

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



**Monday, May 3, 2021  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 3, 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 MAY 3, 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: 82704469 2161, Passcode: 377549. 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 Pastor Abraham Jasso - Templo La Hermosa
- 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. Presentations

- Proclamation – May 2-8, 2021 is “**National Public Safety Telecommunicators Week – Tomball, Texas**”
- Proclamation – May 2-8, 2021 is “**52nd Annual Professional Municipal Clerks Week**”
- Proclamation – May 9-15, 2021 is “**National Hurricane Preparedness Week – Tomball, Texas**”
- Proclamation – May 9-15, 2021 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 15, 2021 is “**Peace Officers Memorial Day**”
- Proclamation – May 9-15, 2021 is “**Tomball Police Week**”
- Proclamation – May 9-15, 2021 is “**National Economic Development Week**”

F. Reports and Announcements

1. Announcements

I. May 6, 2021 – **Texas Deuce Days Meet and Greet** – 3:00 p.m.–8:00 p.m. at the Depot

II. June 4-6, 2021 – **Tomball German Heritage Festival** – at the Depot

III. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be open Memorial Weekend, May 29-31, then will reopen on June 1 and will 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 Memorial Day (May 31), 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.

IV. **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](http://www.tomballtx.gov). Tomball Kids Club got its start 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.

V. June 19, 2021 – **Tomball Honky Tonk Chili Challenge Festival** – 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:

G. Approval of Minutes

1. Approve the Minutes of the April 19, 2021 Special Tomball City Council Meeting and the Minutes of the April 19, 2021 Regular Tomball City Council Meeting

H. Old Business

1. Adopt, on Second Reading, Ordinance No. 2021-14, an Ordinance of the city of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Future Land Use and Major Thoroughfare Plan Maps; 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.

I. New Business

1. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
  - 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 Search
2. Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Tomball Heights Properties in the City of Tomball Public Improvement District Number Nine, Established by City Council Resolution No. 2019-12 (Sydney’s Park)
3. 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*)
4. 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*)

- [5.](#) 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
- [6.](#) Presentation and discussion of City-owned generators
- [7.](#) Adopt, on First Reading, Ordinance No. 2021-18, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, 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 Buckingham Drive beginning at the intersection of Quinn Road and extending through its entirety approximately five hundred thirty (530) feet; providing a penalty in the amount not to exceed \$200 for each violation hereof; an providing for severability; and making finds related thereto.

J. 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 29th day of April 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](http://www.ci.tomball.tx.us).

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

**Topic:**

- Proclamation – May 2-8, 2021 is “National Public Safety Telecommunicators Week – Tomball, Texas”
- Proclamation – May 2-8, 2021 is “52<sup>nd</sup> Annual Professional Municipal Clerks Week”
- Proclamation – May 9-15, 2021 is “National Hurricane Preparedness Week – Tomball, Texas”
- Proclamation – May 9-15, 2021 is “Tomball Firefighter Appreciation Week”
- Proclamation – May 15, 2021 is “Peace Officers Memorial Day”
- Proclamation – May 9-15, 2021 is “Tomball Police Week”
- Proclamation – May 9-15, 2021 is “National Economic Development Week”

**Background:**

**Origination:** Various

**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: # \_\_\_\_\_

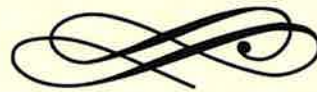
If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

|        |                    |                  |             |              |
|--------|--------------------|------------------|-------------|--------------|
| Signed | <u>Doris Speer</u> | <u>4-15-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** emergencies can occur at any time, 24 hours a day, requiring police, fire or emergency medical services; and
- WHEREAS,** when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and
- WHEREAS,** the safety of our police officers, firefighters, and other emergency responders depends upon the quality and accuracy of information obtained from citizens who telephone the Tomball Emergency Communications Center; and
- WHEREAS,** Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and
- WHEREAS,** Public Safety Dispatchers are the single vital link for our police officers, firefighters, and other emergency responders, monitoring their activities by radio to provide them information and insure their safety; and
- WHEREAS,** Public Safety Dispatchers of the Tomball Police Department have contributed substantially to the public safety mission, apprehension of criminals, suppression of fires, and treatment of patients; and
- WHEREAS,** each dispatcher has exhibited compassion, understanding and professionalism during the performance of his or her job in the past year;

**NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor,** on behalf of the **City Council of the City of Tomball,** do hereby proclaim the week of May 2 through May 8, 2021 to be:

## **“National Public Safety Telecommunicators Week – Tomball, Texas”**

honoring the men and women whose diligence and professionalism keep our city, citizens and employees safe.



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

*Gretchen Fagan*

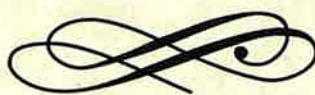
Attest: *Nai Spun*

Date: *April 19, 2021*

Office of the Mayor  
Tomball, Texas



# Proclamation



**WHEREAS,** the Office of the Professional Municipal Clerk/City Secretary is a time honored and vital part of local government existing throughout the world; and

**WHEREAS,** the Office of the Professional Municipal Clerk/City Secretary is the oldest among public servants; and

**WHEREAS,** the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

**WHEREAS,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all and preserving critical records; and

**WHEREAS,** the Professional City Secretary serves as the information center on functions of local government and community, ensuring that the legislative intent of the City's elected officials is carefully documented; and

**WHEREAS,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk/City Secretary through participation in education programs, seminars, workshops and annual meetings of their state, provincial, county and international professional organizations; and

**WHEREAS,** it is appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk;

**NOW, THEREFORE, I, GRETCHEN FAGAN,** Mayor of the City of Tomball, Texas, on behalf of the Tomball City Council, do recognize the week of **May 2 through May 8, 2021**, as the:

## **“52<sup>ND</sup> ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK”**

and extend appreciation to our City Secretary, Assistant City Secretary, and the Staff of the City of Tomball Secretary Office for the vital services they perform and their exemplary dedication to the community they represent and their profession.



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

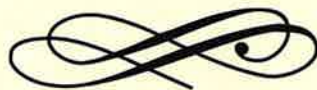
Attest:

Date: April 19, 2021

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** Texas' hurricane season officially begins June 1 and ends November 30, and history teaches that a lack of hurricane awareness and preparation are common threads in all major hurricane disasters, but knowing our vulnerabilities and the actions we should take can diminish the effects of a hurricane disaster; and
- WHEREAS,** the 624-mile Texas Gulf coastline and parts of Texas hundreds of miles inland—our area in particular—are vulnerable to the devastation of hurricanes or tropical storms through heavy rainfall, inland flooding, high winds, tornadoes, and storm surges; and
- WHEREAS,** both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices, and
- WHEREAS,** the *National Oceanic and Atmospheric Administration* and the *Texas Division of Emergency Management* have designated a week in May as *National Hurricane Preparedness Week*; and
- WHEREAS,** the NOAA, the National Weather Service, the Texas Division of Emergency Management, and the leaders of the City of Tomball strongly advise all residents and visitors to this area to be aware of the potential dangers of these storms; and
- WHEREAS,** the best defense is preparedness and education regarding the dangers of high winds, storm surge, flooding and tornadoes that may occur for hundreds of miles in conjunction with a hurricane or tropical storm;

**NOW, THEREFORE, I, GRETCHEN FAGAN,** Mayor of the City of Tomball, on behalf of the City Council, do hereby proclaim the week of **May 9 through May 15, 2021** as:

## ***“NATIONAL HURRICANE PREPAREDNESS WEEK—TOMBALL, TEXAS”***

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



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

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

*April 19, 2021*

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** the **Tomball Fire Department** has protected the City of Tomball and the surrounding community since its inception in 1934; and
- WHEREAS,** the **City of Tomball** recognizes, honors and promotes the value of the contributions of the members of the **Tomball Fire Department**, who place themselves in harm's way to ensure that persons and property are protected; and
- WHEREAS,** the **Tomball Fire Department** has grown to 27 full-time line positions, 5 full-time administrative/prevention staff members, 15 part-time line positions, 7 volunteer firefighters, and 9 fire response vehicles and 5 administrative vehicles operating from three stations, providing fire and rescue services for the protection of life, property and the environment in and around Tomball 24 hours a day, seven days a week; and
- WHEREAS,** the **City of Tomball** and the **Tomball Fire Department** personnel have worked together to provide for the rapid deployment of firefighters and equipment, improved water supply and distribution systems, improved communication systems, and significant firefighter training—resulting in Tomball's earning an ISO rating of 1, the best rating for any fire department—volunteer or career—in the nation, benefitting our residents through the lowest possible insurance rates on property coverage; and
- WHEREAS,** **Tomball Fire Department** personnel also care for the community by teaching first-aid classes, assisting in preparing for and recovery from natural and man-made disasters; providing safe holiday fireworks displays; providing public education, providing Community Emergency Response Team (CERT) training and providing support for local families during the Christmas and Thanksgiving holiday seasons; and
- WHEREAS,** the members of the **Tomball Fire Department** are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education and constantly train to respond to any possible occurrence;

**NOW, THEREFORE, I, GRETCHEN FAGAN,** Mayor of the City of Tomball, Texas, on behalf of the Tomball City Council and all citizens hereof, do hereby proclaim **the week of May 9 through May 15, 2021** as:

**"TOMBALL FIREFIGHTER APPRECIATION WEEK"**



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

*[Signature]*

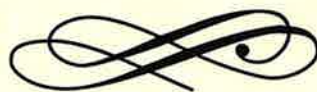
Attest: *[Signature]*

Date: *April 16, 2021*

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** in every American community, law enforcement officers commit themselves to the preservation of life and property, risking their lives to protect us from all who would mock the law, providing protection, law and order and serving the cause of justice; and
- WHEREAS,** law enforcement officers, including members of the **Tomball Police Department**, accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism; and
- WHEREAS,** we honor the heroism of all our law enforcement officers, especially those who have given their lives so that others might live, asking God's blessing for the families and friends they left behind; and
- WHEREAS,** by Joint Resolution approved October 1, 1962, as amended, Congress authorized and President Kennedy proclaimed May 15<sup>th</sup> of each year "**Peace Officers Memorial Day**" in honor of the Federal, State and municipal officers who have been killed or disabled in the line of duty, further designating the calendar week in which May 15 falls "**Police Week**," and has directed that flags be flown at half-staff on "**Peace Officers Memorial Day**", under Public Law 103-322, as amended, and
- WHEREAS,** across the nation, **Police Week** is observed with ceremonies, including the hanging of a blue bow or ribbon to honor law enforcements officers who have sacrificed their lives in the line of duty and to honor those who still strive to keep us safe; and
- WHEREAS,** I encourage all citizens to express their deep appreciation to the men and women who risk their lives to guard and protect us;

**NOW, THEREFORE, I, GRETCHEN FAGAN**, Mayor of the City of Tomball, do hereby proclaim **Saturday, May 15, 2021** as:

**"PEACE OFFICERS MEMORIAL DAY"**

and **May 9-15, 2021** as:

**"TOMBALL POLICE WEEK"**

and encourage the citizens of Tomball and those with us today to join us as we

**"HONOR THE STANDING AND THE FALLEN"**



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

Attest:

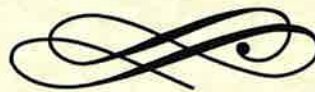
Date:

4-05-2021

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** economic development is a process that is strengthened by the critical partnership between economic development professionals and local government leadership to promote a shared vision for developing vibrant communities; and
- WHEREAS,** economic developers promote economic well-being and quality of life for their communities by helping to create, retain, and expand jobs that sustain individuals and families, enhance wealth, and provide a stable tax base; and
- WHEREAS,** the International Economic Development Council is the world's largest organization dedicated to providing leadership and excellence in economic development for communities, members, and partners; and
- WHEREAS,** the International Economic Development Council has designated May 9 –15, 2021 as Economic Development Week to promote awareness and recognize the importance of economic development in communities; and
- WHEREAS,** the Tomball Economic Development Corporation is our community's primary professional economic development organization dedicated to promoting the economic well-being and quality of life for our community by attracting, retaining, and expanding jobs that facilitate growth, enhance wealth, boost tourism, and improve quality of life; and
- WHEREAS,** the Tomball Economic Development Corporation, in partnership with industries, educators, and other key allies cultivate and nurture entrepreneurship that helps to secure the next generation of new businesses, foster an effective business climate and meet the increasingly critical need for a skilled and competitive workforce; and
- WHEREAS,** the City of Tomball further commends the Tomball Economic Development Corporation, its Board of Directors and its staff for their hard work and dedication in promoting economic development projects and sustaining economic development activities in the City;

**NOW, THEREFORE, I, GRETCHEN FAGAN,** Mayor of the City of Tomball, do hereby proclaim the week of May 9-May 15, 2021, as:

**“NATIONAL ECONOMIC DEVELOPMENT WEEK”**



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

Attest: \_\_\_\_\_

Date: April 28, 2021

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

**Topic:**

May 6, 2021 – Texas Deuce Days *Meet and Greet* – 3:00 p.m.–8:00 p.m. 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  | 4-13-2021 | Approved by |              |      |
|        | Staff Member | Date      |             | City Manager | Date |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

**Topic:**

June 4-6, 2021 – *Tomball German Heritage Festival* – 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  | 4-13-2021 | Approved by |              |      |
|        | Staff Member | Date      |             | City Manager | Date |

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

**Topic:**

**Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be open Memorial Weekend, May 29-31, then will reopen on June 1 and will 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 Memorial Day (May 31), 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.

**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: # \_\_\_\_\_

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|        |                    |                  |             |              |
|--------|--------------------|------------------|-------------|--------------|
| 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.

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

**Topic:**

**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](http://www.tomballtx.gov). Tomball Kids Club got its start 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.

**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>4-28-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

**Topic:**

June 19, 2021 – *Tomball Honky Tonk Chili Challenge Festival* – 11:00 a.m.-6:00 p.m. 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  | 4-13-2021 | Approved by |              |      |
|        | Staff Member | Date      |             | City Manager | Date |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

**Topic:**

Approve the Minutes of the April 19, 2021 Special Tomball City Council Meeting and the Minutes of the April 19, 2021 Regular 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)**

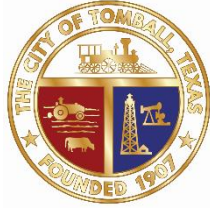
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

|        |                    |                  |             |              |
|--------|--------------------|------------------|-------------|--------------|
| Signed | <u>Doris Speer</u> | <u>4-20-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |

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



**Monday, April 19, 2021  
5:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for April 19, 2021, 5:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the special meeting to order at 5:08 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  
Finance Director – Glenn Windsor  
Director of Public Works – Beth Jones  
Fire Chief – Randy Parr  
Assistant Fire Chief – Taner Drake  
HR Director – Lisa Coe  
Director of Community Development – Craig Myers  
Assistant City Secretary – Tracy Garcia  
Fire Marshal/Assistant Fire Chief – Joe Sykora  
CSO Administrative Assistant – Sasha Luna  
Police Sergeant – Chris Burns

B. No public comments were received.

C. Consent Agenda

1. The Tomball City Council entered into a Workshop Session to consider proposed 2021 Texas State Legislature Bills. David Riddle, Director of Government Affairs-Harris County, provided an update on various bills being considered in the 2021 Texas Legislative Session and possible actions that could be taken to promote the City of Tomball's interests during the 2023 Texas Legislative Session.

D. Having no further items to consider, Mayor Fagan adjourned the meeting at 6:03 p.m.

PASSED AND APPROVED this the 3rd day of May 2021.

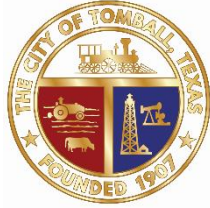
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Doris Speer  
City Secretary, TRMC, MMC

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Gretchen Fagan  
Mayor

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



**Monday, April 19, 2021  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for April 19, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting to order.

**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  
Finance Director – Glenn Windsor  
Director of Public Works – Beth Jones  
Fire Chief – Randy Parr  
Assistant Fire Chief – Taner Drake  
Marketing Director – Mike Baxter (virtual)  
HR Director – Lisa Coe  
Director of Community Development – Craig Myers  
Director of TEDC – Kelly Violette  
Assistant City Secretary – Tracy Garcia  
Fire Marshal/Assistant Fire Chief – Joe Sykora  
CSO Administrative Assistant – Sasha Luna  
Community Center Manager – Rosalie Dillon  
Police Sergeant – Chris Burns

- B. The invocation was led by Pastor Adam McIntosh – St. David’s Church.
- C. Pledges to U.S. and Texas Flags were led by Randy Parr.
- D. No public comments were received.
- E. Reports and Announcements
  - 1. Announcements
    - I. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
    - II. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
    - III. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
    - IV. May 1, 2021 – ***Rails & Tails Mudbug Festival*** – 11:00 a.m.–8:00 p.m. at the Depot
    - V. May 6, 2021 – **Texas Deuce Days *Meet and Greet*** – 3:00 p.m.–8:00 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:
- F. Approval of Minutes
  - 1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the April 5, 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.
- G. 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.]*
  - 1. Approve, on Second Reading, Resolution No. 2021-13-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the

Corporation and DunnCo Properties II, Ltd to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 5,225 square foot commercial facility to be located at 14635 FM 2920 Rd., Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$54,760.00.

2. Approve, on Second Reading, Resolution No. 2021-14-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and B. Smittys, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 8,000 square foot commercial facility to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$30,301.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve all items under Old Business Consent in a single action.

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

Motion carried unanimously.

#### H. New Business

1. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to approve the CenterPoint Energy 2021 Annual GRIP Adjustment for the Houston Division, for the Proposed Interim Rate Adjustment (IRA) for CenterPoint's Houston Division and Authorize the City Manager to Notify CenterPoint Energy of the Council's Action.

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

Motion carried, 3 votes Aye, 2 votes Nay.

2. Consideration to approve Zoning Case P21-121: Request by the City of Tomball to amend the Comprehensive Plan by revising the Future Land Use and Major Thoroughfare Plan Maps.

Mayor Fagan opened the Public Hearing on Zoning Case P21-121 at 6:47 p.m.

Receiving no public comment, Mayor Fagan closed the Public Hearing at 6:47 p.m.

No action necessary.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-14 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. 2021-14, an Ordinance of the city of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Future Land Use and Major Thoroughfare Plan Maps; 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 to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-14, an Ordinance of the city of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Future Land Use and Major Thoroughfare Plan Maps; 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 and to remove the proposed amendment to Neighborhood Commercial at the intersection of Zion Road and Hufsmith Road from Ordinance No. 2021-14.

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

Motion as AMENDED carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2021-17, a Resolution of the City Council of the City of Tomball, Texas, Opposing SB 1661: Requiring City Elections to be Held in November of Even-Numbers Years and in Conjunction with County and/or State Elections, and Authorize the Mayor to Issue a Letter to the 2021 Texas State Legislature.

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook.

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 the purchase for generator replacement at Fire Station 1 from Evolve Power Generator through the State of Texas DIR Contract, contract number DIR-TSO-4072, totaling \$59,772.86.

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

Motion carried unanimously.

6. Executive Session: The City Council recessed at 7:13 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 – Interim Fire Chief

Upon reconvening into session at 7:45 p.m., the following action was taken:

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to confirm Taner Drake as Interim Fire Chief.

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

Motion carried unanimously.

- I. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, 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 3rd day of May 2021.

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Doris Speer  
City Secretary, TRMC, MMC

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Gretchen Fagan  
Mayor

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** May 3, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-14, an Ordinance of the city of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Future Land Use and Major Thoroughfare Plan Maps; 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:

**Origination:** Community Development Department

### Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends approval (4-0) with the condition of maintaining the Future Land Use Designation of Ranch Rural and Estate at the southwest corner of the Zion Road/Hufsmith Road intersection.

Ordinance No. 2021-14 has been amended, per Council direction.

**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

4-21-2021

**Approved by:**

Staff Member

Date \_\_\_\_\_

City Manager

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Date

**ORDINANCE NO. 2021-14**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE TOMBALL COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE AND MAJOR THOROUGHFARE PLAN MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, the City of Tomball desires to amend the Future Land Use Map and Major Thoroughfare Plan Map of the Tomball Comprehensive Plan (Plan); and

**Whereas**, the Planning and Zoning Commission and the City Council of the City of Tomball, Texas have published notices and conducted public hearings regarding the amendments to the Plan and all persons were given the opportunity to present verbal and written testimony; and

**Whereas**, the Planning and Zoning Commission has evaluated such amendments and has recommended approval to the City Council; and

**Whereas**, the City Council deems it appropriate to approve the amendments to the Future Land Use Map and Major Thoroughfare Plan Map in the Plan.

**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 Plan is intended to provide long-range guidance relative to zoning decisions, land development, thoroughfare construction and growth management.

**Section 3.** The Plan Future Land Use Map and Major Thoroughfare Plan Map are hereby amended by the City Council as indicated on Exhibits “A” and “B”, respectively, both being attached hereto and made a part hereof for all purposes.

**Section 4.** The City Council reserves the right to amend the Plan by adding or removing components or by amending in part or in whole any components of the Plan.

**Section 5.** Pursuant to the authority provided in the charter and ordinances of the City, the Planning and Zoning Commission shall periodically review the projection assumptions, changing growth patterns, and planning guidelines that provide the foundation for the policies contained in the Plan and shall recommend such amendments as it deems appropriate for the purpose of keeping the Plan relevant and useful as a guide for growth, revitalization and renewal of the City.

**Section 6.** The amendments to the Future Land Use Map and Major Thoroughfare Plan Map are depicted in Exhibit “A” and “B”, respectively, both being attached hereto and made a part of hereof for all purposes.

**Section 7.** All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

**Section 8.** All references to the Tomball Comprehensive Plan Future Land Use Map and Major Thoroughfare Plan Map shall henceforth refer to such as are here adopted.

**Section 9.** 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.

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 19<sup>TH</sup> DAY OF APRIL 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 3<sup>RD</sup> DAY OF MAY 2021.

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

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

Exhibit “A”

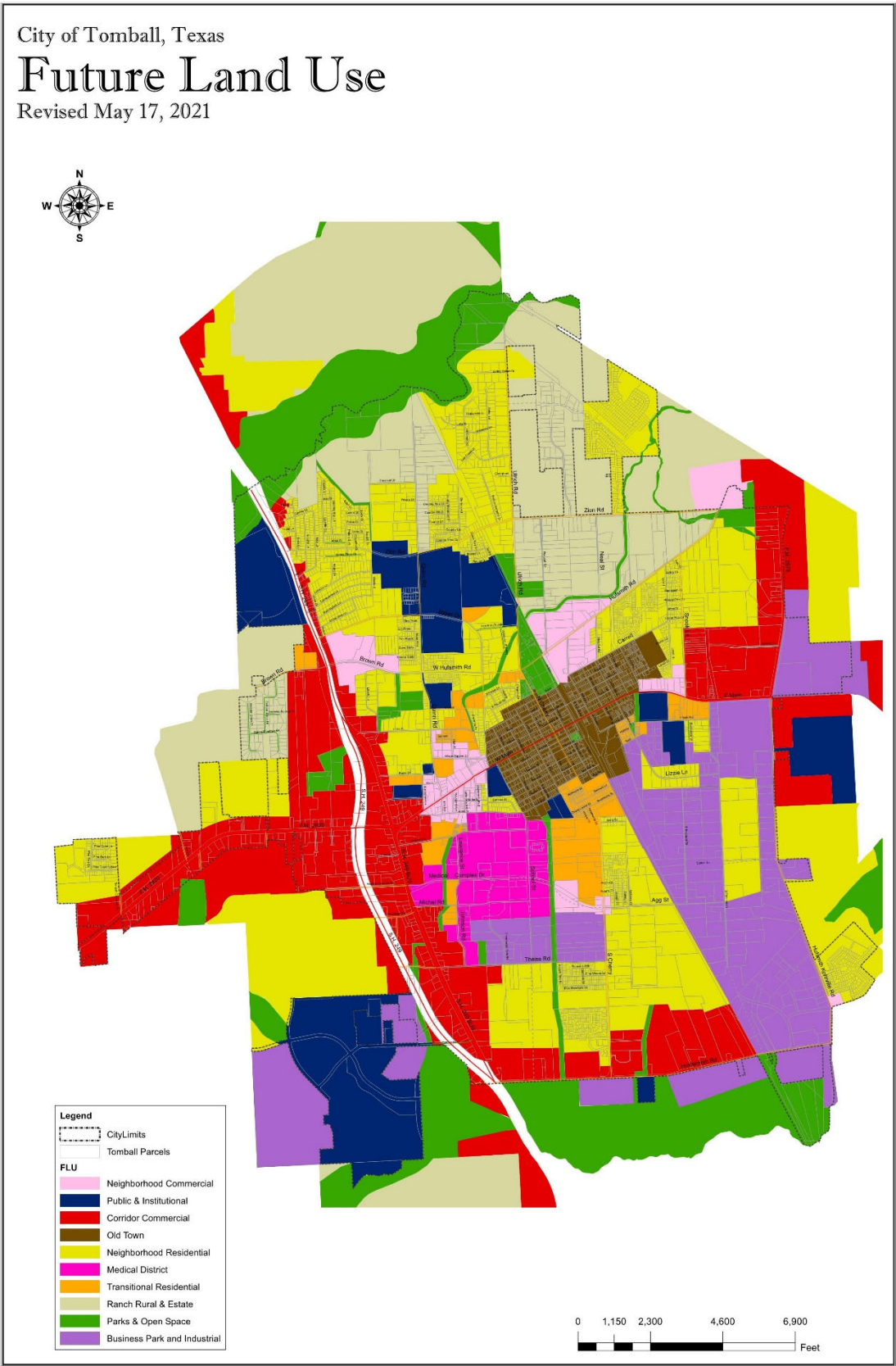
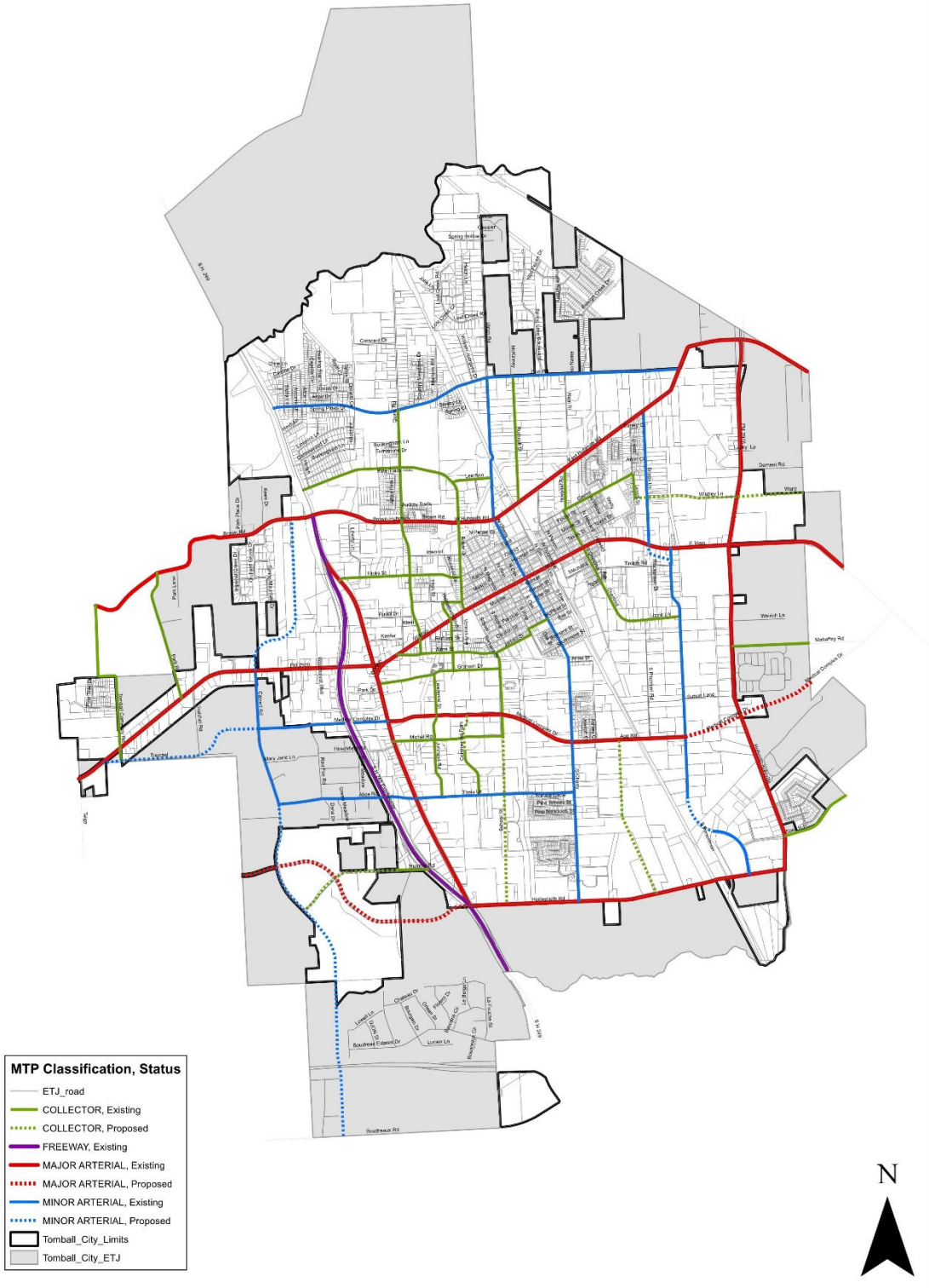


Exhibit “B”

City of Tomball, Texas

# Major Thoroughfare Plan

Revised : May 17, 2021





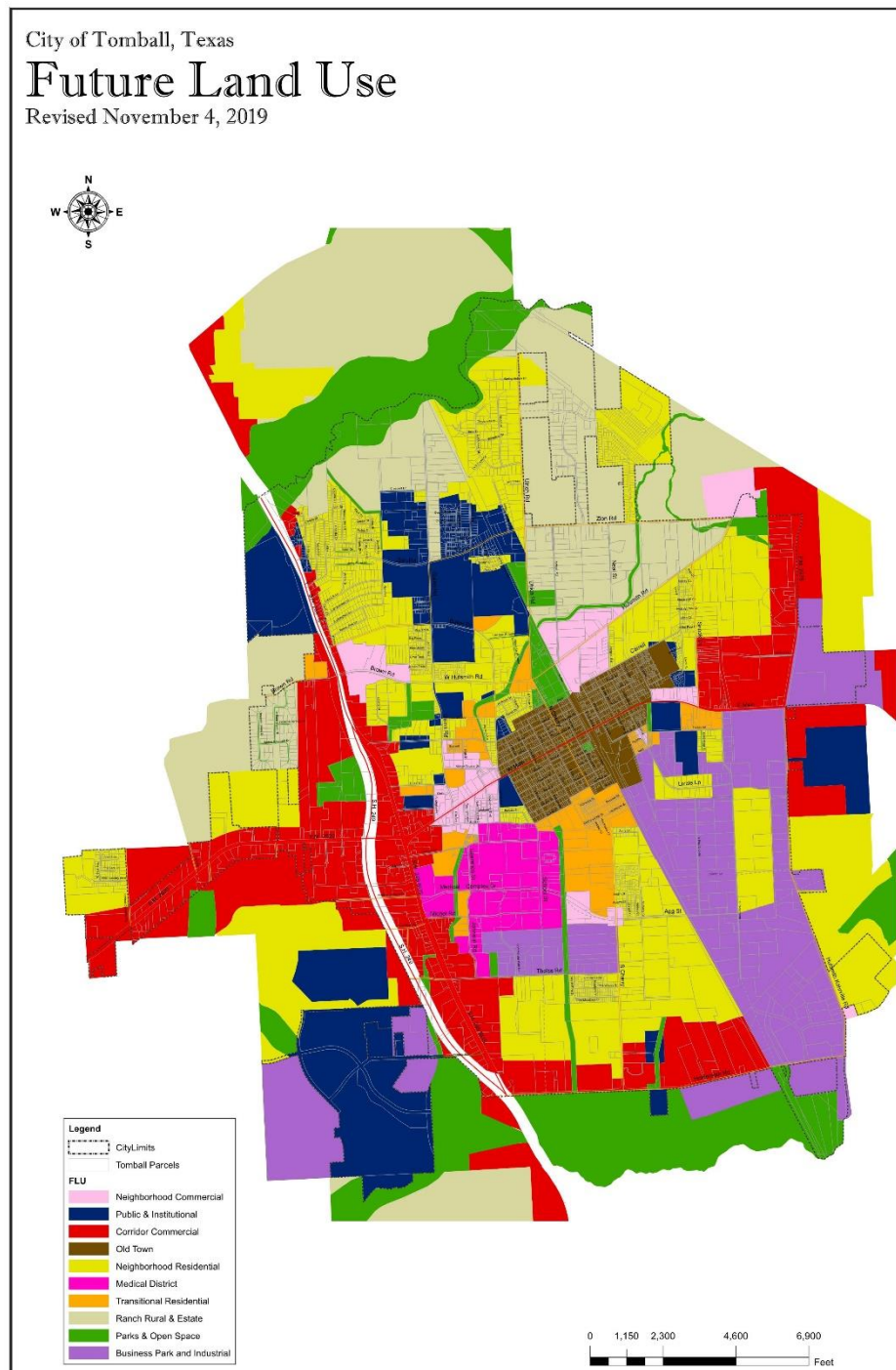
## Comprehensive Plan Amendment Staff Report

Planning and Zoning Commission Hearing Date: April 12, 2021

City Council Public Hearing Date: April 19, 2021

**Zoning Case P21-121:** Request by the City of Tomball to amend the Comprehensive Plan by revising the Future Land Use and Major Thoroughfare Plan Maps.

### **CURRENT FUTURE LAND USE PLAN**

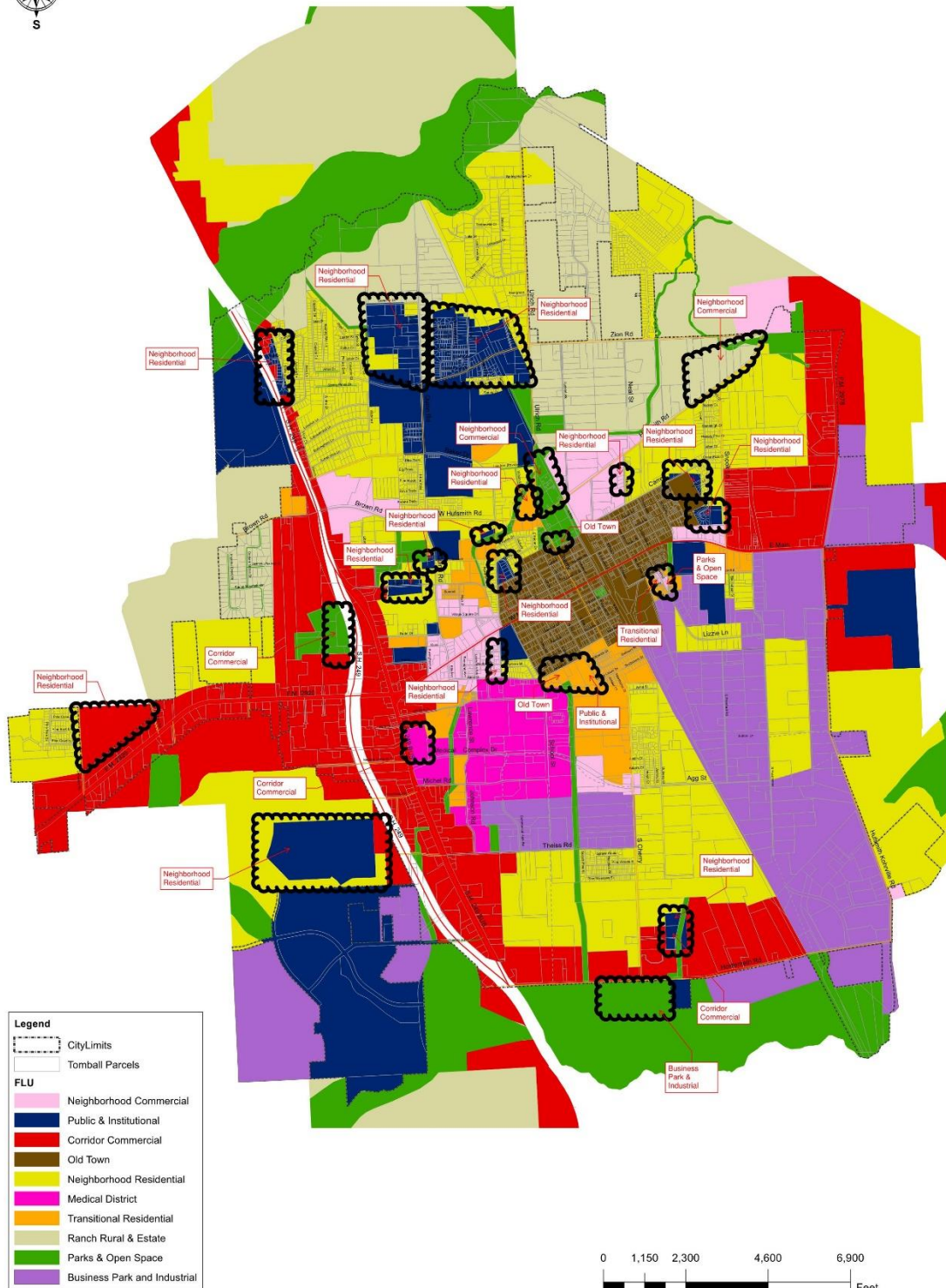


## PROPOSED AMENDMENTS

City of Tomball, Texas

# Future Land Use

Revised November 4, 2019





## **PUBLIC COMMENT**

A public hearing notice was published in the Potpourri on March 31, 2021. Any public comment forms received by City Staff will be presented in the agenda packets or during the scheduled meeting.

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
APRIL 12, 2021  
&  
CITY COUNCIL  
APRIL 19, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 12, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 19, 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 P21-121:** Request by the City of Tomball to amend the Comprehensive Plan by revising the Future Land Use and Major Thoroughfare Plan Maps.

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](mailto: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 **8<sup>th</sup>** day of **April 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  
City Planner

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](http://www.tomballtx.gov).

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 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 Search

**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>4-21-2021</u> | Approved by | _____             |
|        | Staff Member       | Date             |             | City Manager Date |

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

**Topic:**

Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Tomball Heights Properties in the City of Tomball Public Improvement District Number Nine, Established by City Council Resolution No. 2019-12 (Sydney's Park)

**Background:**

**Origination:** Scott Bean, Hawes Hill Calderon, LLP

**Recommendation:**

Conduct Public Hearing for TPID 9

**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>3-31-2021</u> | Approved by | _____                   |
|        | Staff Member       | Date             |             | City Manager _____ Date |

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL, TEXAS**

**MONDAY, MAY 3, 2021**



**6:00 P.M.**

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER PROPOSED ASSESSMENTS TOMBALL HEIGHTS PROPERTIES IN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER NINE ESTABLISHED BY CITY COUNCIL RESOLUTION NO. 2019-12.**

In accordance with Chapter 372 Local Government Code, the Assessment Roll for Tomball Heights properties in the City of Tomball Public Improvement District Number Nine has been prepared and is on file and open for public inspection in the office of the City Secretary. A Public Hearing on the Assessment will be held by the City Council as follows:

**DATE & TIME:** Monday, May 3, 2021, 6:00 p.m.

**PLACE:** City Council Chambers, 401 Market Street, Tomball, Texas 77375

**COST OF IMPROVEMENTS:** \$1,141,596.00.

**GENERAL NATURE OF THE IMPROVEMENTS:** The public improvements include the construction of water lines, sanitary sewers, storm sewers and drainage, gas lines, street paving, detention facilities, open space and amenities, erosion control, as well as engineering, contingency provisions, financing, and administrative costs.

**BOUNDARIES:** The boundaries are described in the plat of Tomball Heights, a Subdivision of 9.2191 Acres, Being a Replat of Unrestricted Reserve "H" Final Plat of Leslie's Park, Recorded in Film Code No. 400005 H.C.M.R., Located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

**CERTIFICATION**

I hereby certify that the above notice of public hearing/meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of April 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer  
Doris Speer  
City Secretary, TRMC

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: February 1, 2021

#### Topic:

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*)

#### Background:

Public infrastructure improvements are complete for Section One of Tomball Heights Subdivision within Public Improvement District Number Nine created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

| Total<br>Assessment | Annual<br>Assessment<br>Installment | Financed<br>Assessment<br>Term | Annual<br>Administrative<br>Cost | Total<br>Annual<br>Payment |
|---------------------|-------------------------------------|--------------------------------|----------------------------------|----------------------------|
| \$ 17,720.25        | \$1,650.00                          | 15 years                       | \$ 206.25                        | \$ 1,856.25                |

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$220,000. The annual assessment payment \$1,650.00 is the equivalent of a \$0.75 tax rate on a \$220,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

#### Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

#### Amortization Schedule

#### PID TERMS AND AMORTIZATION

|                        |             |
|------------------------|-------------|
| Duration               | 15          |
| Interest Rate          | 4.50%       |
| Annual Payment Amount  | \$1,650.00  |
| Total Lifetime Payment | \$24,750.00 |
| Total Principal        | \$17,720.25 |
| Total Interest         | \$7,029.75  |

| Payment | Principal   | Interest Payment | Payments collected | Principal Balance |
|---------|-------------|------------------|--------------------|-------------------|
|         |             |                  |                    | \$17,720.25       |
| 1       | \$852.59    | \$797.41         | \$1,650.00         | \$16,867.66       |
| 2       | \$890.96    | \$759.04         | \$1,650.00         | \$15,976.71       |
| 3       | \$931.05    | \$718.95         | \$1,650.00         | \$15,045.66       |
| 4       | \$972.95    | \$677.05         | \$1,650.00         | \$14,072.71       |
| 5       | \$1,016.73  | \$633.27         | \$1,650.00         | \$13,055.98       |
| 6       | \$1,062.48  | \$587.52         | \$1,650.00         | \$11,993.50       |
| 7       | \$1,110.29  | \$539.71         | \$1,650.00         | \$10,883.21       |
| 8       | \$1,160.26  | \$489.74         | \$1,650.00         | \$9,722.96        |
| 9       | \$1,212.47  | \$437.53         | \$1,650.00         | \$8,510.49        |
| 10      | \$1,267.03  | \$382.97         | \$1,650.00         | \$7,243.46        |
| 11      | \$1,324.04  | \$325.96         | \$1,650.00         | \$5,919.42        |
| 12      | \$1,383.63  | \$266.37         | \$1,650.00         | \$4,535.79        |
| 13      | \$1,445.89  | \$204.11         | \$1,650.00         | \$3,089.90        |
| 14      | \$1,510.95  | \$139.05         | \$1,650.00         | \$1,578.95        |
| 15      | \$1,578.95  | \$71.05          | \$1,650.00         | \$0.00            |
| TOTAL   | \$17,720.25 | \$7,029.75       | \$24,750.00        |                   |

**Origination:** Scott Bean, Hawes Hill Calderon, LLP

**Recommendation:**

n/a

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

Tracylynn Garcia, Asst 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 Tracylynn Garcia  
Staff Member \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager \_\_\_\_\_ Date \_\_\_\_\_

**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**

\* \* \* \* \*

**WHEREAS**, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, Ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein; and

**WHEREAS**, the City has received a petition (the “Petition”) requesting the creation of the City of Tomball Public Improvement District Number Nine (the “PID”), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

**WHEREAS**, the City passed and adopted Resolution No. Resolution 2019-12 establishing the City of Tomball Public Improvement District Number Nine; and

**WHEREAS**, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; **NOW THEREFORE**,

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

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

**Section 2.** The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

**Section 3.** It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 3RD DAY OF MAY  
2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGS       | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

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 17TH DAY OF MAY  
2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGS       | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
DORIS SPEER, City Secretary



**EXHIBIT A**  
**Service and assessment Plan**  
**Public Improvement District Number Nine**  
**City of Tomball, Texas**

**1. Introduction**

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (“the Act”), and pursuant to Resolution 2019-12 creating the Public Improvement District Number Nine (“PID”), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

**2. Boundaries**

The boundaries of the PID are as indicated in Attachment A.

**3. Administration of the District**

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

**4. Public Improvements**

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PUD under the Development Agreement (“Agreement”) executed between the developer and the City.

***A. Tomball Heights***

Tomball Heights Subdivision contains 9.22 acres of land and will contain 41 lots within the PID. The public improvements authorized under this Plan for Tomball Heights and the estimated costs thereof, are described below:

| PUBLIC IMPROVEMENT                                                                                                                              | ESTIMATED COSTS |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation | \$726,530       |
| Financing Costs (15 years @ 4.5%)                                                                                                               | \$288,220       |
| Total Improvements                                                                                                                              | \$1,014,752     |
| Administration (5%)                                                                                                                             | \$126,844       |
| Total Costs (15 years)                                                                                                                          | \$1,141,594     |

#### **5. Construction of Public Improvements**

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

#### **6. Conveyance of Improvements to the City**

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

#### **7. Authorized Improvements**

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2019. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

#### **8. Advance Financing by the Developer**

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

#### **9. Apportionment of Costs**

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

#### **10. Levy of Assessments**

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 4.5% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

The assessments are on a per lots basis. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

| <b>Total<br/>Assessment</b> | <b>Annual<br/>Assessment<br/>Installment</b> | <b>Financed<br/>Assessment<br/>Term</b> | <b>Annual<br/>Administrative<br/>Cost</b> | <b>Total<br/>Annual<br/>Payment</b> |
|-----------------------------|----------------------------------------------|-----------------------------------------|-------------------------------------------|-------------------------------------|
| \$ 17,250.25                | \$1,650.00                                   | 15 years                                | \$ 206.25                                 | \$ 1,856.25                         |

#### **11. Levy and Collection**

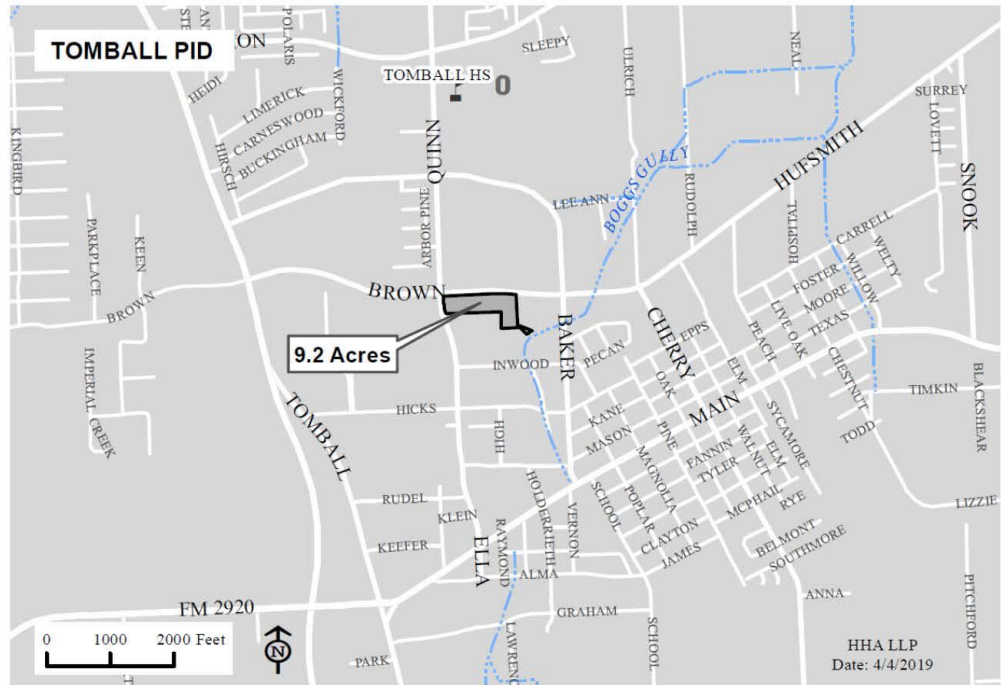
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

# EXHIBIT A





# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: February 1, 2021

#### Topic:

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*)

#### Background:

Public infrastructure improvements are complete for Section One of Tomball Heights Subdivision within Public Improvement District Number Nine created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

| Total<br>Assessment | Annual<br>Assessment<br>Installment | Financed<br>Assessment<br>Term | Annual<br>Administrative<br>Cost | Total<br>Annual<br>Payment |
|---------------------|-------------------------------------|--------------------------------|----------------------------------|----------------------------|
| \$ 17,720.25        | \$1,650.00                          | 15 years                       | \$ 206.25                        | \$ 1,856.25                |

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$220,000. The annual assessment payment \$1,650.00 is the equivalent of a \$0.75 tax rate on a \$220,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

#### Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

#### Amortization Schedule

#### PID TERMS AND AMORTIZATION

|                        |             |
|------------------------|-------------|
| Duration               | 15          |
| Interest Rate          | 4.50%       |
| Annual Payment Amount  | \$1,650.00  |
| Total Lifetime Payment | \$24,750.00 |
| Total Principal        | \$17,720.25 |
| Total Interest         | \$7,029.75  |

| Payment | Principal   | Interest Payment | Payments collected | Principal Balance |
|---------|-------------|------------------|--------------------|-------------------|
|         |             |                  |                    | \$17,720.25       |
| 1       | \$852.59    | \$797.41         | \$1,650.00         | \$16,867.66       |
| 2       | \$890.96    | \$759.04         | \$1,650.00         | \$15,976.71       |
| 3       | \$931.05    | \$718.95         | \$1,650.00         | \$15,045.66       |
| 4       | \$972.95    | \$677.05         | \$1,650.00         | \$14,072.71       |
| 5       | \$1,016.73  | \$633.27         | \$1,650.00         | \$13,055.98       |
| 6       | \$1,062.48  | \$587.52         | \$1,650.00         | \$11,993.50       |
| 7       | \$1,110.29  | \$539.71         | \$1,650.00         | \$10,883.21       |
| 8       | \$1,160.26  | \$489.74         | \$1,650.00         | \$9,722.96        |
| 9       | \$1,212.47  | \$437.53         | \$1,650.00         | \$8,510.49        |
| 10      | \$1,267.03  | \$382.97         | \$1,650.00         | \$7,243.46        |
| 11      | \$1,324.04  | \$325.96         | \$1,650.00         | \$5,919.42        |
| 12      | \$1,383.63  | \$266.37         | \$1,650.00         | \$4,535.79        |
| 13      | \$1,445.89  | \$204.11         | \$1,650.00         | \$3,089.90        |
| 14      | \$1,510.95  | \$139.05         | \$1,650.00         | \$1,578.95        |
| 15      | \$1,578.95  | \$71.05          | \$1,650.00         | \$0.00            |
| TOTAL   | \$17,720.25 | \$7,029.75       | \$24,750.00        |                   |

**Origination:** Scott Bean, Hawes Hill Calderon, LLP

#### **Recommendation:**

Adopt, on First Reading Ordinance No. 2021-06

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

Tracylynn Garcia, Asst 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 Tracylynn Garcia  
Staff Member \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager \_\_\_\_\_ Date \_\_\_\_\_

**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.**

\* \* \* \* \*

**WHEREAS**, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, Ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

**WHEREAS**, the City has created City of Tomball Public Improvement District Number Nine (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

**WHEREAS**, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

**WHEREAS**, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

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

**Section 2.** The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

**Section 3.** There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

**Section 4.** It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 3RD DAY OF MAY  
2021.

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

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 17TH DAY OF MAY  
2021.

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

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
DORIS SPEER, City Secretary

# EXHIBIT "A"

Public Improvement District Number Nine  
Tomball Heights Subdivision  
Section One Assessment Roll  
City of Tomball, Harris County, Texas

01.21.21

| Lot | Block | Owner                | Total        |               | Assessment Term | Annual Payment | Annual Admin | Total Annual Payment |
|-----|-------|----------------------|--------------|---------------|-----------------|----------------|--------------|----------------------|
|     |       |                      | Assessment   | With Interest |                 |                |              |                      |
| 1   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 2   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 3   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 4   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 5   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 6   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 7   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 8   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 9   | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 10  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 11  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 12  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 13  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 14  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 15  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 16  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 17  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 18  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 19  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 20  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 21  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 22  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 23  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 24  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 25  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 26  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 27  | 1     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 1   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 2   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 3   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 4   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 5   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 6   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 7   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 8   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 9   | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 10  | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 11  | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 12  | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 13  | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |
| 14  | 2     | 318 Sydney Park, LLC | \$ 17,720.25 | \$ 24,750.05  | 15 Years        | \$ 1,650.00    | \$ 206.25    | \$ 1,856.25          |

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

**Topic:**

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

**Background:**

**Origination:** Miklos Cinclair, representing John Jordan

**Recommendation:**

N/A

**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>4-26-2021</u> | Approved by | _____              |
|        | Staff Member       | Date             |             | City Manager _____ |
|        |                    |                  |             | Date               |

**CITY OF TOMBALL, TEXAS**  
**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.**

WHEREAS, Chapter 372, Texas Local Government Code, as amended (the "*Act*"), authorizes the City of Tomball, Texas (the "*City*") to create and dissolve public improvement districts within the corporate limits of the City; and

WHEREAS, the City has previously taken action to create "Public Improvement District Number Nine" (the "*District*") in accordance with the Act; and

WHEREAS, a landowner petition, a copy of which is attached as ***Exhibit A*** (the "*Petition*"), was filed with the City Secretary requesting the dissolution of the District in accordance with the Act; and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the Petition and to call a public hearing (the "*Public Hearing*") at which the City Council will consider the adequacy of the Petition and hear public testimony regarding the dissolution of the District.

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

Section 1. The recitals set forth in this Resolution are true and correct and are incorporated as part of this Resolution.

Section 2. City staff has reviewed the Petition and determined that it complies with the requirements of the Act and the filing of the Petition is accepted.

Section 3. The City Council calls the Public Hearing to consider the adequacy of the Petition and to hear public testimony on the feasibility and advisability of dissolving the District to be held beginning at or after 6:00 P.M. on Monday, June 7, 2021 in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375. Attached hereto as ***Exhibit B*** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the dissolution of the District.

Section 4. The Public Hearing may be continued from time to time.

Section 5. The City Secretary is hereby authorized and directed to give all notices of the Public Hearing as required by law, including notices required by the Texas Open Meetings Act and by the Act.

Section 6. This Resolution shall become effective immediately from and after it is passed and approved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL,  
TEXAS, THIS 3<sup>RD</sup> DAY OF MAY, 2021.

---

Gretchen Fagan, Mayor

ATTEST:

---

Doris Speer, City Secretary

Exhibit A

[Landowner Dissolution Petition]

## EXHIBIT A

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of  $11^{\circ}19'54''$ , an arc length of 227.44 feet and a chord bearing and distance of  $N\ 07^{\circ}52'32''\ W$ , 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears,  $S\ 12^{\circ}03'\ E$ , 2.4 feet;

THENCE, North  $02^{\circ}12'35''$  West, continuing along the East right-of-way line of Quinn Road, a distance of 54.40 feet to a 5/8 inch iron rod with cap found for the Westerly most Northwesterly corner of the herein described tract;

THENCE, North  $42^{\circ}41'46''$  East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwesterly corner of the herein described tract;

THENCE, North  $87^{\circ}49'00''$  East, along the South right-of-way line of Brown Hufsmith Road, a distance of 767.00 feet to a 5/8 inch iron rod with cap found for the Point of Curvature of a curve to the Right;

THENCE, Easterly, continuing along the South right-of-way line of Brown Hufsmith Road, with said curve to the Right, having a radius of 1590.42 feet, a central angle of  $07^{\circ}44'22''$ , an arc length of 214.83 feet and a chord bearing and distance of  $S\ 88^{\circ}15'43''\ E$ , 214.67 feet to a 5/8 inch iron rod found for the Point of Tangency;

THENCE, South  $84^{\circ}23'32''$  East, continuing along the South right-of-way line of Brown Hufsmith Road, a distance of 161.36 feet to a 5/8 inch iron rod with cap found for the Northwest corner of Unrestricted Reserve "A", Block 1 of Brown-Hufsmith Church Subd., as recorded in Film Code No. 681555 H.C.M.R. and the Northeast corner of the herein described tract;

THENCE, in a Southerly direction, along and with the Westerly and Southerly line of said Brown-Hufsmith Church Subd., the following three (3) courses and distances:

1) South 02°26'52" East, 494.20 feet to a 5/8 inch iron rod with cap found for corner;

2) North 88°49'52" East, 41.44 feet to a 5/8 inch iron rod with cap found for corner;

3) South 69°30'55" East, 204.50 feet to a 5/8 inch iron rod with alum. cap found in the South line of said Unrestricted Reserve "H", same being the North line of 140-foot wide H.C.F.C.D. right-of-way, as recorded under H.C.C.F. No. M201069 for Southeasterly corner of the herein described tract, said iron marks the Point of Curvature of a curve to the Left;

THENCE, Southwesterly, along the North right-of-way line of said H.C.F.C.D. Fee Strip, with said curve to the Left, having a radius of 320.00 feet, a central angle of 19°50'30", an arc length of 110.82 feet and a chord bearing and distance of S 57°15'44" W, 110.26 feet to a 5/8 inch iron rod found for the Easterly corner of that certain called 3.996 acre tract recorded under H.C.C.F. No. W206016 and the Southerly corner of the herein described tract;

THENCE, in a Northwesterly direction, along and with the common line between said 3.996 acre tract and said Unrestricted Reserve "H", the following two (2) courses and distances:

1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

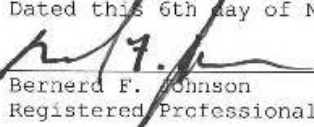
2) South 88°49'52" West, 299.48 feet to a 5/8 inch iron rod with cap found in the East line of said Tomball ISD Tract for the Northwest corner of said called 3.996 acre and an exterior corner of the herein described tract;

THENCE, North 01°10'08" West, along the East line of said Tomball ISD Tract, a distance of 254.46 feet to a point for the Northeast corner of said Tomball ISD Tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, S 54°40' W, 0.70 feet;

THENCE, South 88°49'52" West, along the North line of said Tomball ISD Tract, a distance of 868.56 feet to the POINT OF BEGINNING and containing 9.2191 acres (401,586 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 6th day of November, 2018

  
Bernard F. Johnson

Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18100-00.00  
(QW19) 18100A.T



## Exhibit B

### **NOTICE OF PUBLIC HEARING CITY OF TOMBALL, TEXAS**

**MONDAY, JUNE 7, 2021**



**6:00 P.M.**

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO ACCEPT PUBLIC COMMENTS AND DISCUSS THE PETITION (THE "PETITION"), FILED BY 318 SYDNEY PARK, LLC (THE "PETITIONER"), REQUESTING THAT THE CITY DISSOLVE PUBLIC IMPROVEMENT DISTRICT NUMBER NINE (THE "DISTRICT") WHICH CONTAINS LAND OWNED ONLY BY THE PETITIONER AND LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY.**

Pursuant to Sections 372.009 and 372.011, Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Tomball, Texas (the "City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by 318 Sydney Park, LLC (the "Petitioner"), requesting that the City dissolve Public Improvement District Number Nine (the "District") which contains land owned only by the Petitioner and located entirely within the corporate limits of the City.

**Time and Place of Public Hearing.** The public hearing will start at or after 6:00 P.M. on Monday, June 7, 2021 in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375.

The boundaries of the District to be dissolved is described by metes and bounds hereto as EXHIBIT A.

Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

#### **CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of May 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer

Doris Speer  
City Secretary, TRMC

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

EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING  
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing  
Regular City Council Meeting  
July 7, 2021  
Page 2 of 3

**EXHIBIT A**

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of 11°19'54", an arc length of 227.44 feet and a chord bearing and distance of N 07°52'32" W, 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears, S 12°03' E, 2.4 feet;

THENCE, North 02°12'35" West, continuing along the East right-of-way line of Quinn Road, a distance of 54.40 feet to a 5/8 inch iron rod with cap found for the Westerly most Northwesterly corner of the herein described tract;

THENCE, North 42°41'46" East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwesterly corner of the herein described tract;

THENCE, North 87°49'00" East, along the South right-of-way line of Brown Hufsmith Road, a distance of 767.00 feet to a 5/8 inch iron rod with cap found for the Point of Curvature of a curve to the Right;

THENCE, Easterly, continuing along the South right-of-way line of Brown Hufsmith Road, with said curve to the Right, having a radius of 1590.42 feet, a central angle of 07°44'22", an arc length of 214.83 feet and a chord bearing and distance of S 88°15'43" E, 214.67 feet to a 5/8 inch iron rod found for the Point of Tangency;

THENCE, South 84°23'32" East, continuing along the South right-of-way line of Brown Hufsmith Road, a distance of 161.36 feet to a 5/8 inch iron rod with cap found for the Northwest corner of Unrestricted Reserve "A", Block 1 of Brown-Hufsmith Church Subd., as recorded in Film Code No. 681555 H.C.M.R. and the Northeast corner of the herein described tract;

EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING  
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing  
Regular City Council Meeting  
July 7, 2021  
Page 3 of 3

THENCE, in a Southerly direction, along and with the Westerly and Southerly line of said Brown-Hufsmith Church Subd., the following three (3) courses and distances:

1) South 02°26'52" East, 494.20 feet to a 5/8 inch iron rod with cap found for corner;

2) North 88°49'52" East, 41.44 feet to a 5/8 inch iron rod with cap found for corner;

3) South 69°30'55" East, 204.50 feet to a 5/8 inch iron rod with alum. cap found in the South line of said Unrestricted Reserve "H", same being the North line of 140-foot wide H.C.F.C.D. right-of-way, as recorded under H.C.C.F. No. M201069 for Southeasterly corner of the herein described tract, said iron marks the Point of Curvature of a curve to the Left;

THENCE, Southwesterly, along the North right-of-way line of said H.C.F.C.D. Fee Strip, with said curve to the Left, having a radius of 320.00 feet, a central angle of 19°50'30", an arc length of 110.82 feet and a chord bearing and distance of S 57°15'44" W, 110.26 feet to a 5/8 inch iron rod found for the Easterly corner of that certain called 3.996 acre tract recorded under H.C.C.F. No. W206016 and the Southerly corner of the herein described tract;

THENCE, in a Northwesterly direction, along and with the common line between said 3.996 acre tract and said Unrestricted Reserve "H", the following two (2) courses and distances:

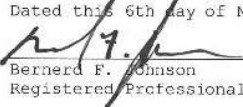
1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

2) South 88°49'52" West, 299.48 feet to a 5/8 inch iron rod with cap found in the East line of said Tomball ISD Tract for the Northwest corner of said called 3.996 acre and an exterior corner of the herein described tract;

THENCE, North 01°10'08" West, along the East line of said Tomball ISD Tract, a distance of 254.46 feet to a point for the Northeast corner of said Tomball ISD Tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, S 54°40' W, 0.70 feet;

THENCE, South 88°49'52" West, along the North line of said Tomball ISD Tract, a distance of 868.56 feet to the POINT OF BEGINNING and containing 9.2191 acres (401,586 square feet) of land, more or less.

CENTURY ENGINEERING, INC.  
Dated this 6th day of November, 2018

  
Bernard F. Johnson  
Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18100-00.00  
(QW19) 18100A.T



# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

**Topic:**

Presentation and discussion of City-owned generators

**Background:**

Presentation over City-owned generators with discussion

**Origination:** Public Works Department

**Recommendation:**

**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: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 3, 2021

#### Topic:

Adopt, on First Reading, Ordinance No. 2021-18, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, 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 Buckingham Drive beginning at the intersection of Quinn Road and extending through its entirety approximately five hundred thirty (530) feet; providing a penalty in the amount not to exceed \$200 for each violation hereof; an providing for severability; and making finds related thereto.

#### Background:

In February 2021, staff was contacted by a citizen to express concern regarding the vehicles, belonging to students of Tomball ISD, parking along Buckingham Drive. City staff determined that this was a safety and environmental hazard.

Staff has worked with Tomball ISD to address the issue on their property. In conjunction with those measures, the City can address the parking issue on Buckingham Drive with signs prohibiting such.

The recommended revisions to Section 44-164 are as follows:

It shall be unlawful for any person to park, stop or stand along Buckingham Drive beginning at the intersection of Quinn Road and continuing for its entirety approximately five hundred thirty (530) feet.

Once adopted, staff anticipates the no parking signs to be installed within two weeks.

**Origination:** Public Works Department

#### Recommendation:

Adopt Ordinance Number 2021-18 on first reading

**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: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_  
If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager Date

**ORDINANCE NO. 2021-18**

**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 BUCKINGHAM DRIVE BEGINNING AT THE INTERSECTION OF QUINN ROAD AND EXTENDING THROUGH ITS ENTIRETY APPROXIMATELY FIVE HUNDRED THIRTY (530) FEET; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$200 FOR EACH VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; AND MAKING FINDS RELATED THERETO.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Tomball has determined that it is in the best interest of the health, safety and welfare of its citizens and the public as a whole, to establish the “No Parking, Stopping and Standing” zone specified in this ordinance;

**WHEREAS**, the City desires to prohibit parking stopping or standing on street designated below;  
and

**WHEREAS**, the City Council wishes to effectuate the changes described in this ordinance as soon as possible; now, therefore,

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

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

**Section 2.** The City Council has determined that a “No Parking, Stopping or Standing” zone should be established on Buckingham Drive beginning at the intersection of Quinn Road and continuing through its entirety approximately five hundred thirty (530) feet and the necessary traffic control signage altered or implemented to effectuate the establishment of the “No Parking, Stopping or Standing” zone.

**Section 3.** The Code of Ordinances of the City of Tomball, Texas, Section 44-164 is amended by the deletion of the language struckthrough below and the addition of the language underscored below, the revised Section 44-164 to read as follows:

**“Sec. 44-164. Parking restricted on certain streets.**

~~When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance on any day, except Sundays and public holidays, within the district or upon any of the streets described by ordinance.~~

**It shall be unlawful for any person to park, stop or stand along Buckingham Drive beginning at the intersection of Quinn Road and continuing for its entirety approximately five hundred thirty (530) feet.”**

**Section 4.** The Director of Public Works is directed to erect and place signs designating the above area as a “No Parking, Stopping or Standing” area.

**Section 5.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, 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 \$200. Each violation shall constitute a separate offense.

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

**Section 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law.

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 3<sup>RD</sup> DAY OF MAY 2021.

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

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 17<sup>TH</sup> DAY OF MAY 2021.

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

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary