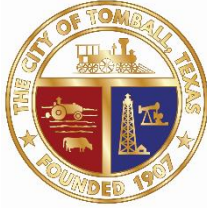


**NOTICE OF REGULAR CITY COUNCIL
CITY OF TOMBALL, TEXAS**



**Monday, October 19, 2020
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, October 19, 2020 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 OCTOBER 19, 2020, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT: [HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 898 938 02749. 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 Ed Matthews – Newness of Life Church
- C. Pledges to U.S. and Texas Flags - Led by Scout Pack 469
- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a*

matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]

E. Reports and Announcements

1. Announcements

I. November 7, 2020 – “**Depot Day**” – 10:00 a.m.-5:00 p.m., a **National Model Railroad Month Celebration at the Depot – Tomball – a *Virtual Event***

II. November 20, 2020 – **Christmas Tree Lighting at the Depot** – 7:00 p.m. – a ***Virtual Event***

III. November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed

IV. December 24-25, 2020 – **Christmas Holidays** – City offices closed

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. Approve the Minutes of the October 5, 2020 Regular Tomball City Council Meeting

G. Old Business

1. Adopt on Second Reading, Ordinance No. 2020-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, and Section 34-7, Miscellaneous Sign Provisions, of Article I, In General, of Chapter 34, Signs, to Delete the Definition of Old Town Area and to Amend Regulations Regarding Sign Colors; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

H. New Business

1. Approve Resolution No. 2020-37, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2021 General Assembly

2. Consideration to approve **Zoning Case P20-238:** Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned

Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case P20-238**

Adopt, on First Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

3. Approve Purchase of one (1) Chevrolet Colorado Crew (2x4), one (1) Chevrolet Silverado 2500 Crew, two (2) Chevrolet Malibu's, and three (3) Police Interceptors through the State Buyboard Cooperative Purchasing Contract, in the amount of \$308,450.00
4. Approve the Engagement Letter with Weaver & Tidwell, L.L.P. for the Independent Audit of the City's Financial Statements and the Preparation of the CAFR As of September 30, 2020.

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of October 2020 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Assistant City Secretary, TRMC, CMC, CPM

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

November 7, 2020 – “Depot Day” – 10:00 a.m.-5:00 p.m., a **National Model Railroad Month Celebration at the Depot – Tomball** – a *Virtual Event*

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>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

November 20, 2020 – **Christmas Tree Lighting at the Depot** – 7:00 p.m. – a *Virtual Event*

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>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed

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>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

December 24-25, 2020 – **Christmas Holidays** – City offices closed

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>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 19, 2020

Topic:

Approve the Minutes of the October 5, 2020 Regular Tomball City Council Meeting

Background:

Origination: City Staff

Recommendation:

Approve Minutes

Party(ies) responsible for placing this item on agenda: Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

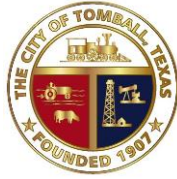
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

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



**MONDAY, OCTOBER 5, 2020
6:00 P.M.**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 5, 2020, at 6:00 p.m., at 401 Market Street, Tomball, Texas, 77375, via video/telephone conference (Zoom).

- 1.0 Mayor Fagan called the meeting to order at 6:00 p.m., having established a quorum. Mayor Fagan read a statement regarding the process for the conduct of the meeting via Zoom and telephone. Members present (in person):

Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members present (via video):

Councilman Ford

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
Assistant City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Fire Chief – Randy Parr
Fire Marshall – Joe Sykora
Assistant Fire Chief – Taner Drake
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Director of Community Development – Craig Meyers
Police Detective – Cleo Thomas
Administrative Assistant - Johnita Robinson

- 2.0 The invocation was led by Pastor David Hinkle – Tomball Bible Church. (via video)
- 3.0 Pledges to U. S. and Texas Flags were led by Fire Chief Randy Parr.

4.0 No public comments were received.

5.0 Reports and Announcements:

- November 7, 2020- "Depot Day"- 10:00 a.m.-5:00 p.m., a National Model Railroad Month Celebration at the Depot - Tomball- a Virtual Event
- November 20, 2020 - Christmas Tree Lighting at the Depot - 7:00 p.m. - a Virtual Event
- November 26-27, 2020 - Thanksgiving Holiday - City offices closed
- December 24-25, 2020 - Christmas Holidays - City offices closed
- January 1, 2021 - New Year's Day Holiday - City offices closed
- Reports by City staff and Members of Council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the September 21, 2020 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting and the September 21, 2020 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Developer Agreement between the City of Tomball and HT Raburn Reserve Development LP in regards to the over-sizing material cost of the water main extension through the Raburn Reserve subdivision in an amount not to exceed \$24,511.86

Motion carried unanimously.

7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2020-31 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Ford, second by Councilman Klein Quinn, to Adopt, on First Reading, Ordinance No. 2020-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, and Section 34-7, Miscellaneous Sign Provisions, of Article I, In General, of Chapter 34, Signs, to Delete the Definition of Old Town Area and to Amend Regulations Regarding Sign Colors; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Councilman Lori Klein Quinn Aye
Councilman Ford Aye

Motion carried 4 votes aye, 1 vote nay.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to award contract for E&P Project 2019-10015 to Cooley Construction, LLC in the amount of \$3,398,332.00 for the construction of drainage improvements along S. Persimmon.

Motion carried unanimously.

- 7.4 Conduct public hearing regarding the City's intent to apply for a Texas Parks and Wildlife Grant.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball regarding the City's intent to apply for a Texas Parks and Wildlife Grant at 6:09 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:09 p.m.

- 7.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2020-33, a Resolution of the City Council of the City of Tomball, Texas, authorizing the submission of a Local Parks Non-Urban Outdoor Recreation grant application to the Texas Parks and Wildlife Department and Authorize the City Manager and Assistant City Manager to act as the City's Executive Officer and authorized representative.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2020-34, a Resolution of the City Council of the City of Tomball, Texas, resolving to prevent mining and drilling At Jerry Matheson Park.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Townsend, second by Councilman Degges, to Appoint Weaver & Tidwell, LLP as auditors for the Fiscal Year Ending September 30, 2020 and authorize the City Manager to enter into negotiations with the firm as to fees charged and other relevant terms of the audit engagement.

Motion carried unanimously.

- 7.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2020-28 by caption only on First and Final Reading.

Motion carried unanimously.

Motion was made by Councilman Ford, second by Councilman Klein Quinn, to Adopt, on First Reading, Ordinance of the City Council of the City of Tomball, Texas, Authorizing the Issuance of City of Tomball, Texas, General Obligation Refunding Bonds, Series 2020; Levying a Tax in Payment Thereof; Authorizing the Issuance of the Bonds in Accordance with Specified Parameters; Authorizing the Redemption Prior to Maturity of Certain Outstanding Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting Other Provisions Relating Thereto; and Providing for the Effective Date Thereof. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Lori Klein Quinn	<u>Aye</u>
Councilman Ford	<u>Aye</u>

- 7.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2020-35, a Resolution of the City of Tomball, Texas, Adopting Texas Coalition for Affordable Power, Inc. (TCAP) Professional Services Agreement and Gexa Energy's Commercial Electric Service Agreement for Power to be Provided On and After January 1, 2023.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of October 2020.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 10/05/2020

Topic:

Adopt on Second Reading, Ordinance No. 2020-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, and Section 34-7, Miscellaneous Sign Provisions, of Article I, In General, of Chapter 34, Signs, to Delete the Definition of Old Town Area and to Amend Regulations Regarding Sign Colors; 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:

Ordinance 2020-25, as adopted last month, amended Chapter 34-Signs by defining the Old Town Area of Tomball and prohibiting bright or fluorescent colors on signs within that defined area.

During deliberation of that Ordinance, City Staff was directed to amend Chapter 34-Signs by prohibiting bright or fluorescent colors on signs city wide. Ordinance 2020-31 addresses that directive.

Origination: City Council

Recommendation:

Adopt Ordinance No. 2020-31 on Second Reading

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

Craig Meyers, Director of
Community Development

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>Craig Meyers</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

ORDINANCE NO. 2020-31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 34-1, DEFINITIONS, AND SECTION 34-7, MISCELLANEOUS SIGN PROVISIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 34, SIGNS, TO DELETE THE DEFINITION OF OLD TOWN AREA AND TO AMEND REGULATIONS REGARDING SIGN COLORS; 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 Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to amend the regulations of signs; and

WHEREAS, the City Council desires to regulate signs in the manner set forth in this ordinance; now, therefore

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

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

Section 2. Section 34-1, Definitions, of Article I, In general, of Chapter 34, Signs, of the City of Tomball Code of Ordinances is hereby amended to delete the language struck through below as follows:

“Section 34-1. – Definitions.

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

~~*Old Town Area* means the area within the boundary of the Revised Map of Tomball, recorded with the County on July 9, 1912.”~~

Section 3. Section 34-7, Miscellaneous sign provisions, of Article I, In general, of Chapter 34, Signs, of the City of Tomball Code of Ordinances is hereby amended to delete the language struck through below as follows:

“Section 34-7. – Miscellaneous sign provisions.

- (a) *Banner signs.* A property shall be limited to one on-premises or one off-premises banner signs, with a maximum size of 32 square feet. All banners signs shall be considered temporary in nature, as defined in this chapter. Excluding signs as specified under subsections 34-5(b)(2) and (b)(3)d.
- (b) *Political signs.* A sign that contains primarily a political message and that is located on private real property with the consent of the property owner is exempt from the permit requirements of this chapter. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose; provided, however, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.
- (c) *Signs on public rights-of-way.*
 - (1) With the exception of signs lawfully permitted or erected prior to the effective date of the ordinance from which this chapter is derived, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place, or on any public improvement unless express consent therefor shall have first been granted by the city council. However, coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection does not apply to public property leased for private business purposes.
 - (2) Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted, provided that:
 - a. The subdivision sign is facing a street which serves as an entrance to the subdivision to which such sign pertains;

- b. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and
 - c. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.
- (3) Any unlawful sign found on public property, buildings, or structures belonging to the city or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under chapter 20, article II. The sign administrator, employees of the police department and the department of public works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the sign administrator for storage. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the city.
- (4) During the early voting period through the end of the following election day, a maximum of two temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building's premises, which is also outside the prohibited area. The designated electioneering area is the portion of the grassy strip north of the Public Works Building, 501-B James Street, located outside the 100-foot prohibited area, and the area in Heritage Plaza, 400 Market Street, outside the designated 100-foot prohibited area. Such two signs shall each have a maximum area of four square feet but may contain the same message on both sides. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs. Such signs shall only be allowed from 7:00 a.m. on the beginning of the early voting period until 7:00 p.m. on election day, at which time the signs shall be removed by the person or organization placing them.
 - a. Any unauthorized persons removing political signs otherwise permitted by this section shall be guilty of a misdemeanor and subject to a fine as provided in section 1-14.
 - b. Failure to remove permitted signs in accordance with the section is a violation of this chapter subject to a fine as provided in this Code.
 - c. On election day only, each candidate may erect a single tent, canopy, or similar item encumbering or encroaching

on public property in Heritage Plaza, 400 Market Street, in the designated location, located outside the 100-foot prohibited area, as decided during the drawing for location in Heritage Plaza conducted prior to the beginning of early voting.

d. Any signs on public property not permitted may be removed by the city. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by city personnel and discarded or destroyed.

e. The provisions of this subsection shall not apply to notices posted by order of the court or notices to the public as required by law to be posted in a public place.

(d) ~~In the "Old Town Area,"~~ bBright or fluorescent colors shall not be permitted on any part of any sign."

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 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 \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5th DAY OF OCTOBER 2020.

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 19TH DAY OF OCTOBER 2020.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: October 19, 2020

Topic:

Approve Resolution No. 2020-37, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2021 General Assembly

Background:

The Houston-Galveston Area Council requests this appointment annually. Each member home rule city under 25,000 population as of the most recent Census is entitled to designate one representative and one alternate to the H-GAC General Assembly.

Beginning in 2010, Council has designated Councilman Townsend as the Representative and Councilman Stoll as the Alternate Representative to the H-GAC General Assembly.

In making the motion, the names of the Representative and Alternate Representative must be stated.

H-GAC has requested designation of the City's representatives no later than October 30, 2020.

Origination: Chuck Wemple, Executive Director, Houston-Galveston Area Council

Recommendation:

Approve Resolution No. 2020-37, Designating Representative and Alternate Representative for H-GAC 2021 General Assembly.

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>	Approved by	_____
	Staff Member		City Manager
	Date		Date

RESOLUTION NO. 2020-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, FOR THE DESIGNATION OF ITS
REPRESENTATIVE AND ALTERNATE FOR THE
HOUSTON-GALVESTON AREA COUNCIL 2021 GENERAL
ASSEMBLY**

* * * * *

BE IT RESOLVED, by the Mayor and City Council of Tomball, Texas, that _____,
Councilman, Position __, of the City of Tomball, be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2021.

FURTHER, that the Official Alternative authorized to serve as the voting representative should
the hereinabove named representative is unable to attend, become ineligible, or should he/she
resign, is _____, Councilman, Position __, of the City of Tomball.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY
COUNCIL HELD ON THE 19TH DAY OF OCTOER 2020.**

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

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: October 19, 2020

Topic:

Consideration to approve **Zoning Case P20-238**: Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-238**
- Adopt, on First Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, October 12, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended approval with a 4-0 vote.

Origination: Brian Stidham, HT Raburn Reserve Development LP

Recommendation:

Adopt Ordinance No. 2020-29 on First Reading

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

Craig T. Meyers, Director of
Community Development

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 Craig T. Meyers

Approved by _____

Staff Member	Date
--------------	------

City Manager	Date
--------------	------

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5 ACRES OF LAND LEGALLY DESCRIBED AS LOT 347 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON STREET, BETWEEN HUFSMITH-KOHRVILLE ROAD AND SOUTH PERSIMMON STREET AND BETWEEN LIZZIE LANE AND AGG ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Brian Stidham – HT Raburn Reserve Development LP, has requested that approximately 5 acres of land legally described as Lot 347 Tomball Outlots, generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the addition to the construction of a single-family master planned development, with some commercial use; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) District; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing

for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF OCTOBER 2020.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN 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 2ND DAY OF NOVEMBER 2020.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



RECEIVED (KC)
08/20/2020 12:29:04 PM

Revised 5/19/15

P&Z #20-238
\$1,000.00 PD.

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

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

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

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

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

Applicant

Name: Brian Stidham - HT Raburn Reserve Development LP Title: Director
Mailing Address: 609 Main Street Suite 2400 City: Houston State: Tx
Zip: 77002
Phone: (281) 743-9637 Fax: () Email: brian.stidham@hines.com

Owner

Name: Michael A Ott Title:
Mailing Address: 16840 Krug Rd City: Tomball State: Tx
Zip: 77377
Phone: (713) 299-1554 Fax: () Email: Mike@MikeOtt.com

Engineer/Surveyor (if applicable)

Name: Chris Browne - EHRA Title:
Mailing Address: 1001 Meadowglenn Ln City: Houston State: TX
Zip: 77042
Phone: (713) 337-7447 Fax: () Email: cbrowne@ehrainc.com

Description of Proposed Project: Single Family - PD -12 Zoning

Physical Location of Property: Hufsmith Kohrville Rd and Willow Creek Estates Ln (Closest Intersection)
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lt 347 Tomball Outlot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352920000347 Acreage: 5

Current Use of Property: AG - Unimproved

Proposed Use of Property: PD -12 - Single Family Residential

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

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

X Brian Stidham 8/19/20
Signature of Applicant Date

X MAOTT 8-10-20
Signature of Owner Date

Hines

August 20, 2020

Mr. Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for Rezoning

Dear Mr. Meyers:

This letter serves as a formal rezoning request. The property in question is undeveloped but is currently zoned Agriculture District (AG) within the corporate limits of Tomball. We are requesting the property be rezoned to Planned Development (PD). More specifically we are requesting that this 5-acre tract be added to the boundary of the previously approved PD-12 which is immediately adjacent to the North, South, and West of this site.

The property is located west of Hufsmith Kohrville Road close to the intersection of Hufsmith Kohrville and Willow Creek Estates Ln and consists of 5 acres.

PD-12 created by ordinance 2019-13 allows for 400 single family lots. We are not requesting any change to PD-12 other than the addition of the 5-acre tract within its boundaries.

Access to the site will be from internal residential streets that connect to the rest of the Raburn Reserve residential development.

Attached to this request for reference is a copy of a survey of the 5-acre tract, a conceptual site plan, and a copy of ordinance 2019-13 that details the zoning requirements we would like this tract changed to.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

Sincerely,

Brian Stidham

Brian P. Stidham
Director

609 Main Street, Suite 2400
Houston, Texas 77002
P 713.237.5665
F 713.237.5657

BURKIN SURVEYING COMPANY
1431 GRAHAM DRIVE - SUITE 201
TOMBALL, TEXAS 77375
(713) 351-7153

NOTE: REFERENCE BEARING SOUTH 89°51'00" EAST ALONG
SOUTH LINE OF 30.00 FOOT WIDE PUBLIC ROAD.
NORTH LINE OF OUTLOT 357 WAS DERIVED FROM CAL-
CULATION DERIVED FROM RECORDED PLAT.

OUTLOT 343

OUTLOT 344

1/2" R Set

S 09°42'00"E 505.03'

1/2" R Set

PLAT OF PROPERTY

PREPARED FOR
A. B. KLEIN TRUST

PLAT SHOWING SURVEY OF TOMBALL OUTLOT 347 IN THE JESSE
FRUIT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS, AS
PER MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75,
MAP RECORDS, HARRIS COUNTY, TEXAS.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY
OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER
42010005 H; MAP REVISED: SEPTEMBER 30, 1992, SHOWS
THIS TRACT TO BE IN ZONE "X" AREAS DETERMINED TO BE
OUTSIDE THE 500 YEAR FLOOD PLAIN.

OUTLOT 347
507.67 ACRES

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES
WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS
STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION
II SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1679

DATED: AUGUST 14, 1996

NOTE: SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT.

KOHRLVILLE - HUFFSMITH RD

OUTLOT 354
30' PUBLIC ROAD
1/2" R End (H&L.O.)
S 09°51'00"E 474.09'

N 09°42'00"W 582.24'

OUTLOT 350

1/2" R Set

1/2" R Set

1/2" R Set

OUTLOT 349

Exhibit “B”
Planned Development Regulations

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 103.7 ACRES OF LAND LEGALLY DESCRIBED AS LOTS 338, 339, 341 THROUGH 344, 346, 349, 350, 352 THROUGH 356, 358, 359, 361 THROUGH 365 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY 20 ESTATE AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON ROAD FROM LIZZIE LANE TO AGG ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Stan Winter, with Jones | Carter, has requested that approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family master planned development, with some commercial use; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit “A”); Planned Development Regulations (Exhibit “B”); and concept plan (Exhibit “C”) attached to and made part of this ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) District; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JUNE 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>ABSENT</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 1ST DAY OF JULY 2019.

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

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



Revised 5/19/15

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

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

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

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

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

Applicant: JONES I CARTER
Name: STAN WINTER, AICP Title: VCE PRESIDENT
Mailing Address: 1575 SANDVST ROAD City: HOUSTON State: TX
Zip: 77380
Phone: (281) 363 9039 Fax: () Email: SWINTER@JONES CARTER.COM

Owner: HINES ACQUISITIONS LLC
Name: BRIAN STIDHAM Title: DIRECTOR
Mailing Address: 609 MAIN STREET City: HOUSTON State: TX
Zip: 5.2400
Phone: (13) 237 5747 Fax: (13) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: _____

Physical Location of Property: _____
[General Location - approximate distance to nearest existing street corner]

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

www.tomballtx.gov

Legal Description of Property: TRACTS 1; 39.49 AC, TRACT 2; 4.953; TRACT 3; 4.1376 AC
AND TRACT 4; 55.126 ACRES (Survey/Abstract No. and Tracts; or platted Subdivision Name with Lot/Block)
TOMBALL, TX. OUT OF THE LESSE FARMER SURVEY, A. 629
HCAD Identification Number: 035290000 0338, Acreage: 103.7 AC.
035290000 0382, 035290000 0360, 035292000 0358, 035292000 0343, 035292000 0353,
035292000 0364, 035292000 0355, 035292000 0526
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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

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

X STWA 5-1-19
Signature of Applicant Date

X RS 5-1-19
Signature of Owner Date

Legal Description of Property: TRACTS 1: 39.49 AC, TRACT 2: 4.953; TRACT 3: 4.376
AND TRACT 4: 58.1246 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
TOMBALL, TX. QV. OF THE JESSE PRUITT SURVEY, A. 624
HCAD Identification Number: 035290000338, Acreage: 103.7 AC.
035290000382, 035290000366, 035292000358, 035292000343, 035292000353
Current Use of Property: VACANT
035292000364, 035292000525, 035292000526

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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

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

X STUA 5-1-19
Signature of Applicant Date

X Tawn Rahm Scale 5/26/2019
Signature of Owner Date

Exhibit “B”
Planned Development Regulations

EXHIBIT B
Planned Development
Raburn Reserve

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lts
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>
4. As shown on Exhibit B-1a, *Location Map*, the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on Exhibit B-2, *Site Plan* shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on Exhibit B-2, *Site Plan* shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** – All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot line, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
- (d) Required buffers may include trails.

3. Open Space:

- (a) Minimum 5% open space, to be distributed as shown on [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).
- (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).

4. Shade trees:

- (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#)
- (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#)
- (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
- (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.

5. Plant species used to satisfy the requirements of the PD are listed on [Exhibit B-4, Plant List](#).

G. Sidewalks and Trails: As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following:

1. Sidewalks & trails:

- (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house – Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

Exhibit B-4
Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata</i> 'Nellie R. Stevens'
Savannah Holly	<i>Ilex attenuata</i> 'Savannah'
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Montrey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia</i> 'Bosque' or 'Drake'

Small & Ornamental Trees:

Texas Redbud	<i>Cercis canadensis</i> 'var. <i>texensis</i> '
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokeshrub	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata</i> 'Fosterii'
Possunhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica</i> 'Basham's Pink', 'Natchez', 'Muskogee'
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windrill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia	<i>Abelia x grandiflora</i> 'Prostrata', 'Sherwoodi', Edward Goucher'
Dwarf Bottlebrush	<i>Callistemon citrinus</i> 'Austroflora', 'Firebrand', 'Little John', and 'Splendens'
Japanese Cleome	<i>Ternstroemia gymnathera</i>
Sago Palm	<i>Cycas revoluta</i>
Umbrella Plant	<i>Cyperus alternifolius</i>
African/Butterfly Iris	<i>Diets iridioides</i> , <i>Diets bicolor</i>
Elaeagnus Ebbingei	<i>Elaeagnus macrophylla</i>
Silverberry	<i>Elaeagnus frutilandi</i>
Pineapple Guava	<i>Feijoa selowiana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Barbados Cherry	<i>Malpighia Glabra</i>
Fatsia	<i>Fatsia japonica</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii Nana'
Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon	<i>Ilex vomitoria</i> 'Nana'
Louisiana Iris	<i>Iris louisiana</i>
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Nana'
Ligustrum	<i>Ligustrum japonicum</i>
Waxleaf Glossy Privet	<i>Ligustrum lucidum</i>
Fringe Flower	<i>Loropetalum chinense</i>
Maiden Grass	<i>Miscanthus sinensis</i> var.
Dwarf Wax Myrtle	<i>Myrica pauciflora</i>
Nandina	<i>Nandina domestica</i>
Purple Fountain Grass	<i>Pennisetum setaceum</i>
Indian Hawthorn	<i>Raphiolepis indica</i> 'Clara'
Shrub Rose	<i>Rosa</i> spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Society Garlic	<i>Tulbaghia violacea</i>
Sweet Viburnum	<i>Viburnum</i> spp.
Bridal Wreath Spirea	<i>Spirea prunifolia</i>
Oleander	<i>Nerium oleander</i>
Dwarf Oleander	<i>Nerium oleander</i> 'Petite Pink', 'Little Red'
Plumbago	<i>Plumbago auriculata</i>
Dwarf Pomegranate	<i>Punica granatum</i> 'Nana'
Kumquat	<i>Fortunella</i> spp.
Muhly Grass	<i>Meuhlenbergia lindheimeri</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'

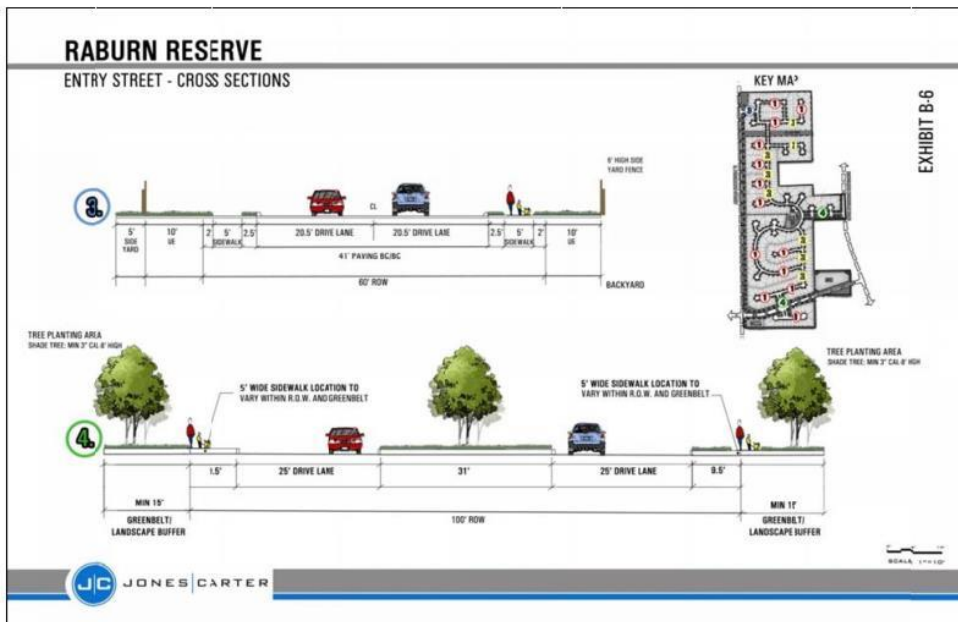
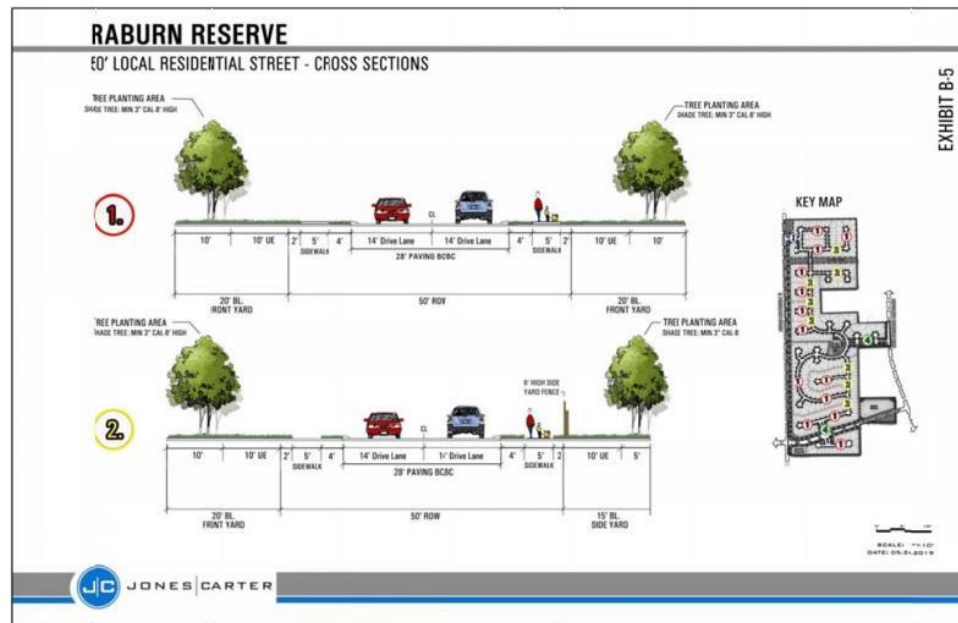


Exhibit "C"
Concept Plan



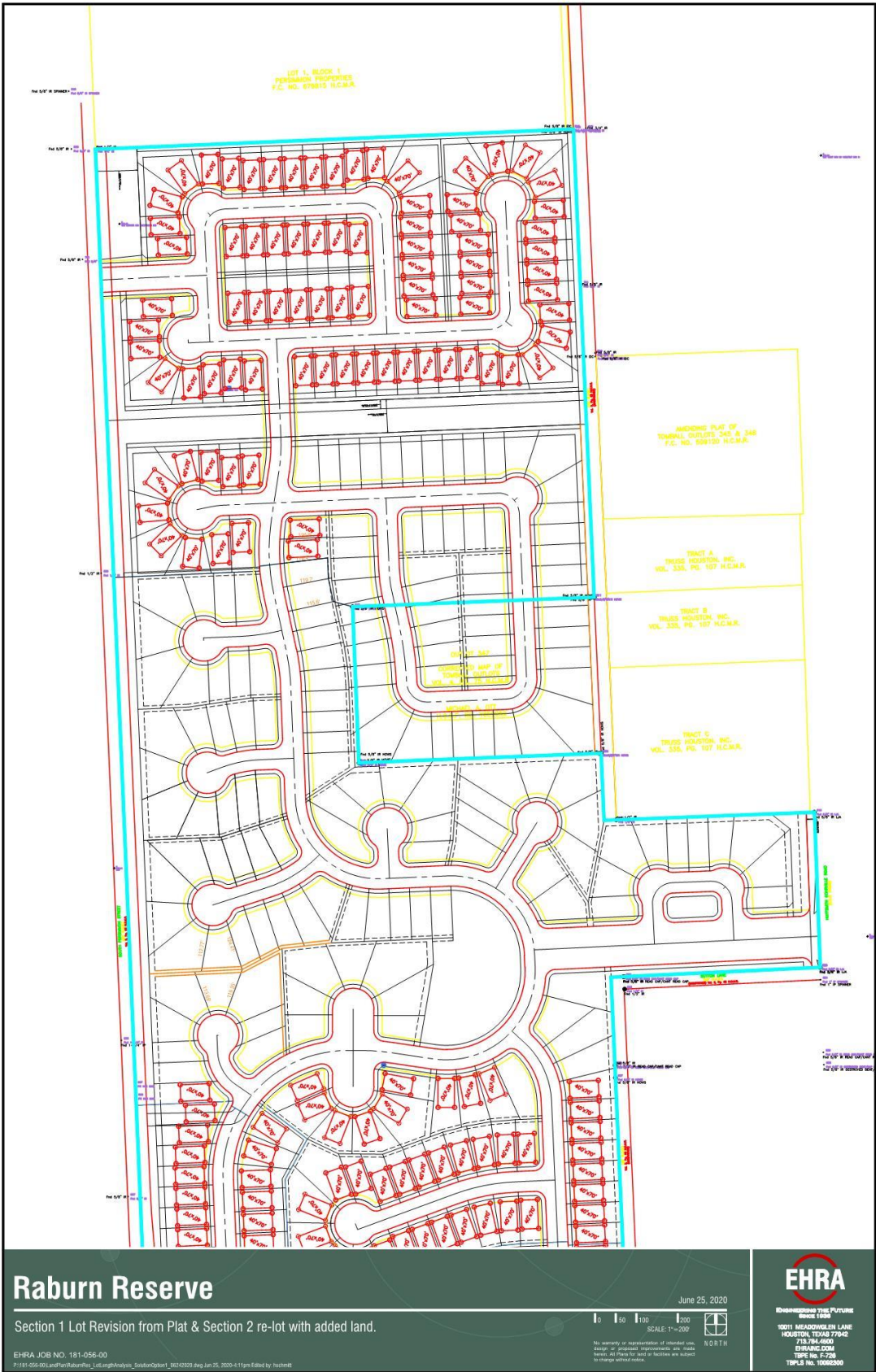
RABURN RESERVE

by

Hines



Exhibit "C"
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2020
&
CITY COUNCIL
OCTOBER 19, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 12, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 19, 2020, 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 P20-238: Request by Brian Stidham - HT Raburn Reserve Development LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District. The property is generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-254: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7.6937 acres of land legally described as a portion of 15.237 acres of Parts of Tracts 6A, 12A, 18A, 24A, 30A & 36A (AG-USE) Tomball Outlots, from the Commercial District to the Duplex District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

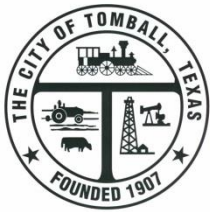
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **October 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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



Notice of Public Hearing

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

CASE NUMBER: P20-238

APPLICANT/OWNER: Brian Stidham - HT Raburn Reserve Development LP.

LOCATION: Generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 347 Tomball Outlots, from the Agricultural District to the Planned Development (PD-12) District.



CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

**Planning & Zoning Commission
Public Hearing:
Monday, October 12, 2020 6:00 PM**

**City Council Public Hearing:
*Monday, October 19, 2020 6:00 PM**

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

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

Brent Jones

(please print)

Address:

22355 H. Smith Kohrville

Tomball Tx 77375

Signature:

[Handwritten Signature]

Date:

9-29-2020

☒

I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

☐

I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

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

Monday, October 12, 2020 6:00 PM

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

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

Monday, October 19, 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

Michael A Ott

(please print)

Address:

16840 Krug Rd

Tomball 77377

Signature:

MIAOTT

Date:

9-28-20

X

I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-238**. (Please state reasons below)

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

Monday, October 12, 2020 6:00 PM

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

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

Monday, October 19, 6:00 PM

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

COMMENTS:

I am for re-zoning for two reasons

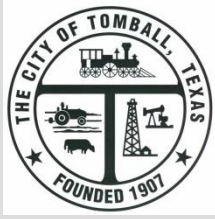
1- I am the owner of the 5 acres and in the process of selling it to the Hines Corp

2. I love the growth our city is experiencing

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

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 12, 2020

City Council Public Hearing Date: October 19, 2020

Rezoning Case: P20-238
Property Owner(s): Michael Ott
Applicant(s): Brian Stidham – HT Raburn Reserve Development LP
Legal Description: Lot 347 Tomball Outlots
Location: East side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road (Exhibit “A”)
Area: 5 acres
Comp Plan Designation: Neighborhood Residential (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Proposed Use(s): Addition to Planned Development District (PD-12), a single-family residential subdivision (Exhibit “E”)
Request: Rezone from the Agricultural District to the Planned Development (PD-12) District

Adjacent Zoning & Land Uses:

North: Planned Development District (PD-12) / Under construction-Raburn Reserve

South: Planned Development District (PD-12) / Under construction-Raburn Reserve

West: Planned Development District (PD-12) / Under construction-Raburn Reserve

East: Commercial District / Under construction-Raburn Reserve

BACKGROUND

In July 2019, City Council voted to approve a Planned Development District (PD-12) for the development of a 103.7-acre single-family residential subdivision. The applicant has since acquired an additional 5-acre tract to be added to the boundary of the master planned development.

ANALYSIS

The property is zoned Agricultural District. Surrounding properties are zoned Planned Development (PD-12) and Commercial District. Most surrounding property is under construction with plans to be developed as the Raburn Reserve subdivision. There are two commercial

establishments to the east of the subject site, along Hufsmith Kohrville Road. The site currently does not have access to a developed public right-of-way.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

“The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter.”

According to the Planned Development Application (Exhibit “E”), the development regulations for the previously approved PD-12 District will remain the same with the exception of the additional 5 acre tract.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This “category is intended for areas predominantly comprised of single-family detached housing”. Appropriate land uses in this category include “safe and desirable neighborhoods, with single-family detached residential being the primary use”. The proposed Planned Development meets the intent of the Future Land Use Designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 25, 2020. A Notice of Public Hearing was published in the paper on September 30, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-238.

EXHIBITS

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

Exhibit "A"
Aerial Photo

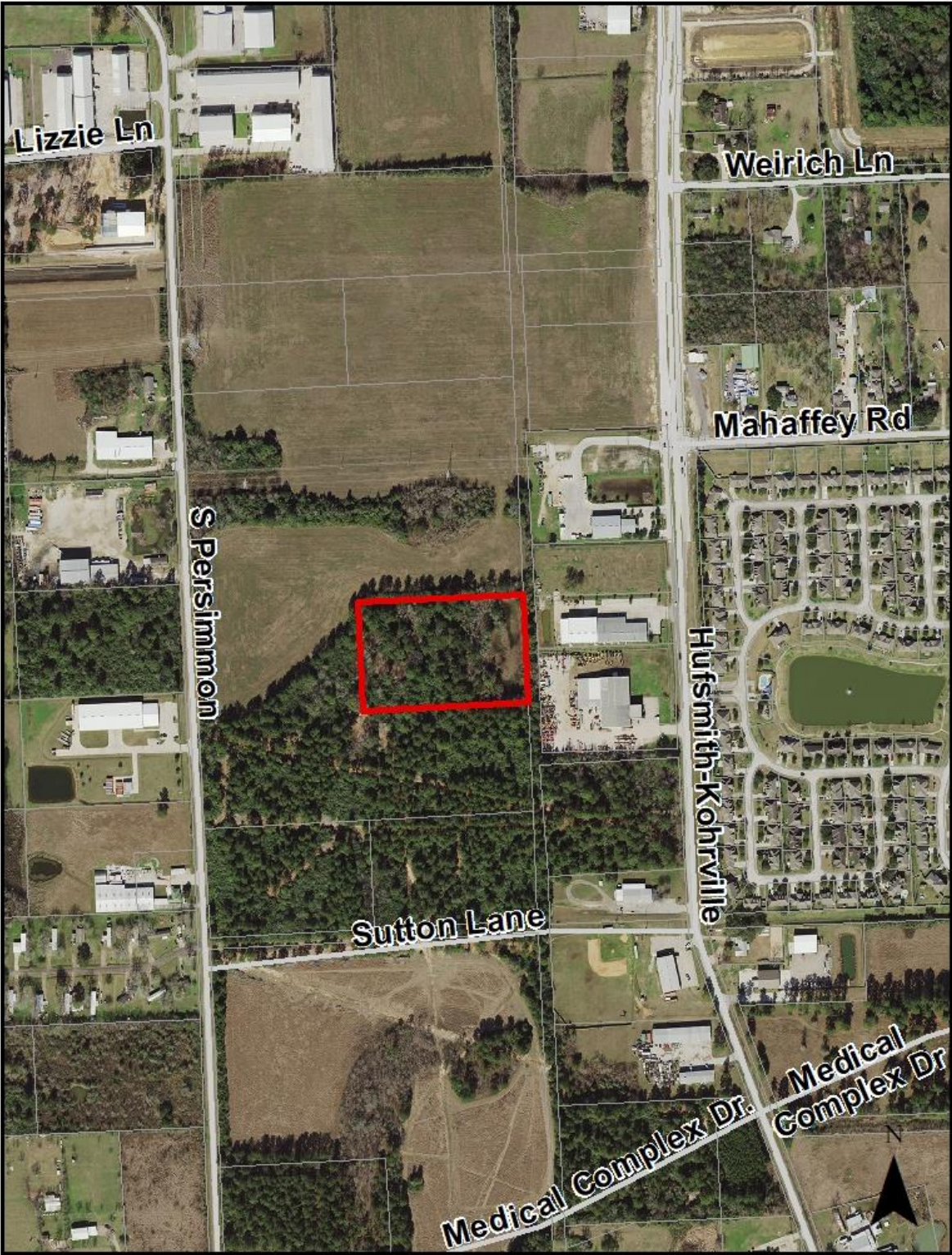


Exhibit "B"
Comprehensive Plan

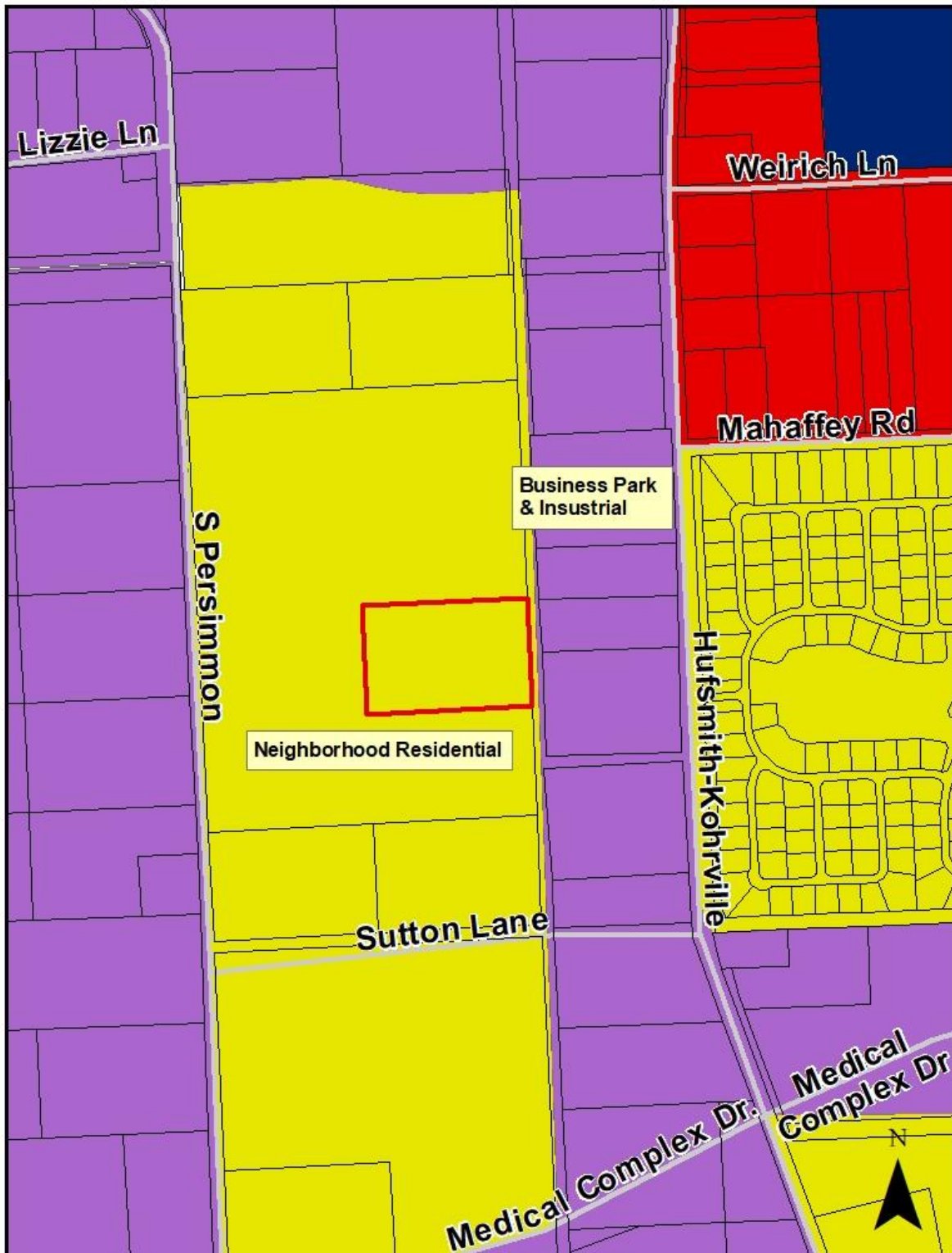
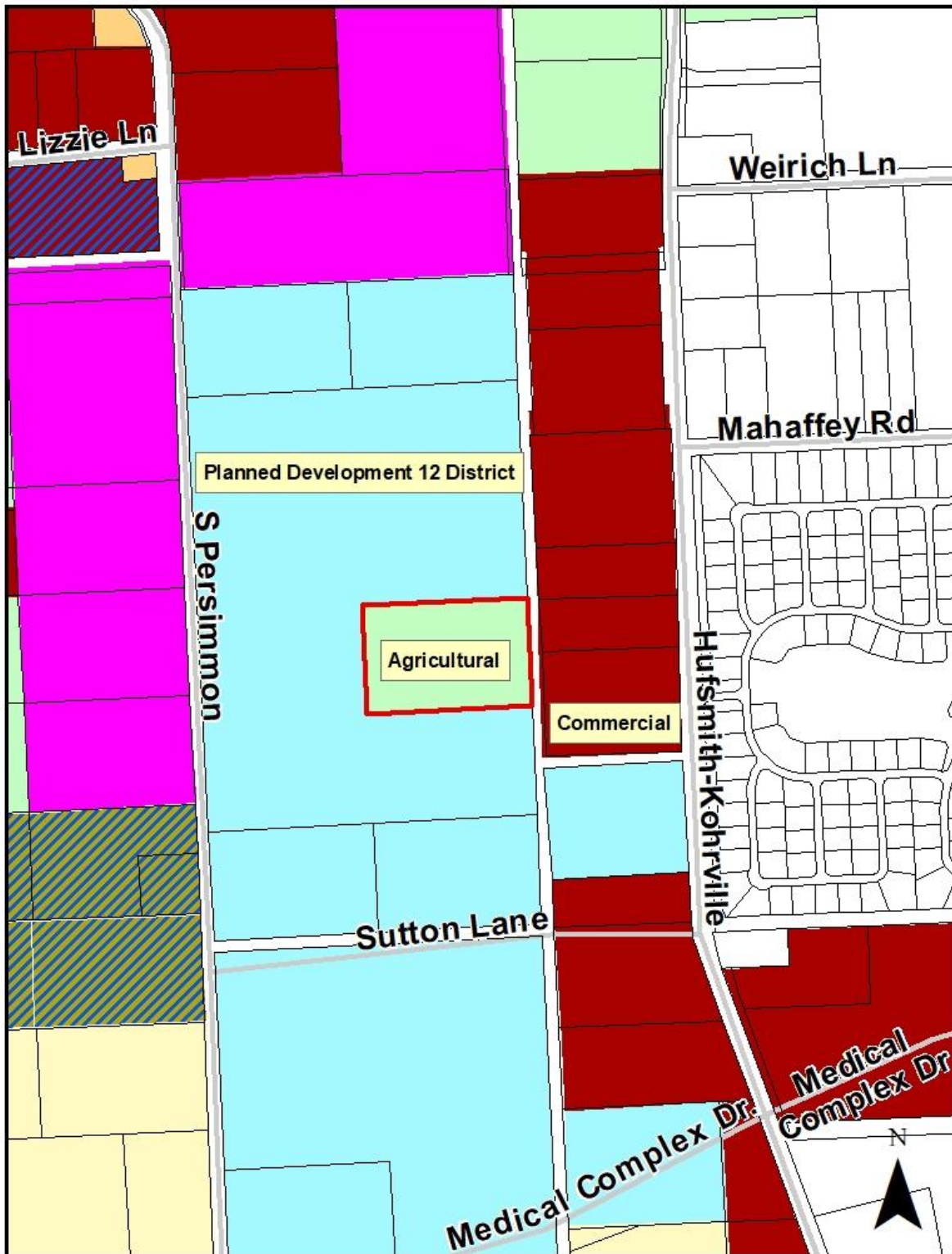


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Aerial image; unable to get to site due to lack of improved right-of-way

Exhibit "E"
Planned Development Application



RECEIVED (KC)
08/20/2020 12:29:04 PM

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

Revised 5/19/15

P&Z #20-238
\$1,000.00 PD.

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

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

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

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

Applicant

Name: Brian Stidham - HT Raburn Reserve Development LP Title: Director
Mailing Address: 609 Main Street Suite 2400 City: Houston State: Tx
Zip: 77002
Phone: (281) 743-9637 Fax: () Email: brian.stidham@hines.com

Owner

Name: Michael A Ott Title:
Mailing Address: 16840 Krug Rd City: Tomball State: Tx
Zip: 77377
Phone: (713) 299-1554 Fax: () Email: mike@mikeott.com

Engineer/Surveyor (if applicable)

Name: Chris Browne - EHRA Title:
Mailing Address: 1001 Meadowglenn Ln City: Houston State: TX
Zip: 77042
Phone: (713) 337-7447 Fax: () Email: cbrowne@ehrainc.com

Description of Proposed Project: Single Family - PD -12 Zoning

Physical Location of Property: Hufsmith Kohrville Rd and Willow Creek Estates Ln (Closest Intersection)
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lt 347 Tomball Outlot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352920000347 Acreage: 5

Current Use of Property: AG - Unimproved

Proposed Use of Property: PD -12 - Single Family Residential

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

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

X Brian Stidham 8/19/20
Signature of Applicant Date

X MAOTT 8-10-20
Signature of Owner Date

Hines

August 20, 2020

Mr. Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for Rezoning

Dear Mr. Meyers:

This letter serves as a formal rezoning request. The property in question is undeveloped but is currently zoned Agriculture District (AG) within the corporate limits of Tomball. We are requesting the property be rezoned to Planned Development (PD). More specifically we are requesting that this 5-acre tract be added to the boundary of the previously approved PD-12 which is immediately adjacent to the North, South, and West of this site.

The property is located west of Hufsmith Kohrville Road close to the intersection of Hufsmith Kohrville and Willow Creek Estates Ln and consists of 5 acres.

PD-12 created by ordinance 2019-13 allows for 400 single family lots. We are not requesting any change to PD-12 other than the addition of the 5-acre tract within its boundaries.

Access to the site will be from internal residential streets that connect to the rest of the Raburn Reserve residential development.

Attached to this request for reference is a copy of a survey of the 5-acre tract, a conceptual site plan, and a copy of ordinance 2019-13 that details the zoning requirements we would like this tract changed to.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

Sincerely,

Brian Stidham

Brian P. Stidham
Director

609 Main Street, Suite 2400
Houston, Texas 77002
P 713.237.5665
F 713.237.5657

BURKLIN SURVEYING COMPANY
1431 GRAHAM DRIVE - SUITE 201
TOMBALL, TEXAS 77375
(713) 351-7153

NOTE: REFERENCE BEARING SOUTH 89°51'00" EAST ALONG
SOUTH LINE OF 30.00 FOOT WIDE PUBLIC ROAD,
NORTH LINE OF OUTLOT 357, WAS HELD FROM CAL-
CULATION DERIVED FROM RECORDED PLAT.

OUTLOT 343

OUTLOT 344

1/4" I.R. Set

S 89°45'00"E. 585.03'

1/4" I.R. Set

PLAT OF PROPERTY

PREPARED FOR
A. B. KLEIN TRUST

PLAT SHOWING SURVEY OF TOMBALL OUTLOT 347 IN THE JESSE
FRUIT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS, AS
PER MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75,
MAP RECORDS, HARRIS COUNTY, TEXAS.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY
OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER
48201C0045 H; MAP REVISED, SEPTEMBER 30, 1992, SHOWS
THIS TRACT TO BE IN ZONE "A" AREAS DETERMINED TO BE
OUTSIDE THE 500 YEAR FLOOD PLAIN.

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES
WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS
STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION
II SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1679

DATED: AUGUST 14, 1996

NOTE: SURVEY DONE WITHOUT BENEFIT OF A TITLE REPORT.



KOHNVILLE - HUFFSMITH RD

OUTLOT 354

30' PUBLIC ROAD

1/4" I.R. Find (Held)

S 89°51'00"E. 474.09'

N 89°42'00"W. 386.24'

OUTLOT 350

1/4" I.R. Set

Find C.W.R.
Set By Eason

"A"

N 00°13'18"E. 377.60'

OUTLOT 346

OUTLOT 349

30' PUBLIC ROAD UNIMPROVED

OUTLOT 347
50767 ACRES

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 103.7 ACRES OF LAND LEGALLY DESCRIBED AS LOTS 338, 339, 341 THROUGH 344, 346, 349, 350, 352 THROUGH 356, 358, 359, 361 THROUGH 365 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY 20 ESTATE AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON ROAD FROM LIZZIE LANE TO AGG ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Stan Winter, with Jones | Carter, has requested that approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family master planned development, with some commercial use; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) District; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF JUNE 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>ABSENT</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 1ST DAY OF JULY 2019.

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

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



Revised 5/19/15

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

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

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

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

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

Applicant: JONES I CARTER
Name: STAN WINTER, AICP Title: VCE PRESIDENT
Mailing Address: 1575 SANDVIST ROAD City: HOUSTON State: TX
Zip: 77380
Phone: (281) 363 9039 Fax: () Email: SWINTER@JONES CARTER.COM

Owner: HINES ACQUISITIONS LLC
Name: BRIAN STIDHAM Title: DIRECTOR
Mailing Address: 609 MAIN STREET City: HOUSTON State: TX
Zip: 5.2400
Phone: (13) 237 5747 Fax: (13) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: _____

Physical Location of Property: _____

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

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

www.tomballtx.gov

Legal Description of Property: TRACTS 1, 39.49 AC, TRACT 2, 4.953; TRACT 3, 4.1768
AND TRACT 4, 55.126 ACRES OF THE ESSE FARM TRUST, A. 629
TOMBALL, TX.
Survey/Abstract No. and Tracts; or platted Subdivision Name with Lot/Block
HCAD Identification Number: 0352900000338, Acreage: 103.7 AC.
0352900000382, 0352900000360, 0352920000358, 0352920000343, 0352920000353
0352920000364, 0352920000355, 0352920000526
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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

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

X STWA 5-1-19
Signature of Applicant Date

X BS 5-1-19
Signature of Owner Date

Legal Description of Property: TRACTS 1: 39.49 AC, TRACT 2: 4.953; TRACT 3: 4.376
AND TRACT 4: 55.1246 ACRES [Survey/Abstract No. and Tracts or platted Subdivision Name with Lots/Block]
TOMBALL, TX. OUT OF THE JESSE PRUITT SURVEY, A. 629
HCAD Identification Number: 03529 0000 0338, Acreage: 103.7 AC.
03529 0000 0382, 03529 0000 0360, 03529 0000 0358, 03529 0000 0343, 03529 0000 0353
03529 0000 0364, 03529 0000 0325, 03529 0000 0526
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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

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

X STA 5-1-19
Signature of Applicant Date

X Tawn Rahurn Seal 5/26/2019
Signature of Owner Date

Exhibit “B”
Planned Development Regulations

EXHIBIT B
Planned Development
Raburn Reserve

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.

2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.

3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>

4. As shown on Exhibit B-1a, *Location Map*, the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on Exhibit B-2, *Site Plan* shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on Exhibit B-2, *Site Plan* shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** –. All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot lines, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
- (d) Required buffers may include trails.

3. Open Space:

- (a) Minimum 5% open space, to be distributed as shown on [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).
- (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. [Exhibit B-3, Landscape, Open Space, & Amenities Plan](#).

4. Shade trees:

- (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#).
- (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on [Exhibit B-5, Local Residential Streets – Cross Sections](#).
- (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
- (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.

5. Plant species used to satisfy the requirements of the PD are listed on [Exhibit B-4, Plant List](#).

G. Sidewalks and Trails: As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following:

1. Sidewalks & trails:

- (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house– Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

Exhibit B-4 Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata 'Nellie R. Stevens'</i>
Savannah Holly	<i>Ilex attenuata 'Savannah'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Montrey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia 'Bosque' or 'Drake'</i>

Small & Ornamental Trees:

Texas Redbud	<i>Cercis canadensis 'var. texensis'</i>
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokebush	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata 'Fosterii'</i>
Possunhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica 'Basham's Pink', 'Natchez', 'Muskogee'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia
Dwarf Bottlebrush

Japanese Cleyera
Sago Palm
Umbrella Plant
African/Butterfly Iris
Elaeagnus Ebbingei
Silverberry
Pineapple Guava
Red Yucca
Barbados Cherry
Fatsia
Dwarf Burford Holly
Chinese Holly
Dwarf Yaupon
Louisiana Iris
Dwarf Crape Myrtle
Ligustrum
Waxleaf Glossy Privet
Fringe Flower
Maiden Grass
Dwarf Wax Myrtle
Nandina
Purple Fountain Grass
Indian Hawthorn
Shrub Rose
Society Garlic
Sweet Viburnum
Bridal Wreath Spirea
Oleander
Dwarf Oleander
Plumbago
Dwarf Pomegranate
Kumquat
Muhly Grass
Dwarf Maiden Grass

Abelia x grandiflora 'Prostrata', 'Sherwoodi', Edward Goucher'
Callistemon citrinus 'Austroflora', 'Firebrand', 'Little John',
and 'Splendens'
Ternstroemia gymnathera
Cycas revoluta
Cyperus alternifolius
Dietes iridioides, *Dietes bicolor*
Elaeagnus macrophylla
Elaeagnus frilandii
Feijoa selowiana
Hesperaloe parviflora
Malpighia Glabra
Fatsia japonica
Ilex cornuta 'Burfordii Nana'
Ilex cornuta 'Rotunda'
Ilex vomitoria 'Nana'
Iris louisiana
Lagerstroemia indica 'Nana'
Ligustrum japonicum
Ligustrum lucidum
Loropetalum chinense
Miscanthus sinensis var.
Myrica pensilla
Nandina domestica
Pennisetum setaceum
Raphiolepis indica 'Clara'
Rosa spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Tulbaghia violacea
Viburnum spp.
Spirea prunifolia
Nerium oleander
Nerium oleander 'Petite Pink', 'Little Red'
Plumbago auriculata
Punica granatum 'Nana'
Fortunella spp.
Meuhlenbergia lindheimeri
Miscanthus sinensis 'Morning Light'

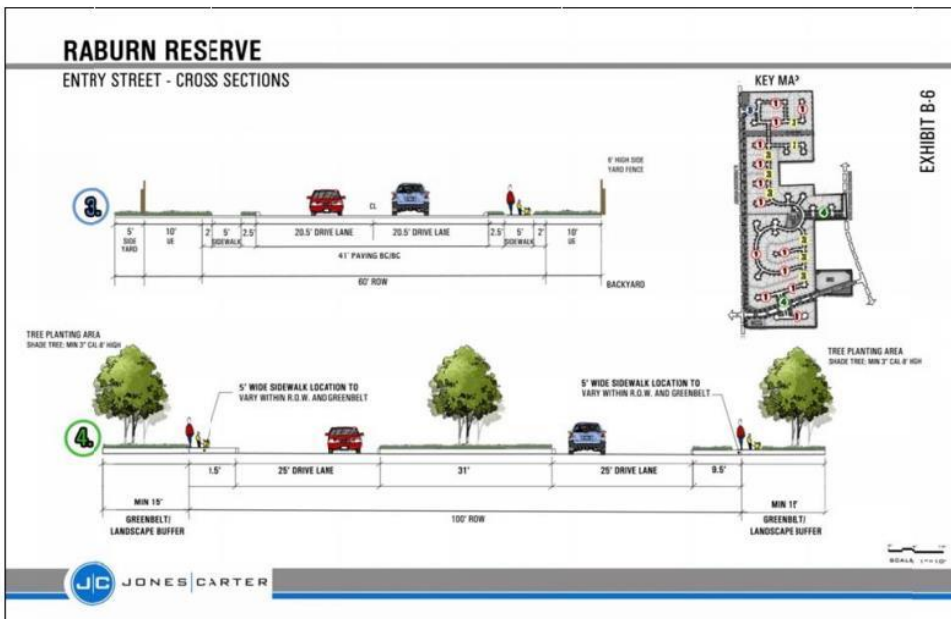
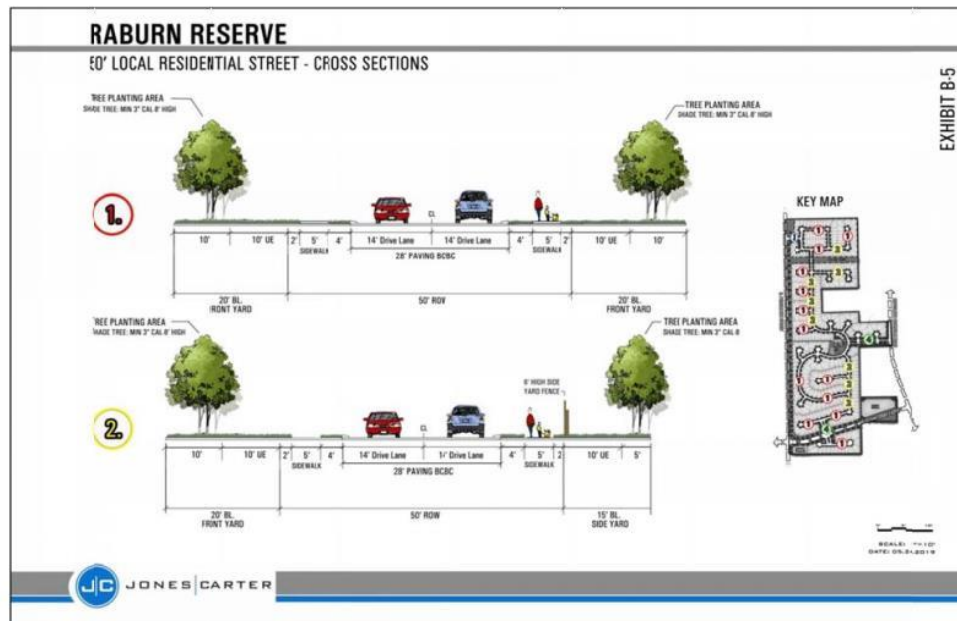
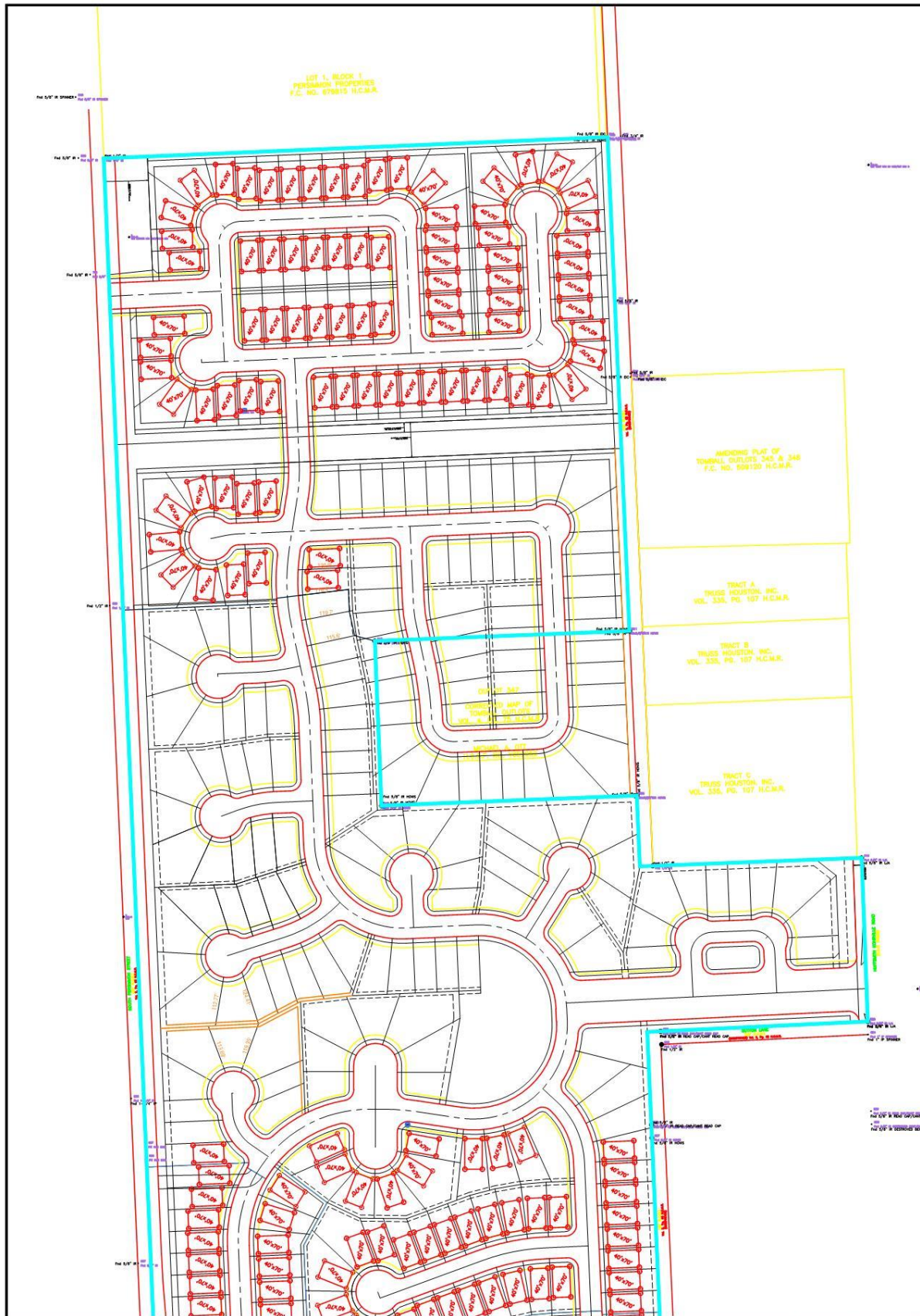


Exhibit "C"
Concept Plan





Exhibit “F” Concept Plan



Raburn Reserve

Section 1 Lot Revision from Plat & Section 2 re-lot with added land.

P:\181-056-00\LandPlan\RubumRes_LatLengthAnalysis_Solution\Option1_06242020.dwg Jun 25, 2020 - 4:11pm Edited by: hschmitt

June 25, 2020

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.

EHRA

ENGINEERING THE FUTURE
Since 1906

10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.784.4500
EHRAINCO.COM
TBPE No. F-726
TBPLS No. 10002500

£ 27

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City Council Meeting Agenda Item Data Sheet

Meeting Date: 10/19/2020

Topic:

Approve the Purchase of one (1) Chevrolet Colorado Crew (2x4), one (1) Chevrolet Silverado 2500 Crew, two (2) Chevrolet Malibu's, and three (3) Police Interceptors through the State Buyboard Cooperative Purchasing Contract, in the amount of \$308,450.00

Background:

This purchase is being made through the state Buyboard Cooperative purchasing Contract and will be funded from the City's Fleet Replacement Fund.

This purchase was approved as part of the adopted FY 2021 budget. The new vehicles will replace existing ones that were evaluated by the Police Department, Public Works, and the Fleet Management Department. The need for the replacement has also been confirmed based upon actual mileage, hours, and condition.

These vehicles, once approved, will be purchased from Caldwell County, through the state Buyboard Cooperative Purchasing Contract in the amount of \$308,450.00.

Additionally, the Police Department has found that Fleet Safety would be best for up-fit and we are requesting the up-fit of the vehicles through them at a cost of \$53,200. In addition to the up-fitting costs, technology items to be purchased from Applied Concepts total \$27,207.50.

Origination: Finance

Recommendation:

Approval of Vehicle Purchase

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

Glenn Windsor CPA, Finance
Director

FUNDING (IF APPLICABLE)

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

Yes: X No: If yes, specify Account Number: # 650-651-6405

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

Signed	Glenn Windsor, CPA	
	Finance Director	Date

Approved by _____
City Manager Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: _____

Topic:

Approve the Engagement Letter with Weaver & Tidwell, L.L.P. for the Independent Audit of the City's Financial Statements and the Preparation of the CAFR As of September 30, 2020.

Background:

The City Manager has concluded negotiations with the auditing firm of Weaver & Tidwell, L.L.P. for the fiscal year ending September 30, 2020. A fee of \$ 70,000 is included in the Engagement Letter.

Origination: Finance

Recommendation:

Approve the Engagement Letter with the firm of Weaver & Tidwell, LLP to perform the independent audit and the Comprehensive Annual Financial Statements (CAFR) for the fiscal year ended September 30, 2020.

Party(ies) responsible for placing this item on agenda: Glenn Windsor, CPA

FUNDING (IF APPLICABLE)

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

Yes: X No: If yes, specify Account Number: #100-116-6301

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

Signed	<u>Glenn Windsor, CPA</u>	Approved by	<u> </u>
	Staff Member		City Manager
	Date		Date

October 12, 2020

Honorable Mayor Gretchen Fagan
and Members of City Council and Management
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

You have requested that Weaver and Tidwell, L.L.P. ("Weaver", "our", "us", and "we") audit the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Tomball, Texas (the "City"), as of September 30, 2020, and for the year then ended and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Accounting principles generally accepted in the United States of America ("U.S. GAAP"), as promulgated by the Governmental Accounting Standards Board ("GASB") require that management's discussion and analysis and budgetary comparison information, among other items, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by GASB, which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information ("RSI") in accordance with auditing standards generally accepted in the United States of America ("U.S. GAAS"). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of Changes in Net Pension Liability and Related Ratios – Texas Municipal Retirement System
3. Schedule of Pension Contributions – Texas Municipal Retirement System
4. Schedule of Changes in the City's Total OPEB Liability and Related Ratios – Retiree Health Care Plan
5. Schedule of Changes in the City's Total OPEB Liability and Related Ratios – Supplemental Death Benefits Fund
6. Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – General Fund

Supplementary information other than RSI will accompany the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including

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comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Combining and Individual Fund Financial Statements and Schedules

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the basic financial statements:

1. Introductory Section
2. Statistical Section

We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material aspects, in conformity with U.S. GAAP and to report on the fairness of the supplementary information referred to above when considered in relation to the basic financial statements as a whole. The objective also includes reporting on internal control related to the basic financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the basic financial statements in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States of America ("GAGAS").

Auditor Responsibilities

We will conduct our audit in accordance with U.S. GAAS and GAGAS. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of assets, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we may request written representations from your attorneys, and they may bill

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you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and GAGAS.

In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

Sarah Roberts is the engagement partner for the audit services specified in this letter, and is responsible for supervising our services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

We may from time to time, and depending on the circumstances, use third-party service providers in performing this engagement. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service provider.

We expect to begin our audit procedures in October 2020, and issue our report in March 2021. We will issue a written report upon completion of our audit of the City's basic financial statements. Our

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report will be addressed to the governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement. If our opinions on the financial statements or compliance are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

In accordance with the requirements of GAGAS, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Non-Attest Services

With respect to any nonaudit/nonattest services we perform, the City has designated Glenn Windsor, Finance Director, to oversee these services. Such services will include:

- a. Preparation of financial statements and related notes
- b. Assisting with entries to convert accounting records from modified accrual to full accrual (GASB 34 entries)

These nonaudit/nonattest services do not constitute an audit under GAGAS and such services will not be conducted in accordance with GAGAS.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

- a. for the preparation and fair presentation of the basic financial statements in accordance with the framework described in Audit Objective above;
- b. for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error;
- c. fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- d. to provide us with:

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- i. access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - ii. additional information that we may request from management for the purpose of the audit; and
 - iii. unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
- e. for including the auditor's report, and our report on any supplementary information if described above, in any document containing the basic financial statements that indicates that such financial statements have been audited by the City's auditor;
- f. for identifying and ensuring that the City complies with the laws and regulations applicable to its activities;
- g. for adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole;
- h. for maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- i. with regard to the supplementary information referred to above: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon; and
- j. informing us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the basic financial statements are issued.

We understand that your employees will prepare all confirmation we request and will locate any documents or support for any other transactions we select for testing.

If we agree herein or otherwise to perform any non-attest services (such as tax services or any other non-attest services), you agree to assume all management responsibilities for those services; oversee the services by designating an individual, preferably from senior management, with

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suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

GAGAS require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a nonaudit/nonattest service.

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal controls, future plans, specific transactions and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The City agrees that as a condition of our engagement to perform an audit that management will, to the best of its knowledge and belief, be truthful, accurate and complete in all representations made to us during the course of the audit and in the written representation letter. The procedures we perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. False or misleading representations could cause us to expend unnecessary efforts in the audit; or, worse, could cause a material error or a fraud to go undetected by our procedures.

Fees and Invoicing

We estimate that the fee for this engagement will be \$70,000. The fee estimate is based on anticipated cooperation from all involved and the assumption that unexpected circumstances will not be encountered during the engagement. This is only an estimate and the fee for these services will be determined by the complexity of the work performed and the tasks required. If significant additional time is necessary, we will discuss the reasons with you and arrive at a new fee estimate before we incur the additional costs. It is understood that neither our fees nor the payment thereof will be contingent upon the results of this engagement.

Our engagement fees do not include consulting on the adoption of new accounting standards and any future increased duties because of any regulatory body, auditing standard or an unknown or unplanned significant transaction. We will consult with you in the event any of these take place that may affect our fees.

Our engagement fees also do not include time and expenses we may incur related to testimony or production of documents in response to any subpoena related to our engagement in a matter in which we are not a party. Charges for time and expenses we incur responding to such requests (including our out-of-pocket expenses such as attorney's fees) will be billed separately and may be the subject of a new engagement letter.

Our invoices for this engagement will be rendered each month as work progresses. Our invoices are payable on presentation. Payment is due in compliance with the Texas Local Government Code.

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Ethical Conflict Resolution

In the unlikely event that circumstances occur which we in our sole discretion believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved or we may resign from the engagement. We will notify you of such conflict as soon as practicable, and will discuss with you any possible means of resolving them prior to suspending our services.

The hiring of or potential employment discussions with any of our personnel could impair our independence. Accordingly, you agree to inform the engagement partner prior to any such potential employment discussions taking place.

Audit Documentation and Confidentiality

The audit documentation we prepare pertaining to and in support of this engagement, along with any resulting work product, is our property and constitutes confidential information. If we are requested to make the documentation available to regulators, government agencies, peer reviewers, or other outside parties, we will notify you before producing any documents in response to the request (unless prohibited by law or direction of law enforcement). Those outside parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies. Access will be provided if required or authorized by law or regulation, or we will otherwise comply with any requirement for your notification and consent prior to disclosure.

We will retain our audit documentation for a period of at least seven years from the date of our report. You agree that following such period, we may destroy the audit documentation without notice to you.

The parties do not intend this engagement or engagement letter to be for the benefit of any third-party. Unless you inform us in writing, we are not aware of the identity of any third-parties to which any of our work product will be supplied and we do not anticipate any such third-parties' reliance upon our professional services unless expressly stated herein.

During the course of the engagement, we may communicate via fax, email, or other electronic mechanism. Please be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Dispute Resolution Procedure including Jury Waiver

Any dispute between the parties arising from or relating to this engagement or engagement letter shall, if negotiations and other discussions fail, be first submitted to mediation before resorting to litigation. The parties agree to conduct any mediation in good faith and make reasonable efforts to resolve any dispute by mediation. If the parties are unable to agree upon a mediator, either party may invoke the mediation service of the American Arbitration Association (AAA) in accordance with the provisions of the Commercial Mediation Procedures then in effect. The parties agree to conduct the mediation in Houston, Texas or another mutually agreed upon

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location, and each party shall bear its own expenses, including attorney's fees and costs, except for the fees of the mediator which shall be borne equally by the parties.

This engagement letter and all disputes between the parties shall be governed by, resolved, and construed in accordance with the laws of the State of Texas, without regard to conflict-of-law principles. Any action arising out of or relating to this engagement or engagement letter shall only be brought in, and each party agrees to submit and consent to the exclusive jurisdiction of, the federal or state courts situated in Tarrant County, Texas.

Each party hereby irrevocably waives any right it may have to trial by jury in any proceeding arising out of or relating to this engagement or this engagement letter.

Whenever possible, this engagement letter shall be interpreted in such a manner as to be effective and valid under applicable laws, regulations, or published interpretation, but if any term of this engagement letter is declared illegal, unenforceable, or unconscionable, that term shall be severed or modified and the remaining terms of the engagement letter shall remain in force. The parties agree that the court should modify any term declared to be illegal, unenforceable, or unconscionable in a manner that will retain the intended term as closely as possible.

If because of a change in status or due to any other reason, any provision in this engagement letter would be prohibited by, or would impair our independence under laws, regulations or published interpretations by governmental bodies, professional organizations or other regulatory agencies, such provision shall, to that extent, be of no further force and effect and this agreement shall consist of the remaining portions.

Miscellaneous

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of the latest external peer review report of our firm for your consideration and files.

We may at times provide you with documents marked as drafts. You understand that those documents are for your review purposes only. You should not or rely upon those documents in any way.

Although the engagement partner responsible for this engagement is a licensed certified public accountant, we inform you that we have nonlicensees who may provide services pertaining to this engagement.

If you intend to publish or otherwise reproduce the financial statements in any document and make reference to our firm or include our report or any portion of it, and that document is assembled differently from any paper or electronic version that we may have assembled and provided to you, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our approval.

Unless we provide you with written consent in advance of such use, the audited financial statements and our report are not intended to and should not be provided or otherwise made

Honorable Mayor Gretchen Fagan
and Members of City Council and Management
City of Tomball, Texas
October 12, 2020

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available for use in connection with the sale of debt or other securities. If, in our professional judgment, the circumstances require, we may withhold our consent.

This engagement letter sets forth all of the agreed upon terms and conditions of our engagement with respect to the matters covered herein, and supersedes any that may have come before. This engagement letter may not be amended or modified except by further writing signed by all the parties.

We appreciate the opportunity to assist you and look forward to working with you and your team.

Sincerely,

Weaver and Tidwell, L.L.P.

WEAVER AND TIDWELL, L.L.P.

Houston, Texas

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our engagement as described herein, including each party's respective responsibilities. By signing below, the signatory also represents that they have been authorized to execute this agreement.

City of Tomball, Texas

By: _____

Printed Name: _____

Title: _____

Date: _____