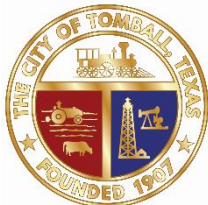


**NOTICE OF CANVASS & REGULAR MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, May 16, 2022  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 16, 2022 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.

**THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR MAY 16, 2022, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. 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: 850 7604 3904, Passcode: 515665. 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. Canvas of Election

*Escrutinio de la Elección*

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

1. Approve Resolution 2022-18 and Order Canvassing the Returns and Declaring the Results of the General and Special Elections held on May 7, 2022

*Aprobar Resolución Nro. 2022-18 y Orden de Escrutinio y Declaración de Resultados de las Elecciones Generales y Especiales celebradas el 7 de mayo de 2022*

NGHỊ QUYẾT 2022-18 VÀ LỆNH KIỂM PHIẾU VÀ CÔNG BỐ KẾT QUẢ CÁC CUỘC TỔNG TUYỂN CỬ VÀ BẦU CỬ ĐẶC BIỆT TỔ CHỨC VÀO NGÀY 7 THÁNG NĂM, 2022

第2022-18號決議關於審覈選票報告以及宣布2022年5月7日舉行的普通及特別選舉結果的命令。

2. Administer Oath of Office to Elected Officials  
*Administrar el juramento al cargo de los funcionarios electos*  
Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn  
管管理選舉官員宣誓就職
  3. Recess for Reception  
*Recreo para Recepción*  
Giờ giải lao cho Lễ tân  
接待休息時間
  4. Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter  
*Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de al Ciudad de Tomball*  
Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball  
考慮選出暫替市長 根據Tomball市自治憲章6.08節
- C. Invocation - Led by Pastor Greg Jenkins – Tomball Assembly of God
- D. Pledges to U.S. and Texas Flags
- E. 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.]*

F. Presentations

- I. Proclamation – May 15-21, 2022 is “**2022 Peace Officers Memorial Day and Tomball Police Week**”  
Proclamation– May 15-21, 2022 is “**National Public Works Week, “Ready & Resilient” – Tomball, Texas**”  
Proclamation – May 15-21, 2022 is “**Northwest Community Health, and National Emergency Medical Services Week - "Rising to the Challenge" – Tomball, Texas**”

G. Reports and Announcements

1. Announcements

I. May 23 through May 31, 2022 – **Early Voting** for the **June 4, 2022 Runoff Election**, at City Hall, 401 Market Street

II. **June 4, 2022 – Tomball Runoff Election Day** – 7:00 a.m. to 7:00 p.m. at City Hall, 401 Market Street

III. **Tomball City Pool – 2022 Swim Season - Jerry Matheson Park Pool**  
*will be open Memorial Day Weekend, May 28-29, from Noon–8 p.m., and on Memorial Day from 10 a.m.–6 p.m..*

The Regular Season begins on May 31 (Tuesday), operating from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.

*End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.*

The pool will be closed every Monday during swim season 2022, except Memorial Day (May 30), July 4th, and Labor Day (September 5).

IV. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)

V. July 9, 2022 – **2<sup>nd</sup> Saturday at the Depot**

VI. August 5, 2022 – **50<sup>th</sup> Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

2. Reports by City staff and members of council about items of community interest on which no action will be taken:
  - Sasha Smith – Report on the Success of ***Rails & Tails Mudbug Festival*** on May 7, 2022

H. Approval of Minutes

1. Approve the Minutes of the May 2, 2022 Regular Tomball City Council Meeting

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

1. Adopt, on Second Reading, Ordinance No. 2022-06, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (*Being a Tract or Parcel containing 3.070 Acres of Land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, Being all of that Certain Called 3.070 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359*) (21830 Hufsmith Kohrville, HCAD 0352900000525 and 0352960000529)

2. Adopt, on Second Reading, Ordinance No. 2022-07, 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 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629 (described in “Exhibit A”), within the City of Tomball, Harris County, Texas, from the Agricultural (AG) District to the General Retail (GR) District, said property being generally located within the 21700-21800 Blocks (East Side) of Hufsmith-Kohrville Road, 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.

J. New Business

1. Consideration to Approve **Case P22-016:** Request by Harrisburg Homes, Inc. to amend the City of Tomball's Comprehensive Plan to update the Major



Thoroughfare Plan Map. Removing the **proposed east-west extension of Medical Complex Drive extending approximately 0.9 miles from the eastern right-of-way boundary of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.**

- Conduct Public Hearing on **Case P22-016**
- Adopt, on First Reading, Ordinance No. 2022-04, an ordinance of the City of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Major Thoroughfare Plan Map; 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.

2. Consideration to Approve **Zoning Case P22-106**: Request from the collective owners of properties have requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. Being generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas

- Conduct Public Hearing on **Case P22-106**
- Adopt, on First Reading, Ordinance No. 2022-11, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinance by changing the Zoning District Classification of approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed Use (OT & MU) District, being generally located in the 500 block (north side) of James Street, within the City of Tomball, Harris County, Texas; 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 Resolution No. 2022-19, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and Being Located within the City of Tomball [*Public Hearing Date: June 20, 2022 for Tomball Public Improvement District No. 14 (Seven Oaks)*]

4. Approval to execute an Agreement for Professional Services with Gunda Corporation for E&P Project 2014-10031 for the FM 2920 Improvement Project in the amount of \$49,685.00
5. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
  - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
  - Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Public Works Director
6. Confirm the Appointment of the Director of Public Works by the City Manager

K. 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 12th day of May 2022 by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

City Council Meeting  
Agenda Item  
Data Sheet

Meeting Date: May 16, 2022

Topic:  
Canvass of Election  
*Escrutinio de la Elección*  
Kiểm Phiếu của Cuộc Bầu Cử  
拉票選舉

Approve Resolution 2022-18 and Order Canvassing the Returns and Declaring the Results of the General and Special Elections held on May 7, 2022  
*Aprobar Resolución Nro. 2022-18 y Orden de Escrutinio y Declaración de Resultados de las Elecciones Generales y Especiales celebradas el 7 de mayo de 2022*  
NGHỊ QUYẾT 2022-18 VÀ LỆNH KIỂM PHIẾU VÀ CÔNG BỐ KẾT QUẢ CÁC CUỘC TỔNG TUYỂN CỬ VÀ BẦU CỬ ĐẶC BIỆT TỔ CHỨC VÀO NGÀY 7 THÁNG NĂM, 2022  
第2022-18號決議和關於審覈選票報告以及宣布2022年5月7日舉行的普通及特別選舉結果的命令。

Background:  
Approval of Resolution No. 2022-18, canvassing the results of the General and Special Elections held on May 7, 2022 will complete the Canvass of the races for Mayor and Council Position 5 in the May 7, 2022 Election, after which oaths of office will be administered by Judge Peabody.  
Runoff for Council Position 3 will be held on June 4, 2022.

Origination: City Secretary

Recommendation:

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

FUNDING (IF APPLICABLE)  
Are funds specifically designated in the current budget for the full amount required for this purpose?  
Yes: No: If yes, specify Account Number: #  
If no, funds will be transferred from account # To account #

Signed	Doris Speer	5-12-2022	Approved by	
	Staff Member	Date		City Manager
				Date

**RESOLUTION NO. 2022-18**

**RESOLUTION 2022-18 AND ORDER CANVASSING THE RETURNS AND  
DECLARING THE RESULTS OF THE GENERAL AND SPECIAL  
ELECTIONS HELD ON MAY 7, 2022.**

\* \* \* \* \*

**WHEREAS**, there came to be considered the returns of **THE GENERAL AND SPECIAL ELECTIONS**, conducted on the 7<sup>th</sup> day of May, 2022, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 1,042 valid and legal votes:

**MAYOR**

Gretchen Fagan 407

Lori Klein Quinn 630

**COUNCIL, POSITION 3**

Sheryl Martinez 99

Dane Dunagin 386

Chad Degges 422

**COUNCIL, POSITION 5**

Matthew Martinez 289

Randy Parr 642

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

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

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

**Section 3.** That no candidate in the May 7, 2022, General City Election race for Council

Position 3 received a majority vote, as required by the City of Tomball Home Rule Charter, Sec. 5.05 – Election by Majority, to-wit:

“At the regular election, or any special election held to fill vacancies in the Mayor or Council member positions, the candidate receiving the majority of votes cast for the position shall be declared elected. If none of the candidates for a given position receives a majority of the votes cast, a runoff election shall be conducted in accordance with the TEXAS ELECTION CODE between the two candidates receiving the greatest number of votes.”

**Section 4.** That a runoff election shall be held in and throughout the City of Tomball, Texas, on the 4<sup>th</sup> day of June 2022, at which runoff election Council Position 3 shall be elected by the resident qualified electors in and for the said City of Tomball; and

**Section 5.** That said general election was duly called; that NOTICE OF SAID ELECTION was given in accordance with law, and Randy Parr was duly elected to the position of Council, Position 2.

**Section 6.** That the above-named Randy Parr is hereby declared duly elected to said position of Council, Position 5, subject to the taking of his/her OATH OF OFFICE as provided by the laws of the State of Texas and the City of Tomball, Texas; and

**Section 7.** It is further found and determined that, in accordance with the Order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board, located in City Hall, in a place convenient to the public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the date of this meeting.

**SO IT IS RESOLVED**, by \_\_\_\_ votes in favor of and \_\_\_\_ votes against this Resolution by the City Council of the City of Tomball, Texas, on this the 16th day of May, 2022.

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Gretchen Fagan, Mayor  
City of Tomball

ATTEST:

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Doris Speer, City Secretary  
City of Tomball

## RESOLUCIÓN NRO. 2022-18

### RESOLUCIÓN 2022-18 Y ORDEN DE ESCRUTINIO Y DECLARACIÓN DE RESULTADOS DE LAS ELECCIONES GENERALES Y ESPECIALES CELEBRADAS EL 7 DE MAYO DE 2022.

\* \* \* \* \*

EN VISTA DE QUE, se presentaron para consideración los resultados de las **ELECCIONES GENERALES Y ESPECIALES**, celebradas el 7 de mayo de 2022, para el propósito de elegir los funcionarios nombrados en lo sucesivo, y surge de dichos resultados, debida y legalmente preparados, que en dicha elección se emitieron \_\_\_\_\_ válidos y legales:

#### ALCALDE/SA

Gretchen Fagan 407

Lori Klein Quinn 630

#### POSICIÓN 3 DEL CONSEJO

Sheryl Martinez 99

Dane Dunagin 386

Chad Degges 422

#### POSICIÓN 5 DEL CONSEJO

Matthew Martinez 289

Randy Parr 642

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

**Sección 1.** Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN de acuerdo con la ley, y Lori Klein Quinn fue debidamente electa para el cargo de Alcaldesa.

**Sección 2.** Que, por la presente, Lori Klein Quinn mencionada antes es declarada debidamente electa para dicho cargo de Alcaldesa, sujeto a la toma de su JURAMENTO AL CARGO según lo dispuesto por las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

**Sección 3.** Que ningún candidato en la contienda por la Posición 3 en el Consejo en la Elección Municipal General del 7 de mayo de 2022 recibió una mayoría de votos, como lo exige la Carta orgánica de Gobierno Autónomo de la Ciudad de Tomball, Sección 5.05 - Elección por mayoría, a saber:

“En la elección regular, o en cualquier elección especial para llenar vacantes en el cargo de Alcalde o en las posiciones en el Consejo, el candidato que reciba la mayoría de los votos emitidos para la posición será declarado electo. Si ningún candidato para una posición determinada recibe una mayoría de los votos emitidos, se llevará a cabo una elección de segunda vuelta de acuerdo con el CÓDIGO ELECTORAL DE TEXAS entre los dos candidatos que recibieron la mayor cantidad de votos.”

**Sección 4.** Que se realice una elección de segunda vuelta en toda la Ciudad de Tomball, Texas, el 4 de junio de 2022, elección de segunda vuelta en la cual los residentes que sean votantes habilitados votarán para elegir al funcionario que ocupe la Posición 3 en el Consejo en y para la mencionada Ciudad de Tomball; y

**Sección 5.** Que dicha elección general fue debidamente convocada; que se dio AVISO DE DICHA ELECCIÓN de acuerdo con la ley, y Randy Parr fue debidamente electo para el cargo en la Posición 2 del Consejo.

**Sección 6.** Que, por la presente, Randy Parr mencionado antes es declarado debidamente electo para dicho cargo en la Posición 5 del Consejo, sujeto a la toma de su JURAMENTO AL CARGO según lo dispuesto por las leyes del Estado de Texas y de la Ciudad de Tomball, Texas; y

**Sección 7.** Se halla y determina además que, de acuerdo con la Orden de este órgano de gobierno, la Secretaria de la Ciudad colocó un aviso por escrito con la fecha, lugar y asunto de esta asamblea en el tablero de boletines de la Alcaldía, un lugar conveniente para el público, aviso que fue colocado de dicha manera y permaneció colocado por al menos 72 horas continuas con anterioridad a la fecha de esta asamblea.

**RESUÉLVASE** por \_\_\_\_ votos a favor y \_\_\_\_ votos en contra de esta Resolución por el Consejo Municipal de la Ciudad de Tomball, Texas, el 16 de mayo de 2022.



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Gretchen Fagan, Alcaldesa  
Ciudad de Tomball

ATESTIGUA:

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Doris Speer, Secretaria de la Ciudad  
Ciudad de Tomball

## NGHỊ QUYẾT SỐ 2022-18

### NGHỊ QUYẾT 2022-18 VÀ LỆNH KIỂM PHIẾU VÀ CÔNG BỐ KẾT QUẢ CÁC CUỘC TỔNG TUYỂN CỬ VÀ BẦU CỬ ĐẶC BIỆT TỔ CHỨC VÀO NGÀY 7 THÁNG NĂM, 2022.

\* \* \* \* \*

**XÉT THẤY RẰNG**, cần xem xét kết quả phiếu bầu của **CÁC CUỘC TỔNG TUYỂN CỬ VÀ BẦU CỬ ĐẶC BIỆT** được tiến hành vào ngày 7 tháng Năm, 2022, để bầu ra các viên chức có tên trong phần sau của tài liệu này, và theo kết quả phiếu bầu được thực hiện hợp thức và hợp pháp nói trên, cuộc bầu cử nói trên có 1,042 phiếu bầu hợp lệ và hợp pháp:

#### **THỊ TRƯỞNG**

Gretchen Fagan 407

Lori Klein Quinn 630

#### **ỦY VIÊN HỘI ĐỒNG, VỊ TRÍ 3**

Sheryl Martinez 99

Dane Dunagin 386

Chad Degges 422

#### **ỦY VIÊN HỘI ĐỒNG, VỊ TRÍ 5**

Matthew Martinez 289

Randy Parr 642

**VÌ VẬY, BÂY GIỜ HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS RA NGHỊ QUYẾT NHƯ SAU:**

**Mục 1.** Cuộc tổng tuyển cử nói trên đã được ra lệnh tổ chức một cách hợp thức; rằng THÔNG BÁO VỀ CUỘC BẦU CỬ NÓI TRÊN đã được thực hiện theo luật, và Lori Klein Quinn đã được bầu vào vị trí Thị Trưởng một cách hợp thức.

**Mục 2.** Theo đây được tuyên bố Lori Klein Quinn được ghi trên đã được bầu vào vị trí Thị Trưởng một cách hợp thức, phải TUYÊN THỆ NHẬM CHỨC theo quy định của luật pháp Tiểu Bang Texas và Thành Phố Tomball, Texas; và

**Mục 3.** Không có ứng cử viên nào trong vòng tranh cử Tổng Tuyển Cử của Thành Phố ngày 7 tháng Năm, 2022 cho chức vụ Ủy Viên Hội Đồng, Vị Trí 3 nhận được đa số phiếu bầu theo quy định của Hiến Chương Quy Chế Nội Bộ của Thành Phố Tomball, Mục 5.05 – Bầu Chọn theo Đa Số, cụ thể là:

“Tại cuộc bầu cử thường lệ, hoặc cuộc bầu cử đặc biệt bất kỳ nhằm bầu chọn nhân sự vào vị trí trống cho các chức vụ Thị Trưởng hoặc Ủy Viên Hội Đồng, ứng cử viên nhận được đa số phiếu bầu cho vị trí đó sẽ được tuyên bố trúng cử. Nếu không ứng cử viên nào nhận được đa số phiếu bầu cho vị trí trống đó, sẽ phải tiến hành một cuộc bầu cử quyết định chung cuộc theo quy định của BỘ LUẬT BẦU CỬ TEXAS giữa hai ứng cử viên nhận được số phiếu bầu cao nhất.

**Mục 4.** Một cuộc bầu cử quyết định chung cuộc sẽ được tổ chức trong và khắp Thành Phố Tomball, Texas, vào ngày 4 tháng Sáu, 2022, để các cử tri cư dân hội đủ điều kiện sẽ bầu chọn nhân sự cho vị trí Ủy Viên Hội Đồng, Vị Trí 3 trong và cho Thành Phố Tomball nói trên; và

**Mục 5.** Cuộc tổng tuyển cử nói trên đã được ra lệnh tổ chức một cách hợp thức; THÔNG BÁO VỀ CUỘC BẦU CỬ NÓI TRÊN đã được thực hiện theo luật, và Randy Parr đã được bầu vào vị trí Ủy Viên Hội Đồng, Vị Trí 2 một cách hợp thức.

**Mục 6.** Theo đây tuyên bố Randy Parr được nhắc đến ở trên đã được bầu vào chức vụ Ủy Viên Hội Đồng, Vị Trí 2 nói trên một cách hợp thức, phải TUYÊN THỆ NHẬP CHỨC theo quy định của luật pháp Tiểu Bang Texas và Thành Phố Tomball, Texas; và

**Mục 7.** Ngoài ra, Hội Đồng Thành Phố nhận thấy và xác định rằng, chiếu theo Lệnh của cơ quan quản lý này, Thư Ký Hội Đồng Thành Phố đã niêm yết văn bản thông báo về ngày, địa điểm và chủ đề của cuộc họp này trên bảng tin nằm ở Tòa Thị Chánh, tại một địa điểm thuận lợi cho công chúng xem xét, và thông báo nói trên đã được niêm yết liên tục như vậy trong ít nhất 72 giờ đồng hồ trước ngày tổ chức cuộc họp này.

**VÌ VẬY NGHỊ QUYẾT** này được Hội Đồng Thành Phố của Thành Phố Tomball, Texas, đưa ra và nhận được \_\_\_\_ phiếu thuận và \_\_\_\_ phiếu chống, vào hôm nay, ngày 16 tháng Năm, 2022.

Nghị Quyết Số 2022-18  
Trang 3 của 3

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Glenn Royal, Thị Trưởng  
Thành Phố Tomball

CHỨNG THỰC:

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Doris Speer, Thư Ký Hội Đồng Thành Phố  
Thành Phố Tomball

## 第2022-18號決議

第2022-18號決議和關於審覈選票報告以及宣布2022年5月7日舉行的普通及特別選舉結果的命令。

\* \* \* \* \*

鑑於，考慮於2022年5月7日舉行的為選舉下列官員的普通及特別選舉的選票報告，且上述選票報告，是正式和合法製作的，在上述選舉中投有1,042合法有效票數：

### 市長

Gretchen Fagan 407

Lori Klein Quinn 630

### 議會，席位3

Sheryl Martinez 99

Dane Dunagin 386

Chad Degges 422

### 議會，席位 5

Matthew Martinez 289

Randy Parr 642

目前，特此由TEXAS州，TOMBALL市市議會決議：

第1節。 普通選舉已正式召開；上述選舉通知依法發出的，以及Lori Klein Quinn正式當選市長職位。

第2節。 特此宣布上述Lori Klein Quinn正式當選市長職位，但須按照Texas州和Texas州Tomball市的法律規定宣誓就職；以及

**第3節。** 在2022年5月7日的市議會選舉中，沒有任何候選人獲得議會席位3的多數票，這根據Tomball市地方自治憲章第5.05條 - 多數選舉的要求，即：

“在普通選舉或為填補市長或議會成員席位空缺而舉行的任何特別選舉中，應宣布獲得該職位多數票的候選人當選。如果給定職位的候選人都沒有獲得過半數的選票，則應根據TEXAS州選舉法規在獲得最多票數的兩名候選人之間進行決選。”

**第4節。** 將於2022年6月4日在Texas州Tomball市及其全市舉行決選，屆時決選議會席位3將由Tomball市的居民合格選民選出；以及

**第5節。** 普通選舉已正式召開；上述選舉通知依法發出的，以及Randy Parr正式當選為議會席位2。

**第6節。** 特此宣布上述Randy Parr正式當選議會席位5，但須按照Texas州和Texas州Tomball市的法律規定宣誓就職；以及

**第7節。** 經進一步發現和確定，按照此理事機構之命令，市秘書已發布關於此會議的日期，地點和主題的書面通知於市政廳的公告欄上，此位置方便公眾，並此通知已經如上述張貼，並保持連續發布至少72小時於會議日期之前。

特此決議，由 \_\_\_\_\_ 票贊同和 \_\_\_\_\_ 票反對此決議案經由Texas州，Tomball市市議會，於2022年5月16日。

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Gretchen Fagan, 市長  
Tomball市

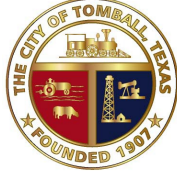
見證：

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Doris Speer, 市秘書  
Tomball市

**NOTICE OF CANVASS OF ELECTIONS  
AT THE  
REGULAR CITY COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**

**MONDAY, MAY 16, 2022**



**6:00 P.M.**

Notice is hereby given that the Canvass of the May 7, 2022 General and Special City Elections will be held at a Regular meeting of the Tomball City Council, on **Monday, May 16, 2022 at 6:00 p.m.**, at City Hall, 401 Market Street, Tomball, Texas 77375.

Por el presente, se notifica que el escrutinio de las Elecciones Generales y Especiales de la Ciudad del 7 de mayo de 2022 se llevará a cabo en la asamblea ordinaria del Consejo Municipal de Tomball el lunes 16 de mayo de 2022 a las 6:00 p.m. en la Alcaldía sita en 401 Market Street, Tomball, Texas 77375.

特此通知，2022 年 5 月 7 日普通和特別本市選舉的審核將於 2022 年 5 月 16 日週一下午 6:00 在 Tomball 市議會例行會議上舉行，地點為市政廳，401 Market Street, Tomball, Texas 77375。

Theo đây xin thông báo việc Kiểm Phiếu Bầu của Cuộc Tổng Tuyển Cử và Cuộc Bầu Cử Đặc Biệt của Thành Phố ngày 7 tháng Năm, 2022 sẽ diễn ra trong cuộc họp Thường Lệ của Hội Đồng Thành Phố Tomball vào **thứ Hai, ngày 16 tháng Năm, 2022 lúc 6:00 p.m.**, tại City Hall, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12th day of May 2022 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer  
Doris Speer  
City Secretary, TRMC

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



[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

City Council Meeting  
Agenda Item  
Data Sheet

Meeting Date: May 16, 2022

Topic:  
Administer Oath of Office to Elected Officials  
*Administrar el juramento al cargo de los funcionarios electos*  
Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn  
管管理選舉官員宣誓就職

Background:

Origination: City Secretary

Recommendation:

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

FUNDING (IF APPLICABLE)  
Are funds specifically designated in the current budget for the full amount required for this purpose?  
Yes: No: If yes, specify Account Number: #  
If no, funds will be transferred from account # To account #

Signed	Doris Speer	5-11-2022	Approved by	
	Staff Member	Date		City Manager
				Date

City Council Meeting  
Agenda Item  
Data Sheet

Meeting Date: May 16, 2022

**Topic:**  
Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter  
*Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de al Ciudad de Tomball*  
Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball  
考慮選出暫替市長，根據 Tomball 市自治憲章 6.08 節

**Background:**  
*Section 6.08 - The Council, at its first meeting after the election of Councilmen, shall elect one of its members Mayor Pro-Tem, and he shall perform all the duties of the Mayor in the absence or disability of the Mayor. The Mayor Pro-Tem shall retain his voting privileges when acting in the absence of the Mayor.*

**Origination:** City Secretary

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**  
Are funds specifically designated in the current budget for the full amount required for this purpose?  
Yes: No: If yes, specify Account Number: #  
If no, funds will be transferred from account # To account #

Signed	Doris Speer	5-11-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

- Proclamation – May 15-21, 2022 is *“2022 Peace Officers Memorial Day and Tomball Police Week”*
- Proclamation – May 15-21, 2022 is *“National Public Works Week, “Ready & Resilient” – Tomball, Texas”*
- Proclamation – May 15-21, 2022 is *“Northwest Community Health, and National Emergency Medical Services Week - "Rising to the Challenge" – Tomball, Texas”*

**Background:**

**Origination:** Mayor

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

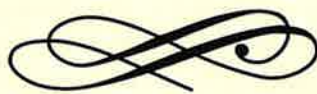
If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

Office of the Mayor  
Tomball, Texas



# Proclamation



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

**NOW, THEREFORE, I, LORI KLEIN QUINN**, Mayor of the City of Tomball, do hereby proclaim **Sunday, May 15, 2022** as:

**"PEACE OFFICERS MEMORIAL DAY"**

and the week of **May 15 through 21, 2022** as:

**"TOMBALL POLICE WEEK"**

and encourage the citizens of Tomball and those with us today to join us as we "**HONOR THE STANDING AND THE FALLEN**"



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

*Lori Klein Quinn*

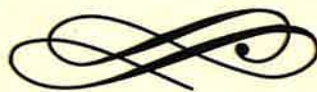
Attest: *Noir Spur*

Date: *May 11, 2022*

Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** emergency medical services is a vital public service that the members of **Northwest Community Health (NCH)**, formerly Northwest Rural Emergency Medical Service, are ready to provide to those in need – 24 hours a day, seven days a week; and
- WHEREAS,** access to quality emergency care dramatically improves the survival and recovery rate of those experiencing sudden illness or injury and **Northwest Community Health** plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community, supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and others; and
- WHEREAS,** in 1974, President Gerald Ford authorized **EMS Week** to celebrate EMS practitioners and the important work they do in our nation's communities, and this year's theme is *"Rising to the Challenge"*; and
- WHEREAS,** **Northwest Community Health** responders will be among the first to respond to terrorist or natural events, benefitting the citizens of Tomball daily through the knowledge and skills of these highly-trained individuals, who, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and
- WHEREAS,** it is appropriate for the City of Tomball to recognize the value and the accomplishments of emergency medical services providers, which is particularly meaningful as we see **Northwest Community Health** rallying to support the COVID-19 crisis while continuing to respond to the everyday needs of our community - by designating the **47<sup>th</sup> Annual Emergency Medical Services Week**;

**NOW, THEREFORE, I, LORI KLEIN QUINN**, Mayor, on behalf of the City Council of the City of Tomball, Texas, do hereby proclaim the week of May 15-21, 2022 as:

**47<sup>TH</sup> ANNUAL NORTHWEST COMMUNITY HEALTH, and  
NATIONAL EMERGENCY MEDICAL SERVICES WEEK  
"Rising to the Challenge" – TOMBALL, TEXAS**



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

*Lori Klein Quinn*

Attest: *Roni Spurr*

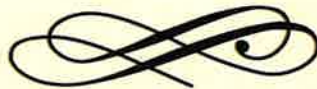
Date: *May 11, 2022*



Office of the Mayor  
Tomball, Texas



# Proclamation



- WHEREAS,** Public Works professionals focus on the infrastructure, facilities, and services that are vital to sustainable and resilient communities and to the public health, safety, high quality of life and well-being of the people of our community; and
- WHEREAS,** such facilities and services could not be provided without the dedicated efforts of the Public Works professionals who are responsible for rebuilding, improving and protecting our streets, water supply, water treatment and solid waste systems, public buildings, parks, and other structures and facilities essential for our citizens; and
- WHEREAS,** it is in the public interest for the citizens, civic leaders and children in the City of Tomball to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and
- WHEREAS,** 2022 marks the 62nd annual National Public Works Week, sponsored by the American Public Works Association, and the Tomball City Council wishes to recognize the dedication, talents, and contributions made by Tomball Public Works employees; and
- WHEREAS,** this year's theme, *"Ready & Resilient"*, highlights the ability of these professionals to perform regular public works duties and be ready at a moment's notice to react as first responders during natural disasters and overcome trials seen in the field; and
- WHEREAS,** the Tomball City Council urges all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life;

**NOW, THEREFORE, I, LORI KLEIN QUINN,** Mayor of the City of Tomball, Texas on behalf of the Tomball City Council, do hereby proclaim the week of May 15 through May 21, 2022 as:

***"NATIONAL PUBLIC WORKS WEEK – TOMBALL, TEXAS"***  
***"READY & RESILIENT"***



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

*Lori Klein Quinn*

Attest: *Doni Spurr*

Date: *May 11, 2022*



# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

May 23 through May 31, 2022 – **Early Voting** for the **June 4, 2022 Runoff Election**, at City Hall, 401 Market Street

**Background:**

**Origination:**

**Recommendation:**

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** May 16, 2022

**Topic:**

**June 4, 2022 – Tomball Runoff Election Day** – 7:00 a.m. to 7:00 p.m. at City Hall, 401 Market Street

**Background:**

**Origination:**

**Recommendation:**

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

#### Topic:

**Tomball City Pool – 2022 Swim Season - Jerry Matheson Park Pool** will be open Memorial Day Weekend, May 28-29, from Noon–8 p.m., and on Memorial Day from 10 a.m.–6 p.m..

The Regular Season begins on May 31 (Tuesday), operating from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.

End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.

The pool will be closed every Monday during swim season 2022, except Memorial Day (May 30), July 4th, and Labor Day (September 5).

#### Background:

#### Origination:

#### Recommendation:

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

#### FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)

**Background:**

**Origination:**

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

July 9, 2022 – 2<sup>nd</sup> Saturday at the Depot

**Background:**

**Origination:**

**Recommendation:**

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

## **FUNDING (IF APPLICABLE)**

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

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

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

Signed	Doris Speer	5-11-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

August 5, 2022 – 50<sup>th</sup> Annual Tomball Night, Parade of Lights, and Health & Wellness Expo

**Background:**

**Origination:**

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	Doris Speer	5-11-2022	Approved by		
	Staff Member	Date		City Manager	Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

Sasha Smith – Report on the Success of *Rails & Tails Mudbug Festival* on May 7, 2022

**Background:**

**Origination:**

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

Approve the Minutes of the May 2, 2022 Regular Tomball City Council Meeting

**Background:**

**Origination:** City Secretary

**Recommendation:**

Approve

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

**FUNDING (IF APPLICABLE)**

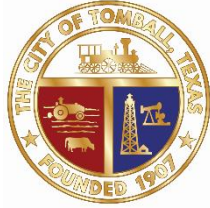
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	Doris Speer	5-11-2022	Approved by		
	Staff Member	Date		City Manager	Date

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



**Monday, May 2, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 2, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:15 p.m.

**PRESENT**

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

**OTHERS PRESENT:**

City Manager - David Esquivel  
Assistant City Manager- Jessica Rogers  
City Secretary - Doris Speer  
City Attorney - Loren B. Smith  
Director of Community Development - Nathan Dietrich  
Finance Director – Katherine DuBose  
Police Chief - Jeff Bert  
Fire Chief - Joe Sykora  
City Planner – Jared Smith  
Assistant City Secretary - Tracylynn Garcia  
Community Center Manager - Rosalie Dillon  
Project Coordinator - Meagan Mageo  
Assistant to the City Manager/Communications Coordinator – Rebecca Beahan  
CSO Senior Administrative Assistant – Sasha Luna  
Executive Director-TEDC – Kelly Violette  
Assistant Director-TEDC – Tiffani Wooten  
Economic Development Coordinator -TEDC – Tori Gleason

B. Invocation - Led by Pastor Kevin Barra – Bayou City Fellowship, Tomball

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. The following public comment was received:

Glenn Stumpner 14258 Carneswood, 77375	-	Expressed his continued interest in rezoning his property – Zoning Case P22-048.
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E. The following presentations were made:

1. Proclamations:
  - a. May 1-7, 2022 is “**53rd Annual Professional Municipal Clerks Week**”
  - b. May 8-14, 2022 is “**National Hurricane Preparedness Week – Tomball, Texas**”
  - c. May 8-14, 2022 is “**Tomball Firefighter Appreciation Week**”
  - d. May 8-14, 2022 is “**National Economic Development Week**”
2. Presentation was made to Council by HMW Special Utility District (HWM SUD), for a proposed interconnect agreement to provide residential water service to Treichel Wood Subdivision, with limited discussion/information exchange.

F. Reports and Announcements

1. Announcements

- I. May 3, 2022 – Last Day of **Early Voting** for the May 7, 2022 General and Special Elections, City Hall, 401 Market Street
- II. **May 7, 2022 – Tomball Election Day** – General and Special Elections – 7:00 a.m. to 7:00 p.m. at City Hall, 401 Market Street
- III. May 7, 2022 – ***Rails & Tails Mudbug Festival*** – 11:00 a.m.–8:00 p.m. at the Depot
- IV. May 5, 2022 – **Day of Prayer** – Noon and 6:30 p.m. at the Depot

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

- I. Katherine DuBose – Quarterly Investment Report for Period Ending March 31, 2022. The Public Funds Investment Act requires that a report

of the City's cash and investments be presented to City Council on a quarterly basis. As of March 31, 2022, the City's cash and investment balances totaled \$64,042,956.

II. Katherine DuBose – Quarterly Financial Update for Period Ending March 31, 2022

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the April 18, 2022 Regular Tomball City Council Meeting

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

Motion carried unanimously.

H. New Business

1. Mayor Fagan opened the Public Hearing for the Purpose of Considering the Following Proposed Annexation: *(Being A Tract Or Parcel 3.070 Acres of Land Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of That Certain Called 3.070 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359) (21830 Hufsmith Kohrville, HCADs 0352900000525 and 0352960000529) at 7:02 p.m.*

Receiving no comments, Mayor Fagan closed the Public Hearing at 7:02 p.m.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to read Ordinance No. 2022-06 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-06, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions

Relating to the Subject; and Providing a Savings and Severability Clause (*Being a Tract or Parcel containing 3.070 Acres of Land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, Being all of that Certain Called 3.070 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359*) (21830 Hufsmith Kohrville, HCAD 0352900000525 and 0352960000529)

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

Motion carried unanimously.

3. Consideration to Approve Zoning Case P22-072: Request by Mehendi Maknojia, represented by Midstream and Terminal Services LLC, to amend the official zoning map for the City of Tomball by rezoning approximately 3.07 acres of land out of Jesse Pruitt Survey, Abstract Number 629, from Agricultural (AG) district to a Commercial (C) district. The property is generally located within the 21700-21800 blocks (east side) of Hufsmith-Kohrville Road, at 21830 Hufsmith-Kohrville Road, within Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P22-072 at 7:08 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 7:08 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2022-07 by caption only on first reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., to amend his motion by changing the zoning classification from Commercial (C) District to General Retail (GR).

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

Motion to AMEND to General Retail carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2022-07 of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the Zoning District Classification of approximately 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629 (described in “Exhibit A”), within the City of Tomball, Harris County, Texas, from the Agricultural (AG) District to the **General Retail (GR)** District, said property being generally located within the 21700-21800 Blocks (East Side) of Hufsmith-Kohrville Road, providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion, as AMENDED to General Retail, carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to authorize the Reclassification of Fiscal Year 2021 Unreconciled Cash – Overage and Shortages Balance, in the Amount of \$44,616.26.

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

Motion carried unanimously.

5. Executive Session: The City Council recessed at 7:33 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
  - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
  - Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Public Works Director
  - Sec. 551.076 – Deliberation regarding Security Devices

Upon reconvening into Session at 9:05 p.m., no action was taken.

- I. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adjourn.

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

Meeting adjourned.

PASSED AND APPROVED this the 16<sup>th</sup> day of May 2022.

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Doris Speer  
City Secretary, TRMC, MMC

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Lori Klein Quinn  
Mayor

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

#### Topic:

Adopt, on Second Reading, Ordinance No. 2022-06, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause *(Being a Tract or Parcel containing 3.070 Acres of Land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, Being all of that Certain Called 3.070 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359) (21830 Hufsmith Kohrville, HCAD 0352900000525 and 0352960000529)*

#### Background:

Public hearing was held on May 2, 2022, prior to the First Reading of Ordinance No. 2022-06.

The owner, Mehendi Maknojia has requested annexation of the property located at 21830 Hufsmith Kohrville. Proposed rezoning of the property from Agricultural (AG) to the **General Retail (GR)** District was approved by Council on First Reading on May 2, 2022.

**Origination:** City Secretary

#### Recommendation:

Adopt Ordinance No. 2022-06 on Second Reading.

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

Doris Speer, City Secretary

Signed Doris Speer 5-11-2022  
Staff Member Date

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



**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (BEING A TRACT OR PARCEL CONTAINING 3.070 ACRES OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 3.070 ACRES OF LAND DESCRIBED IN DEED AND RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NUMBER RP-2021-678359 (21830 HUFSMITH KOHRVILLE, HCAD 0352900000525 AND 0352960000529)**

\* \* \* \* \*

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

**Section 1.** The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

**Section 2.** The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

**Section 3.** If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such

territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

**Section 4. Severability.** 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**FIRST READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF MAY 2022.

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

**SECOND READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF MAY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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

**ATTEST:**

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

## **Exhibit "A" Page 1**

### DESCRIPTION

3.070 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of that certain called 3.070 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359, said 3.070 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Easterly right-of-way line of Huffsmith Kohrville Road (60 foot right-of-way) for the Northwestern corner of that certain called 5.5000 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P964270 and the Southwesterly corner of said 3.070 acre tract;

Thence, N 20°20'37" W, along the Easterly right-of-way line of said Huffsmith Kohrville Road, a distance of 389.00 feet to a 5/8 inch iron rod with cap found for the most Westerly Southwest corner of that certain called 5.678 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20070687993;

Thence, N 76°00'34" E, along a Southerly line of said 5.678 acre tract, a distance of 412.84 feet to a 5/8 inch iron rod with cap found for an interior corner of said 5.678 acre tract;

Thence, S 11°23'19" E, along a Westerly line of said 5.678 acre tract, a distance of 290.49 feet to a 5/8 inch iron rod with cap found in the Northwestern line of that certain called 1.000 acre of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number X517792, for the most Southerly Southwest corner of said 5.678 acre tract;

Thence, S 56°48'54" W, along the Northwestern line of said 1.000 acre tract and the Northwestern line of said 5.5000 acre tract, a distance of 215.06 feet to an angle point;

Thence, S 66°29'50" W, continuing along a Northwestern line of said 5.5000 acre tract, a distance of 155.64 feet to the POINT OF BEGINNING and containing 3.070 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983, DERIVED FROM CORS SITE RODS.

TRACT BEING SHOWN ON MAP (SEE HSC 01516-E)

HOVIS SURVEYING COMPANY, INC.  
Texas Firm Registration No. 10030400

By: 

Date: November 5, 2021  
Job No: 21-154-00  
Dwg No: HSC 01516-E-5  
File No: A21-154.00D  
Dwg File: 2115400.dwg  
Revised: March 10, 2022



Exhibit "A" Page 2



## **EXHIBIT "B"**

### **CITY OF TOMBALL, TEXAS**

### **MUNICIPAL SERVICE PLAN**

#### **I. INTRODUCTION**

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

#### **II. EFFECTIVE TERM**

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

#### **III. INTENT**

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

#### **IV. SERVICE PROGRAMS**

##### **A. In General.**

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.
2. As used in this Plan, "providing services" shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or

cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City's Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of



roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded police facilities.



2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

## **V. AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

## **VI. FORCE MAJEURE**

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

## **VIII. ENTIRE PLAN**

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

## **SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE**

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** May 16, 2022

**Topic:**

Adopt, on Second Reading, Ordinance No. 2022-07, 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 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629 (described in “Exhibit A”), within the City of Tomball, Harris County, Texas, from the Agricultural (AG) District to the General Retail (GR) District, said property being generally located within the 21700-21800 Blocks (East Side) of Hufsmith-Kohrville Road, 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:**

Council amended and adopted Ordinance No. 2022-07 on First Reading, changing the rezoning from Agricultural to General Retail.

City Staff recommends approval. Planning & Zoning recommended approval, 5-0.

**Origination:** Mehendi Maknojia, Owner

**Recommendation:**

Adopt Ordinance No. 2022-07 on Second Reading.

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

Signed	<u>Doris Speer</u>	<u>5-11-2022</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

**ORDINANCE NO. 2022-07**

**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 3.07 ACRES OF LAND OUT OF THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629 (DESCRIBED IN “EXHIBIT A”), WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL (AG) DISTRICT TO THE GENERAL RETAIL (GR) DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED WITHIN THE 21700-21800 BLOCKS (EAST SIDE) OF HUFSMITH-KOHRVILLE ROAD, 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**, Mehendi Maknojia has requested that approximately 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629, generally located within the 21700-21800 blocks (east side) of Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas, (the “Property”), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of the General Retail 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 General Retail 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 General Retail 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 General Retail District as described above.

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

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

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 2<sup>nd</sup> DAY OF MAY 2022.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>th</sup> DAY OF MAY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

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

## Exhibit "A"

### DESCRIPTION

3.070 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of that certain called 3.070 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359, said 3.070 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Easterly right-of-way line of Huffsmith Kohrville Road (60 foot right-of-way) for the Northwestern corner of that certain called 5.5000 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P964270 and the Southwesterly corner of said 3.070 acre tract;

Thence, N 20°20'37" W, along the Easterly right-of-way line of said Huffsmith Kohrville Road, a distance of 389.00 feet to a 5/8 inch iron rod with cap found for the most Westerly Southwest corner of that certain called 5.678 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20070687993;

Thence, N 76°00'34" E, along a Southerly line of said 5.678 acre tract, a distance of 412.84 feet to a 5/8 inch iron rod with cap found for an interior corner of said 5.678 acre tract;

Thence, S 11°23'19" E, along a Westerly line of said 5.678 acre tract, a distance of 290.49 feet to a 5/8 inch iron rod with cap found in the Northwestern line of that certain called 1.000 acre of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number X517792, for the most Southerly Southwest corner of said 5.678 acre tract;

Thence, S 56°48'54" W, along the Northwestern line of said 1.000 acre tract and the Northwestern line of said 5.5000 acre tract, a distance of 215.06 feet to an angle point;

Thence, S 66°29'50" W, continuing along a Northwestern line of said 5.5000 acre tract, a distance of 155.64 feet to the POINT OF BEGINNING and containing 3.070 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983, DERIVED FROM CORS SITE RODS.

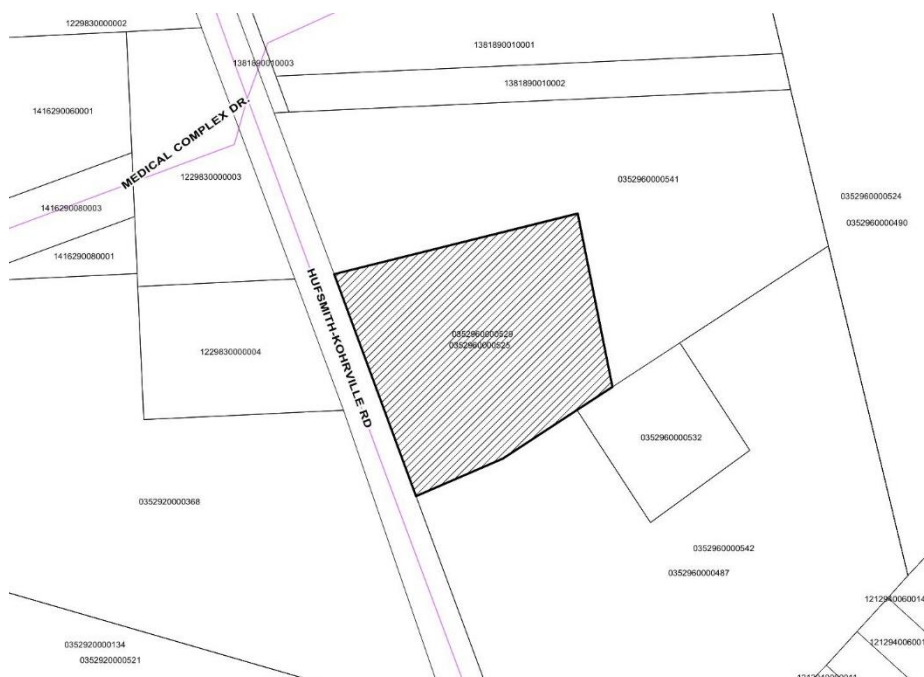
TRACT BEING SHOWN ON MAP (SEE HSC 01516-E)

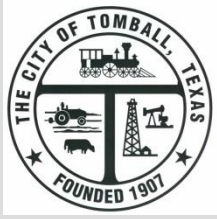
HOVIS SURVEYING COMPANY, INC.  
Texas Firm Registration No. 10030400

By: 



Date: November 5, 2021  
Job No: 21-154-00  
Dwg No: HSC 01516-E-5  
File No: A21-154.00D  
Dwg File: 2115400.dwg  
Revised: March 10, 2022





## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: April 11, 2022

City Council Public Hearing Date: May 2, 2022

**Rezoning Case:** P22-072

**Property Owner(s):** Mehendi Maknojia

**Applicant(s):** Midstream and Terminal Services LLC

**Legal Description:** Being a portion Abstract Number 629 of the Jesse Pruitt Survey

**Location:** 21700-21800 blocks (east side) of Hufsmith-Kohrville Road, at 21830 Huffsmith-Kohrville Road, within Harris County, Texas.

**Area:** 3.07 acres

**Comp Plan Designation:** Neighborhood Residential (Exhibit “B”)

**Present Zoning and Use:** N/A (Exhibit “C”)  
Single Family Residence/Vacant Commercial Building(s) (Exhibit “D”)

**Request:** Rezone from Agricultural (AG) to Commercial (C) District

**Adjacent Zoning & Land Uses:**

- North:** Not Applicable / Undeveloped
- South:** Not Applicable/ Single Family Residence
- West:** Commercial (C) / Office, professional and general business
- East:** Not Applicable / Undeveloped

### **BACKGROUND**

The subject property presently falls outside the City Limits of Tomball. The Tomball City Council is scheduled to consider the annexation of the subject property during the May 2, 2022, public hearing. Following the annexation of the subject property, an Agricultural (AG) zoning classification will become applicable. The property owner wishes to adopt a Commercial (C) zoning district following its annexation in order to allow a “Food Court – Restaurant and Bar”.



## **ANALYSIS**

**Description:** The subject property is approximately 3.07 acres located on the east side of Hufsmith Kohrville Road. Immediately south of the subject property is a single-family residence outside the City Limits within the City of Tomball's 1-mile Extraterritorial Jurisdiction (ETJ), the properties north and east of the subject property are currently undeveloped and also fall outside the City limits of Tomball. West of the subject property, across Hufsmith Kohrville Road, is an existing office building within Commercial (C) zoning as well as vacant property that falls within Single Family Estate Residential – 20 (SF-20) zoning. Based on historic aerial imagery, structures have existed on this subject property since at least 1944.

According to Section 50-77 in the City of Tomball Code of Ordinance; Commercial (C) districts “will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.” The subject property is located along Hufsmith Khorville Road and near the intersection of Medical Complex Drive each of which are identified as major arterial streets in the City of Tomball's master thoroughfare plan. Additionally, the master thoroughfare plan identifies a proposed major arterial street running east and west immediately north of the subject property. Given the proximity to an intersection of two major streets, it would seem appropriate to locate some level of commercial activity within this area. However, because surrounding properties, north, east, and south of the subject property fall outside the city limits, zoning is not currently applicable and it is difficult to gauge exactly what uses may occupy these properties in the future. At this time the properties south of the subject property, appear to be predominately residential land uses, this includes a planned development district approximately .3 miles south of the subject property that was adopted in 2017. In 2016, property that is approximately 350-feet north of the subject property on the east side of Hufsmith Kohrville Road was rezoned from Agricultural (AG) to Commercial (C), a portion of this property has been developed with an office building the remainder is vacant at this time.

**Comprehensive Plan Recommendations:** The property is designated as “Neighborhood Residential” by the Comprehensive Plans Future Land Use Map. This Neighborhood Residential category is “intended for areas predominately comprised of single-family detached housing. While this area is primarily served by automobiles, the inclusion of sidewalks is important for both improved access and safety.”

According to the Comprehensive Plan, “land uses should focus on promoting safe and desirable neighborhoods, with single-family detached residential being the primary use. Secondary uses that are appropriate include parks, schools, and other public facilities. Limited commercial services and single-family attached residential that do not require large parking lots would be appropriate where residential collector streets meet arterials.

The Comprehensive Plan recommends zoning districts of SF-20-E (Single-Family Estate Residential-20), PD (Planned Development), SF-9 (Single-Family Residential-9), and SF-6 (Single-Family Residential 6).

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision making: Stormwater detention should be integrated into the community to act as an amenity. Subdivision should ensure connections to surrounding areas through enhanced sidewalks or multi-use sidepaths.

### **Staff Review Comments:**

Conformance to the Comprehensive Plan: Given the lack of zoning due to the subject property and surrounding properties being located outside the city limits it is difficult to determine what the future holds for the surrounding area in regards to land use. The Future Land Use Map identifies the subject property as being within “Neighborhood Residential”, per the Comprehensive Plan such land use category may be suitable for “limited commercial services”. Traditional planning considers it to be customarily appropriate for some level of commercial activity to be located at or near the intersection of major arterial streets. Intersections such as this provide the level of accessibility, exposure, and volume of traffic that is typically necessary to ensure the success of commercial businesses. Taking this into consideration, coupled with the fact that Commercial (C) zoning districts presently exist within the surrounding area, the request seems generally consistent with the intent of the Comprehensive Plan and Future Land Use Map.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on March 30, 2022. 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 P22-072.

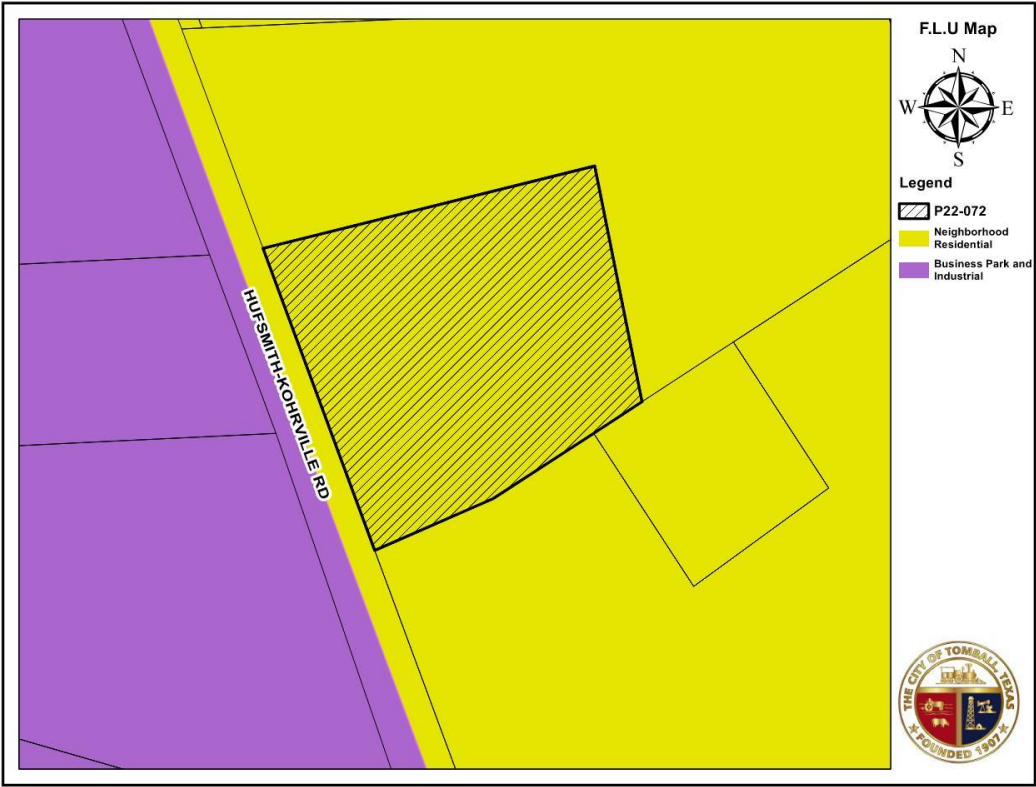
### **EXHIBITS**

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

Exhibit “A”  
Aerial Photo



Exhibit “B”  
Comprehensive Plan



# Exhibit "C" Zoning Map





**Exhibit “D”  
Site Photo**



## Exhibit "E"

### Rezoning Application



RECEIVED (KC)  
03/11/2022

Revised: 4/13/2020  
P&Z #P22-072

### APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**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: Midstream and Terminal Services LLC Title: Consultant  
Mailing Address: 9950 Westpark Dr., Suite 426 City: Houston State: Texas  
Zip: 77063 Contact: Golam Mostofa  
Phone: (281) 253-4849 Email: gmostofa@midstream-terminal.com

#### Owner

Name: Mehendi Maknojia Title: Owner  
Mailing Address: 20830 Windrose Bend Dr City: Spring State: Texas  
Zip: 77379 Contact: Mehendi Maknojia  
Phone: (281) 839-5666 Email: macmehendi@gmail.com

#### Engineer/Surveyor (if applicable)

Name: Hovis Surveying Title: Surveyor  
Mailing Address: 5000 Cabbage St. City: Spring State: Texas  
Zip: 77379 Contact: Harry Hovis, RPLS  
Phone: (281) 320-9591 Fax: ( ) Email: hovis@hovissurveying.com

Description of Proposed Project: Bar and Restaurant

Physical Location of Property: 21830 Hufsmith Kohrville Rd, Tomball, Texas 77375

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

Legal Description of Property: Jesse Pruitt Survey, Abstract 629, Tomball Outlots No. 487, 489, 496, 498

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Not Defined or Not known

Current Use of Property: A commercial contractor's office

Proposed Zoning District: C - Commercial District

Proposed Use of Property: Bar and Restaurant

HCAD Identification Number: 0352960000525/0352960000529 Acreage: 3.070

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

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 Golan Mostafa 3/10/2022  
Signature of Applicant Date

X Richard 3/10/2022  
Signature of Owner Date

## **Submittal Requirements**

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

**Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- ☒ **Completed application form**
- ☐ **\*Copy of Recorded/Final Plat**
- ☒ **Check for \$400.00 + \$10.00 per acre (Non-Refundable)**
- ☒ **Letter stating reason for request and issues relating to request**
- ☒ **Conceptual Site Plan (if applicable)**
- ☒ **Metes & Bounds of property**
- ☐ **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below: N/A**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

**The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.**

**\*Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.



## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (200) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

**FAILURE TO APPEAR:** It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



9950 Westpark Dr., Suite 426, Houston, Texas 77063 Phone: (281) 404-4438; (281) 253-4849

March 10, 2022

City of Tomball  
501 James Street  
Tomball, TX 77375  
Ph # (281) 290-1405

Re: Zoning request with Annexation at 21830 Hufsmith-Kohrville Rd, Tomball, TX 77375

We are here by submitting our zoning application with all supporting documents for your review and approval.

Zoning is being requested for following property:

**Legal Description of the Property:** 3.070 acres of land situated in the Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of that certain called 3.070 acres of land described in deed and recorded in the Official Public Records of real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359, said 3.070 acres of land being more particularly described by metes and bounds (attached with this application).

Documents Attached:

- Completed Application Form with signature attached
- Copy of recorded Plat/Final Plat is not available at this time
- Check for \$430.70 attached
- Letter Stating reason for request and issues relating to request attached
- Conceptual Site Plan attached
- Metes and Bounds Description attached
- Zoning Map with related to property location attached

Please feel free to contact us for any other information.

Sincerely,

A handwritten signature in black ink that reads 'Golam Mostofa'.

Golam Mostofa, P.E., PMP  
On behalf of the owner

1 of 1

Z



## DESCRIPTION

3.070 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being all of that certain called 3.070 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359, said 3.070 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Easterly right-of-way line of Huffsmith Kohrville Road (60 foot right-of-way) for the Northwestern corner of that certain called 5.5000 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P964270 and the Southwesterly corner of said 3.070 acre tract;

Thence, N 20°20'37" W, along the Easterly right-of-way line of said Huffsmith Kohrville Road, a distance of 389.00 feet to a 5/8 inch iron rod with cap found for the most Westerly Southwest corner of that certain called 5.678 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20070687993;

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Thence, S 11°23'19" E, along a Westerly line of said 5.678 acre tract, a distance of 290.49 feet to a 5/8 inch iron rod with cap found in the Northwestern line of that certain called 1.000 acre of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number X517792, for the most Southerly Southwest corner of said 5.678 acre tract;

Thence, S 56°48'54" W, along the Northwestern line of said 1.000 acre tract and the Northwestern line of said 5.5000 acre tract, a distance of 215.06 feet to an angle point;

Thence, S 66°29'50" W, continuing along a Northwestern line of said 5.5000 acre tract, a distance of 155.64 feet to the POINT OF BEGINNING and containing 3.070 acres of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983, DERIVED FROM CORS SITE RODS.

TRACT BEING SHOWN ON MAP (SEE HSC 01516-E)

HOVIS SURVEYING COMPANY, INC.  
Texas Firm Registration No. 10030400

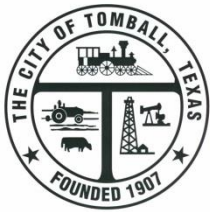
By: \_\_\_\_\_

Date: November 5, 2021  
Job No: 21-154-00  
Dwg No: HSC 01516-E-5  
File No: A21-154.00D  
Dwg File: 2115400.dwg  
Revised: March 10, 2022









## 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:** P22-072

**APPLICANT/OWNER:** Mehendi Maknoji,  
represented by Midstream and Terminal Services LLC

**LOCATION:** Generally located within the 21700-21800 blocks (east side) of Huffsmith-Kohrville Road, at 21830 Huffsmith-Kohrville Road, within Harris County, Texas.

**PROPOSAL:** A Rezoning to amend the official zoning map for the City of Tomball by rezoning approximately 3.07 acres of land out of Jesse Pruitt Survey, Abstract Number 629, from Agricultural (AG) district to a Commercial (C) district.

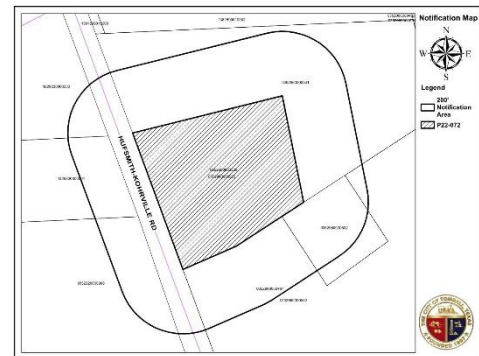
**CONTACT:** Jared Smith, City Planner

**PHONE:** (281) 290-1491

**E-MAIL:** [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

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

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



**Planning & Zoning Commission  
Public Hearing:**

**Monday, April 11, 2022 @ 6:00 PM**

**City Council Public Hearing:**

**\*Monday, May 2, 2022 @ 6:00 PM**

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

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

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
APRIL 11, 2022  
&  
CITY COUNCIL  
MAY 2, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 11, 2022 at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 2, 2022 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 P22-072:** Request by Mehendi Maknoji, represented by Midstream and Terminal Services LLC, to amend the official zoning map for the City of Tomball by rezoning approximately 3.07 acres of land out of Jesse Pruitt Survey, Abstract Number 629, from Agricultural (AG) district to a Commercial (C) district. The property is generally located within the 21700-21800 blocks (east side) of Huffsmith-Kohrville Road, at 21830 Huffsmith-Kohrville Road, within 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, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

**CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7<sup>th</sup> day of **April 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith  
City Planner

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

#### Topic:

Consideration to Approve **Case P22-016:** Request by Harrisburg Homes, Inc. to amend the City of Tomball's Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the proposed east-west extension of Medical Complex Drive extending approximately 0.9 miles from the eastern right-of-way boundary of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.

Conduct Public Hearing on **Case P22-016**

Adopt, on First Reading, Ordinance No. 2022-04, an ordinance of the City of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Major Thoroughfare Plan Map; 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:

Planning & Zoning Commission recommends DENIAL (0 Vote Aye, 5 Votes Nay)

**Origination:** Harrisburg Homes, Inc.

#### Recommendation:

Denial

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich, Community Development Director

#### FUNDING (IF APPLICABLE)

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, specify Account Number: # \_\_\_\_\_

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

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date



**ORDINANCE NO. 2022-04**

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

\* \* \* \* \*

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

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

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

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

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

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

**Section 2.** The Plan is intended to provide long-range guidance relative to thoroughfare construction.

**Section 3.** The Major Thoroughfare Plan Map is hereby amended by the City Council as indicated on Exhibit “A”, being attached hereto and made a part hereof for all purposes.

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

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

**Section 6.** The amendments to the Major Thoroughfare Plan Map are depicted in Exhibit “A”, is attached hereto, and made a part of hereof for all purposes.

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

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

**Section 9.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF MAY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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 6<sup>TH</sup> DAY OF JUNE 2022.

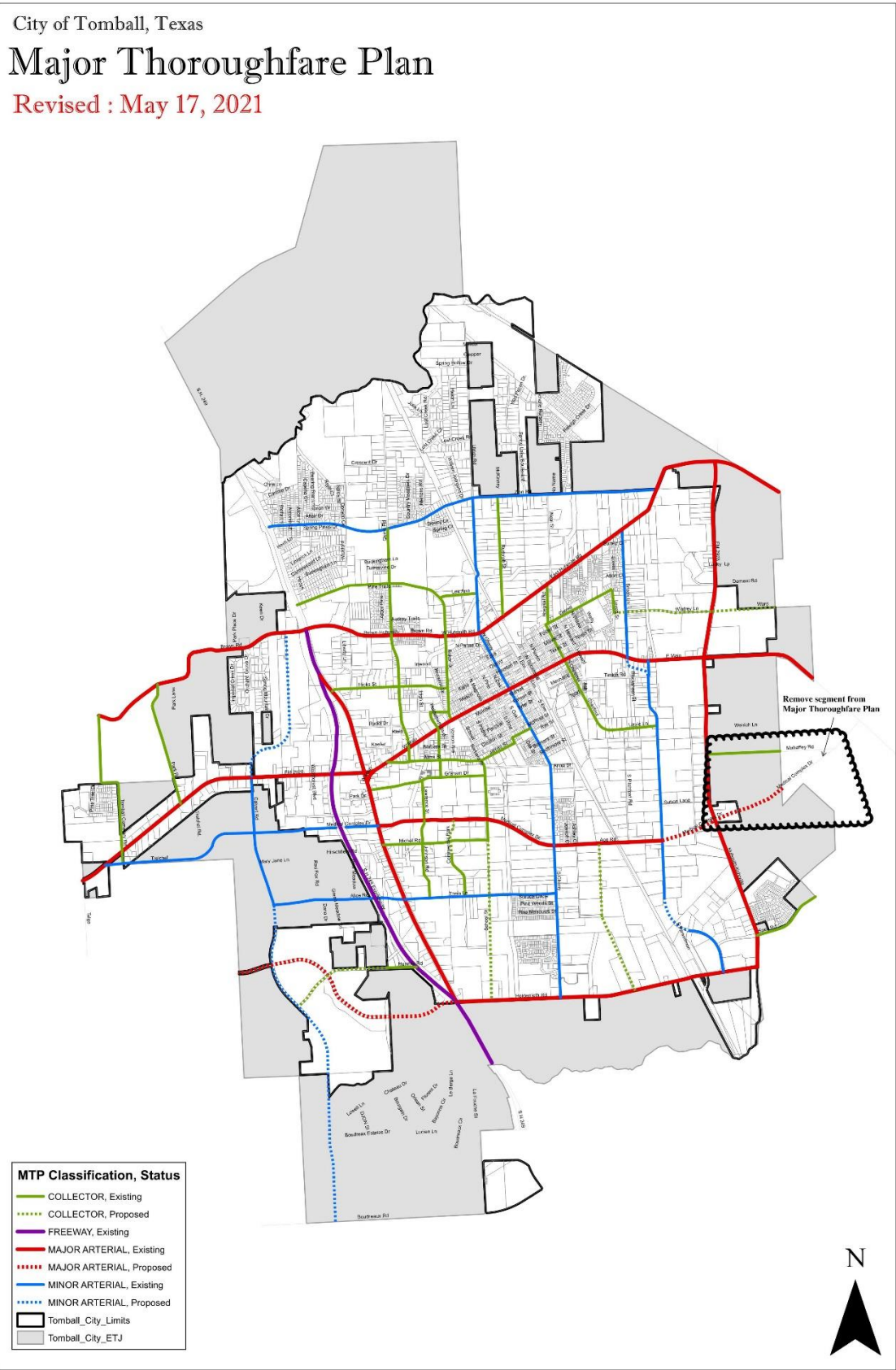
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

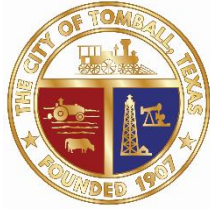
ATTEST:

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

Exhibit “A”



**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR  
MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, May 09, 2022  
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, May 09, 2022 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 Planning & Zoning Commission 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.

- A. Call to Order
- B. 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.]*
- C. Reports and Announcements
- D. Approval of Minutes
  - D.1 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 11, 2022.
- E. New Business Non Action Items
  - E.1 Minor Plat of **ENTERPRISE TOMBALL:** A subdivision of 3.000 acres of land in the John M. Hooper Survey, A-375, City of Tomball, Harris County, Texas.
  - E.2 Minor Plat of **TOMBALL CENTER II:** Reserve C3-R and Reserve C4-R Tomball Center II being a replat of Reserve C3 and Reserve C4, Tomball Center II Film Code No. 562200, Map Records of Harris County Clerk, Texas being 2.2463 Acres of Land out of the Joseph House Survey, Abstract No. 34, Harris County, Texas.

F. New Business

- F.1 Consideration to Approve Final Plat of **WINFREY ESTATES**: A Subdivision of 33.3858 acres of land located in the Jesse Pruitt Survey, Abstract No. 629, Harris County, Texas, being a replat of all of Reserves “A”, Reserves “B” and Winfrey Lane portion adjacent thereto of Peck Station according to the Map or Plat thereof recorded in Film Code No. 666109 of the Harris County Map Records.
- F.2 Conduct a Public Hearing and Consideration to Approve **Zoning Case P22-106**: Request from the collective owners of properties to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. The properties are generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas.
- F.3 Conduct a Public Hearing and Consideration to Approve **Case P22-016**: Request to amend the City of Tomball’s Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the proposed east-west extension of Medical Complex Drive extending approximately 0.9 miles from the eastern right-of-way boundary of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.

G. Discussion Item

- G.1 There is no Discussion or Update at this time for the proposed Amendments to the existing City of Tomball Tree Planting List and proposed Tree and Shrub Ordinance.

H. 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 6th day of May 2022 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

**Kimberly Chandler**  
*Community Development Coordinator*

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

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

## Request to Speak before Tomball Planning & Zoning Commission

Name LORI KLOM GUINN Phone \_\_\_\_\_ Date \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Email address: \_\_\_\_\_

I \_\_\_ DO \_\_\_ DO NOT want to be added to the City of Tomball email list.

- ☒ Public Hearing Agenda Item # F.3  
☐ Other Agenda Item # \_\_\_\_\_

\_\_\_ I wish to speak IN FAVOR of this item.

☒ I wish to speak IN OPPOSITION to this item.

\_\_\_ I do not wish to speak; however, please record my  
\_\_\_ SUPPORT \_\_\_ OPPOSITION

- ☐ General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

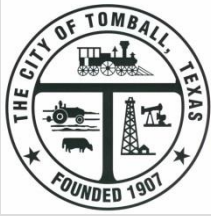
Topic of Discussion:

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**Comments during Citizens' Comments will be limited to 3 minutes.  
(Please see instructions on the back of the form.)**



## ***Comprehensive Plan Amendment Staff Report***

Planning and Zoning Commission Hearing Date: May 9, 2022  
City Council Public Hearing Date: May 16, 2022

**Case:** P22-016

**Applicant(s):** Harrisburg Homes, Inc.

**Request:** To amend the Master Thoroughfare Plan by removing the proposed east /west segment from Medical Complex Drive. Specifically being the 0.9-mile segment extending between the eastern right-of-way boundaries of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.

### **BACKGROUND**

In 2008 the Houston-Galveston Area Council conducted the “FM 2920 Access Management Study”, as well as the “Livable Centers” Plan for the City of Tomball. Within the context of these studies, there is reference to the need to improve parallel east-west facilities to provide alternative connections to FM 2920. The study specifically identifies Medical Complex Drive as one potential alternative connection. According to the study, Medical Complex Drive could improve local traffic circulation within Tomball as well as alleviate congestion along FM 2920. In 2009 the City of Tomball adopted a Comprehensive Plan that builds on the concept of providing an alternative east-west connection for FM 2920 specifically to alleviate heavy truck traffic through Old Town Tomball. This Comprehensive Plan mentions the east-west connection of Medical Complex Drive as a potential suitor for this bypass for heavy trucks. In 2019, construction was completed for a section of SH 249 (Tomball Tollway) immediately west of Tomball, this construction did not account for an underpass or fly-over at the intersection of Medical Complex Drive. This effectively “cut off” the western connection of Medical Complex Drive to FM 2920. In 2021, the City Council approved an ordinance that downgraded the existing and proposed western extent of Medical Complex Drive from a major arterial to a minor arterial between Business State Highway 249 to FM 2920.

### **ANALYSIS**

**Comprehensive Plan Recommendation:** The current Comprehensive Plan adopted in 2019, much like its predecessor identifies the need to promote east-west connections through the City and specifically, alternatives to FM 2920 and potentially a bypass for through traffic and heavy trucks. However, due to the construction of SH 249 without an underpass, the current Comprehensive Plan acknowledges that this previous plan to utilize Medical Complex Drive as an east-west alternative route through the City to FM 2920 is inhibited. Subsequently, the Comprehensive Plan suggests reviewing Medical Complex Drives street classification as well as potential alternatives to this route. The Comprehensive Plan suggests that the City of Tomball consider a prohibition of truck traffic through downtown and identifies Holderrieth Road as a potentially suitable alternative truck route bypass through the City of Tomball.

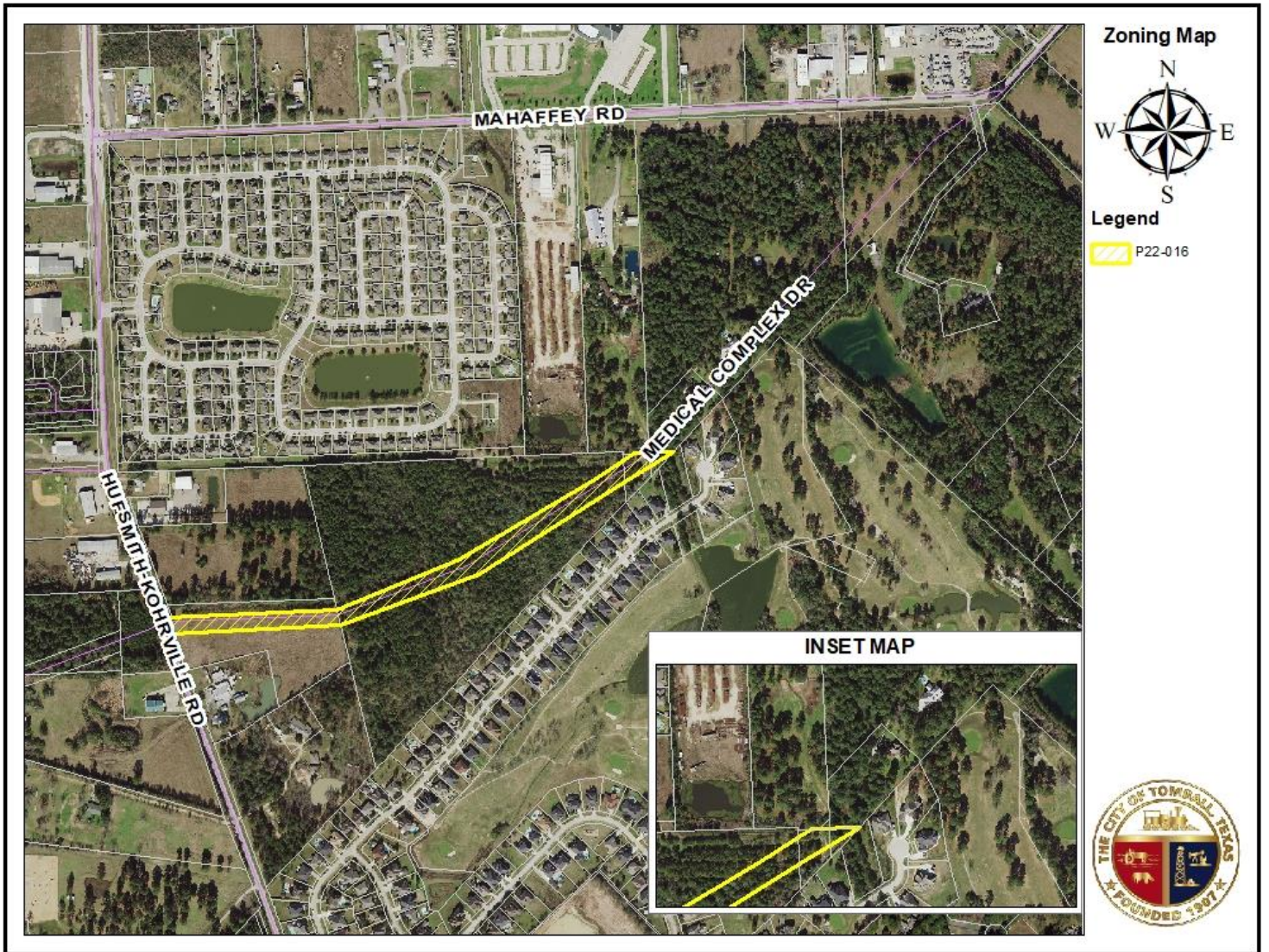


**Staff Review Comments:** Substantial changes have taken place since the plan for Medical Complex Drive as an east-west bypass was initially conceived. Perhaps none-more substantial than the lack of an underpass being provided at SH 249. Due to the lack of an underpass, traffic needing to get to FM 2920 from Medical Complex Drive is forced to take Business 249 or the SH 249 frontage road. It is worth mentioning that since 2009 traffic congestion along FM 2920 has somewhat been alleviated with the construction of State Highway 99. In identifying potential alternatives to Medical Complex Drive, the Comprehensive Plan suggests considering Holderrieth Road; which is also not a direct bypass connecting directly to FM 2920, and is a planned major arterial roadway extending east-west through the City of Tomball with an existing underpass at SH 249. Harris County is currently designing improvements to Holderrieth Road, which once construction is completed will be a four-lane boulevard major arterial street. This roadway when fully built out could potentially further alleviate traffic congestion on FM 2920. Additionally, in considering the subject portion of Medical Complex Drive; the entirety of this proposed segment of roadway falls within Harris County, and not within the City of Tomball. Subsequently, the ultimate design and construction of this segment of roadway will be at the discretion of Harris County; and may not meet the roadway design desired by the City of Tomball to effectively carry the volume of traffic to serve as a true bypass. Lastly, existing conditions make the subject extension of Medical Complex Drive difficult. Particularly, the alignment of the right-of-way and subsequent road. In 2017, a subdivision plat was approved that created “Willow Creek Pet Ranch of Tomball” (EXHIBIT “F”). At the time of this plat being recorded the southeastern most 0.0162 acres of this property dedicated approximately 25-feet of right-of-way toward this future extension of Medical Complex Drive, and effectively set the alignment of this right-of-way. Southeast of this platted property are platted lots within “Country Club Greens, Section 2”. This subdivision predates the current thoroughfare plan and subsequently did not account for the extension of Medical Complex Drive. Between these two platted properties is an approximately 75-foot-wide marginal unplatted remnant, the entirety of which would need to be dedicated as right-of-way toward Medical Complex Drive. This right-of-way alignment places Medical Complex Drive in the direct trajectory of two existing residential homes; one being recently constructed in 2014. Taking this into consideration the future extension of the remainder of this section of Medical Complex Drive appears unlikely to occur in the immediate future.

## **EXHIBITS**

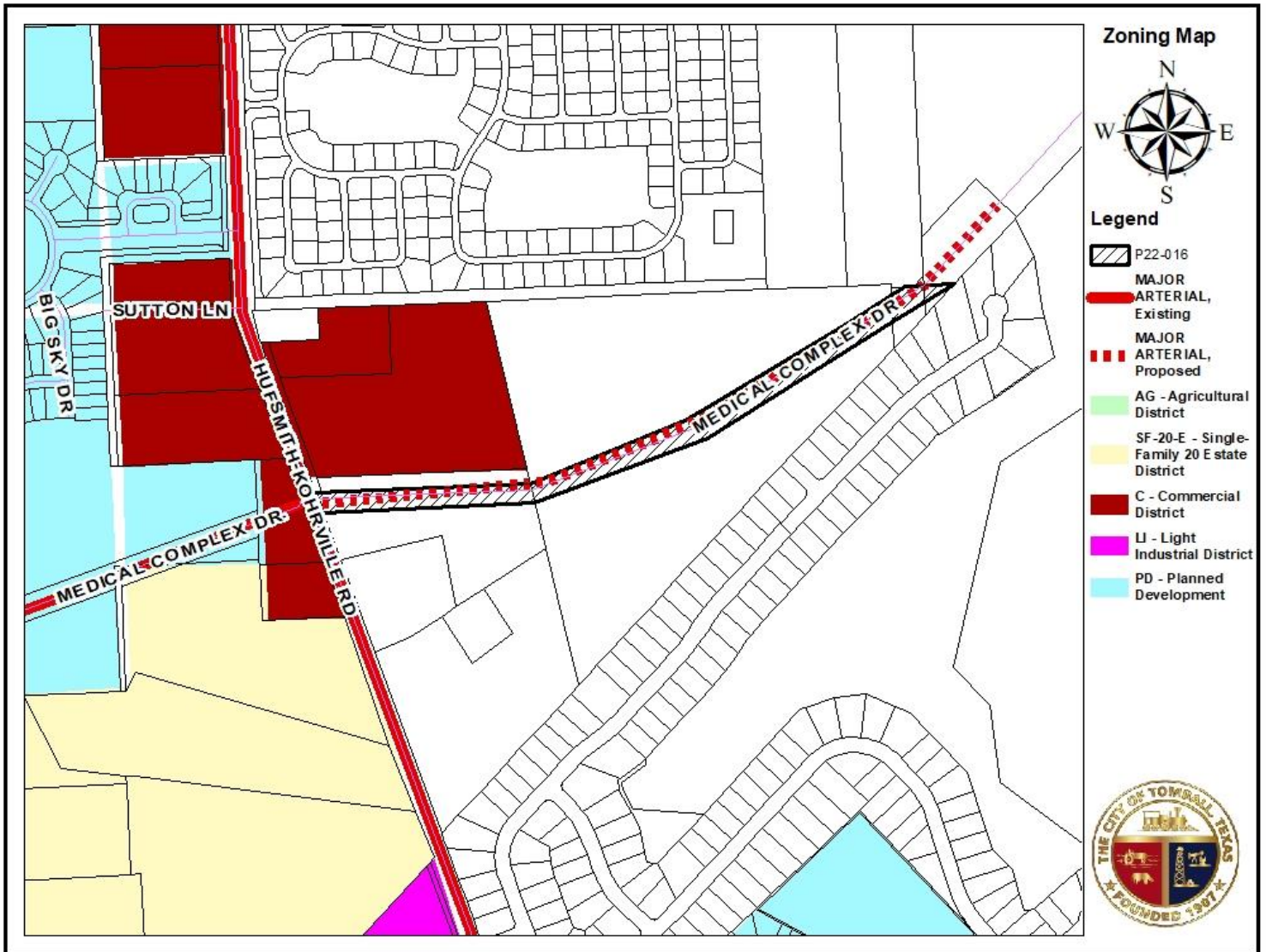
- A. Aerial Photo
- B. Zoning Map
- C. Future Land Use Map
- D. Major Thoroughfare Plan
- E. Site Photos
- F. Application

**EXHIBIT "A"**

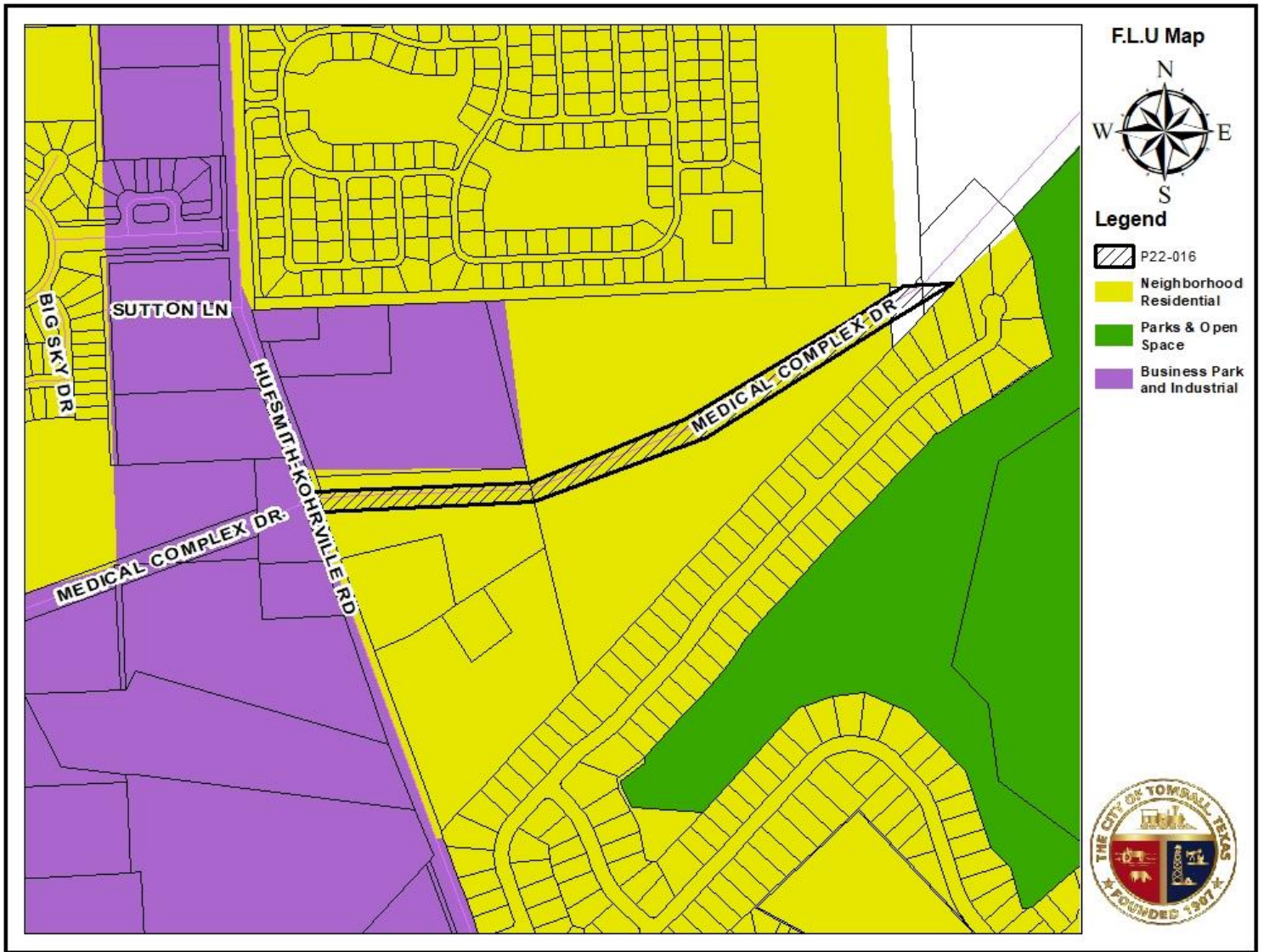




**EXHIBIT "B"**



**EXHIBIT "C"**

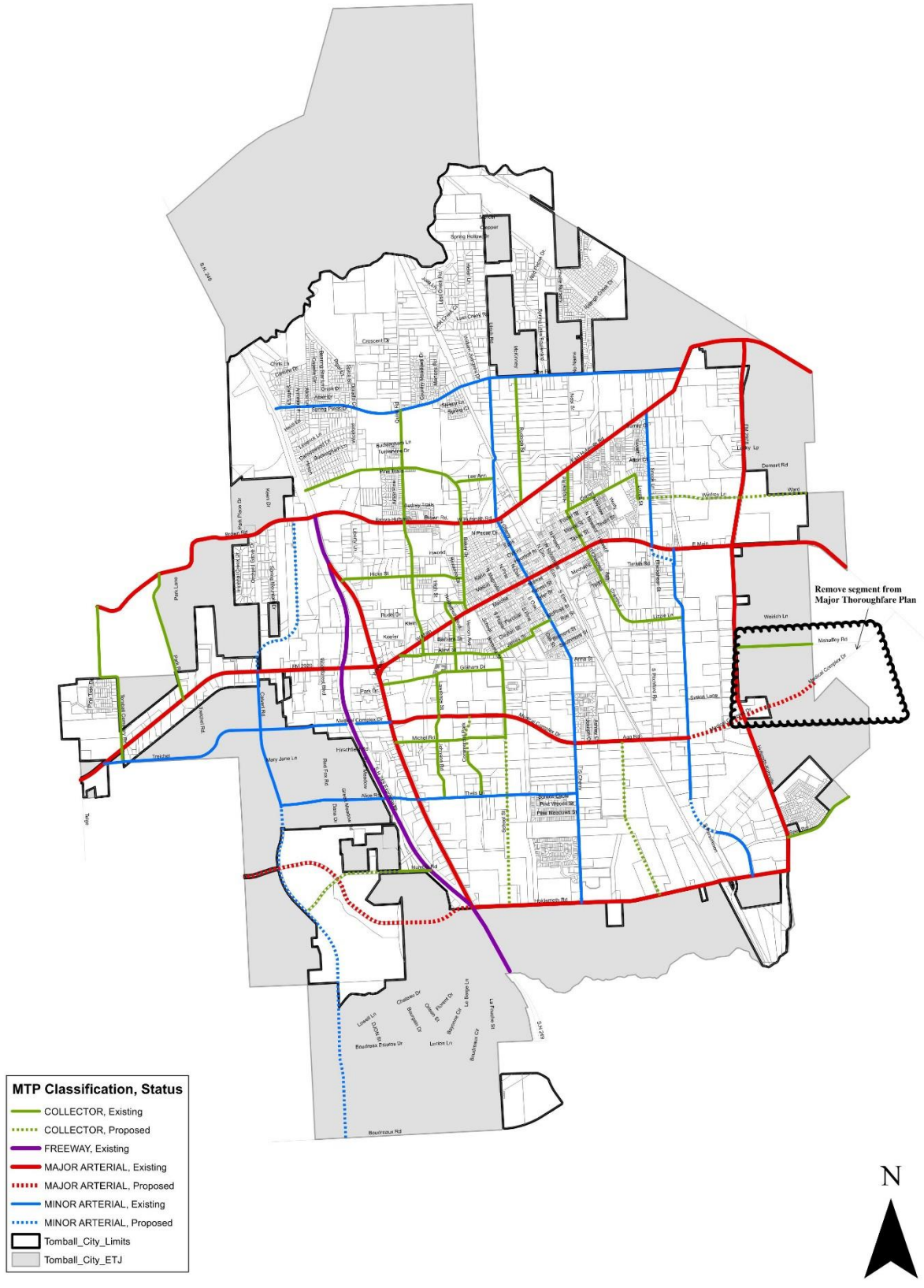


# EXHIBIT "D"

City of Tomball, Texas

## Major Thoroughfare Plan

Revised : May 17, 2021





**EXHIBIT "E"**





## Page 8 of 16 Page 87

## EXHIBIT "G"



### COMPREHENSIVE PLAN AMENDMENT APPLICATION

Community Development Department  
Planning Division

**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 request may be delayed until corrections or additions are received.

#### **CONTACT INFORMATION:**

##### **Applicant**

Name: Harrisburg Homes, Inc. (Shawn Speer)

Title: N/A

Mailing Address: 10819 Silver Shield Way, Tomball, Texas

Zip: 77375

Phone: (713) 249-8196

Fax: ( )

Email: shawn@harrisburgtx.com

##### **Property Owner** N/A

Name:

Title:

Mailing Address:

Zip: Phone: ( ) Fax: ( )

Email:

#### **COMPREHENSIVE PLAN AMENDMENT REQUEST** (The response may be N/A): **THOROUGHFARE PLAN AMENDMENT ONLY**

Amendment Type (check all that apply): Text Map ☒

##### Text Amendment(s)

Text to be modified:

N/A

Proposed Text Amendment (exact wording):

N/A



Proposed Use of Property: N/A

Physical Location of Property: N/A  
 [General Location – approximate distance to nearest existing street corner]

Legal Description of Property: N/A  
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: N/A

Current Use of Property: N/A

HCAD Identification Number: N/A

Property Acreage: N/A

Questions to be answered individually but in complete sentences. The response may be N/A:

1. That the amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;  
**This is a benefit to the City's Major Thoroughfare Plan, as Medical Complex will not longer act as a bypass for the City.**
2. Will the proposed amendment enhance the City economically and aesthetically;  
**It will remove the need for a 100'-120' ROW on the eastern fringe of the City and allow for a cohesive development.**
3. Does the proposed amendment encourage better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?  
**This proposal does not change land use at this time.**
4. Will the proposed amendment impact adjacent residential areas in a positive or negative manner?  
**Will provide less impacts to adjacent properties along the corridor.**
5. Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?  
**Traffic and access will be assessed at time of development. This request is for the removal of a Major Thoroughfare segment. The removal of this segment will not affect the city circulation negatively.**
6. Does the change have any adverse impact on environmentally sensitive areas;  
**None known at this time.**
7. Will the proposed amendment encourages land use compatibility;  
**Yes.**
8. Does the proposed text amendment present a significant benefit to the public health, safety, and welfare of the community;  
**Not Applicable.**
9. Events, trends, or facts after the adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary;  
**Traffic patterns and development has changed the need for this Major Thoroughfare.**
10. Consistent with any existing Interlocal or Development Agreements;  
**Not Applicable.**
11. The amendment provides for Adequate road systems for now and into the future for the area;  
**As the area developments road ways will be designed to meet City and County criteria.**



Mr. David Esquivel  
City Manager  
401 Market Street  
Tomball, Texas 77375

RE: Amendment to 2009 Major Thoroughfare Plan

Mr. Esquivel,

Harrisburg Homes has interest in 49 acres located along Hufsmith Kohrville Rd at the proposed Medical Complex Blvd. The project will add commercial retail and residential to the Greater Tomball Area. Harrisburg Homes put this property under contract in July 2021 to allow time for due diligence and has requested multiple extensions as we have tried to work through this issue. In August 2021 we engaged Gunda Corporation to assist with the project.

On September 7, 2021, a meeting was held with City staff, TEDC staff, Harrisburg Home representatives, and Gunda Corporation to discuss development requirements, possible annexation/de-annexation, and the major thoroughfare plan. At the meeting there was discussion of possibly removing Medical Complex Blvd Segment 5 from the Major Thoroughfare Plan (MTP). City staff was receptive to the annexation/de-annexation and removal of Medical Complex Blvd Segment 5 from the MTP. City staff recommended discussing the change to Medical Complex Blvd with Harris County Precinct 4, as this segment lies outside the City Limits and has been incorporated into the Harris County MTP.

Since the September 7<sup>th</sup> meeting, Gunda Corporation has coordinated with Harris County regarding the removal of this segment and Harris County defers any changes to the Medical Complex Blvd alignment and designations to the City of Tomball. Gunda Corporation has been coordinating with City staff to amend the MTP. On February 14, 2022, the Community Development Department placed the following item on the Planning and Zoning Commission's Agenda.

"Consideration to Approve ZONING CASE P22-016: Request to amend the City of Tomball's Comprehensive Plan which may include an update to the Future Land Use and Major Thoroughfare Plan Maps."

Due to the coupling of amending the Future Land Use Map and the Major Thoroughfare Plan Map no action was taken on this item and the Planning and Zoning Commission asked that the item be brought back in the April or May 2022 meeting.

To further support our request for the removal of Medical Complex Blvd Segment 5:

- The City previously evaluated 249 Toll Road and Medical Complex Interchange which was determined to be cost prohibited by City Management.

- The City evaluated developments and ROW widths at intersections of Medical Complex Blvd east and west of 249 Toll Road.
- In June 2014, City Council approved Ordinance No. 2014-15, amending a portion of Medical Complex Blvd west of SH 249 to FM 2920 to downgrade to a minor arterial from a major arterial to allow development without the burden of oversized ROW.
- The City evaluated the MTP and no longer recommended Medical Complex Blvd as an alternate route for truck traffic through the City of Tomball in 2015. The original Medical Complex Blvd was designed to be an alleviator for truck traffic on FM 2920. With the construction of the Grand Parkway and the 249 Toll Road the need for this alternate route is not needed for the same capacity throughout the original alignment. The Grand Parkway removed a good portion of truck traffic from FM 2920 and unfortunately 249 Toll Road cut off direct access to allow cross traffic for the entire alignment.
- Within Segment 5 there appears to be significant residential structures that could be displaced.

Due to the previous actions by the City the original vision of Medical Complex Blvd will no longer act as a bypass for the City.

We respectfully request an amendment to Ordinance No. 2009-08 "2009 Major Thoroughfare Plan". The request is to remove Medical Complex Segment 5, from Hufsmith Kohrville east to FM 2920.

Below are figures from the adopted 2009 Major Thoroughfare Plan and Tomball Comprehensive Plan, 2019, respectively, with the Segment 5 highlighted

Figure 1 – Snippet of "2009 Major Thoroughfare Plan" Map

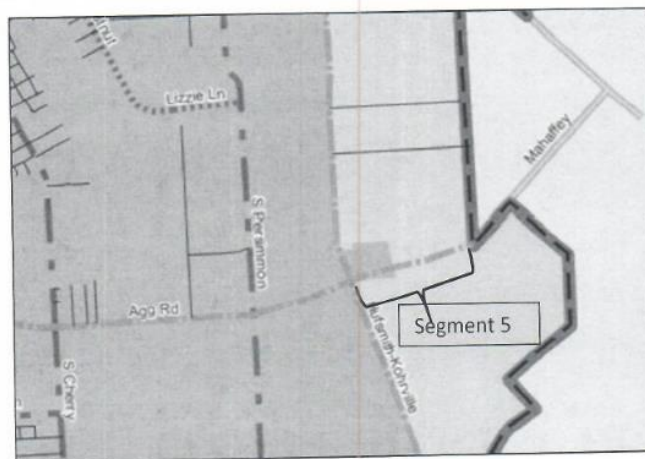


Figure 2 – Snippet of “Tomball Comprehensive Plan, 2019, Figure 4.6, Major Thoroughfare Plan”



Removal of this segment of Medical Complex Blvd will allow Harrisburg Homes to provide a development in general compliance with the City's Future Land Use Plan by including commercial retail and residential, while not having a negative impact on the residential component.

Harrisburg Homes is on its last extension to complete the due diligence and needs a resolution to this request quickly. Please let me know if you have any questions or need additional information. Please feel free to contact me at (713) 249-8196 or shawn@harrisburgtx.com.

Thank you,



Shawn Speer

CC: Gretchen Fagan, Mayor  
Jessica Rogers, Assistant City Manager  
Kelly Violette, TEDC Executive Director  
Kyle Bertrand, Gunda Corporation



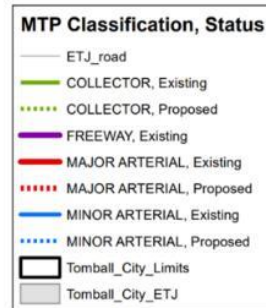
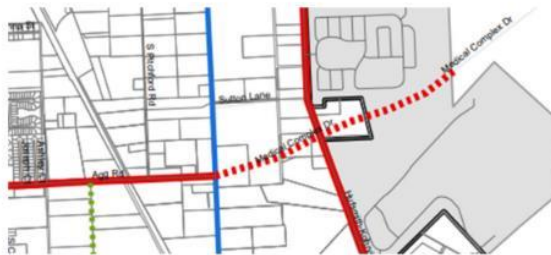
City of Tomball

Thoroughfare Plan Amendment

Medical Center Drive

Notes:

1. The future land use for areas that the future Medical Commons Drive is proposed to traverse is currently designated as Neighborhood Residential. Addition of a Major Thoroughfare would be detrimental to the development of residential neighborhoods as envisioned in the Future Land Use Map. It is also contrary to the Comprehensive Plan that states "...The City's Major Thoroughfare Plan should further enable the effectiveness of the City's Future Land Use Plan. encourages existing and future land uses with streets that maintain appropriate capacity levels while providing means for other transportation choices."



**FUTURE MOBILITY**

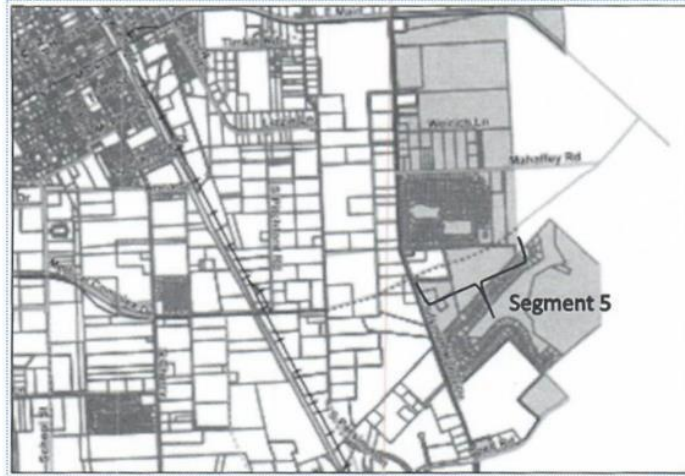
Tomball's transportation network should be considered a complement to the different land uses within the City. As such, the City's Major Thoroughfare Plan should further enable the effectiveness of the City's Future Land Use Plan. This would include complementing existing and future land uses with streets that maintain appropriate capacity levels while providing means for other transportation choices. The street typology also has a role in furthering the promotion of community character that is associated with the previous future land use categories. This section further helps to define the character of Tomball's street typology.



2. Since the county does not have any plans to improve the portion of Medical Complex Drive in the county, termination of Medical Complex Drive at Hufsmith-Kohrville, another Major Thoroughfare, is logical.
3. The future thoroughfare as shown fragments land that is prime for development as industrial with high economic value for the city, and prohibits integrated land development of the business park.
4. The alignments of future roads shown on the Thoroughfare Plan are conceptual. If the desire is to keep this potential connection for the future, the City should consider realignment of Medical Commons Drive (as shown in orange dashed line) along existing boundaries of developments to prevent fragmentation of developable land and maximize coordinated and unified development.



Figure 2 – Snippet of “Tomball Comprehensive Plan, 2019, Figure 4.6, Major Thoroughfare Plan”



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

#### Topic:

Consideration to Approve **Zoning Case P22-106:** Request from the collective owners of properties have requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. Being generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas

#### Conduct Public Hearing on **Case P22-106**

Adopt, on First Reading, Ordinance No. 2022-11, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinance by changing the Zoning District Classification of approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed Use (OT & MU) District, being generally located in the 500 block (north side) of James Street, within the City of Tomball, Harris County, Texas; 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:

Planning & Zoning Commission recommends DENIAL (0 Vote Aye, 5 Votes Nay)

**Origination:** Harold & Sandra Keys, Mirekeys Corporation, Ernest Grandinetti, and Jeff & Jessica McClung

#### Recommendation:

Denial

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich, Community Development Director

#### FUNDING (IF APPLICABLE)

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, specify Account Number: # \_\_\_\_\_



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

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**ORDINANCE NO. 2022-11**

**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 0.64 ACRES OF LAND LEGALLY DESCRIBED AS BEING ALL OF LOTS 21 THROUGH 24 OF BLOCK 32, IN REVISED MAP OF TOMABLL, AS WELL AS LOTS 25 AND 27 IN GRANDINETTI TRACT FROM SINGLE-FAMILY RESIDENTIAL 6 (SF-6) DISTRICT TO THE OLD TOWN AND MIXED-USE (OT AND MU) DISTRICT, BEING GENERALLY LOCATED IN THE 500 BLOCK (NORTH SIDE) OF JAMES STREET, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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 collective owners of properties have requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. Being generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of the Old Town & Mixed Use District; and

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Single-Family 6 District to the Old Town & Mixed Use 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 Old Town & Mixed Use 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 Old Town & Mixed Use District as described above.

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

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

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 16<sup>TH</sup> DAY OF MAY 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

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 6<sup>TH</sup> DAY OF JUNE 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

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

Exhibit "A"



Legal: Lots 21 through 24, Block 32 in Revised Map of Tomball and Lots 25 & 27 in Grandinetti Tract

Location: 500 Block (north side) of James Street

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MAY 9, 2022  
&  
CITY COUNCIL  
MAY 16, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 9, 2022 at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 16, 2022 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 P22-106:** Request from the collective owners of properties to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately .64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. The properties are generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas.

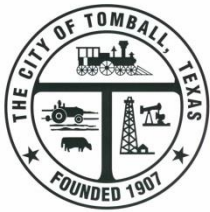
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@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 **6<sup>th</sup>** day of **May 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
City Planner

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



## 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:** P22-106

**APPLICANT/OWNER:** Collective Owners of Properties

**LOCATION:** Generally located within the 500 block of James Street (north side), between S. Pine Street and S. Magnolia St., within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A Rezoning to amend the official zoning map for the City of Tomball by rezoning approximately .64 acres of land legally described as being all of Lots 21 through 24 of Block 32 in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential (SF-6) district to the Old Town and Mixed Use (OT and MU) district.

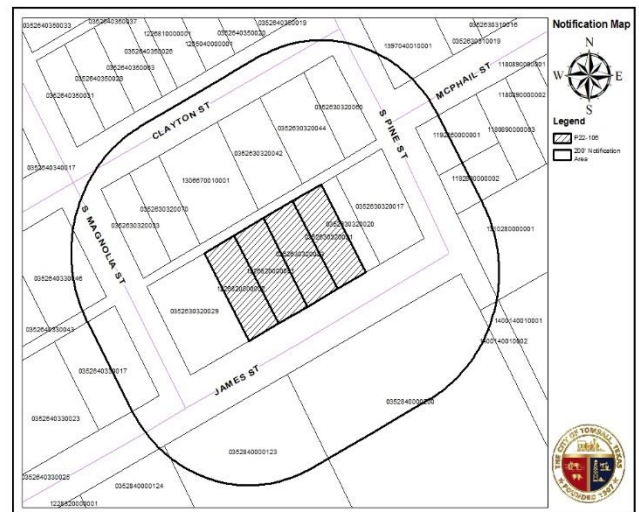
**CONTACT:** Jared Smith, City Planner

**PHONE:** (281) 290-1491

**E-MAIL:** [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

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

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



**Planning & Zoning Commission**

**Public Hearing:**

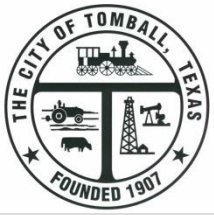
**Monday, May 9, 2022 @ 6:00 PM**

**City Council Public Hearing:**

**\*Monday, May 16, 2022 @ 6:00 PM**

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

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



# Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball  
Attn: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

\_\_\_\_\_ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106. (Please state reasons below)**

\_\_\_\_\_ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106. (Please state reasons below)**

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

**Monday, May 9, 2022 @ 6:00 PM**

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

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

**Monday, May 16, 2022 @ 6:00 PM**

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

**COMMENTS:**

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You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

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





# 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: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

MARIE QuINTERS

(please print)

Address:

519 CLAYTON ST.

TOMBALL, TX 77375

Signature:

marie Quinters

Date:

5/7/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106**. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106**. (Please state reasons below)

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

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401 Market Street, Tomball, Texas

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**Monday, May 16, 2022 @ 6:00 PM**

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

**COMMENTS:**

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You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

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



# 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: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

KEVIN & DONNA LABBE  
515 CLAYTON ST.  
TOMBALL, TEXAS 77375  
[Signature]  
05/09/2022

☐

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106. (Please state reasons below)**

☒

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106. (Please state reasons below)**

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

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401 Market Street, Tomball, Texas

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

**Monday, May 16, 2022 @ 6:00 PM**

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

COMMENTS:

This will Reduce Property Values for all  
Connecting Residential Properties.

You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

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



# 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: Jared Smith  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

Cathy and Lawrence Paulson

606 S. Pine St.

Tomball, TX 77375

Cathy Paulson Lawrence Paulson

5/9/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-106**. (Please state reasons below)

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

**Monday, May 9, 2022 @ 6:00 PM**

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

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

**Monday, May 16, 2022 @ 6:00 PM**

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

## COMMENTS:

We bought our home to be in a residential neighborhood. Please do not mix businesses w/ our homes! It's bad enough we're by an Alheimers building. There is also too much traffic in the area and no parking! We can hardly get out of our driveway now!!

You may also comment via email to [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

Please reference the case number in the subject line.

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

## Request to Speak before Tomball Planning & Zoning Commission

Name KEVIN LABBE Phone 281-793-6026 Date 5/9/2022

Home Address 515 Clayton St. City Tomball Zip 77375

Email address: KDLABBE@SBCGlobal.net

I ☒ DO ☐ DO NOT want to be added to the City of Tomball email list.

- ☐ Public Hearing Agenda Item # Zoning Case P22-106  
☐ Other Agenda Item # \_\_\_\_\_

☐ I wish to speak IN FAVOR of this item.

☒ I wish to speak IN OPPOSITION to this item.

☐ I do not wish to speak; however, please record my  
\_\_\_\_ SUPPORT \_\_\_\_ OPPOSITION

- ☐ General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

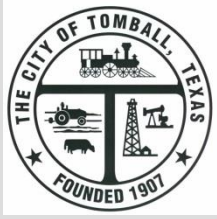
Topic of Discussion:

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**Comments during Citizens' Comments will be limited to 3 minutes.  
(Please see instructions on the back of the form.)**



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 9, 2022

City Council Public Hearing Date: May 16, 2022

<b>Rezoning Case:</b>	P22-106
<b>Property Owner(s):</b>	Harold & Sandra Keys, Mirekeys Corporation, Ernest Grandinetti, and Jeff & Jessica McClung
<b>Applicant(s):</b>	Harold & Sandra Keys, Cindy Keys Corporation, Ernest Grandinetti, and Jeff & Jessica McClung
<b>Legal Description:</b>	Lots 21, 22, 23, and 24, Block 32 in Revised Map of Tomball, and Lots 25 & 27 in Grandinetti Tract
<b>Location:</b>	500 block (north side) of James Street between S. Pine Street and S. Magnolia Street at 504, 516, 522, and 526 James St. (Exhibit "A")
<b>Area:</b>	0.64 acres
<b>Comp Plan Designation:</b>	Old Town (Exhibit "B")
<b>Present Zoning:</b>	Single-Family 6 District (Exhibit "C")
<b>Request:</b>	Rezone from the Single-Family 6 District to the Old Town & Mixed-Use District
<b>Adjacent Zoning &amp; Land Uses:</b>	
<b>North:</b>	Single-Family 6 District / Single-family residence(s)
<b>South:</b>	Single-Family 6 District / Municipal Facility
<b>West:</b>	Single-Family 6 District / Single-family residence
<b>East:</b>	Single-Family 6 District / Vacant Lot / Single-family residence

### **BACKGROUND**

The subject properties have been located within the City Limits of Tomball since the City's establishment in 1907. There are presently three (3) structures that exist on the subject properties. According to Harris County Appraisal District, the first is a single-family dwelling located at 516 James Street (Lots 23 & 24) that has existed since at least 1930. The second is also a dwelling, located at 504 James Street (Lots 21 & 22) that has existed since at least 1940. The most recent structure received building permit approval in 2019, recently finalized construction, and is now seeking approval for this zone change to allow the opportunity for commercial occupancy within this structure.

## **ANALYSIS**

**Description:** The subject properties comprise approximately 0.64 acres, located in the 500 block on the north side of James Street. Immediately north, east, and west of the subject properties are existing single-family residences located within Single Family Residential (SF-6) zoning. South of the subject properties are municipal buildings that currently house a variety of departmental offices for the City of Tomball, these buildings also fall within a Single Family Residential (SF-6) district. The existing Single Family Residential (SF-6) districts that the subject properties and surrounding properties fall within have been in existence since the City of Tomball adopted zoning in 2008. It is worth noting additional nearby land uses. Approximately 200-300 feet southwest of the subject properties on the south side of James Street are existing residential multi-family apartment buildings as well as an office complex. East and southeast of the subject properties, approximately 150-200 feet is an existing assisted living facility. As previously mentioned, two of the existing structures were constructed in 1930 and 1940. The most recently constructed structure received building permit approval in 2019 and has finalized construction this year. The current owners of this new structure located at 522 James Street are seeking approval of the requested zone change to allow the occupancy of this new building by commercial uses.

**Comprehensive Plan Recommendation:** The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

Additionally, the Comprehensive Plan states – “The following considerations should be used as guidance for regulatory modifications or as part of decision-making: New development should encourage building to the street at a pedestrian scale, with no parking between the front building façade and the street. Pedestrian enhancements such as wide sidewalks, pedestrian furnishings, and street trees should be emphasized.”

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, this area “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

### **Staff Review Comments:**

Conformance to the Comprehensive Plan: The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject properties as being within the “Old Town” land use category. Rezoning the properties as requested would achieve the goals and objectives outlined in the Comprehensive Plan. Particularly in regards to growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. This zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the

Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. Given the proximity to existing municipal facilities/offices, multi-family development(s), and office complex; this requested zone change will further encourage the mixture of land uses within the immediate area and will not be contrary to the Comprehensive Plan or the Future Land Use Plan. Furthermore, the character of development that will be promoted by Old Town & Mixed Use zoning are intended to be compatible with nearby single-family residential land uses.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on April 25, 2022. 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 P22-106.

### **EXHIBITS**

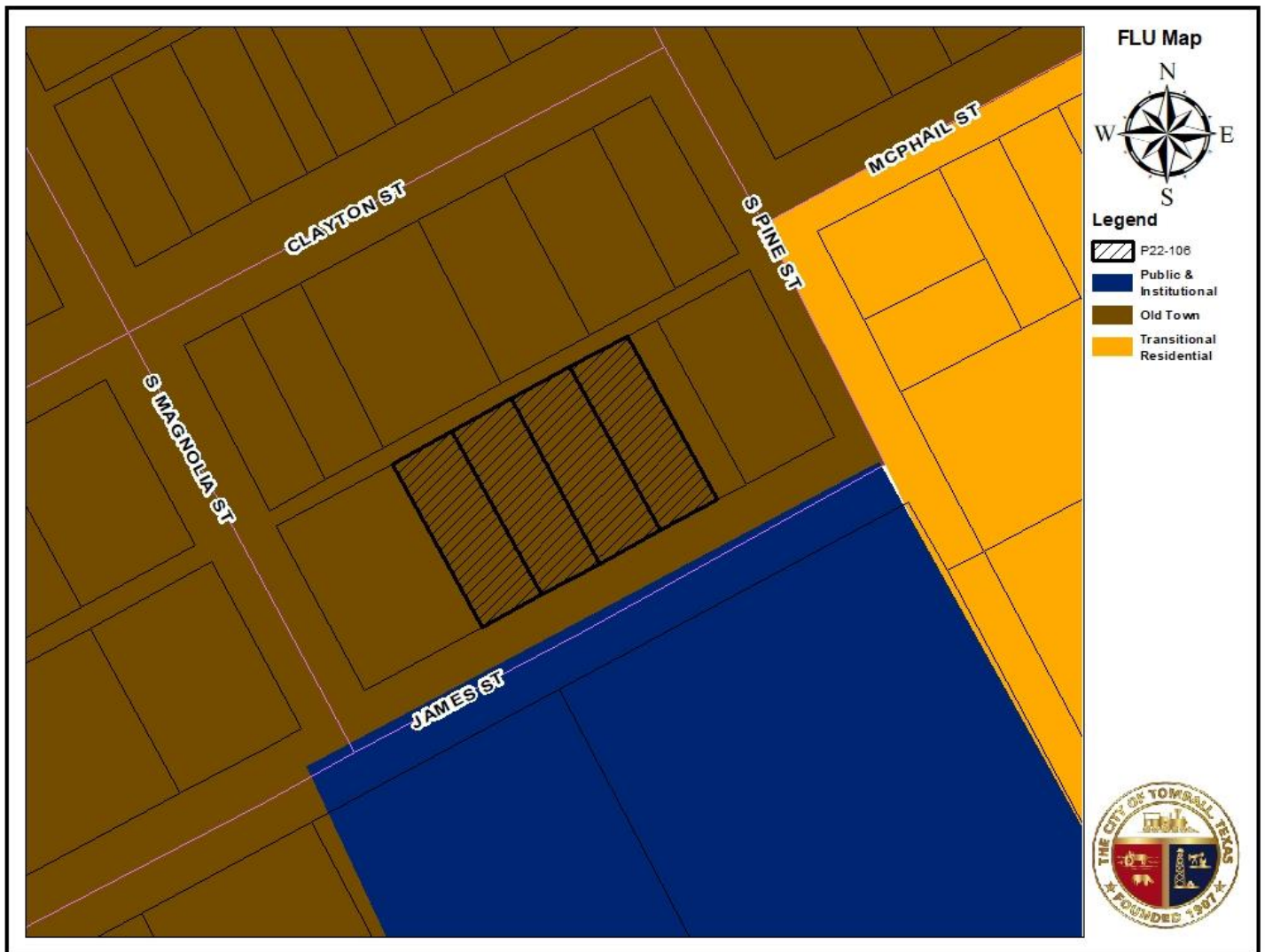
- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



Exhibit "A"  
Aerial Photo



Exhibit "B"  
Comprehensive Plan





# Exhibit "C" Zoning Map



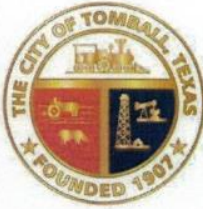


**Exhibit “D”  
Site Photo(s)**





**Exhibit "E"**  
**Rezoning Application**



RECEIVED (KC)  
11/01/2021

Revised: 4/13/2020  
P&Z #21-469  
\$400.00

**APPLICATION FOR RE-ZONING**

Community Development Department  
Planning Division

**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: HAROLD E SANDRA KEYS Title: OWNERS  
Mailing Address: 477 SHENWOOD FOREST N City: WOODVILLE State: TX  
Zip: 75979 Contact: HAROLD KEYS  
Phone: (713) 582-6035 Email: HLKEYS@HOTMAIL.COM

**Owner**

Name: "SAME AS APPLICANT" Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**

Name: N/A Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Description of Proposed Project:** NEW CONSTRUCTION

**Physical Location of Property:** LT 25 - GRANDINETTI TRACT ↗

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

**Legal Description of Property:** 522 JAMES ST 77375 ↙

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** SF-6

**Current Use of Property:** UNDER CONSTRUCTION

**Proposed Zoning District:** OT & MU (SEC. 50-79)

**Proposed Use of Property:** MIXED USE

**HCAD Identification Number:** 122682XXXXX1 **Acreage:** 7,000 SF

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

www.tomballtx.gov

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 HAROLD E SANDRA KEYS 10/29/2021  
Signature of Applicant Date

X HAROLD E SANDRA KEYS 10/29/2021  
Signature of Owner Date

**From:** [noreply@tomballtx.gov](mailto:noreply@tomballtx.gov)  
**To:** [Kimberly Chandler](#)  
**Subject:** Receipt #R01288429  
**Date:** Tuesday, November 2, 2021 1:50:25 PM

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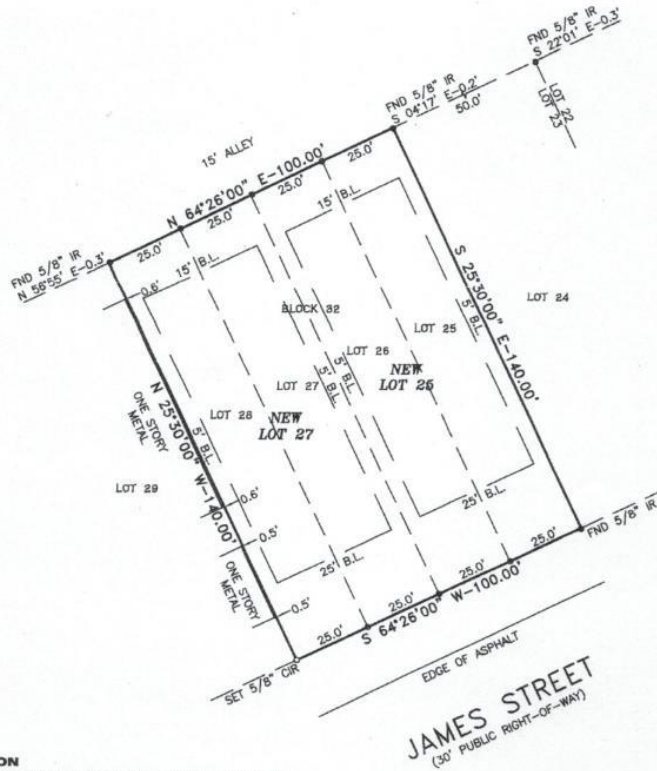
401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

-----  
DATE : 11/2/2021 1:40 PM  
OPER : TW  
TKBY : TW  
TERM : 5  
REC# : R01288429  
130.0000 PLANNING AND ZONING  
522 James St 400.00

Paid By:522 James St  
2-CK 400.00 REF:w 21503



WILLIAM HURD SURVEY, A-371  
HARRIS COUNTY, TEXAS



**LEGAL DESCRIPTION**

LOT TWENTY-FIVE (25) AND TWENTY-SEVEN (27), OF THE GRANDINETTI TRACT NOTICE OF BOUNDARY LINE ADJUSTMENT, A PLAT SHOWING THE NEW BOUNDARY LINES OF NEW LOT 25 AND NEW LOT 27, BEING COMPRISED OF LOTS 24, 25, 26 AND 27, BLOCK 32 OF THE REVISED MAP OF TOMBALL, FILED FOR RECORD UNDER FILM CODE NO. 501056, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

**SURVEY NOTES**

1. ONLY VISIBLE EVIDENCE OF UTILITIES AND IMPROVEMENTS ARE SHOWN.
2. BEARINGS AND STREET RIGHT OF WAYS ARE BASED ON RECORDED PLAT.
3. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
4. SURVEYOR DID NOT ABSTRACT THE PROPERTY, EASEMENTS, BUILDING LINES, RESTRICTIONS, ETC., ARE AS DEFINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY ALAMO TITLE INSURANCE COMPANY OF NO. ATCH-16-ATCH13034211APK, EFFECTIVE DATE JANUARY 05, 2015.
5. PROPERTY LIES IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48201C0230L, EFFECTIVE DATE 08-18-07. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
6. ONLY THOSE SURVEYS WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL WILL BE CONSIDERED A "VALID COPY" OF THIS SURVEY. SURVEYOR WILL NOT BE RESPONSIBLE FOR ANYTHING OTHER THAN A "VALID COPY" OF THIS SURVEY.

**SURVEYOR'S CERTIFICATION**

I, ROGER D. PICKERING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION OF THE PROPERTY DESCRIBED HEREON (AND/OR BY METES AND BOUNDS ON ATTACHED SHEET), IS CORRECT AND THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, AND THAT ALL IMPROVEMENTS LIE WHOLLY WITHIN THE PROPERTY LINES, EXCEPT AS SHOWN OR NOTED HEREON.



*Roger D. Pickering*  
Roger D. Pickering, R.P.L.S.  
Texas Registration No. 5879

Date

SCALE: 1"=30' DATE: 01-16-15  
REVISION:  
BOOK: N/A  
DRAWN BY: K.L.P.  
APPROVED BY: R.D.P.  
PROJECT NO.: 70008-15

**ALAMO TITLE COMPANY**

PURCHASER: ALFRED LESTER JONES  
LENDER: N/A  
PROPERTY ADDRESS: 816 JAMES STREET  
TOMBALL, TEXAS 77375

**LAND TITLE SURVEY**

SEE ATTACHED LEGAL DESCRIPTION

**PICKERING & ASSOCIATES**

PROFESSIONAL LAND SURVEYORS, LLC  
Firm Registration No. 10165200  
7702 Vin Oak Street  
Montgomery, Texas 77316  
Phone: (936) 447-4703  
Mobile: (281) 804-0785  
rpickering@att.net Copyright 2015



*City of Tomball*  
Community Development Department  
Zoning Affidavit

I, (We), MIREKEYS Corp by, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to: **OLD TOWN – MIXED USE (OT/MU)** from **SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LT 27 GRANDINETTI TRACT**  
**526 JAMES ST. TOMBALL, TX 77375**

Property Owners Information:

Names: **MIREKEYS CORP**  
Address: **414 N CHESTNUT ST TOMBALL TX 77375-4538**

Phone: 713-979-8078 E-mail: mirekeys@gmail.com

Authorized Agent/Applicant Contact Information:

Names: **MIREKEYS CORP**  
Address: **414 N CHESTNUT ST TOMBALL TX 77375-4538**

Phone: \_\_\_\_\_ E-Mail: m

Correspondence to be sent to: Owner \_\_\_\_\_ Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email \_\_\_\_\_

Owner Signature: Cyrl. Keys Date: 3/27/22  
Owner Signature: MIREKEYS CORP Date: \_\_\_\_\_



*City of Tomball*  
Community Development Department  
Zoning Affidavit

I, (We), Jeff and Jessica McClung, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to **OLD TOWN - MIXED USE (OT/MU)** from **SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LTS 21 & 22, BLOCK 32 IN REVISED MAP OF TOMBALL  
504 JAMES ST. TOMBALL TX, 77375**

Property Owners Information:

Name(s): Jeff and Jessica McClung

Address: 504 James St. Tomball TX 77375

Phone: 281-923-4803 E-mail: Jmac8527@hotmail.com

Authorized Agent/Applicant Contact Information:

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Correspondence to be sent to: Owner X Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email X

Additional Info: \_\_\_\_\_

Owner Signature: [Signature] Date: 4/27/22

Owner Signature: [Signature] Date: 4/28/22



*City of Tomball*  
*Community Development Department*  
*Zoning Affidavit*

I, (We), ERNEST GRANDINETTI, agree to be associated with the Official Zoning amendment as shown with the associated map that has been submitted with this application.

We are requesting to be included with the request to rezone our property to: **OLD TOWN – MIXED USE (OT/MU) from SINGLE FAMILY RESIDENTIAL (SF-6)**

Legal Description: Harris County Appraisal District

**LTS 23 & 24 BLK 32**  
**516 JAMES ST. TOMBALL, TX 77375**

Property Owners Information:

Names: **ERNEST GRANDINETTI**  
Address: **606 JAMES ST TOMBALL TX 77375-4626**

Phone: 281 733 6086 E-mail: \_\_\_\_\_

Authorized Agent/Applicant Contact Information:

Names: **ERNEST GRANDINETTI**  
Address: **606 JAMES ST TOMBALL TX 77375-4626**

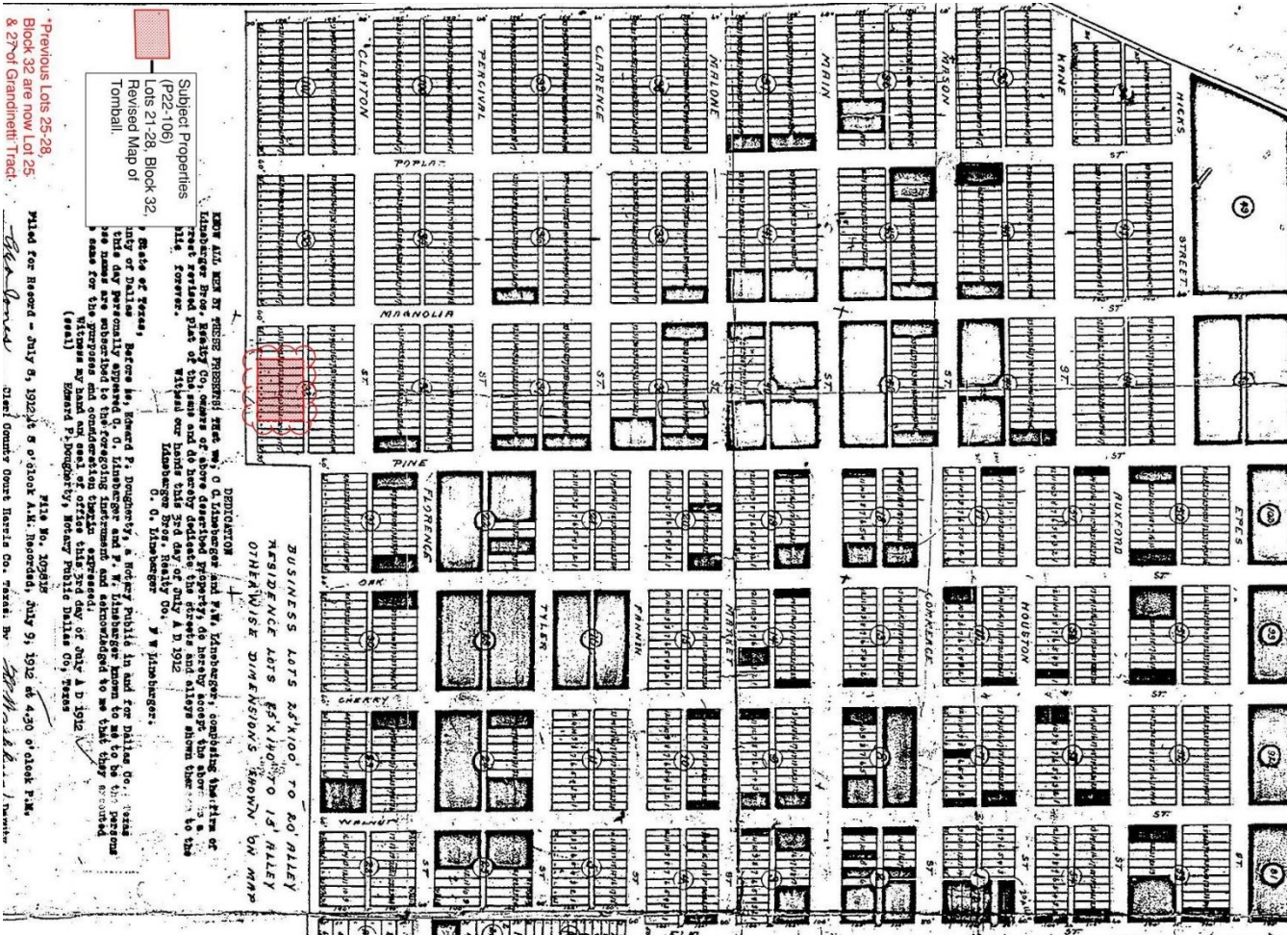
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Correspondence to be sent to: Owner \_\_\_\_\_ Authorized Agent/Applicant \_\_\_\_\_ by: Mail \_\_\_\_\_ Email \_\_\_\_\_

Owner Signature: Ernest Grandinetti Date: 2/15/22

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_





Subject Properties  
(P22-106)  
Lots 21-28, Block 32,  
Revised Map of  
Tomball.

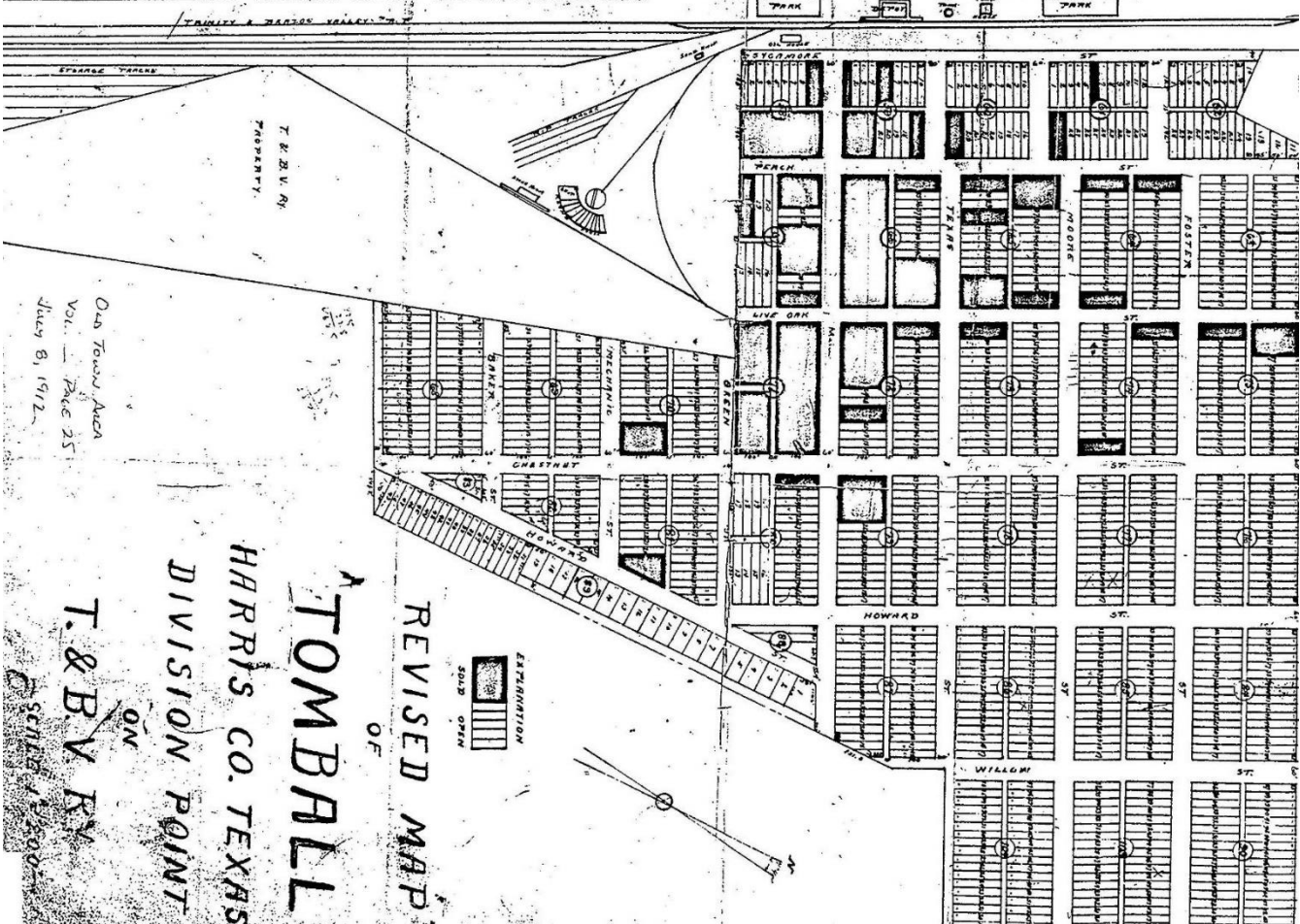
Know all men by these presents that W. O. Lambarger and P. W. Lambarger, co-owners of the above described property, do hereby certify that the above is a true and correct copy of the plat of said property as the same appears on file in the office of the County Clerk of Harris County, Texas, and that the same is subject to the provisions of the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Witness my hand and seal of office this 3rd day of July A.D. 1912.

Notary Public in and for the State of Texas.  
W. O. Lambarger  
P. W. Lambarger

DEDICATION  
BUSINESS LOTS 25X100' TO ROYALTY  
RESIDENCE LOTS 25X100' TO 10' ALLEY  
OTHERWISE DIMENSIONS SHOWN ON MAP

Filed for Record - July 5, 1912 at 5 o'clock A.M. Recorded, July 9, 1912 at 4:30 o'clock P.M.  
Clerk: County Court Harris Co., Texas, by *W. M. A. B. L.*



On Town Area  
Vol. - Page 25  
July 8, 1912.

REVISED MAP  
OF  
TOMBALL  
HARRIS CO. TEXAS  
DIVISION POINT  
ON  
T. & B. V. R. R.



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: 5/16/2022

#### Topic:

Resolution No. 2022-19, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on June 20, 2022, for the creation of Tomball Public Improvement District No. 14 (Seven Oaks) and being located within the City of Tomball.

#### Background:

Resolution No. 2022-19 pertains to Tomball Public Improvement District No. 14, also known as Seven Oaks, which encompasses approximately 19.34 acres located on the north side of Holderrieth Road, and 0.598 miles west of the Holderrieth Road and Hufsmith-Kohrville intersection. The resolution will accept the PID petition received from HMH Tomball Townhomes, LLC, and calls for a public hearing on June 20, 2022 to consider the creation of a PID.

On March 21, 2022 City Council approved an amendment to the Administrative Policy for Public Improvement Districts (PIDs). The PID Policy specifies that the minimum requirement for a district to be eligible for a bond PID is 50-acres. Additionally, the development would need to provide a unique or special development that provides benefits to the Tomball community. These benefits could include, but are not limited to: parks, walking trails, sidewalks, specialty lighting, signage, etc. The development would also need to exceed development requirements which could include enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of the lots or building.

The submitted petition request the creation of a bond PID. Staff is recommending denial of the petition since the development does not meet the minimum acreage for a bond nor does it provide a special or unique benefit to the community as defined in the adopted PID policy. Staff has provided a copy of the PID policy to the developer and discussed the policy requirements with them. Staff recommend the developer pursue a cash PID based on the adopted policy.

The PID policy does maintain that Council has the flexibility to consider unique and desirable elements, and grants Council the final authority for PID creation if the proposed development does not meet the minimum requirements.

**Origination:** HMH Tomball Townhomes, LLC

#### Recommendation:

Staff recommends denial of the PID Petition.

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

Meagan Mageo, Project Coordinator

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	_____	Approved by	_____
	Meagan Mageo		
	Staff Member		City Manager
	Date		Date



**RESOLUTION NO. 2022-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF TOMBALL, TEXAS, CALLING FOR A PUBLIC  
HEARING ON THE CREATION OF A PUBLIC  
IMPROVEMENT DISTRICT AND BEING LOCATED  
WITHIN THE CITY OF TOMBALL**

\* \* \* \* \*

**WHEREAS**, the City Council (the “City Council”) of the City of Tomball, Texas (the “City”) has received a petition (the “Petition”) requesting creation of a public improvement district (the “PID”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (“50%”) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Harris County) in the proposed PID and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment in the proposed PID; and

**WHEREAS**, the Petition, a copy of which is attached hereto as Exhibit 1, has been examined, verified, and found to meet the requirements of Sections 372.005(a) and 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

**WHEREAS**, the boundaries of the proposed PID are described in the Exhibit A to the Petition and shown on the map attached to the Petition as Exhibit B, said area for the PID being within the City; and

**WHEREAS**, the City Council accepts the Petition and desires to schedule a public hearing to consider the creation of the PID to finance the following public improvements (collectively, the “Authorized Improvements”): (i) the acquisition, construction or improvement of water, wastewater or drainage facilities or improvement; (ii) acquiring, constructing, improving,

widening, narrowing, closing or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (iii) landscaping; (iv) the establishment or improvement of parks; (v) erection of fountains, distinctive lighting and signs; (vi) projects similar to those listed in subsections (i) - (v) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (viii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation and cultural enhancement; and; (ix) payment of expenses incurred in the establishment, administration and operation of the District, including the costs of financing the public improvements listed above, **NOW, THEREFORE**

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

SECTION 1: That a public hearing is hereby scheduled at 6:00 P.M. on June 20, 2022, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 to receive public comment on the creation of the PID in the area described in Exhibit A to the Petition and as shown on the map attached to the Petition as Exhibit B, pursuant to the Act; and

SECTION 2: That notice of said hearing, in the substantially final form set forth in Exhibit 2 attached hereto, with such changes as may be approved by the City's counsel, shall be published in a newspaper of general circulation in the City and in a newspaper of general circulation in the City before the 15th day prior to the hearing as required by the Act; and

SECTION 3: That written notice, in the substantially final form set forth in Exhibit 2 attached hereto with such changes as may be approved by the City's counsel, shall be mailed to

each property owner, as reflected on the tax rolls, of property subject to assessment within the PID, before the 15th day prior to the date set for the hearing; and

SECTION 4: That all of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein; and

SECTION 5: That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision; and

SECTION 6: That this Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

**PASSED, APPROVED, AND RESOLVED** this \_\_\_ day of May 2022.

---

Lori Klein-Quinn  
Mayor

ATTEST:

---

Doris Speer  
City Secretary

**EXHIBIT 1**

PETITION  
(see attached Petition)

## EXHIBIT 2

NOTICE OF PUBLIC HEARING OF THE CITY OF TOMBALL, TEXAS TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CITY.

NOTICE IS HEREBY GIVEN THAT the City Council (the "City Council") of the City of Tomball, Texas (the "City"), pursuant to Chapter 372 of the Texas Local Government Code, as amended (the "Act"), will hold a public hearing at 6:00 p.m. on June 20, 2022, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 for the purpose of considering the establishment by the City of a public improvement district to be located within the extraterritorial jurisdiction of the City.

In accordance with the Act, the City Council has received a petition (the "Petition") from certain property owners within the extraterritorial jurisdiction of the City (the "Petitioners"), that requests the establishment of a public improvement district (the "PID"). The Petition and the legal description of the property to be included in the PID are on file and open for public inspection in the office of the City Secretary at 401 Market Street, Tomball, Texas 77375. The public hearing is being held with respect to the advisability of creating the PID and the improvements to be made therein.

**GENERAL NATURE OF THE AUTHORIZED IMPROVEMENTS:** The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) the acquisition, construction or improvement of water, wastewater or drainage facilities or improvement; (ii) acquiring, constructing, improving, widening, narrowing, closing or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (iii) landscaping; (iv) the establishment or improvement of parks; (v) erection of fountains, distinctive lighting and signs; (vi) projects similar to those listed in subsections (i) - (v) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (viii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation and cultural enhancement; and; (ix) payment of expenses incurred in the establishment, administration and operation of the District, including the costs of financing the public improvements listed above.

**ESTIMATED COST OF THE AUTHORIZED IMPROVEMENTS:** The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment, administration and operation of the PID is \$5,731,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

**PROPOSED METHOD OF ASSESSMENT:** The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without

regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.

PROPOSED APPORTIONMENT OF COSTS BETWEEN THE CITY AND THE PID: The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the PID and from other sources of funds available to the Petitioners.

BOUNDARIES OF THE PROPOSED PID: 19.34 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located on the north side of Holderrieth Rd., and .598 miles west of the Holderrieth Rd. and Hufsmith-Kohrville Rd. intersection. **A metes and bounds description is available for inspection at the offices of the City Secretary at the location described above.**

All interested persons are invited to attend such public hearing to express their views with respect to the establishment of the PID and the Authorized Improvements to be made therein. This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

THE CITY OF TOMBALL, TEXAS



# EXHIBIT A

## PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF TOMBALL, TEXAS

COMES NOW, HMH Tomball Townhomes, LLC, a Texas limited liability company ("Petitioner"), the owner of a parcel or parcels of taxable real property, who hereby petition the City of Tomball, Texas ("City"), to conduct a hearing on this Petition, and to create a Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code, as amended, to be known as "Seven Oaks Public Improvement District" (the "District"). In support of the same, Owner would respectfully show the following:

### I.

The boundaries of the proposed District are set forth in Exhibit "A" attached hereto and incorporated by reference herein. All of such land is located in the corporate limits of the City or its extraterritorial jurisdiction.

### II.

The general nature of the proposed improvements (the "Improvements") are: (i) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (ii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (iii) landscaping; (iv) the establishment or improvement of parks; (v) erection of fountains, distinctive lighting, and signs; (vi) projects similar to those listed in (i)-(v); (vii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (viii) special supplemental services for improvement and promotion of the District, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of expenses incurred in the establishment, administration, and operation of the District, including the costs of financing the public improvements listed above.

### III.

The estimated total cost of the proposed Improvements is \$5,731,000.

### IV.

The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those public Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those public Improvements (including interest).

V.

All of the cost of the proposed Improvements shall be apportioned to and paid by assessment of the property within the District. The City will pay none of the costs of the proposed Improvements. Any remaining costs of the proposed Improvements will be paid from sources other than assessment of the property within the District.

VI.

The management of the District will be by the City with the assistance of a third-party administrator hired by the City and paid as part of the annual administrative cost of the District.

VII.

The person or entity signing this Petition request the establishment of the District, is duly authorized, and has the corporate authority to execute and deliver the Petition.

VIII.

The Petitioner proposes that the District be established and managed without the creation of an advisory board.

IX.

Notwithstanding that the total acreage within the proposed District is less than fifty (50) acres, Petitioner is requesting that the City reimburse Petitioner for the cost of the Improvements from the proceeds of bonds to be issued by the City and secured solely by assessments levied upon benefited land within the District.

X

The persons or entities (through authorized representatives) signing this Petition are also owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and the record owners of real property liable for assessment under the proposal who: (a) constitute more than fifty percent (50%) of all record owners of property that are liable for assessment under the proposal, and (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal.

X.

This Petition will be filed with the City Secretary, City of Tomball, Texas.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED, on this the 27th <sup>April</sup> day of May, 2022.

**PETITIONER:**

HMH Tomball Townhomes, LLC, a Texas  
limited liability company

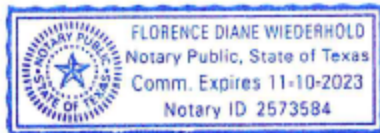
By: [Signature]

Name: Michael J. Pizzitelli, Jr.

Title: Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF Harris   §

This instrument was acknowledged before me on April 27th, 2022, by  
Michael J. Pizzitelli, Jr., Vice President of HMH Tomball Townhomes, LLC, a  
Texas limited liability company, on behalf of said company.



[Signature]  
Notary Public, State of Texas

## EXHIBIT "A"

Being a 19.34 acre (842,341 square foot) tract of land situated in the C. Pillot survey, Abstract No. 632 City of Tomball of Harris County, Texas and being the remainder of a called 5.0000 acre tract of land as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under Harris County Clerk's File Number (H.C.C.F. No.) N337110, all of a called 2.0000 acre tract of land as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under H.C.C.F. No. N325685 and the remainder of a called 22.1454 acre tract as described in an instrument to Franklin L. Cox and wife Karen M. Cox recorded under H.C.C.F. No. M269425, said 19.34 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas coordinate system of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the north right-of-Way line of Holderrieth Road as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 5/8-Inch iron rod with cap stamped "GORRONDONA & ASSOC." found for the southwest corner of the herein described tract, lying on the north right-of-way line of Holderrieth Road (80 feet wide), said point being the northwest corner of a called 0.3104 acre tract (Parcel 23) as described in an instrument to Harris County recorded under H.C.C.F. No. RP-2021-276721 for the widening of said Holderrieth Road, same being the northeast corner of a called 0.2073 acre tract (Parcel 21B) as described in an instrument to Harris County recorded under H.C.C.F. No. RP-2021-358152, from which a 5/8-inch iron rod with cap stamped "EE COON" bears S 21°13' E, 20.75 feet, found for the southwest corner of said 22.1454 acre tract and the southeast corner of a called 21.361 acre tract as described in an instrument to Frank Leon Denina and wife Alma Ruth Denina recorded under H.C.C.F. No. E712621, Thence, N 21°13'03" W, along and with the common line of said 21.361 acre tract and said 22.1454 acre tract, at a distance of 1,216.08 feet passing a 2-Inch iron pipe found for the southwest corner of said 2.0000 acre tract and continuing for a total distance of 1,442.32 feet to a 1/2-Inch iron rod inside a 5-Inch metal pipe found for the northwest corner of the herein described tract and the southwest corner of a called 2.5 acre tract as described in an instrument to Gurprit Singh and Jaspreet Bains recorded under H.C.C.F. No. RP-2018-252717;

THENCE, N 69°48'38" E, along and with the southerly line of said 2.5 acre tract, a distance of 476.61 feet to a 1/2-Inch iron pipe with cap stamped "BGE INC" set for the northeast corner of the herein described tract and the southeast corner of said 2.5 acre tract, lying on the east line of said 22.1454 acre tract, same being the west line of a called 12.73942 acre tract as describe in an instrument to C & C Properties, Inc. recorded under H.C.C.F. No. L894620;


THENCE, S 28°04'44" E, along and with the common line of said 22.1454 acre tract and said 12.73942 acre tract, a distance of 1,547.71 feet to a 1/2-Inch iron pipe with cap stamped "BGE INC" set for the southeast corner of the herein described tract and the northeast corner of said 0.3104 acre tract (Parcel 23), lying on the north right-of-way line of said Holderrieth Road, from which a 5/8-Inch iron rod with cap stamped "EE COON" bears S 25°56' E, 20.9 feet, found for the common south corner of said 22.1454 acre tract and said 12.73942 acre tract;

THENCE, S 77°37'17" W, along and with the north right-of-way line of said Holderrieth Road, same being the north line of said 0.3104 acre tract (Parcel 23), a distance of 669.39 feet to the POINT OF BEGINNING and containing 19.34 acres (842,341 square feet) of land, more or less.

- i. A completed City of Tomball PID Application Form (Exhibit A);

**CITY OF TOMBALL  
PUBLIC IMPROVEMENT DISTRICT POLICY  
AS ADOPTED BY CITY COUNCIL ON MARCH 7, 2022**

I have read and understand this policy.

  
Signature

4/26/22  
Date

Michael J. Pizzuto, Jr.  
Printed Name

(Please sign and date this page and return to the Project Manager)

ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;

HistoryMaker Homes is requesting from the City of Tomball the creation of a Public Improvement District to assist in developer reimbursement through PID bond sales. The proceeds from the PID bond sales will be used to help fund public improvements which serve the Seven Oaks community. Seven Oaks will sit on 19.34 acres of land which is under Tomball's 50-acre threshold for PID bond sales. In exchange for Tomball's consideration for PID financing through bond sales, HistoryMaker will agree to close 25 homes in the Seven Oaks community before the PID bonds are sold

The Seven Oaks community will consist of 143 townhomes which will come in packs of 3, 4, 5 & 6. These townhomes will be 1800 SF on average, and are anticipated to have an average sales price of \$260,000. This community will be managed by a homeowner's association which will allow the Seven Oaks residents to live a lifestyle which demands little in the way of property management and maintenance. The HOA will be responsible for the exterior upkeep of the buildings in the community, as well as the landscaping & amenities throughout the community.

HistoryMaker has had tremendous success in Houston, and other major US cities, in bringing their townhome product to market. Due to design efficiency, HistoryMaker is able to deliver to their customers a level of quality that is unmatched by competing products.

Over the past 12 months HistoryMaker has seen its expected development costs for the Seven Oaks community increase by 33% due to the extreme supply chain issues constraining the housing and construction industry. It is HistoryMakers desire to deliver a product to its customers that does not cut back, in any way, on the quality of the Seven Oaks Community. The additional funds that the PID will generate will be used to embellish our amenity lake and other reserves with high quality features. These amenities include masonry walls, iron fencing to enhance views of the lake, decorative lighting features around the lake, aesthetic fountains, walking trails, entry monumentation, seating areas, and the planting of shade trees. Without such funds History maker will have no choice but to lessen its ambitions in respect to **amenity material selection** in order to provide a positive return on its investment.

iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;

HistoryMaker Homes:

A brief history behind HistoryMaker Homes goes back to pre-World War II. The Mitchell family began building homes in the Fort Worth area in the late 1940's. From there on, the Mitchell family would establish HistoryMaker Homes and would then flourish into the prevalent home builder & developer they are today. After 60 years in the DFW market, History Maker would then open their Houston, TX hub in 2016. Since then, History Maker Homes has constructed quality homes in major master plan communities such as; Sunterra, Artesia Village, Katy Lakes, Summer Lakes, Seabourn Landing, Harpers Preserve, Sienna Townhomes at Parkway Place, & Balmoral. The success of History Maker Homes can be attributable to the company's vision, mission, and core values ``To honor God, enrich the lives of

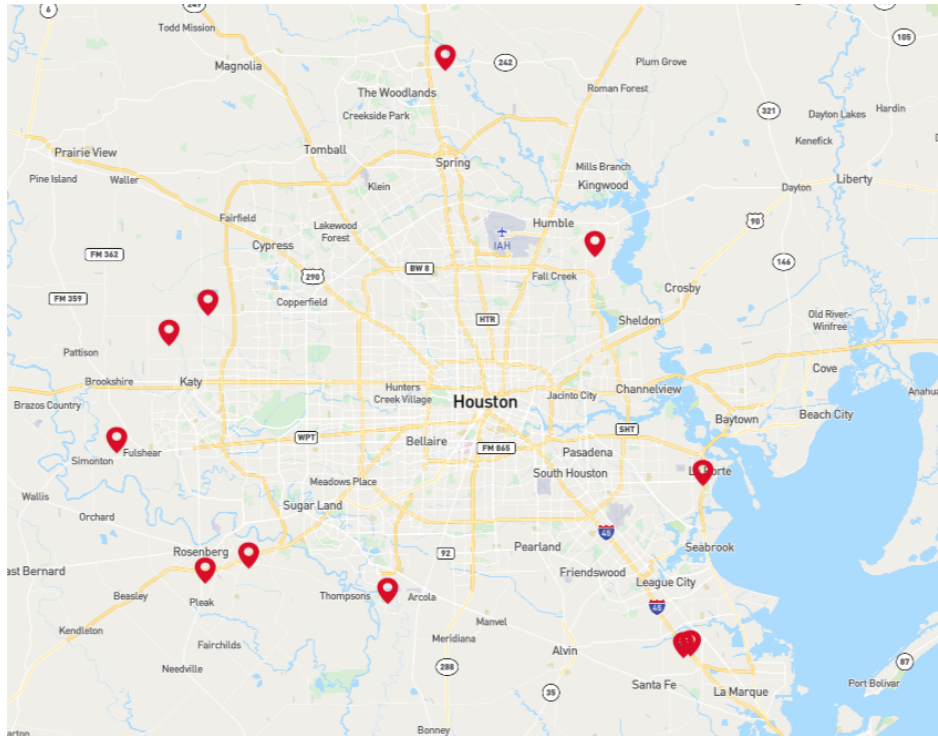


stakeholders, and delight customers”. History Maker Homes has made strides in the development and home building industry due to their adaptations in technology applications, intelligent construction methods, as well as energy efficiency.

In the past 12 months HistoryMaker has constructed approximately 290 homes in the Houston area, and approximately 846 homes in the Dallas / Fort Worth area. With an average home selling at \$332,700 that is \$378,000,000 in home sales over the past 12 months.

***(SEE MAPS ON NEXT PAGE)***

## HISTORYMAKER COMMUNITY LOCATION MAP (HOUSTON)



### Production Builder Ranking

*Current Selections*  
Sorted By Annual Closings

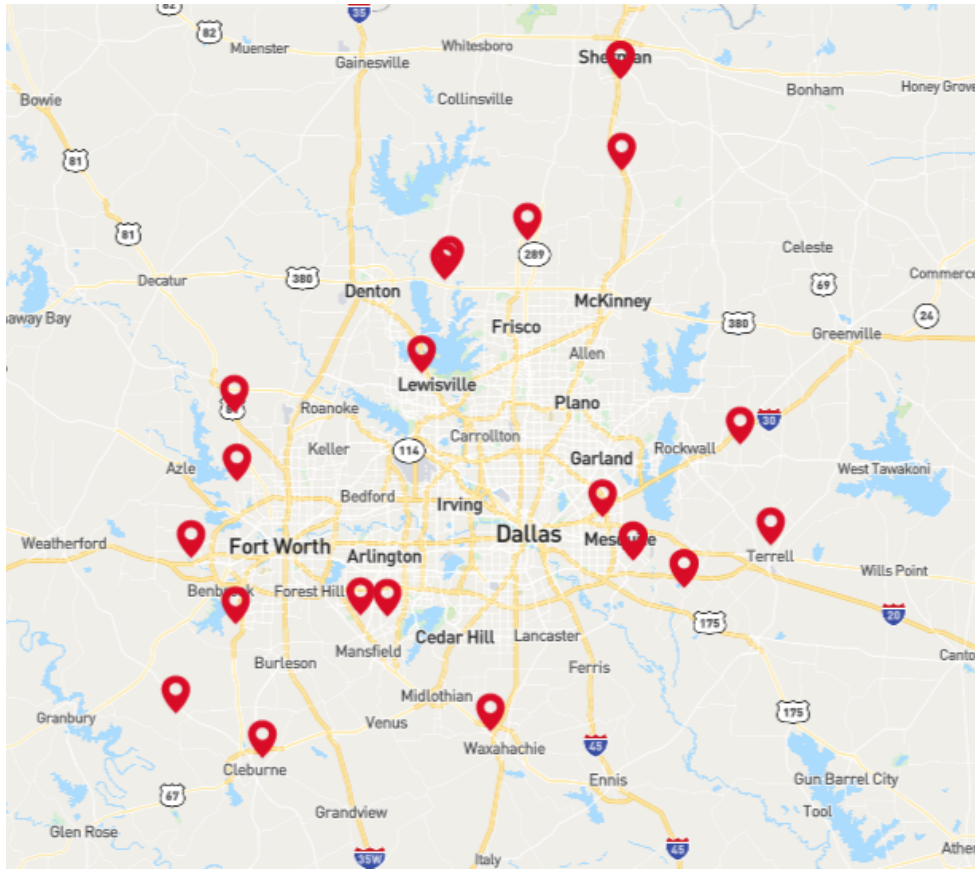
Rank	Builder Name (Production)	Single-Builder Section Closings					Shared Annual Closings	Total Annual Closings	Production Builder Share
		1Q21	2Q21	3Q21	4Q21	Annual			
22	Century Communities	132	228	122	136	618		618	1.69 %
23	Colina Homes	197	162	101	135	595		595	1.63 %
24	Anglia Homes	139	118	129	154	540		540	1.48 %
25	M/I Homes	124	160	130	109	523		523	1.43 %
26	Ashton Woods	99	187	126	95	507		507	1.39 %
27	First America Homes	113	131	131	89	464	2	466	1.28 %
28	Devon Street Homes	56	82	127	125	390		390	1.07 %
29	Pulte	112	103	55	87	357		357	0.98 %
30	Newmark Homes Houston	116	85	76	79	356		356	0.98 %
31	NuHome	81	113	74	80	348		348	0.95 %
32	Village	101	78	70	95	344		344	0.94 %
33	Princeton Classic Hom	73	80	80	80	313		313	0.86 %
34	History Maker Homes	54	77	80	79	290		290	0.79 %

**S** numbers in this column are based on shared (multiple-builder) sections; in these cases, the annual number is evenly distributed between builders in these sections

Houston Residential Survey (4Q21)  
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Page 1 of 5

**metrostudy**  
Sales: 1-800-227-8839  
A hantegwood Company

## HISTORYMAKER COMMUNITY LOCATION MAP (DALLAS/FT. WORTH)



### Production Builder Ranking *Current Selections* *Sorted By Annual Closings*

Rank	Builder Name (Production)	Single-Builder Section Closings					Shared Annual Closings	Total Annual Closings	Production Builder Share
		1Q21	2Q21	3Q21	4Q21	Annual			
1	D.R. Horton Homes	937	1,210	968	1,320	4,435	1	4,436	10.80 %
2	Express Homes by DR H	606	795	858	832	3,091		3,091	7.52 %
3	Lennar Homes	580	697	674	677	2,628		2,628	6.40 %
4	Bloomfield Homes	363	572	596	509	2,040		2,040	4.97 %
5	Highland Homes	438	488	483	431	1,840	1	1,841	4.48 %
6	LGI Homes	446	645	362	333	1,786		1,786	4.35 %
7	Meritage Homes	250	333	327	291	1,201		1,201	2.92 %
8	First Texas Homes	269	356	265	186	1,076		1,076	2.62 %
9	Pulte	190	280	223	236	929		929	2.26 %
10	Trophy Signature Home	97	247	294	258	896		896	2.18 %
11	Impression Homes	209	239	150	276	874		874	2.13 %
12	History Maker Homes	190	254	187	215	846		846	2.06 %
13	Starlight Homes by As	87	254	220	259	820		820	2.00 %

- iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;

History Maker Homes will provide 143 luxury townhomes to the City of Tomball. These townhomes will consist of pristine landscaping at the front of each dwelling for a more inviting atmosphere for residents to walk through the entire community. The detention pond area will have a walkable trail to create a sense of place that coincides with the values and direction of the City of Tomball comprehensive plan. With driveways located in the rear of each unit the clutter of automobiles will be mitigated by the private alleyways. Please see the exhibits below for an understanding of the general plan and landscaping to be provided











- v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;

HistoryMaker's Seven Oaks project will contribute to and enhance the public infrastructure of Tomball in several major ways. Harris County is undertaking a major project which will widen Holderrieth Road, and replace water, sewer, and drainage facilities within the Holderrieth ROW. The Seven Oaks project has caused Harris County to agree to deepen their proposed storm sewer in this area in order to better serve the 7 Oaks community and the land around this area. This action will allow nearby properties to drain to the Holderrieth storm sewer that would have otherwise not been able to. HistoryMaker has agreed to pay for the cost to lower this storm sewer line. HistoryMaker will also be providing a left-hand turn lane which will allow traffic flow to continue while passengers are entering the Seven Oaks community. The detention Pond of Seven Oaks will also enhance the flooding characteristics of the area by detaining storm water that previously sheet flowed off site. Seven Oaks will also sport an amenity pond with walking trails that will be open for public use.

- vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;

Accounts	Budget
Engineering Design	\$ 464,785.27
Geotechnical Services	\$ 183,928.36
Erosion Control	\$ 52,249.00
Sanitary Sewer	\$2,672,108.84
Paving	\$1,626,304.85
Electric	\$ 162,512.87
Misc. Cost	\$ 77,143.22
Contingency	\$ 346,972.37
Interest Expense	\$ 348,649.00
Legal - Development	\$ 10,000.00
Misc Application Fees/Permits	\$ 50,000.00
Environmental Report	\$ 20,000.00
Clearing and Demo	\$ 125,663.00
Excavation / Detention	\$ 329,795.30
Off Site Paving	\$ 107,236.35
Landscape	\$ 707,829.60
HOA	\$ 50,400.00
<b>Totals</b>	<b>\$7,335,578.04</b>

- vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;

#### PROJECT FUNDING DEBT & EQUITY

SOURCES AND USES (DEBT / EQUITY)				
	Accounts	Budget	Equity	Loan
A.	Engineering Design	\$ 464,785.27	\$ 464,785.27	
B.	Geotechnical Services	\$ 183,928.36	\$ 183,928.36	
C.	Erosion Control	\$ 52,249.00	\$ 52,249.00	
D.	Sanitary Sewer	\$2,672,108.84	\$ 1,634,615.41	\$1,037,493.43
E.	Paving	\$1,626,304.85		\$1,626,304.85
F.	Electric	\$ 162,512.87		\$ 162,512.87
G.	Misc. Cost	\$ 77,143.22		\$ 77,143.22
H.	Contingency	\$ 346,972.37		\$ 346,972.37
I.	Interest Expense	\$ 348,649.00		\$ 348,649.00
J.	Legal - Development	\$ 10,000.00		\$ 10,000.00
K.	Misc Application Fees/Permits	\$ 50,000.00		\$ 50,000.00
L.	Environmental Report	\$ 20,000.00		\$ 20,000.00
M.	Clearing and Demo	\$ 125,663.00		\$ 125,663.00
N.	Excavation / Detention	\$ 329,795.30		\$ 329,795.30
O.	Off Site Paving	\$ 107,236.35		\$ 107,236.35
P.	Landscape	\$ 707,829.60		\$ 707,829.60
Q.	HOA	\$ 50,400.00		\$ 50,400.00
	<b>Totals</b>	<b>\$7,335,578.04</b>	<b>\$ 2,335,578.04</b>	<b>\$5,000,000.00</b>

#### PROJECTS DEVELOPER TO BE REIMBURSED FOR VIA PID FUNDS

SOURCES AND USES (PID FUNDS)			
	Accounts	Budget	PID
A.	Engineering Design	\$ 464,785.27	\$ (377,181.71)
B.	Geotechnical Services	\$ 183,928.36	\$ (149,261.21)
C.	Erosion Control	\$ 52,249.00	\$ (52,249.00)
D.	Sanitary Sewer	\$2,672,108.84	\$(2,086,417.00)
E.	Paving	\$1,626,304.85	\$ (928,362.00)
F.	Electric	\$ 162,512.87	
G.	Misc. Cost	\$ 77,143.22	
H.	Contingency	\$ 346,972.37	
I.	Interest Expense	\$ 348,649.00	
J.	Legal - Development	\$ 10,000.00	
K.	Misc Application Fees/Permits	\$ 50,000.00	
L.	Environmental Report	\$ 20,000.00	
M.	Clearing and Demo	\$ 125,663.00	
N.	Excavation / Detention*	\$ 329,795.30	
O.	Off Site Paving	\$ 107,236.35	\$ (107,236.35)
P.	Landscape	\$ 707,829.60	\$ (707,829.60)
Q.	HOA	\$ 50,400.00	
	<b>Totals</b>	<b>\$7,335,578.04</b>	<b>\$(4,408,536.88)</b>
*Excavation / Detention is under construction, and thus not eligible for reimbursement			
*The cost to sell PID bonds has not been included in this chart.			

#### SEVEN OAKS CASH FLOW

[illegible]

[illegible]





Seven Oaks Expected Sales		
	Monthly	Cumulative
3/1/2023	6	6
4/1/2023	6	12
5/1/2023	6	18
6/1/2023	6	24
7/1/2023	6	30
8/1/2023	6	36
9/1/2023	6	42
10/1/2023	6	48
11/1/2023	6	54
12/1/2023	6	60
1/1/2024	6	66
2/1/2024	6	72
3/1/2024	6	78
4/1/2024	6	84
5/1/2024	6	90
6/1/2024	6	96
7/1/2024	6	102
8/1/2024	6	108
9/1/2024	6	114
10/1/2024	6	120
11/1/2024	6	126
12/1/2024	6	132
1/1/2025	6	138
2/1/2025	5	143

- viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;
- i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.



April 26, 2022

Frost Bank  
640 Taylor Street,  
Fort Worth, TX 76102

Mr. Matt Wiggins  
CFO  
History Maker Homes  
1038 Texan Trail  
Grapevine, TX 76051

Project Name: Seven Oaks  
Description: 143 Townhomes Development

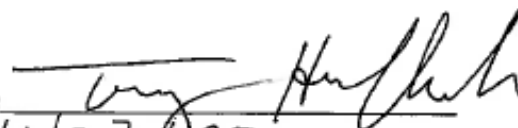
HMH Lifestyles, LP ("Borrower") has entered into a Loan Agreement ("Agreement") with Frost Bank ("Lender") for \$5,000,000 ("loan") covering the development and improvements of the Seven Oaks Development located in Tomball, Texas.

Lender has reviewed the Borrowers financial statements, and has determined Borrower to have the necessary financial capacity to successfully complete the development of the Seven Oaks community. Lender and Borrower have worked together on past residential projects, and feel confident in Borrowers development capabilities.

Tony Holzbach  
Frost Bank

Signature

Date

  
4/27/2022

ix. Demonstration of previous experience developing similar scale and types of projects;

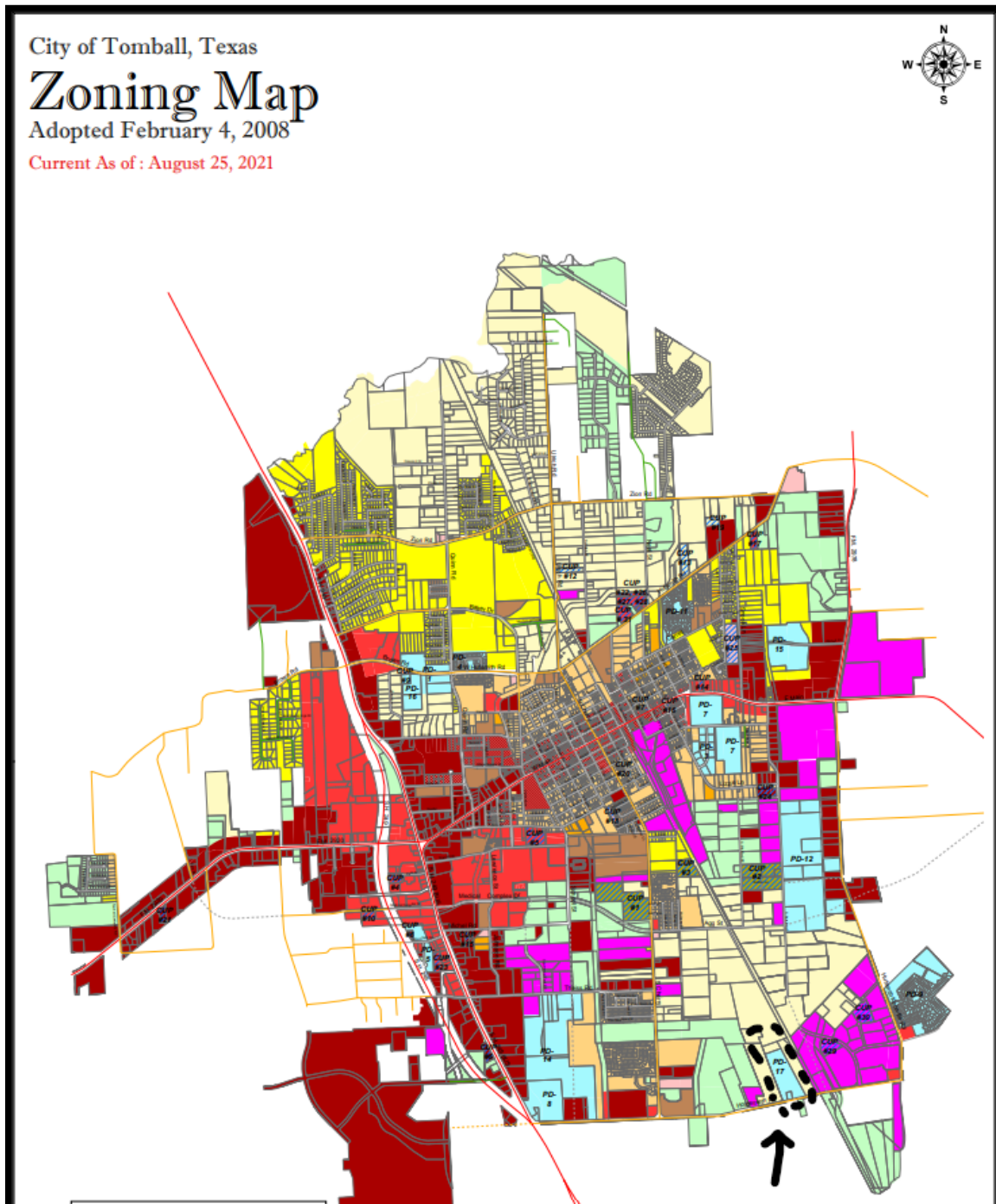
Please reference the HistoryMaker current project maps and city ranking by closings in section iii. HistoryMaker has developed and constructed homes in many communities in the Houston area as you can see in the following chart.

### Houston area projects

Map No	Subdivision Name
	Artesia Village
	Balmoral/
	Balmoral/Gated
	Balmoral/THs
	Country Lake Estates Village
	Fulshear Lakes
	Harper's Preserve/East Village
	Harper's Preserve/South Village
	Hidden Creek/Preserve
	Katy Lakes
	Klein Grove
	Lakes at Mason Park
	Legends Trace/Wrights Landing
	Seabourne Landing
	Seven Oaks Holderreith
	Sienna/Sawmill Lake/Parkway
	Sierra Vista/Gated
	Summer Lakes
	Sunterra/
	Sunterra/MP
	Vanbrooke

- x. Demonstration the proposed development is consistent with the zoning of the property;
  - i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and

On May 19, 2021 the City of Tomball agreed to a Planned Development District which governs the land use of the 19.3375 acres which the Seven Oaks Community is located. Below is an image of the Tomball Zoning Map which shows the Seven Oaks Community as being located in PD-17.



- xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, \$).

**ESTIMATED COST OF PROPOSED IMPROVEMENTS, MAX. ASSESSMENT, MAX BOND ISSUANCE, MAX.  
TAX EQUIVALENT RATE IN DOLLARS**

Number of homes	143
AVG home price	\$ 260,000
Annual assesement per lot	\$ 2,490.00
Implied PID tax Rate (%)	0.958%
Implied PID tax Rate (\$)	\$ 0.958
% of tax uncollected	2.0%
Cost to sell bonds	23%
Community Total Annual Assesement	\$ 348,948.6
Bond maturity	30
BOND YEILD	5.50%
<b>Estimated bond sale</b>	<b>\$ 5,071,530</b>
<b>Estimated bond sale minus fees</b>	<b>\$ 3,905,078</b>

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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 1 OF 14</b>
	<b>REVISED:</b> March 21, 2022	<b>APPROVED BY CITY MANAGER:</b> March 21, 2022	
	<b>SUPERSEDES:</b> March 5, 2007	<b>APPROVED BY CITY COUNCIL:</b> March 21, 2022	

**I. I. Purpose**

The purpose of the City of Tomball Public Improvements District (“PID”) Policy is to outline the policy parameters and considerations to be addressed before the Tomball City Council can support the establishment or continuation of a PID as allowed by Chapter 372 of the Texas Local Government Code. The Policy outlines such things as general procedures, City processes, petition requirements, information to property owners, and determination of annual plan of services, budget, and assessments. This Policy sets forth City procedures and requirements which are in addition to the requirements of state law. Any aspect not specifically addressed by this Policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this Policy if it does not conflict with state or federal law. Any requirements waived may be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

**II. Considerations**

The City of Tomball will give consideration to all submitted PID applications. However, priority will be given to PID developments which:

- a. Generate economic and superior development benefits to the City beyond what normal development would generate;
- b. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.);
- c. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development’s pro-rate share of the regional facilities and services;
- d. Implement City of Tomball master plans, including water, wastewater, parks, and trails;
- e. Increase or enhance the City’s transportation and roadway plans;
- f. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings;
- g. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats;
- h. Are willing to annex into the City of Tomball in exchange for the creation of a PID;
- i. Provide a unique or special development that provides benefits to the Tomball community; and
- j. Have the support of 100% of the owners of the property within the PID.

Any requested deviations, adjustments, or special considerations from the terms and conditions of the City’s PID Policy shall be clearly requested and explained prior to or with the PID petition for that PID.



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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 2 OF 14</b>
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**III. Use of Professional Services**

The City reserves the right and shall select and retain the services of any professionals and/or consultants in association with the creation and administering of the PID including, but not limited to, financial advisors, bond counsel, underwriters, trustees, PID administrators, and appraisers.

**IV. Location**

A PID must be located within the City's corporate limits. Any area located within Tomball's extra-territorial jurisdiction ("ETJ") must be annexed prior to submitting a PID petition to the City.

A developer may request creation of a PID in exchange for voluntary annexation into the City of Tomball. However, additional considerations may be factored into the City's evaluation regarding creation of a PID.

**V. Process**

Generally, the City's will follow the process below for consideration of PIDs.

1. Applicant submits a completed PID petition, application, and supporting documentation.
2. Applicant pays a non-refundable PID Application Review Fee in the set amount adopted in the City's Master Fee Schedule.
3. The City will review the petition and application for compliance with statutory PID Petition requirements and requirements set forth in this Policy.
4. Upon the City approval of compliance with this Policy, City Council accepts the PID Petition.
5. City and applicant execute a Professional Services Reimbursement Agreement.
6. City and applicant execute a Development Agreement.
7. City and applicant work together to complete of required steps as set forth in Chapter 372 of the Texas Local Government Code and all steps and procedures set forth in City policy to create the PID.
8. City Council creates PID.
9. City Council levies assessments.

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the development in question.

Completion of any individual step in the PID creation process is not a guarantee of PID approval. Creation of a PID is a discretionary action of City Council.

**VI. Petition Requirements**

Petitions for creating a PID must satisfy all requirements under Chapter 372 of the Texas Local Government Code.

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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 3 OF 14</b>
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The City may require:

- a. Evidence that signature of property owners were gathered no more than six months preceding the submittal of the petition; or
- b. Evidence that the petitioner's signatures meet the state law requirements, or the petition will be accompanied by a reasonable fee to cover the City's cost of signature verification.

**VII. Application**

In agreeing to consider a petition for creation of a PID, the City will require the following from the applicant at the time the petition is submitted. These requirements reflect the minimum requirements and the City, at its discretion, may require additional items:

- a. A completed PID petition;
- b. Payment to the City of a non-refundable PID Application Review Fee in the amount of adopted in the City's Master Fee Schedule;
  - i. The application review fee is designed to cover all administrative or operational costs incurred by the City during the review period and beginning stages of the PID process until the escrow account is established; and
- c. A PID application packet, which should include:
  - i. A completed City of Tomball PID Application Form (Exhibit A);
  - ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;
  - iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;
  - iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;
  - v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;
  - vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;
  - vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;

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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 4 OF 14</b>
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	<b>SUPERSEDES:</b>  March 5, 2007	<b>APPROVED BY CITY COUNCIL:</b>  March 21, 2022	

- viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;
  - i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.
- ix. Demonstration of previous experience developing similar scale and types of projects;
- x. Demonstration the proposed development is consistent with the zoning of the property;
  - i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and
- xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, \$).

The City shall, upon reasonable prior written notice to the developer and during normal business hours, have the right to audit and inspect the developer's records, books, and all other relevant records needed to make its assessment of the PID petition or application. The City, the developer, PID consultant, and any other necessary parties involved in the approval of the PID petition and financing, will agree to maintain the appropriate confidentiality of such records, unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, local or state laws or ordinances, or at the direction of the Attorney General.

**VIII. Professional Services Reimbursement Agreement & Deposit**

If, during the initial review of the application, the City determines that it will proceed to pursue creation of a PID or the City determines it is its best interest to establish a PID, a professional services reimbursement agreement will be entered into with the applicant. The professional services reimbursement agreement will require the applicant to deposit funds with the City to pay for City staff time, third-party consultants, including but not limited to, legal study analysts, City Attorney, bond counsel, financial advisors, PID consultants/administrators, trustees, underwriters, appraisers, and market study analysts. The payment of such fees is not a guarantee that the City will approve the PID. The costs a Petitioner will pay include but are not limited to:

- a. Reviewing the PID petition and application;
- b. Publishing required legal notices;
- c. Preparation and review of creation proceedings and levy of assessments;
- d. Cost of the appraisal and reviewing the appraisal, the feasibility study, and engineering report including the cost of services provided by City consultants, attorneys, bond counsel, financial advisors and PID consultant or administrator;
- e. Preparation of the initial Service and Assessment Plan (SAP) by a third party PID Administration Firm or PID Consultant engaged by the City;
- f. Bond Issuance;

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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 5 OF 14</b>
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- g. Review and approval of plans for and inspection of construction of PID improvements; not including fees paid for review and inspection required by the City's Code of Ordinances, as amended; and
- h. Procurement of contracts for PID administration and operation, collection of assessments, foreclosures or other similar matters.

The initial deposit made by the applicant shall be \$50,000. The applicant is required to make an additional \$25,000 deposit will be required anytime the deposit balance reaches \$10,000. Certain unused balances will be returned to the applicant. The applicant may be eligible to be reimbursed these costs through bond proceeds or PID assessments as applicable. The PID deposit are in addition to administrative costs associated with the PID, the cost of bond issuance, and the PID application fee.

**IX. Development Agreement**

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the proposed development.

The following shall be provided to the City prior to the preparation of a development agreement (if not already provided as part of application packet):

- a. The basic terms and conditions of the creation of the PID, including the provision of special conferred benefit;
- b. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate;
- c. A section that clearly identifies the benefit of the PID to the affected property owners and to the City as a whole;
- d. The petitioner's qualifications and previous experience with real estate development, financing of the development, prior PIDs, etc;
- e. A legal description of the boundaries of the proposed PID, a map of the proposed PID boundaries that is suitable for publication in legal notices, and a "commonly known" description of the area to be included in the PID;
- f. Description of all City-owned land within the PID as well as its proposed share of project costs;
- g. A current tax roll of owners in the PID;
- h. Any plan for phasing of both real estate development supported by the PID and construction of public improvements in the PID including a breakdown between major improvements serving large areas of the entire PID vs. phase-specific improvements; and
- i. A sunset clause and a pre-executed petition to dissolve the PID by the landowner in the case the project has not obtained a grading permit within three years.

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

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**X. Additional Requirements**

The following additional requirements must be met by applicants:

- a. Plans for the proposed development shall be prepared and reviewed by the City in compliance with the City's development ordinances regarding land use, development, infrastructure design, permitting, and inspections. Applicants shall seek City development approvals prior to the commencement of any construction;
- b. Property in the PID owned by the City shall not be subject to PID assessments. Property in the PID owned by another governmental entity may be assessed only pursuant to an inter-local agreement between the entity and the City;
- c. The PID may not finance improvements or services that would not be accessible to the general public;
- d. The City's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of Service and Assessment Plan updates, and other costs shall be reimbursed from PID assessments. The City's costs will be determined on an annual basis;
- e. Administration and management of ongoing PID responsibilities, such as preparations and updating of the Service and Assessment Plan, issuance of notices for annual City Council action on the Service and Assessment Plan, operation and maintenance of PID improvements, and other related matters shall be paid by PID assessments and performed by a third-party firm under contract with the City;
- f. The City will use PID bond proceeds only to pay or reimburse the cost of PID improvements that have been designed and constructed to the applicable standards, and accepted for maintenance, or otherwise approved by the governmental entity responsible for them; and
- g. In the event of default under the terms of a PID financing agreement, the City shall, after providing notice and an opportunity to cure, have the right to capture reimbursements to complete development of public infrastructure.

If minimum any of the minimum requirements of this Policy cannot be met, an explanation of why the requirements cannot be met and alternatives provided to meet or exceed the requirements must be submitted.

**XI. City Consultants**

The City will independently select a Bond Counsel, Financial Advisor, PID Administrator, Trustee and Market Study Analyst. With input by the Developer, the City will select an Underwriter and Appraiser. The City's PID Administrator, in conjunction with the developer's PID Consultant, will draft the Service and Assessment Plan and prepare all annual updates

**XII. Collection of Assessments**

Prior to the levy of assessments, the City will enter into an agreement with Harris County to include the annual PID installments on the Harris County Tax Bill.

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

<b>SUBJECT</b>  <b>DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS</b>	<b>NUMBER:</b>  18	<b>EFFECTIVE DATE:</b>  March 21, 2022	<b>PAGE 7 OF 14</b>
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**XIII. Maximum Assessment**

The annual PID installment shall not exceed an amount that increases the expected total equivalent tax rate upon buildout above \$0.96 per \$100 of assessed value, with preference given to developments with a lower assessment. Applicants are encouraged to keep the equivalent tax rate as low as feasible for the development. A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

**XIV. Assessment Term/Bond Term**

The maximum term of a PID assessment is not to exceed 30 years and the assessment term must equal the bond term (if applicable).

**XV. Finance Limitations for Special Assessment Revenue Bond Issuance (PID Bonds)**

The City may issue PID Bonds solely for the purposes of acquiring, reimbursing or constructing authorized Improvements. The Developer may request issuance of PID Bonds by filing with the City a list of the authorized improvements to be funded with the PID Bonds and the estimated costs of such authorized improvements. The Developer acknowledges that the mandatory PID Professional Service Reimbursement Agreement obligates the Developer to fund the costs of the City's professionals relating to the preparation for and issuance of PID Bonds, which amount shall be considered a cost payable from such PID Bonds. The issuance of PID Bonds is subject to all of the following conditions.

The following performance standards shall apply to PID bonds:

- a. To receive consideration by and approval from the City for PID financing through a bond to facilitate a residential development, the proposed boundaries of the development shall be no less than 50 acres;
- b. Minimum appraised value to lien ratio of 3:1;
- c. Maximum of two years capitalized interest for each bond issuance;
- d. No annual assessment increases once assessments are levied. Assessments for future phases will remain competitive with original phases and lot types as defined in the SAP;
- e. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required; and
- f. Developer is required to demonstrate committed capital in the form of cash deposit to the City with an amount confirmed by an engineer's opinion of probable cost, which represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds.



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

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The following additional considerations and limitations will apply when a developer requests PID bonds:

- a. A developer or landowner may request the issuance of PID bonds in advance of construction of an individual phase of a development subject to compliance with these standards. All such PID bond issues will be subject to approval of the City Council;
- b. No General Obligation Bonds or Certificates of Obligation bonds will be utilized by the City to directly or indirectly pay, or guarantee payment of, PID bonds;
- c. If in any calendar year the City issues bonds that would constitute a bank qualified debt issuance but for the issuance of the PID bonds, then the developer shall pay to the City a fee to compensate the City for the interest savings the City would have achieved had the debt issued by the City been bank qualified provided that all other developers or owners benefitting from the City issuing debt are similarly burdened with an obligation to compensate the City;
- d. All PID bond issues, if any, will be subject to approval by the City Council;
- e. If the City Council authorizes the issuance of PID bonds, the City shall issue all such PID bonds in accordance with the protocols and procedures adhered to by the City's Director of Finance for issuing long-term debt instruments including tax notes and bonds;
- f. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as an agreed-upon maximum annual assessment rate is not exceeded, and the special assessments are determined in accordance with the SAP and the PID Act. Special assessments on any portion of the property will bear a direct proportionate relationship to the special benefit of the public improvements to that improvement area. In no case will the maximum assessment be increased for any parcel unless the property owner of the parcel consents to the increased assessment;
- g. The City shall not be obligated to provide any funds for any improvement except from the proceeds of the PID bonds and PID assessments;
- h. The City's cost of reviewing a developer payment request from PID bond proceeds, including City staff time and third-party consultant costs, shall be netted out of the amount paid to the developer or paid from the administrative expense of the collection costs portion of the assessment;
- i. Each PID bond indenture will clearly state that all debt service payments for the PID bonds shall be payable solely from and secured by the pledged assessments levied against properties within the PID or funds held under a bond indenture for such purposes, and that the City will have no obligation to make debt service payments for the PID bonds from any other sources;
- j. A PID will be responsible for payment of all the City's reasonable and customary costs and expenses including the cost of any appraisal;
- k. Any new money PID bonds issued will include a Reserve Fund in an amount to be determined;
- l. Pursuant to the PID Act, the interest rate for assessments may exceed the interest rate of the bonds by no more than one half of one percent (0.50%);
- m. All developers and significant landowners will provide any required continuing disclosure obligations associated with the issuance of PID bonds as required under the respective bond indenture or any other Page 6 regulatory agreement or regulatory agency. Failure to abide by continuing disclosure requirements may limit access to proceeds and/or future bond issues;

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

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- n. Developer is required deposit cash with the City or a bond trustee on or prior to the sale date of the PID bonds in an amount confirmed by an engineer's estimate of probable cost, which represents the difference between the budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds;
- o. During a material event of default by the developer under the terms of any agreement between the developer and the City relating to the PID or the property within the PID, the City shall, after providing notice and opportunity to cure, have the right to recapture reimbursements and/or terminate its obligations to the developer;
- p. All construction of improvements is subject to City review and approval and if applicable, provisions shall be made for dedication to City or to another appropriate governmental entity, as authorized by law;
- q. Improvements to be funded by the PID are limited to those defined as Authorized Improvements under Texas Local Government Code Section 372.003(b); and
- r. Any trails, parks, streets or other public amenities that are located within a gated community or otherwise inaccessible location to the general public may not be funded or reimbursed by the PID.

**XVI. Disclosure to Homeowners**

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

- a. Landowner Consent or Agreement to be recorded in the Official Public Records of Harris County;
- b. Signage at major entryways and exits;
- c. Signage and information flyers in any sales centers within the PID that include:
  - a. Frequently Asked Questions;
  - b. Total Assessment;
  - c. Average Annual Installment; and
  - d. Equivalent Tax Rate.
- d. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City; and
- e. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

**XVII. PID Administration and Management**

The City will contract with an outside consultant to administer the PID and to bill, collect, and track PID assessments. This cost will be considered a reimbursable project cost and shall be included in the PID Service and Assessment Plan.

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

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**XVIII. Miscellaneous**

- a. This PID policy does not bind the City Council to approve, authorize or create a PID or take any related action. PID creation, PID bond issuance and all related matters are legislative acts solely with the discretion of the City Council.
- b. Any requests for adjustments, exceptions, or waivers to this policy must be reviewed and approved by the City Council of the City of Tomball.
- c. No public official or employee shall be personally responsible for any liability arising under or growing out of any approved PID. Any obligation or liability of the developer whatsoever that may arise at any time under the approved PID or any obligation or liability which may be incurred by the developer pursuant to any other instrument, transaction or undertaking as a result of the PID shall be satisfied out of the assets of the developer only and the City shall have no liability.

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

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**DEVELOPMENT POLICY  
FOR SPECIAL FINANCING  
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APPROVED BY CITY COUNCIL:

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**CITY OF TOMBALL  
PUBLIC IMPROVEMENT DISTRICT POLICY  
AS ADOPTED BY CITY COUNCIL ON MARCH 21, 2022**

I have read and understand this policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

(Please sign and date this page and return to the Project Manager)

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

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**DEVELOPMENT POLICY  
FOR SPECIAL FINANCING  
DISTRICTS**

REVISED:

March 21, 2022

APPROVED BY CITY MANAGER:

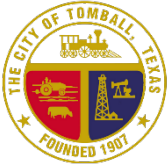
March 21, 2022

SUPERSEDES:

March 5, 2007

APPROVED BY CITY COUNCIL:

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**City of Tomball  
Public Improvement District (PID) Application**

**APPLICANT INFORMATION**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

*Please attach additional applicant information as necessary.*

**OWNER INFORMATION**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**PROJECT INFORMATION**

Description of Proposed Project: \_\_\_\_\_

Physical Location of Property: \_\_\_\_\_

HCAD Identification No.: \_\_\_\_\_ Acreage: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

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

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**REQUIRED ATTACHMENTS**

- \_\_\_\_\_ Completed PID petition
- \_\_\_\_\_ Non-refundable payment of PID Application Review Fee
- \_\_\_\_\_ Letter from Developer/Applicant requesting consideration of PID
- \_\_\_\_\_ General summary and description of proposed development
- \_\_\_\_\_ Site plan or general plan that shows land use and thoroughfare connections
- \_\_\_\_\_ Demonstration of how the development is in compliance with the City's Comprehensive Plan and Future Land Use Plan
- \_\_\_\_\_ Demonstration of how the proposed development is in compliance with the zoning of the property
- \_\_\_\_\_ Description of any amenities for the proposed development
- \_\_\_\_\_ Description of any elevated design and landscaping standards for the proposed development
- \_\_\_\_\_ Summary of special benefits to be received by the development
- \_\_\_\_\_ Evidence the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing
- \_\_\_\_\_ Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost
- \_\_\_\_\_ Description and preliminary estimate of public infrastructure included with development (include both developer-funded and proposed PID-funded elements)
- \_\_\_\_\_ Propose total assessment and tax rate equivalent
- \_\_\_\_\_ Description of any property that will be subject to or exempt from assessments
- \_\_\_\_\_ Any additional information which you believe would be necessary for the City to evaluate the proposed project.



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

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**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, certify that the information on this form and included in the attached City of Tomball PID Application is true and correct to the best of my knowledge and the undersigned is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in possible delays and/or denial.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

#### Topic:

Approval to execute an Agreement for Professional Services with Gunda Corporation for E&P Project 2014-10031 for the FM 2920 Improvement Project in the amount of \$49,685.00.

#### Background:

Prior to executing the Advanced Funding Agreements (AFAs) with TxDOT, staff received public comments related to the proposed FM 2920 reconstruction project derived from the FM 2920 Access Management Plan and Livable Center Study.

Based on the Public Meeting held, it was determined that further investigation should be conducted to provide supporting data requested by the public, as well as to identify feasible alternatives for the proposed project.

This Professional Services Agreement with Gunda Corporation would include gather traffic information along FM 2920 from past to present; examine feasible options including one-way paired streets and left turn at Elm Street; investigate utilization of HAWK pedestrian signal system; and add driveways to project schematic.

Staff is recommending awarding a Professional Services Agreement to Gunda Corporation for further investigation and identification and schematics of feasible alternatives for the FM 2920 reconstruction project for a total amount of \$49,685.00.

**Origination:** Public Works Department

#### Recommendation:

Staff recommends approval to execute a Professional Services Agreement with Gunda Corporation for E&P Project 2014-10031 for a total amount of \$49,685.00.

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

#### FUNDING (IF APPLICABLE)

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

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

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

Signed Meagan Mageo Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

**PROFESSIONAL SERVICES AGREEMENT  
FOR  
ENGINEERING SERVICES  
RELATED TO  
ENGINEERING & PLANNING PROJECT NO. 2014-10031  
CITY OF TOMBALL  
FM 2920/MAIN STREET IMPROVEMENTS**

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

THIS AGREEMENT made on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and Gunda Corporation, LLC ("Engineer").

**WITNESSETH:**

WHEREAS, the City desires to Construct improvements to FM2920/Main Street, (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to project planning, project design, and preparation of construction documents, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to professional engineering;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I  
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

**SECTION II  
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior

approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

### **SECTION III OWNERSHIP OF WORK PRODUCT**

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses, and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

### **SECTION IV TIME FOR PERFORMANCE**

The time for performance of the Scope of Work is an estimated 120 calendar day duration beginning from the execution date of this Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated, and over which Engineer has no control.

### **SECTION V COMPLIANCE AND STANDARDS**

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

### **SECTION VI INDEMNIFICATION**

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify, hold harmless and defend the City, its officers, agents, and employees against liability for damage caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the Engineer exercises control.

### **SECTION VII ENGINEER'S COMPENSATION**

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the

Scope of Work, on the basis set forth in Attachment "A," up to an amount not to exceed **\$49,685.00** including reimbursable expenses as identified in Attachment "A."

## **SECTION VIII TERMINATION**

The City may terminate this Agreement at any time by giving written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer for such services performed under this Agreement as those services bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

## **SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS**

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Gunda Corporation, LLC  
32731 Egypt Lane, Suite 501  
Magnolia, Texas 77354  
Attn: Kyle A. Bertrand, P.E., Senior Project Manager

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball  
501 W. Market Street  
Tomball, Texas 77375  
Attn: Meagan Mageo, Project Coordinator

## **SECTION X LIMIT OF APPROPRIATION**

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that

Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

## **SECTION XI SUCCESSORS AND ASSIGNS**

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

## **SECTION XII MODIFICATIONS**

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

## **SECTION XIII ADDITIONAL SERVICES OF ENGINEER**

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

## **SECTION XIV CONFLICTS OF INTEREST**

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

## **SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES**

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be



submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

## **SECTION XVI INSURANCE**

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

## **SECTION XVII MISCELLANEOUS PROVISIONS**

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Contractor further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

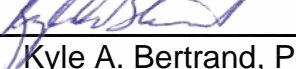
E. Statutory Terms Applicable to State Political Subdivisions. As required by Chapter 2270, Government Code, ENGINEER hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the Assistant City Manager of said City and attested by the City Secretary and Gunda Corporation LLC, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ENGINEER:**

**Gunda Corporation, LLC**

By:   
Name: Kyle A. Bertrand, PE  
Title: Branch Manager, Mont. Co.

**CITY OF TOMBALL, TEXAS**

\_\_\_\_\_  
David Esquivel, PE, City Manager

**ATTEST:**

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

## **ATTACHMENT “A”**

### **SCOPE OF SERVICES ENGINEERING & PLANNING PROJECT NO. 2014-10031 CITY OF TOMBALL FM 2920/MAIN STREET IMPROVEMENTS**

#### **PART A – SCOPE OF SERVICES**

##### **DESCRIPTION OF PROJECT**

The City of Tomball is pursuing Advanced Funding Agreements (AFA) with TxDOT and public comments for reconstruction of FM2920 from SH249 to Willow Street, TxDOT CSJ 2941-02-056. The project construction is currently funded by the HGAC 2015 Transportation Improvement Program (TIP).

The scope of work for this Project consists of the design and reconstruction of FM 2920, a 4-lane roadway. The Project is approximately 1.7 miles in length from Business 249 to Willow Street. The Project will include new reinforced concrete paving and curb, installation of a raised median, drainage, signal improvements including upgraded equipment and interconnected communication lines, pedestrian lighting, and sidewalks to improve safety and bring the roadway up to current ADA standards.

Following the March 31, 2022, Public Meeting it was determined that further investigations should be conducted to provide supporting data requested by the public and to identify feasible alternatives to the raised median presented from Pine Street to Elm Street. Items identified for further investigation and coordinated with TxDOT on April 18, 2022, include:

1. Analysis of Grand Parkway SH99 opening on traffic volumes in the subject corridor and crash data (Completed by TxDOT).
2. Inclusion of an eastbound left turn movement at Elm Street.
3. Introduction of one-way paired side streets (Oak Street & Walnut Street) with restricted turning movements from FM2920/Main Street, both north and south.
4. Obtain turning movement counts at Pine Street, Oak Street, Cherry Street, Walnut Street, and Elm Street for use in proper assessment of left turn bay storage and possible introduction of additional left turn median openings.
5. Investigate utilization of HAWK pedestrian signal system for crossing locations at non-signalized intersections between Pine Street and Elm Street.
6. Add all driveways to project schematic.

## SCOPE OF SERVICES

The services to be provide under the terms of this agreement will include:

1. Obtain turning movement counts at Pine Street, Oak Street, Cherry Street, Walnut Street, and Elm Street, analysis data, and provide summary table of necessary left turn bay storage and deceleration requirements based on TxDOT Roadway Design criteria.
2. Create partial schematics for the area between Pine Street and Elm Street to show:
  - Eastbound left turn bay at Elm Street.
  - One-way paired side streets (Oak Street & Walnut Street) with restricted turning movements from FM2920/Main Street, both north and south. This may include illustration of driveway impacts to incorporate right-in/right-out movements only.
  - Raised median revisions based on current turn movements compliant with TxDOT roadway design criteria.
  - Locations of potential HAWK crossings, if determined to be a feasible and safe alternative.
3. Provide an operational analysis utilizing data provided by State for crash data and turning movement data collected in Item 1 of this scope of services to evaluate four alternate scenarios between Pine Street and Elm Street to include:
  - Alternate 1 based on operational analysis
  - Alternate 2 based on TxDOT Access Management Study
  - Alternate 3 based on introduction of one-way pairs
  - Alternate 4 hybrid combination of Alternates 1-3
4. Attend coordination/progress meeting with City and/or TxDOT as needed.
5. Provide summary of findings in the form of a letter report which may include an evaluation matrix of studied alternatives.

## **PART B – BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES**

### **ENGINEERING & PLANNING PROJECT NO. 2014-10031 CITY OF TOMBALL FM 2920/MAIN STREET IMPROVEMENTS**

The following represents the estimated maximum compensation for the scope of services documented in Attachment A, Part A of this agreement. If services beyond those specifically identified are determined necessary during the project, Engineer shall not proceed with those services until such time written approval of the scope and any additional fees are approved by the City of Tomball.

GUNDA will provide the aforementioned engineering services on an hourly Not-to Exceed basis in accordance with Gunda's standard hourly rates in effect at the time services are provided, fiscal year 2022 Rates attached. Total compensation for this authorization shall not exceed \$49,685, including reimbursable expenses.

Notes: 1. Reimbursable Expenses shall be invoiced and paid based on cost of service provided plus 10% markup. These services include travel, deliveries, postage, graphical reproduction, etc...

## 2022 RATE SHEET GUNDA CORPORATION

Category	Description	Effective Date	Rate
1	Principal	1/1/2022	\$325.00
5	Program Manager	1/1/2022	\$284.00
10	Sr. Project Manager	1/1/2022	\$273.00
15	Project Manager	1/1/2022	\$231.00
30	Construction Manager	1/1/2022	\$210.00
20	Sr. Engineer	1/1/2022	\$189.00
25	Engineer	1/1/2022	\$158.00
40	Sr. Planner	1/1/2022	\$158.00
45	Planner	1/1/2022	\$105.00
50	Sr. Designer	1/1/2022	\$158.00
32	Deputy Construction Manager	1/1/2022	\$184.00
31	Asst. Construction Manager	1/1/2022	\$158.00
95	Graduate Engineer	1/1/2022	\$126.00
96	EIT	1/1/2022	\$142.00
55	Designer	1/1/2022	\$142.00
80	Sr. Inspector	1/1/2022	\$158.00
70	Sr. CADD Tech	1/1/2022	\$126.00
75	CADD Tech	1/1/2022	\$111.00
85	Inspector	1/1/2022	\$126.00
98	Public Engagement Officer	1/1/2022	\$210.00
99	Clerical	1/1/2022	\$80.00

Please note that future year rate will have escalation rate of up to 5% per year.

Non-exempt employees will be billed at 1.5 times for the overtime hours.

**ATTACHMENT “B”**

**INSURANCE**



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: May 16, 2022

**Topic:**

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

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

**Background:**

**Origination:** David Esquivel, City Manager

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	<u>Doris Speer</u>	<u>5-12-2022</u>	Approved by	_____
	Staff Member	Date		City Manager Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: May 16, 2022

**Topic:**

Confirm the Appointment of the Director of Public Works by the City Manager

**Background:**

**Origination:** David Esquivel, City Manager, per Section 7.10, Home Rule Charter

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed	<u>Doris Speer</u>	<u>5-12-2022</u>	Approved by	_____
	Staff Member	Date		City Manager Date