his/her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4. The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of **SEVEN HUNDRED TWELVE THOUSAND NINETY-ONE DOLLARS AND FORTY-SIX CENTS (\$712,091.46)** to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of **187** days beginning the **9th day of August, 2021**. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

Nine (9) payments of \$79,121.27, due on the 20th of each month, first payment due **September 20, 2021**.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially **187** days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Police Department
Attn: Chief of Police
400 Fannin Street
Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. SRO DUTIES

9.1. The extra officer will, under general supervision, perform the following duties:

1. Protecting the safety and welfare of any person in the jurisdiction of the school resource officer;
2. Protecting the property of the school district;
3. Patrolling district property for suspicious activity or unauthorized persons;
4. Serving as a visible and active law enforcement officer on campus dealing with law-related areas such as drugs, traffic, trespassing, fighting, and thefts. If requested by the administrators, assist in the enforcement of campus rules and regulations;
5. Taking law enforcement actions to protect the students, staff, and campus;
6. Making arrests only when necessary;
7. Working and collaborating with outside agencies;
8. Assisting in coordinating security for crowd or vehicle control;
9. Assisting in outer agency investigations when it involves a student in district;
10. Providing instructions and directions to others as it pertains to law enforcement matters and emergency situations;
11. Conducting security building assessments for schools, guarding and checking/securing doors, rooms, buildings, and equipment;
12. Conducting investigations involving crimes, gang activity, violence, threats, or drugs;
13. Conducting drug or alcohol assessments as needed for students or staff;
14. Developing crime prevention efforts/strategies;
15. Educating school-age victims in crime prevention;
16. Developing/expanding community justice initiatives for students;
17. Helping students with conflict resolution, restorative justice, and crime awareness;
18. Assisting in the identification of physical changes in the environment that may reduce crime in or around schools;
19. Maintaining all certifications and staying up to date on training;
20. Assisting with all types of threats as a team member of the threat assessment team;
21. Carrying two radios, one for the school, and one for the police department; and
22. Utilizing the Triad Concept serving as a law enforcement officer, informal Counselor, and educator.

9.2. This Classification is distinguished from Police Sergeant who provides general supervision of the Police Officer in addition to the duties listed above.

10. MISCELLANEOUS

10.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _____, day of _____ 2021.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

By:
Doris Speer
City Secretary

By:
David Esquivel
Interim City Manager

Tomball Independent School District

ATTEST:

By:
Dr. Steven Gutierrez
Chief Operating Officer

By:
Dr. Martha Salazar-Zamora
Superintendent of Schools

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 6, 2021

Topic:

Consideration to award contract for bid number 2021-02 for the reclamation of Agg Road.

Background:

Based on recommendations received in a completed Geotechnical Report for Agg Road, staff developed bid specification to complete a full reclamation of Agg Road. The project limits begin at the transition located between Joseph Court and Ashley Court extending 2,800 feet east to approximately 930 Agg Road.

In an effort to obtain the most favorable pricing, sealed bids were solicited for the completion of the reclamation project. Bid packets were available at the City Administration Building or could be electronically delivered by request. A total of ten (10) vendors received information on the bid specifications, of which two (2) qualifying bids were received.

The lowest responsible bidder was determined to be WadeCon, LLC. for a total bid of \$238,711.96, for all work identified in the bid specifications.

Origination: Public Works Department

Recommendation:

Staff recommends awarding the contract to WadeCon, LLC. in the amount of \$238,711.96.

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: X No: _____ If yes, specify Account Number: #400-154-6409

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Meagan Mageo</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

Bid Number 2021-02: Rehabilitation of Agg Road**Bid Tabulation****Company: Wadecon, LLC**

Base Bid	Alternate Bid	Total Bid
\$238,711.96	N/A	\$238,711.96

Company: Hayden Paving, Inc.

Base Bid	Alternate Bid	Total Bid
\$367,772.00	N/A	\$367,772.00

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 21, 2021

Topic:

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

Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session

Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Background:

Origination: David Esquivel, Interim City Manager

Recommendation:

Party(ies) responsible for placing this item on agenda: David Esquivel, Interim City Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	<u>6-10-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date