

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



**Monday, January 04, 2021
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, January 04, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JANUARY 4, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:

[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 821 3603 7938, Passcode: 796390. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor Dustin Reitzel - Woodlands Church Northpointe Campus
- C. Pledges to U.S. and Texas Flags

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- E. Reports and Announcements
1. Announcements
- I. January 13, 2021 – First day to apply for Place on Ballot for the May 1, 2021 General City Election
- II. February 12, 2021– Last day to apply for Place on Ballot for the May 1, 2021 General City Election
2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- F. Approval of Minutes
1. Approve the Minutes of the December 21, 2020 Regular Tomball City Council Meeting
- G. Old Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*
1. Adopt, on Second Reading, Ordinance No. 2020-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.
2. Adopt, on Second Reading, Ordinance No. 2020-36, 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 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District, said property being generally located on the east side of Cherry Street, across from the Cherry Pines subdivision, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

H. New Business

1. Approve Resolution No. 2021-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election, to be held in the City of Tomball on Saturday, May 1, 2021; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of Such Election
Aprobar la Resolución Nro. 2021-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 1 de mayo de 2021; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.
Chấp thuận Nghị Quyết số 2021-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 1 tháng Năm, 2021; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2021-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2021年5月1日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

2. Approve Resolution No. 2021-02, a Resolution of the City Council of the City of Tomball, Texas, Designating The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) as the Official Newspaper for 2021 for Publication of Matters Pertaining to the City of Tomball

3. Approve the Assignment and Sale Agreement between Yaupon Trails LTD LLC, and Texas PID Financing I, LLC, for (TPID 5) Yaupon Trails Subdivision and Authorize the Mayor to Execute the Necessary Documents.
4. Approve the Assignment and Sale Agreement between Tomball Copper Cove, LLC,, and Texas PID Financing I, LLC, for (TPID 6) Copper Cove Subdivision and Authorize the Mayor to Execute the Necessary Documents
5. Approve the Assignment and Sale Agreement between Tomball Grand Junction, LLC, and Texas PID Financing I, LLC, for (TPID 7) Tomball Grand Junction Subdivision and Authorize the Mayor to Execute the Necessary Documents
6. Approve the Assignment and Sale Agreement between Tomball Timber Trails, LLC,, and Texas PID Financing I, LLC, for (TPID 8) Timber Trails Subdivision and Authorize the Mayor to Execute the Necessary Documents

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 31st day of December 2020 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: January 4, 2021

Topic:

January 13, 2021 – First day to apply for Place on Ballot for the May 1, 2021 General City Election

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	12-28-2020	Approved by		
	Staff Member	Date		City Manager	Date

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA UN LUGAR EN LA BOLETA)
(THÔNG BÁO VỀ THỜI HẠN NỘP ĐƠN XIN GHI DANH TRÊN LÁ PHIẾU)
(申請選票席位 截止日期通知)

Notice is hereby given that applications for a place on the May 1, 2021 City of Tomball, Texas General Election ballot may be filed during the following time:
(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas de 1 de mayo de 2021 se pueden presentar durante el siguiente horario:)
(Theo đây xin thông báo quý vị có thể nộp đơn xin ghi tên tranh cử trên lá phiếu cho Cuộc Tổng Tuyển Cử của Thành Phố Tomball, Texas ngày 1 tháng Năm, 2021 vào ngày giờ sau đây:)
(特此通知, 申請 2021 年 5 月 1 日 Texas 州 Tomball 市 普通選舉之選票席位可於以下期間辦理登記:)

Filing Dates and Times:

(Fechas y Horario para Entregar Presentaciones):

(Ngày giờ nộp đơn):

(登記日期和时间):

Start Date: January 13, 2021

(Fecha Inicio): 13 de enero de 2021

(Ngày bắt đầu: 13 tháng Một, 2021)

(開始日期): 2021 年 1 月 13 日

End Date: February 12, 2021

(Fecha Limite): 12 de febrero de 2021

(Ngày kết thúc): 12 tháng Hai, 2021

(截止日期): 2021 年 2 月 12 日

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.

Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.

Giờ làm việc: Thứ Hai - thứ Năm, 7:45 a.m.-5:00 p.m.; thứ Sáu: 7:45 a.m.-4:00 p.m.

辦公時間: 週一至週四: 上午 7:45 - 下午 5:00; 週五: 上午 7:45 - 下午 4:00

Physical address for filing applications in person for place on the ballot:

(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):

(Địa chỉ tiếp nhận đơn xin nộp trực tiếp):

(親自辦理選票席位申請地址):

City Secretary	La Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375
281-290-1002	281-290-1002	281-290-1002	281-290-1002

Address to mail applications for place on the ballot (if filing by mail):

[Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo)]

[Địa chỉ nhận đơn xin gửi qua thư bưu điện (nếu nộp qua thư)]:

[郵寄辦理選票席位申請地址 (如郵寄申請)]:

City Secretary	Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375
dspeer@tomballtx.gov	dspeer@tomballtx.gov	dspeer@tomballtx.gov	dspeer@tomballtx.gov

Doris Speer, City Secretary/Secretaria de la Ciudad/

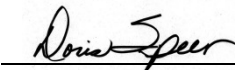
Thư Ký Thành Phố/市秘書

Printed Name of Filing Officer

(Nombre en letra de molde del Oficial de Archivos)

(Tên viết bằng chữ in của viên chức phụ trách thủ tục nộp đơn xin)

(登記官印刷體姓名)



Signature of Filing Officer

(Firma del Oficial de Archivos)

(Chữ ký của viên chức phụ trách thủ tục nộp đơn xin)

(登記官簽名)

December 7, 2020/7 de diciembre de 2020/

Ngày 7 tháng Mười Hai, 2020/2020 年 12 月 7 日

Date Posted (Fecha archivada) (Ngày đăng) (发布日期)

City Council Meeting Agenda Item Data Sheet

Meeting Date: January 4, 2021

Topic:

February 12, 2021– Last day to apply for Place on Ballot for the May 1, 2021 General City Election

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>12-28-2020</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: January 4, 2021

Topic:

Approve the Minutes of the December 21, 2020 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	12-28-2020	Approved by		
	Staff Member	Date		City Manager	Date

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, December 21, 2020
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for December 21, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order

PRESENT:

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

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer (via video)
Assistant City Secretary – Tracylynn Garcia (via video)
City Attorney – Loren Smith
Fire Chief – Randy Parr (via video)
Fire Marshal – Joe Sykora (via video)
Assistant Fire Chief – Taner Drake (via video)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Director of Community Development – Craig Meyers
Municipal Court Judge – Brett Peabody (via video)
TEDC Executive Director – Kelly Violette (via video)
TEDC Administrative Assistant – Tori Gleason (via video)
Administrative Assistant - Johnita Robinson
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball.

- C. Pledges to U.S. and Texas Flags led by Joe Sykora.
- D. No public comments were received.
- E. Presentations:
 - 1. Real Life Ministries Texas - Senior Pastor Brandon Guindon and Executive Pastor Tommy Roberson presented a donation of \$10,000 to the Tomball Legacy Fund, for the Paces 4 Pink Annual Breast Cancer Fundraiser.
 - 2. Joseph Martinez, Minister, Light of the World Church, presented information regarding the donation to Public Works Department of trees at Broussard Park celebrating the sixth anniversary of the Church's opening.
- F. Reports and Announcements
 - 1. Announcements
 - I. December 24-25, 2020 – **Christmas Holidays** – City offices closed
 - II. January 1, 2021 – **New Year's Day Holiday** – City offices closed
 - 2. Reports by City staff and members of Council about items of community interest on which no action will be taken:
- G. Approval of Minutes
 - 1. Motion made by Council 2 Stoll, Seconded by Council 1 Ford to approve the Minutes of the December 7, 2020 Regular Tomball City Council Meeting.

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

Motion carried unanimously.
- H. Old Business:
 - 1. Motion made by Council 4 Townsend, Sr., second by Council 1 Ford, to Adopt, on Second Reading, Resolution No. 2020-40-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of

the Texas Local Government Code. The estimated amount of expenditures for such Project is \$300,000.00.

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

Motion carried unanimously.

I. New Business:

1. Mayor Fagan opened the 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 (TPID 11, Wood Leaf Reserve) at 6:14 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:14 p.m.

No action necessary.

4. Mayor Fagan announced that Item 4, Zoning Case P20-338 would be considered next, due to the number of interested parties.

Consideration to approve **Zoning Case P20-338:** Request by David Weekly Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the public hearing at 6:30 p.m.; the following comments were received:

- | | | |
|-----------------------------------|---|---|
| Ted Mielke
901 Inwood, 77375 | - | Stated that he was neutral regarding the zoning change, but opposed the proposed fence. |
| Sheryl Martinez
29514 Liberty | - | Expressed her opposition to the proposed zoning change. |
| Matthew Martinez
29514 Liberty | - | Expressed his opposition to the proposed zoning change. |

Maria Irigorri - Expressed her opposition to the proposed
29510 Liberty zoning change.

Stephen Hohl - Expressed his support for the proposed
13607 Lost Creek Road zoning change (property owner)

Robert Hauck read emails into the record for Thomas Porter and Debra Slack, expressing their opposition to the proposed zoning change.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 6:46 p.m.

Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll to read Ordinance No. 2020-37 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., Second by Council 2 Stoll to adopt, on First Reading, Ordinance No. 2020-37, 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 13.4 acres of land legally described tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J house, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District, said property being generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion to AMEND made by Council 4 Townsend, Sr., Second by Council 2 Stoll to take no action regarding Ordinance No. 2020-37.

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

Motion to AMEND carried unanimously. No action taken.

Mayor Fagan called a recess at 7:26 p.m.; Council reconvened at 7:30 p.m.

2. Consideration to approve Zoning Case P20-321: Request by Trung Le and Sandy Pham to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning

approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the Public Hearing on Zoning Case P20-321 at 7:35 p.m.

Sandy Pham and Trung Le, property owners, expressed their support for the zoning change.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 7:38 p.m.

Motion made by Council 2 Stoll, second by Council 4 Townsend, Sr., to read Ordinance No. 2020-35 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 2 Stoll, second by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2020-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

3. Consideration to approve Zoning Case P20-332: Request by 7Gen Planning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District. The property is generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the Public Hearing on Zoning Case P20-332 at 7:42 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:42 p.m.

Motion made by Council 4 Townsend, Sr., second by Council 2 Stoll, to read Ordinance No. 2020-36 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., second by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2020-36, 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 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District, said property being generally located on the east side of Cherry Street, across from the Cherry Pines subdivision, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

5. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr. to approve Resolution No. 2020-44, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Date, Time, and Place for Public Hearing at which all Interested Parties shall have an Opportunity to be heard; Providing for Publication of Notice of Such Public Hearing; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (*Being a 3.119Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve "C" of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas) [11234 Spell Road, HCAD 1207880000010]*

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

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Power Now, LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation of its corporate headquarters to 215 South Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$45,000.00.

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

Motion carried unanimously.

7. Executive Session: The City Council recessed at 7:52 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 that the Attorney's Duty Requires to be Discussed in Closed Session

Upon reconvening into regular session at 8:53 p.m., no action was taken.

- J. Motion made by Council 4 Townsend, Sr., Second by Council 5 Klein Quinn to adjourn.

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

Motion carried unanimously.

PASSED AND APPROVED this the 4th day of January 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: January 4, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2020-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, December 14, 2020, after conducting a public hearing, the Planning & Zoning Commission voted to recommend approval of the rezoning with a 3-1 vote.

Origination: Trung Le and Sandy Pham

Recommendation:

Approval

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

Craig T. Meyers, Community
Development Director

FUNDING (IF APPLICABLE)

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

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

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

Signed Doris Speer 12-28-2020
Staff Member Date

Approved by _____
City Manager Date

ORDINANCE NO. 2020-35

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 10A-1 ABSTRACT 632 C N PILLOT, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF HOLDERRIETH ROAD AT 12118 HOLDERRIETH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Trung Le and Sandy Pham have requested that approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pilot, generally located north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Light Industrial 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.

Ordinance No. 2020-35

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 20 Estate District to the Light Industrial 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 Light Industrial 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 Light Industrial 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 21ST DAY OF DECEMBER 2020.

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

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 4TH DAY OF JANUARY 2021.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 14, 2020
&
CITY COUNCIL
DECEMBER 21, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 14, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 21, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-321: Request by Trung Le and Sandy Pham to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-332: Request by 7Gen Planning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District. The property is generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, within the City of Tomball, Harris County, Texas.

Zoning Case P20-338: Request by David Weekly Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

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

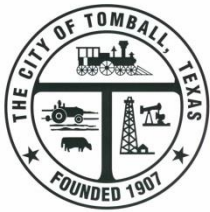
CERTIFICATION

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 **10th** day of **December 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

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

CASE NUMBER: P20-321

APPLICANT/OWNER: Trung Le and Sandy Pham

LOCATION: Generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District.

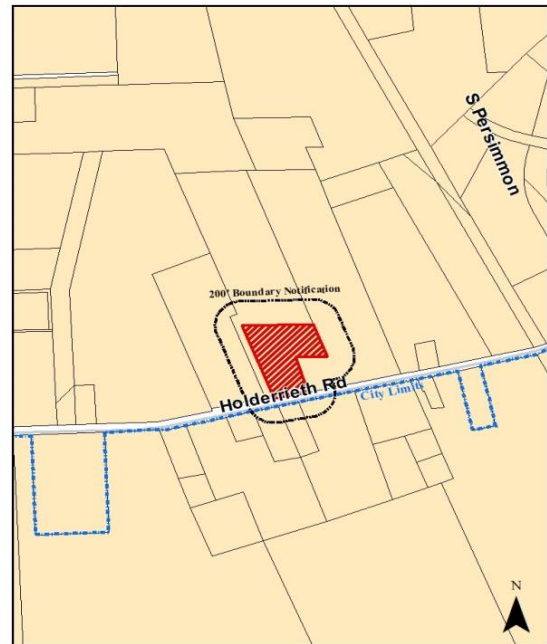
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, December 14, 2020 6:00 PM**

**City Council Public Hearing:
*Monday, December 21, 2020 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.

Amelia Lindley

From: Charlotte Willeford <charlotte.willeford@gmail.com>
Sent: Monday, December 7, 2020 1:53 PM
To: Amelia Lindley
Cc: rwhitaker@newquest.com
Subject: Resining

I'm the owner of the 12 acres next door to the site you are referring to and I am in support of our Rezoning effort.

Thank You,

Charlotte Willeford

Sent from my iPhone

Amelia Lindley

From: Melvin Michel <michel_auto@sbcglobal.net>
Sent: Tuesday, December 8, 2020 1:15 PM
To: Amelia Lindley
Subject: Dunlap Property

Good Afternoon Amelia,

My name is Melvin Michel and I own property across the street from Steve Dunlap. After talking to Steve, I give my approval for a zoning change to commercial for the property at 12118 Holderrieth Road.

Melvin Michel
Michel Auto Cares
12205 Holderrieth Road
Tomball Texas, 77375

Amelia Lindley

From: Frank DeNina <racmaterials@sbcglobal.net>
Sent: Monday, December 14, 2020 10:01 AM
To: Amelia Lindley
Subject: Fw: Scanned image from MX-B376W
Attachments: scanner@racmaterials.com_20201213_113041.pdf

Hi
I am against the rezoning

I like the animals and the gardens

I have deer in my yard

I dont want industry next door

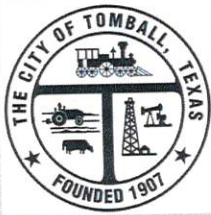
THANKS
FRANK DE NINA
----- Forwarded Message -----
From: scanner@racmaterials.com <racscans@gmail.com>
To: "racmaterials@sbcglobal.net" <racmaterials@sbcglobal.net>
Sent: Sunday, December 13, 2020, 11:29:52 AM CST
Subject: Scanned image from MX-B376W

Reply to: scanner@racmaterials.com <scanner@racmaterials.com>
Device Name: Not Set
Device Model: MX-B376W
Location: Not Set

File Format: PDF (Medium)
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.
Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.
Adobe(R)Reader(R) can be downloaded from the following URL:
Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<http://www.adobe.com/>



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

FRANK DENINA
12106 HOLDEN RD
TOMBALL TX 77375
Frank Denina
11-11-2020

I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-321**. (Please state reasons below)

☒ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-321**. (Please state reasons below)

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

Monday, December 14, 2020 6:00 PM

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

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

Monday, December 21, 2020 6:00 PM

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

COMMENTS:

I DO NOT WANT TO LIVE NEXT A COMMERCIAL PLANT.
I MOVED HERE TO LIVE IN A NICE PLACE TO RAISE MY
KIDS AND GRANDKIDS

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

Please reference the case number in the subject line.

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

Amelia Lindley

From: Shirley Goza <sgoza@proximitysystems.com>
Sent: Thursday, December 10, 2020 12:32 PM
To: Amelia Lindley
Subject: 12118 Holderrieth Rezoning

Please be advised that as the Trustee for the Goza Family Trust which owns the property at 12023 Holderrieth which is within 200 feet of the above referenced property, I have no objection to that property being rezoned as commercial.

Thank you for your consideration of this matter.

Have a blessed day,
Shirley C. Goza
Trustee, Goza Family Trust

Amelia Lindley

From: Scott Wright <scottw@prodelcorp.com>
Sent: Tuesday, November 24, 2020 12:08 PM
To: Amelia Lindley
Cc: Alan Kasper; steve Steve
Subject: 12118 Holderrieth Rd, Tomball, TX 77375 Rezoning

Amelia,

We understand that Steve Dunlap has been speaking to you about getting approval to sell his property at 12118 Holderrieth Rd, Tomball, TX 77375.

The proposed buyer would like to build a 9,000 sqft fully air conditioned facility on the northwest corner of the property.

We would have no objections to this.

Scott Wright

President - Prodel Corporation
12107 Holderrieth RD
Tomball, TX 77375
O: 281-351-0799
C: 713-545-2730
scottw@prodelcorp.com

From: steve Steve <steve@dunlapsupply.com>
Sent: Tuesday, November 24, 2020 6:06 AM
To: Scott Wright <scottw@prodelcorp.com>
Cc: Alan Kasper <alankasper.krg@gmail.com>
Subject: Holderrieth

Scott, thanks for taking the time to talk with me about our rezoning efforts, your opinion is important to us and I know it is with the city.

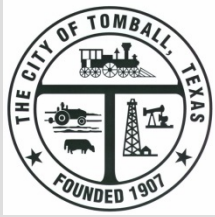
The company wanting to purchase our property is LUC Technologies, and they would like to build in two years. They have approximately 5 full time employees and they are proposing to build a 9,000 sqft fully air conditioned facility on the northwest corner of the property.

Will you please provide Amelia Lindley, the City Planner, with an email stating you are in support of our rezoning effort? Her email is listed below:

alindley@tomballtx.gov

Thanks again for your help,

Steve Dunlap
281-830-1295



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 14, 2020
City Council Public Hearing Date: December 21, 2020

Rezoning Case: P20-321
Property Owner(s): Stephen A. Dunlap and Connie J. Dunlap
Applicant(s): Trung Le and Sandy Pham
Legal Description: Tract 10A-1 Abstract 632 C N Pillot
Location: North side of Holderrieth Road at 12118 Holderrieth Road (Exhibit "A")
Area: 5 acres
Comp Plan Designation: Corridor Commercial (Exhibit "B")
Present Zoning and Use: Single-Family 20 Estate District (Exhibit "C") / Single-family residence (Exhibit "D")
Proposed Use(s): Commercial/Light Industrial (Exhibit "E")
Request: Rezone from the Single-Family 20 Estate District to the Light Industrial District

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped

South: Outside City limits / Single family residence

West: Agricultural District / Undeveloped

East: Single-Family 20 Estate District / Single-family residence

BACKGROUND

In October 2020, City staff met with the applicants to discuss the development of a manufacturing facility of the property.

ANALYSIS

The property is approximately 5 acres of land on Holderrieth Road. The applicant is requesting a rezoning to the Light Industrial District for the development of a manufacturing facility, with future retail strip in the front of the property. The property is currently zoned Single-Family 20 Estate District and has a single-family residence in the front area. Surrounding properties are zoned Single-Family 20 Estate to the east, and Agricultural to the north and west. Properties on the south side of Holderrieth Road are outside the City limits.

This area of Holderrieth Road is mostly large-lot residential or undeveloped. The City anticipates this changing, especially with the Harris County expansion of Holderrieth Road in the future.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “predominantly nonresidential uses along high-traffic, regionally serving thoroughfares”. The Light Industrial District is not specifically listed as a compatible zoning district in this category, however, it is likely this area will become industrial due to the close proximity to major thoroughfares, the railroad and the existing business park. The south side of Holderrieth Road is in the City’s ETJ and is designated as Business Park and Industrial by the Future Land Use Map.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 23, 2020. A Notice of Public Hearing was published in the paper on November 25, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-321.

1. The proposed rezoning is compatible with the anticipated future development of the area;
2. The proposed rezoning conforms to the Comprehensive Plan and Future Land Use Map.

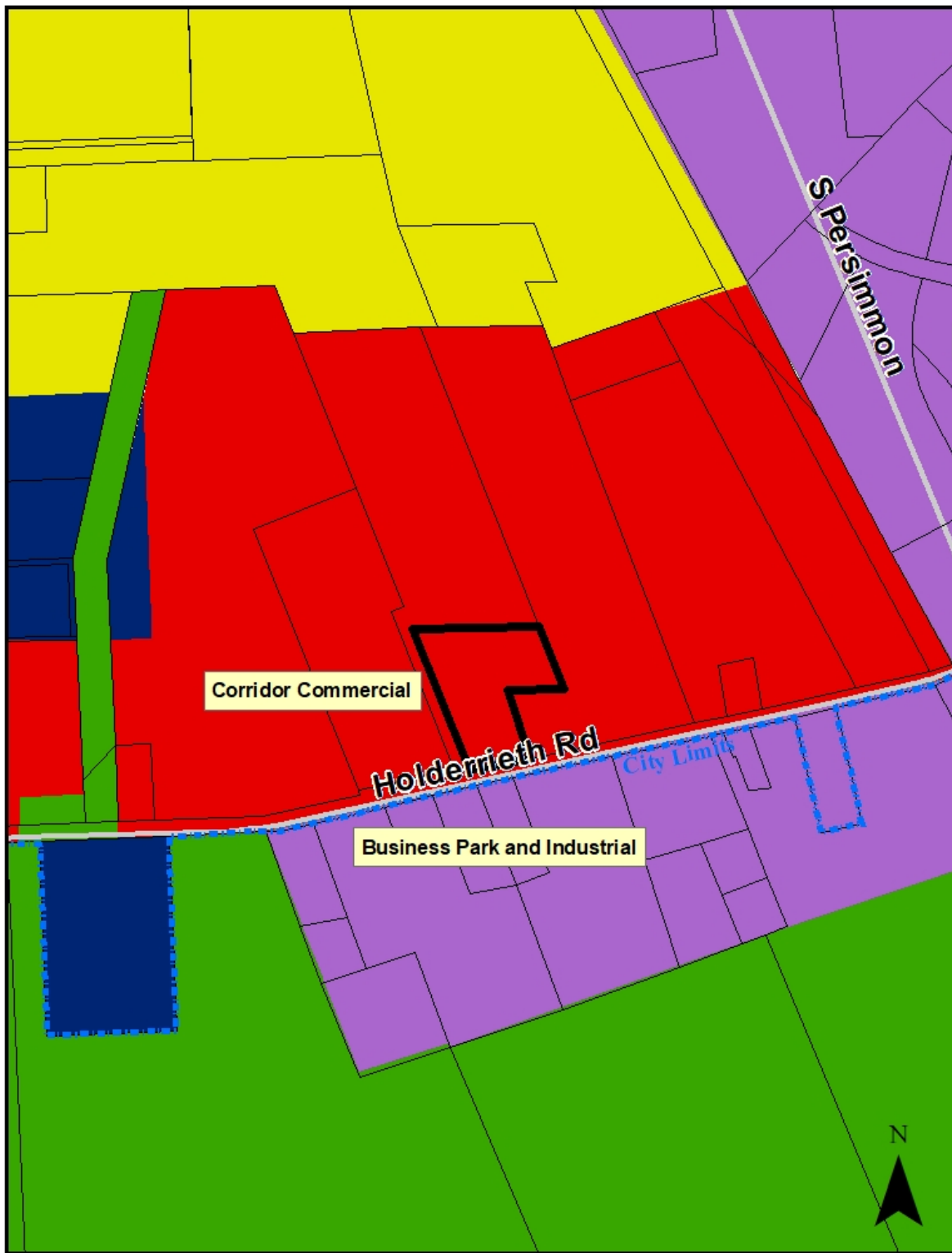
EXHIBITS

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

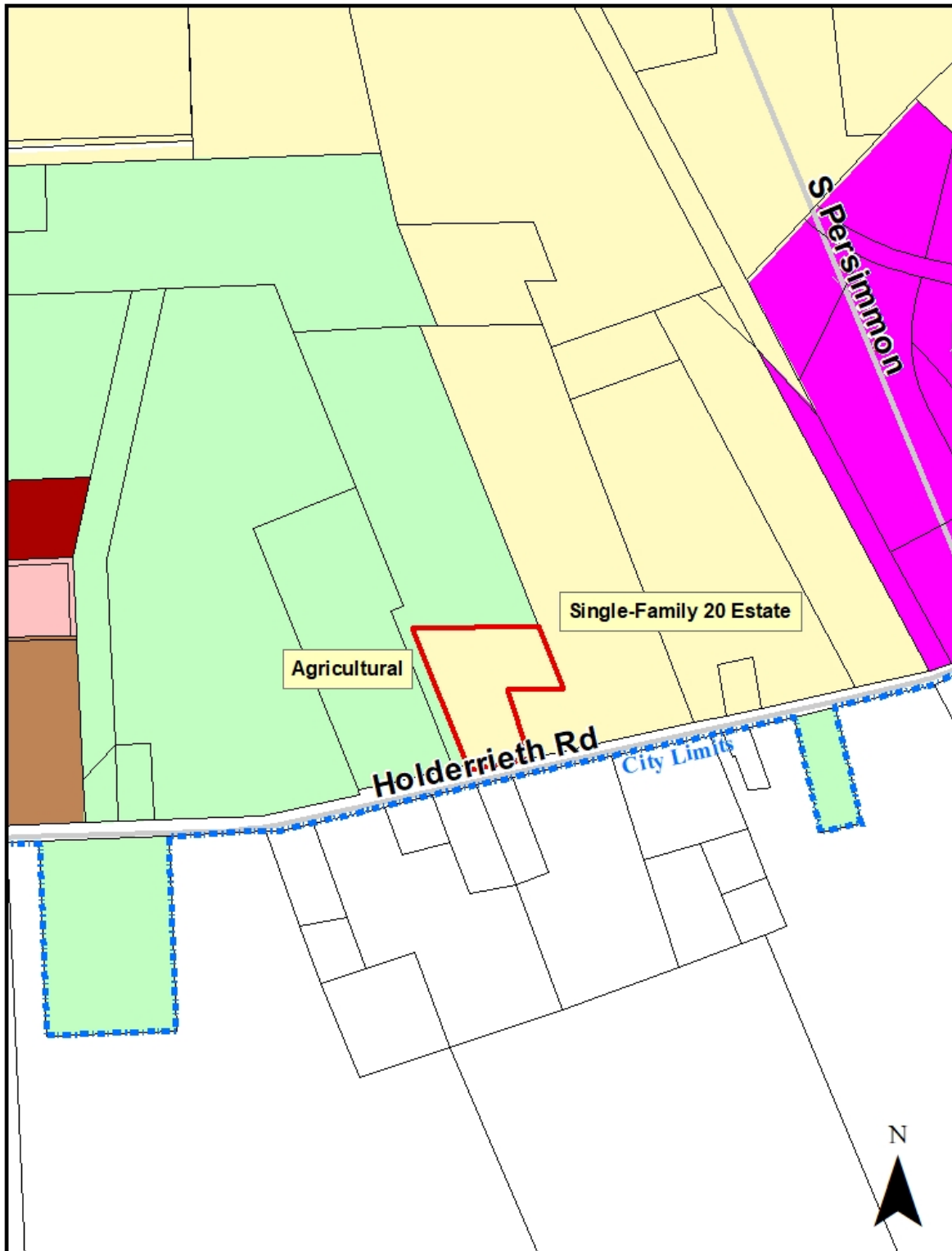
Exhibit “A”
Aerial Photo



**Exhibit “B”
Comprehensive Plan**



**Exhibit “C”
Zoning Map**



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application

dotloop signature verification: dotloop.us/Q99Y-a685-z3p9



RECEIVED (KC)
10/20/2020 9:54:31 AM
10/19/2020

Revised: 4/13/2020
P&Z #20-321
\$450.00 PD

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: Trung Le, Sandy Pham Title: _____
Mailing Address: 17614 Rosel Oaks Ln City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (832) 326-5876 Email: trung.le@luc-tech.com

Owner

Name: STEPHEN A DUNLAP, CONNIE J DUNLAP Title: _____
Mailing Address: 116 FOREST WIND CIR City: MONTGOMERY State: TX
Zip: 77316 Contact: _____
Phone: (281.830.1295) Email: Steve@dunlapsupply.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Rezone 12118 Holderrieth Road

Physical Location of Property: 12118 Holderrieth Road, Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 10A-1 ABST 632 C N PILLOT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E, Single-Family Residential-20 district

Current Use of Property: Residential-Business

Proposed Zoning District: Commercial/Light Industrial

Proposed Use of Property: Commercial/Light Industrial

HCAD Identification Number: 0440580000212 Acreage: 4.99

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 4/13/2020

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 Trung Le & Sandy Pham 10/13/2020
Signature of Applicant Date

X  Connie Dunlap   Steve Dunlap 
Signature of Owner Date

October 15, 2020

RE: Rezoning
12118 Holderrieth Rd
Tomball, TX 77375

Dear Sir or Ma'am,

As long-time residents of the city of Tomball, we have seen tremendous growth and opportunity. We are requesting the rezoning of the above mentioned property from single family residence to commercial use for the future home of our business, LUC Technologies, LLC. LUC is a small business with less than 10 employees. We engineer, design, and manufacture customized PEEK connectors. We plan for LUC to be on the back side of the property. Additionally, in the future we would like to build a small retail strip in the front of the property facing Holderrieth.

We believe these plans coincide with the city's plans to commercialize this area and will bring value to the area and its' residents and hoping you agree with this assessment of Tomball's future.

Kind regards,


Trung Le, Sandra Pham
17614 Rosel Oaks Ln
Tomball, TX 77377

4.997 ACRES
SITUATED IN THE C. N. PILOT SURVEY,
ABSTRACT NO. 632, HARRIS COUNTY, TEXAS

NOTE: IMMOBILIZED MATERIAL OIL & PETROLEUM CO. PRODUCT COMPANY
AS PER VOL. 852, PG. 450.

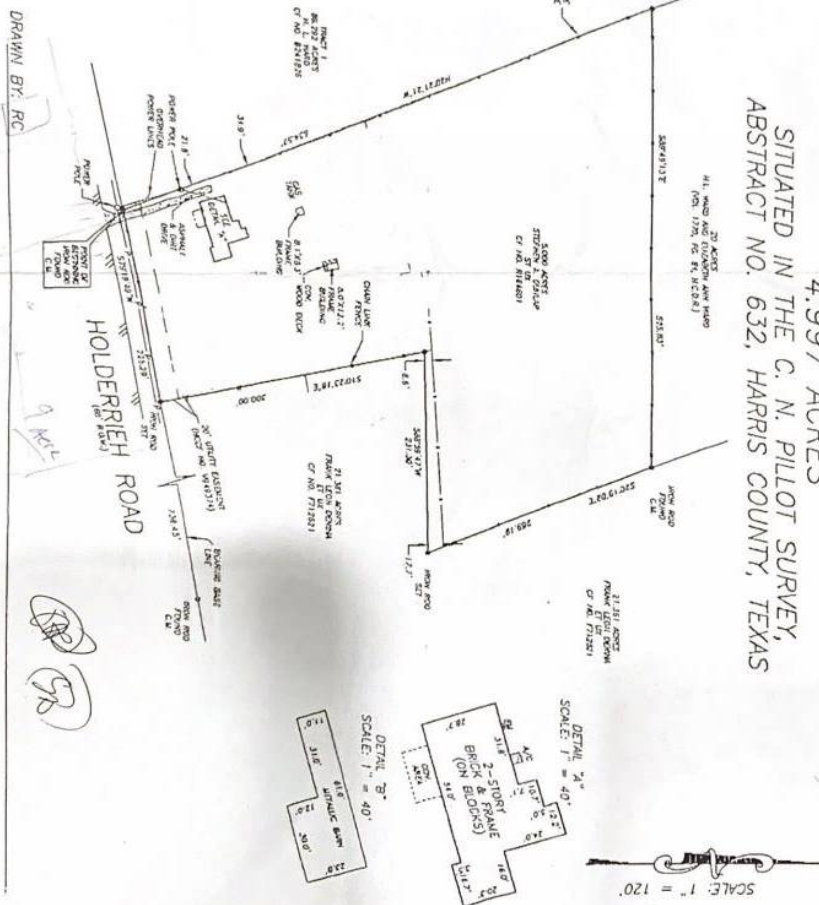
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE END OF SURVEY AND THAT THERE ARE NO ENCUMBRANCES APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING FICHE COMPAILED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

DANIEL KING
PROFESSIONAL LAND SURVEYOR
A/C: 4761
DRAWING NO. 02-8545
SEPTEMBER 24, 2002

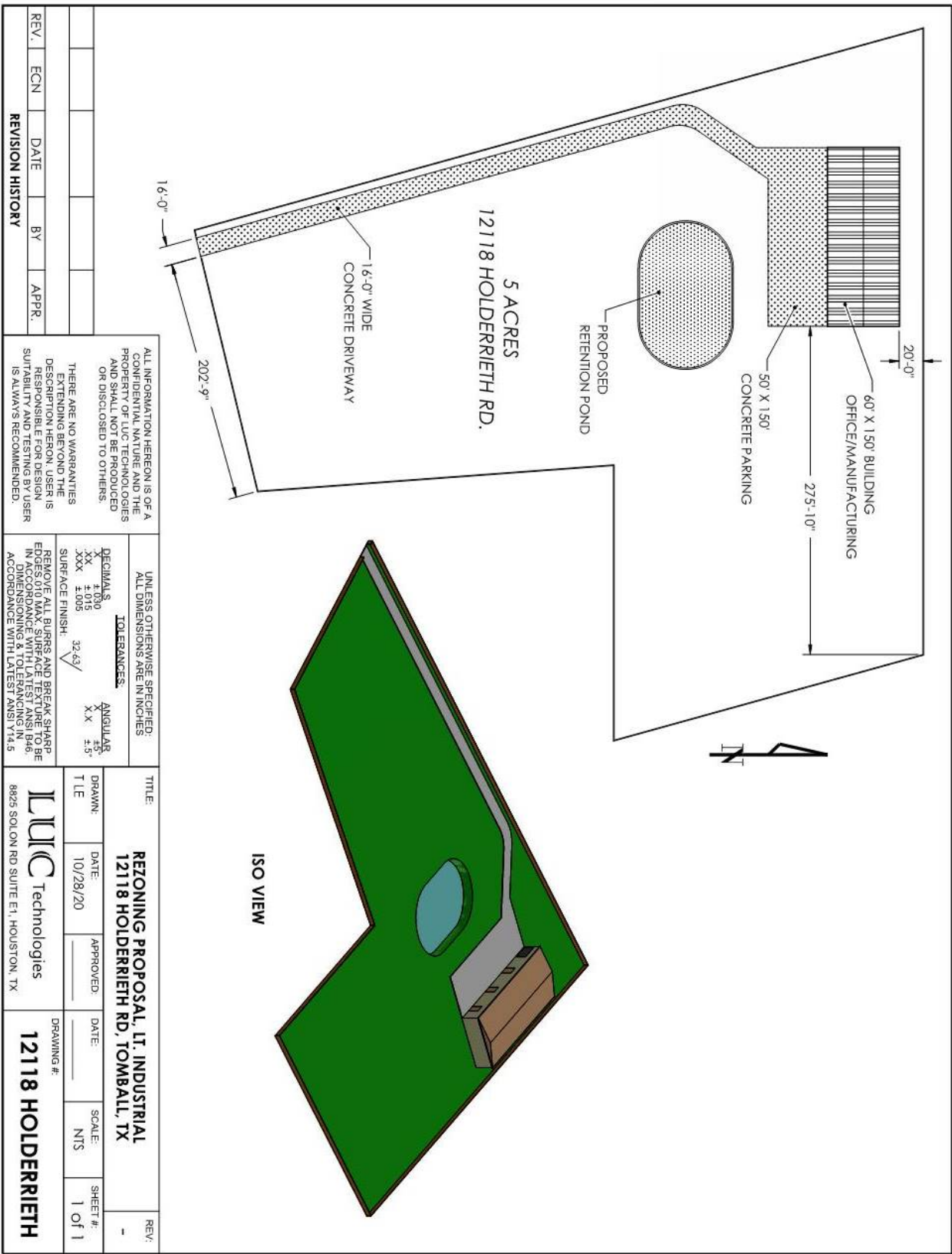


PRECISION SURVEYORS
PROFESSIONAL LAND SURVEYS

1-800-LANDSURVEY 261-498-1586
1-800-526-2787 FAX 261-498-1657

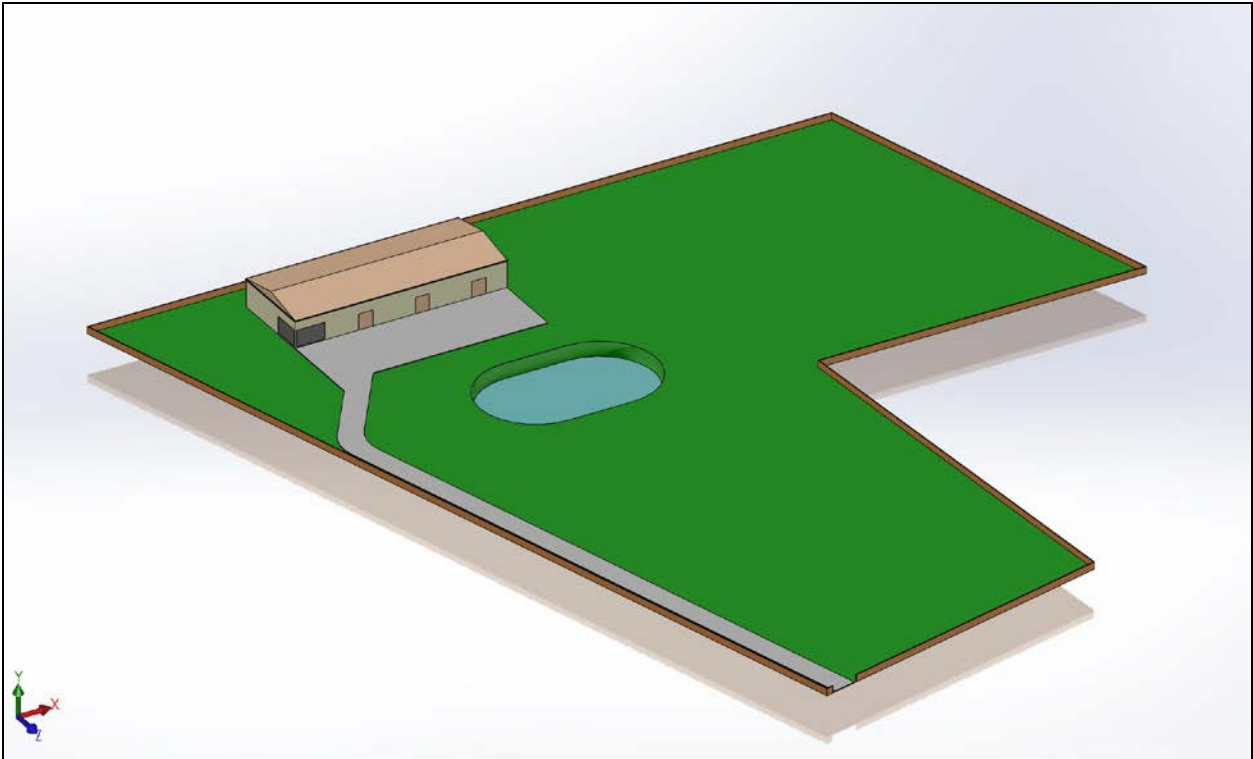


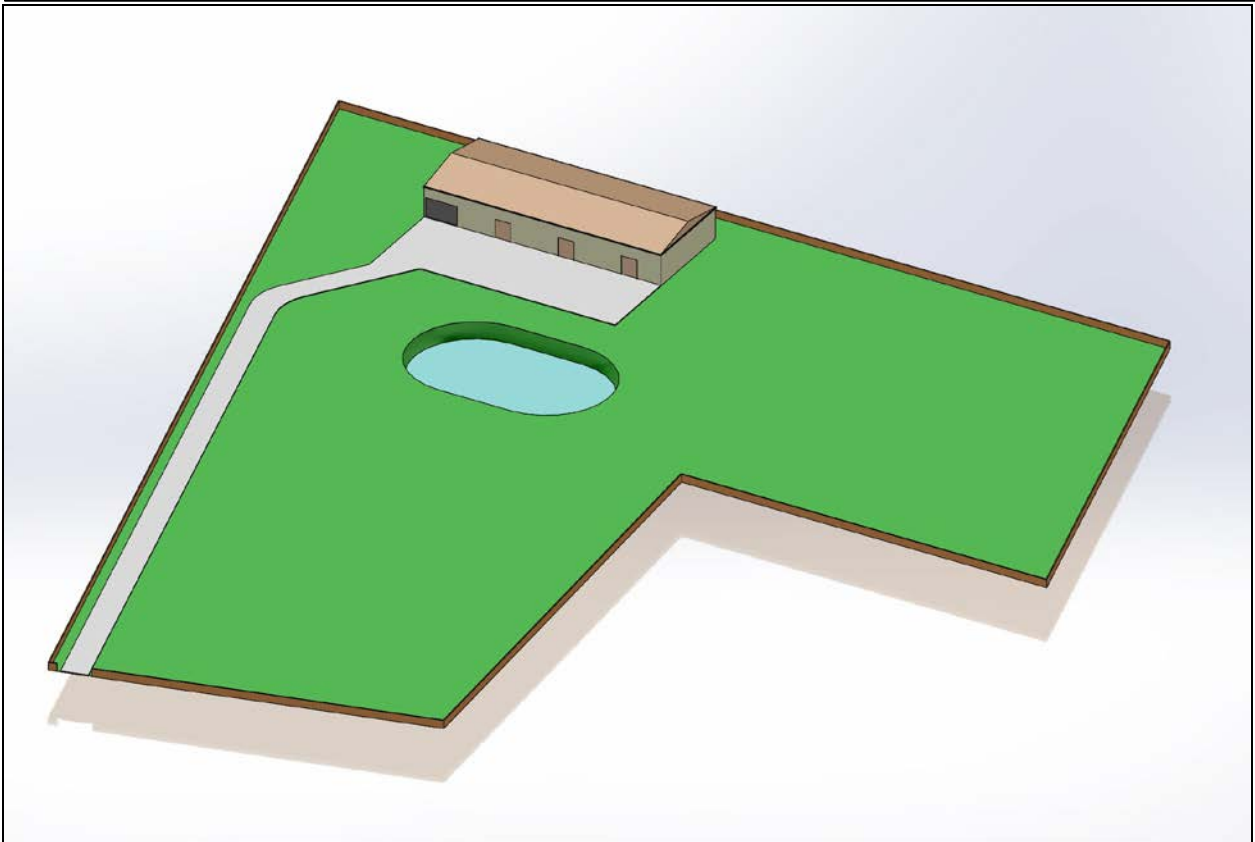
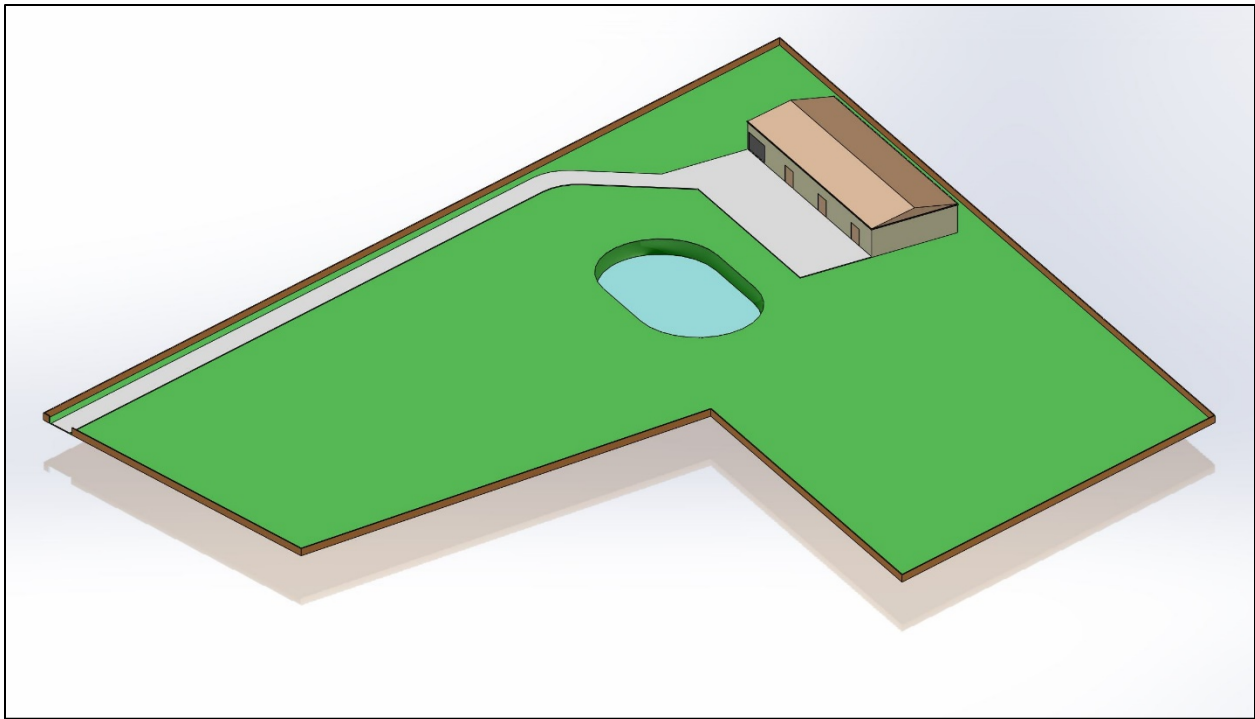
*** TOTAL PAGE.01 ***

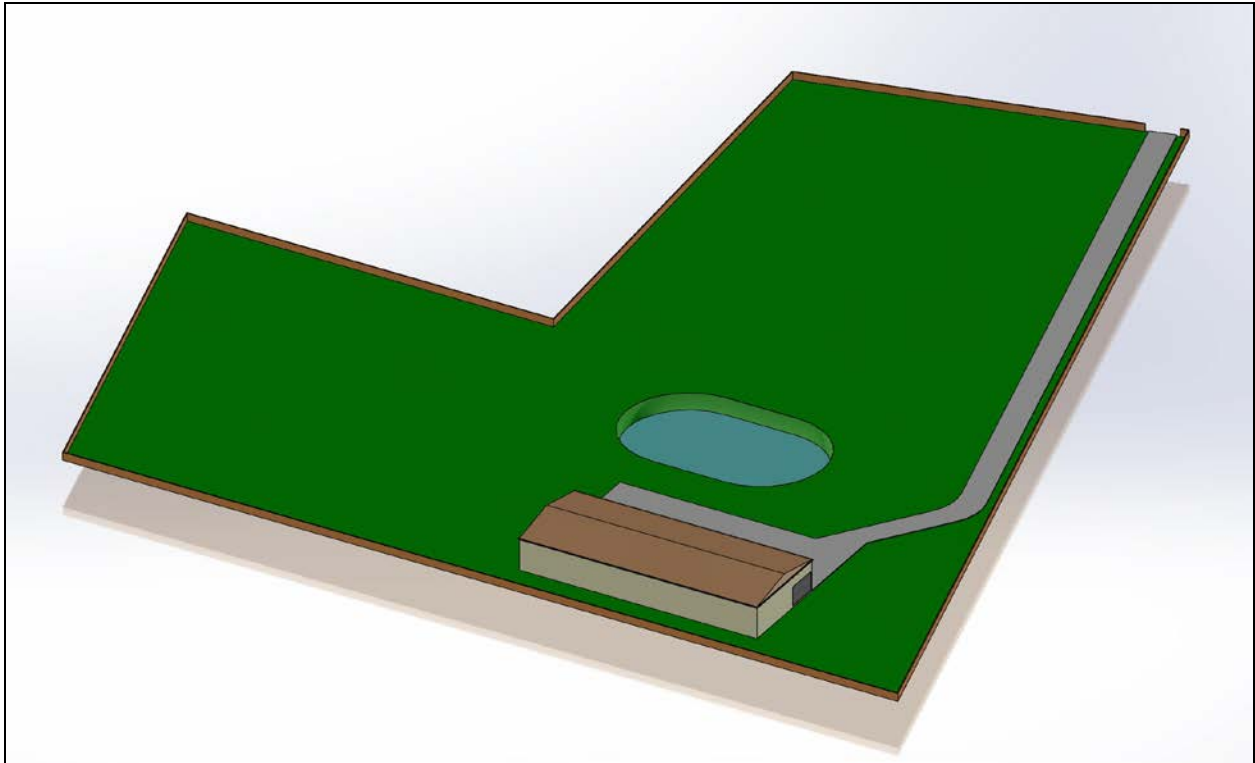


					ALL INFORMATION HEREON IS OF A CONFIDENTIAL NATURE AND THE PROPERTY OF LUC TECHNOLOGIES AND SHALL NOT BE PRODUCED OR DISCLOSED TO OTHERS.				
					THERE ARE NO WARRANTIES EXTENDING BEYOND THE DESCRIPTION HEREON. USER IS RESPONSIBLE FOR DESIGN SUITABILITY AND TESTING BY USER IS ALWAYS RECOMMENDED.				
REV.	ECN	DATE	BY	APPR.	UNLESS OTHERWISE SPECIFIED: ALL DIMENSIONS ARE IN INCHES				
REVISION HISTORY					TOLERANCES:				
					DECIMALS		ANGULAR		
					.XX ± .015 .XXX ± .005		X.X ± .5° 32.63°		
					SURFACE FINISH: ✓				
					REMOVE ALL BURRS AND BREAK SHARP EDGES .010 MAX. SURFACE TEXTURE TO BE IN ACCORDANCE WITH LATEST ANSI B46. IN ACCORDANCE WITH LATEST ANSI Y14.5				
					TITLE:				
					REZONING PROPOSAL, LT. INDUSTRIAL 12118 HOLDERRIETH RD, TOMBALL, TX				
					DRAWN: TLE				
					DATE: 10/28/20		APPROVED:		DATE:
					LUC Technologies		SCALE: NTS		SHEET #: 1 of 1
					8825 SOLON RD SUITE E1, HOUSTON, TX		DRAWING #:		12118 HOLDERRIETH

D:\Dropbox (LUC-Tech)\LUC-Tech Workspace\Land Info\12118 Holderrieth 3D\Rezoning Presentation\Presentation Rev. -. Last Change: 10/29/2020 3:21:51 PM by Trung Le







City Council Meeting

Agenda Item

Data Sheet

Meeting Date: January 4, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2020-36, 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 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District, said property being generally located on the east side of Cherry Street, across from the Cherry Pines subdivision, within the City of Tomball, Harris County, Texas; providing for the amendment of the official zoning map of the city; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday, December 14, 2020, after conducting a public hearing, the Planning & Zoning Commission voted to recommend approval of the rezoning with a 4-0 vote.

Origination: 7Gen Planning

Recommendation:

Approval

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

Craig T. Meyers, Community
Development Director

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	12-28-2020	Approved by	
	Staff Member	Date		
			City Manager	Date

ORDINANCE NO. 2020-36

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 20.78 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 9N-2 ABSTRACT 632 C N PILLOT, FROM THE AGRICULTURAL DISTRICT TO THE SINGLE-FAMILY 6 DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF CHERRY STREET, ACROSS FROM THE CHERRY PINES SUBDIVISION, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, 7Gen Planning has requested that approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, 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 Single-Family 6 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 Single-Family 6 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 Single-Family 6 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 Single-Family 6 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 21ST DAY OF DECEMBER 2020.

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

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 4TH DAY OF JANUARY 2021.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 14, 2020
&
CITY COUNCIL
DECEMBER 21, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 14, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 21, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-321: Request by Trung Le and Sandy Pham to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-332: Request by 7Gen Planning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District. The property is generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, within the City of Tomball, Harris County, Texas.

Zoning Case P20-338: Request by David Weekly Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

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

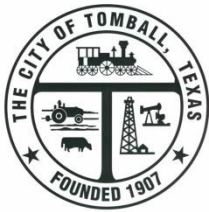
CERTIFICATION

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 **10th** day of **December 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

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

CASE NUMBER: P20-332

APPLICANT/OWNER: 7Gen Planning

LOCATION: Generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District.

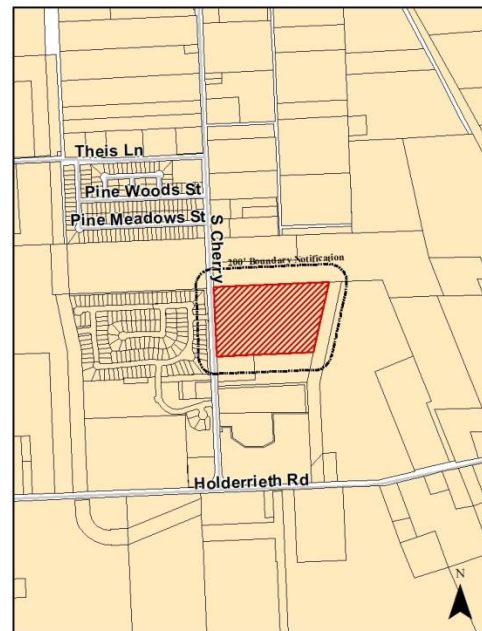
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

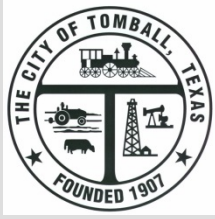


**Planning & Zoning Commission
Public Hearing:
Monday, December 14, 2020 6:00 PM**

**City Council Public Hearing:
*Monday, December 21, 2020 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 14, 2020
City Council Public Hearing Date: December 21, 2020

Rezoning Case: P20-332
Property Owner(s): TEJUMA CHERRY STREET LLC
Applicant(s): 7Gen Planning
Legal Description: 9N-2 Abstract 632 C N Pillot
Location: East side of Cherry Street, across from the Cherry Pines Subdivision (Exhibit "A")
Area: 20.78 acres
Comp Plan Designation: Neighborhood Residential and Public & Institutional (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s): Single-family residential community (Exhibit "E")
Request: Rezone from the Agricultural District to the Single-Family 6 District
Adjacent Zoning & Land Uses:
North: Agricultural Estate District / Undeveloped
South: Commercial District / Commercial facility (City Masonry)
West: Single-Family 6 District / Single-family residences (Cherry Pines subdivision under construction)
East: Agricultural District / City of Tomball M121E Drainage Channel

BACKGROUND

In June 2020, City staff met with the applicant and other representatives to discuss the development of a single-family residential community on the property.

ANALYSIS

The property is approximately 20.78 acres of land on the east side of South Cherry Street. The applicant is requesting a rezoning to the Single-Family 6 District for the development of approximately 65 single-family residential lots. The property is zoned Agricultural District. Surrounding properties are zoned Agricultural to the north and east, Commercial to the south, and Single-Family 6 to the west.

The property is currently undeveloped. There is a single-family residential subdivision, Cherry Pines, across South Cherry Street currently under construction and a single-family residential subdivision at South Cherry Street and Theis Lane, Pine Meadows, that was completed in 2016. There is undeveloped property to the north, a commercial establishment (City Masonry) to the south, and a city drainage channel to the east.

A portion of the property is designated as Public and Institutional, but most of the property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached housing. The Single-Family 6 District is a compatible zoning district for the Future Land Use designation and area.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 23, 2020. A Notice of Public Hearing was published in the paper on November 25, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-332.

1. The proposed rezoning is compatible with the surrounding zoning districts in the area;
2. The proposed development is consistent with the surrounding land uses in the area;
3. The proposed rezoning conforms to the Comprehensive Plan and Future Land Use Map.

EXHIBITS

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

Exhibit “A”
Aerial Photo



Exhibit "B"
Comprehensive Plan

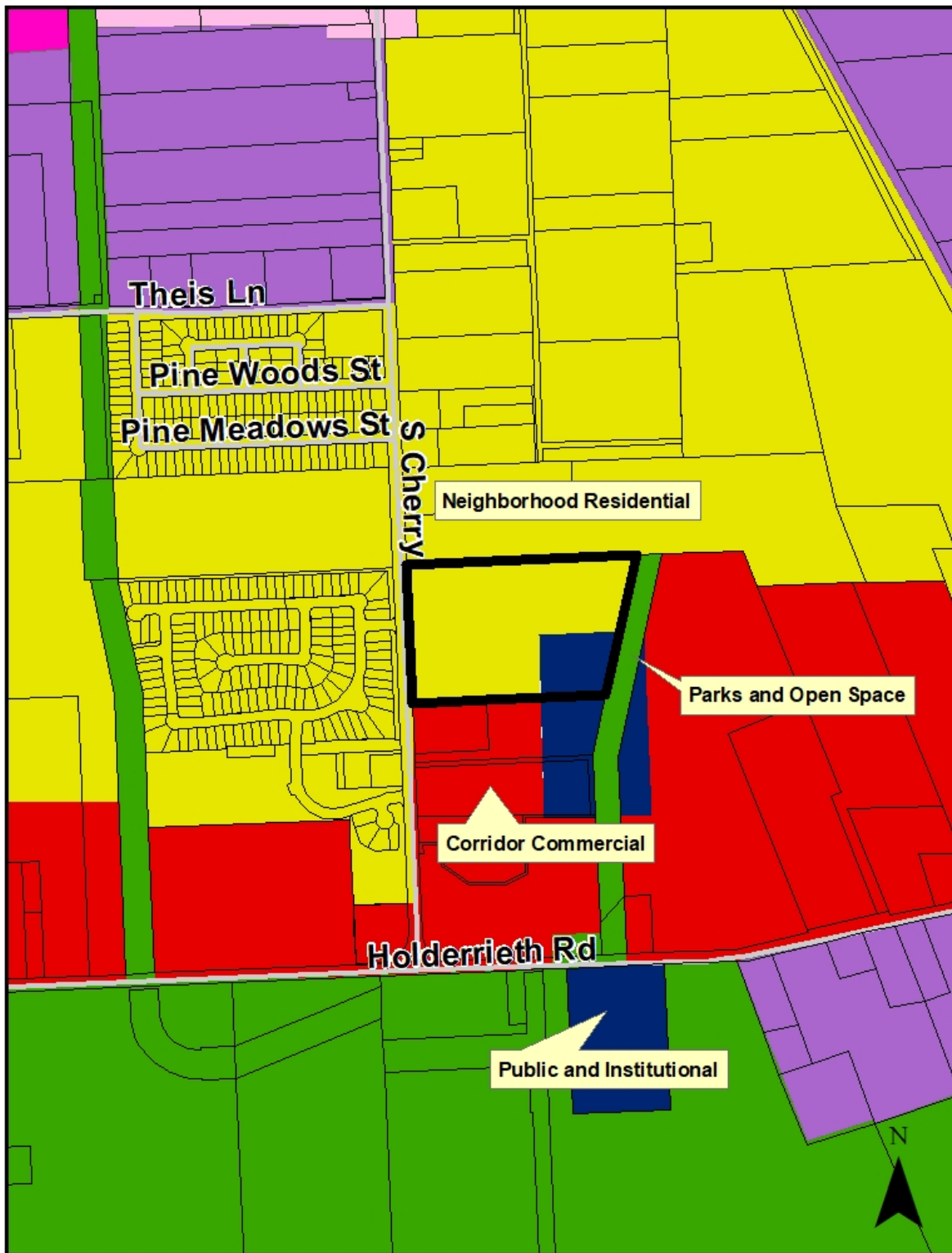
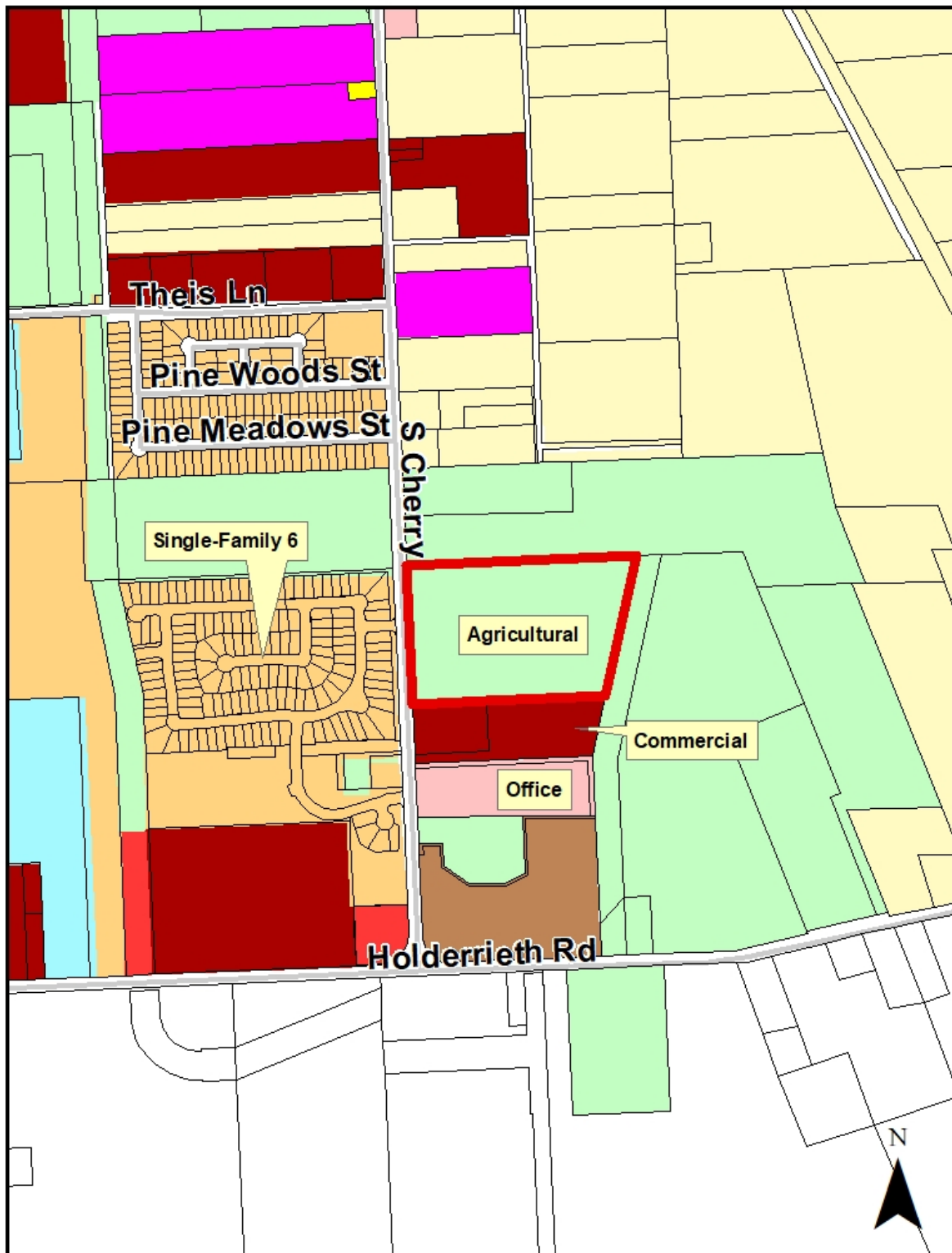


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
11/02/2020 2:15:22 PM

Revised: 4/13/2020

P&Z #20-332

\$607.80

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: 7Gen Planning Title: Planner
Mailing Address: 2107 City West Blvd, Suite 400 City: Houston State: Texas
Zip: 77042 Contact: Arya C Karve
Phone: (713) 579 3833 Email: akarve@7genplanning.com

Owner

Name: Tejuma Cherry Street LLC Title: Owner
Mailing Address: 20703 Sundance Spring Lane City: Spring State: Texas
Zip: 77379 Contact: Arya C Karve
Phone: (713) 579 3833 Email: akarve@7genplanning.com

Engineer/Surveyor (if applicable)

Name: Costello Inc. Title: Engineer
Mailing Address: 2107 City West Blvd, Suite 300 City: Houston State: Texas
Zip: 77042 Contact: Linh Tran
Phone: (713) 783 7788 Fax: (____) _____ Email: btran@costelloinc.com

Description of Proposed Project: 20.78 Ac Low Density Single Family Subdivision

Physical Location of Property: 0 Cherry Street, Tomball, Tx 77375-Aprox 1,450' North of Cherry St and Holderrieth intersection.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 9N-2 Abstract 632 C N Pilot
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture (AG)

Current Use of Property: Agriculture

Proposed Zoning District: Single Family Residential 6 (SF-6)

Proposed Use of Property: Low Density Single Family Residential Lots

HCAD Identification Number: 0440580000273 Acreage: 20.78 Ac

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.

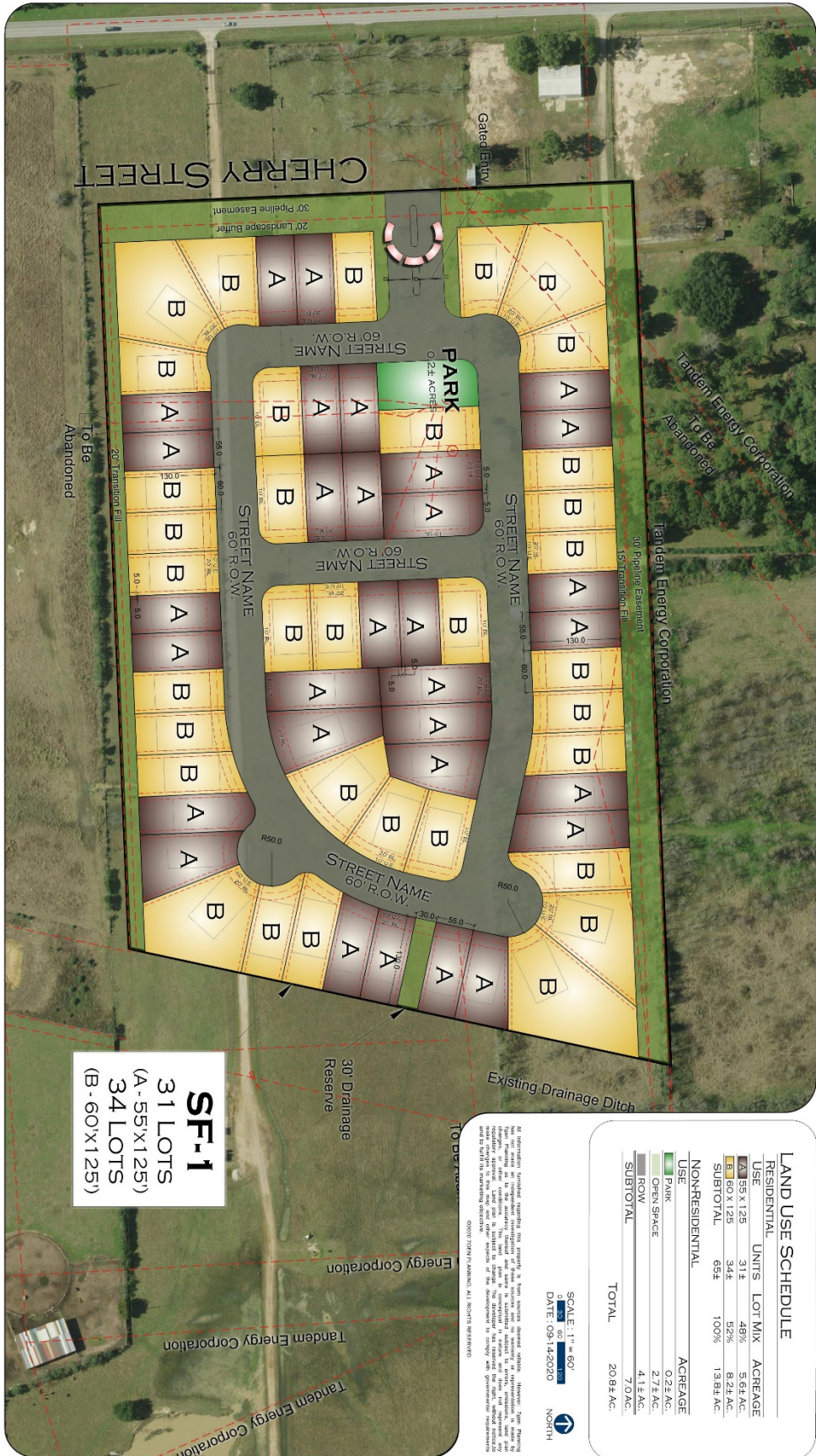
X  11/2/2020
Signature of Applicant Date

X  11/2/2020
Signature of Owner Date





20-ACRE CHERRY TRACT 20.8± ACRES WITHIN TOMBALL, TEXAS DETAILED LOTTING PLAN - OPTION K



SF-1
31 LOTS
(A - 55'x125')
34 LOTS
(B - 60'x125')

LAND USE SCHEDULE			
RESIDENTIAL			
USE	UNITS	LOT MIX	ACREAGE
A 55' x 125'	31±	48%	5.6± AC.
B 60' x 125'	34±	52%	8.2± AC.
SUBTOTAL	65±	100%	13.8± AC.
NONRESIDENTIAL			
USE	ACREAGE		
PARK	0.2± AC.		
OPEN SPACE	2.7± AC.		
ROW	4.1± AC.		
SUBTOTAL	7.0± AC.		
TOTAL	20.8± AC.		

SCALE: 1" = 60'
DATE: 09/14/2020
NORTH



October 28, 2020

City of Tomball
Planning Division
501 James St.
Tomball, Tx 77375

Rezone request for 20.78 Ac Cherry Street Tract (HCAD ID # 0440580000273)

To whomever it may concern:

We, 7Gen Planning are submitting a request to rezone the above-mentioned property on behalf of the owner, Tejuma Cherry Street LLC.

This tract is currently zoned as Agricultural (AG). We are requesting it to be rezoned to Single Family Residential - 6 (SF-6). The intent is to develop the property in accordance with the zoning ordinance, as a low density detached, single family residences on lots larger than 6,000 square feet.

Please find a copy of the proposed site plan attached herewith for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arya C Karve', with a horizontal line underneath.

Arya C Karve
Planner.

9050 N. Capital of Texas Hwy., Bldg. 3, Suite 390
Austin, Texas 78759
512.646.3445

2107 CityWest Blvd., 4th Floor
Houston, Texas 77042
713.343.0394

TAX CERTIFICATE



ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

Issued To:

TEJUMA CHERRY STREET LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-8224
USA

Legal Description

TR 9N-2
ABST 632 C N PILLOT

Parcel Address: 0 CHERRY ST

Legal Acres: 20.7759

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Account Number: 044-058-000-0273

Certificate No: 12170720

Certificate Fee: \$10.00

Print Date: 10/15/2020 09:33:37 AM

Paid Date:

Issue Date: 10/15/2020

Operator ID: EAVILA

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2019. TAXES THRU 2019 ARE PAID IN FULL. TAXES HAVE NOT BEEN CALCULATED FOR YEAR(S): 2020.

Exemptions:

OPEN SPACE

Certified Owner:

TEJUMA CHERRY STREET LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-8224
USA

Certified Tax Unit(s):

40 Harris County
41 Harris County Flood Control Dist
42 Port of Houston Authority
43 Harris County Hospital District
44 Harris County Dept. of Education
45 Lone Star College System
83 City of Tomball
679 Emergency Service Dist #8 (E.M.S.)

2019 Value:	449,652
2019 Levy:	\$13.04
2019 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00



DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GR) No: N/A

Issued By:

ANN HARRIS BENNETT

HARRIS COUNTY TAX ASSESSOR-COLLECTOR

County: Harris
Project: Cherry Tract
C.I. No.: 1226-18R
Job Number: 2020117-20

METES AND BOUNDS FOR 20.78 ACRES

Being a 20.78-acre tract of land located in the C. N. Pillot Survey, A-632, Harris County, Texas; said 20.78-acre tract being all of a called 20.7832-acre tract of land conveyed to Chesmar Homes, LLC in Clerk's File Number RP-2020-443580 of the Official Public Records of Real Property Harris County (O.P.R.P.H.C.), Texas; said 20.78-acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, NAD 83, South Central Zone):

Beginning at a 1/2-inch iron rod found for the northwest corner of said 20.7832-acre tract and the southwest corner of a called 42-acre tract of land recorded in Clerk's File Number W888872 of the O.P.R.P.H.C., same being the east Right-of-Way (R.O.W.) line of South Cherry Street (80-feet wide);

1. Thence, with the common line of said 20.7832-acre tract and said 42-acre tract, North 87 degrees 31 minutes 44 seconds East, a distance of 1,274.73 feet to a 5/8-inch iron rod with cap found for the northeast corner of said 20.7832-acre tract and the northwest corner of a called 6.3664-acre tract recorded in Clerk's File Number W515871 of the O.P.R.P.H.C.;
2. Thence, with the common line of said 20.7832-acre tract and said 6.3664-acre tract, South 12 degrees 08 minutes 03 seconds West, a distance of 798.09 feet to a 5/8-inch iron rod found for the southeast corner of said 20.7832-acre tract and the northeast corner of Tomball Renewal Center Replat, a subdivision recorded in Film Code Number 617162 of the Harris County Map Records (H.C.M.R.);
3. Thence, with the common line of said 20.7832-acre tract and said Tomball Renewal Center Replat, South 87 degrees 39 minutes 40 seconds West, a distance of 1,073.18 feet to a 5/8-inch iron rod with cap found at the southwest corner of said 20.7832-acre tract and the northwest corner of said Tomball Renewal Center Replat, same being on the east R.O.W. line of aforesaid South Chery Street;
4. Thence, with said east R.O.W. line, North 02 degrees 29 minutes 38 seconds West, a distance of 769.82 feet to the **Point of Beginning** and containing 20.78 acres of land.

09/30/2020

Mark D. Armstrong



TAX CERTIFICATE FOR ACCOUNT : 0440580000273

AD NUMBER: 0440580000273

GF NUMBER:

CERTIFICATE NO : 2579910

COLLECTING AGENCY

Kristi Williams

PO Box 276

Tomball TX 77377-0276

DATE : 10/28/2020

FEE : \$10.00

PROPERTY DESCRIPTION

TR 9N-2|ABST 632 C N PILLOT

PAGE 1 OF 1

REQUESTED BY

COSTELLO INC

9990 RICHMOND AVE #450

HOUSTON TX 77042

0000000 CHERRY ST

20.7759 ACRES

PROPERTY OWNER

TEJUMA CHERRY STREET LLC

20703 SUNDANCE SPRINGS LN

SPRING TX 773798224

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX, INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN, IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS. THIS CERTIFICATE APPLIES TO ADVALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVIES.

CURRENT VALUES			
LAND MKT VALUE:	1,039	IMPROVEMENT :	0
AG LAND VALUE:	448,613	DEF HOMESTEAD:	0
APPRAISED VALUE:	449,652	LIMITED VALUE:	0
EXEMPTIONS:	Ag 1D1		
LAWSUITS:			

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2020	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
2020 SUB TOTAL							\$0.00

TOTAL CERTIFIED TAX DUE 10/2020 : \$ 0.00

ISSUED TO :

COSTELLO INC

ACCOUNT NUMBER:

0440580000273

CERTIFIED BY :



TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2021 tax year have not been calculated as of the above date.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: January 4, 2021

Topic:

Approve Resolution No. 2021-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election, to be held in the City of Tomball on Saturday, May 1, 2021; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of Such Election

Aprobar la Resolución Nro. 2021-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 1 de mayo de 2021; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección. Chấp thuận Nghị Quyết số 2021-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 1 tháng Năm, 2021; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2021-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2021年5月1日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

Background:

Resolution No. 2021-01 orders the Regular City Officer's Election, which will be held on Saturday, May 1, 2021 for Council Position 2 and Council Position 4.

The first day to file an Application for Place on Ballot is Wednesday, January 13, 2021; the last day to file an Application for Place on Ballot is Friday, February 12, 2021 at 5:00 p.m. Early Voting will be held April 19-23 and April 26-27, 2021.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 20, and Tuesday, April 27, 2021.

Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 5, 2021; early voting for the Runoff Election would begin Monday, May 24, and end June 1, 2021.

The contract between Hart Intercivic and the City includes training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election and the special election. The anticipated expenses for the May 1, 2021 election are approximately \$17,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred for the general

election if a runoff election is required; however; funds budgeted for elections in the FY 2020-2021 budget should be sufficient to cover anticipated costs.

As in previous years, a provision has been included in Section 2 to authorize the City Secretary to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified pool of Election Clerks if either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties for whatever reason.

Origination: Home Rule Charter, City Secretary

Recommendation:

Approve Resolution No. 2021-01

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>12-28-2020</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

RESOLUTION NO. 2021-01

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S
ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY,
MAY 1, 2021; DESIGNATING THE POLLING PLACES AND
APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION;
DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION;
DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED;
AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH
ELECTION**

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 1st day of May, 2021, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**COUNCIL POSITION 2
COUNCIL POSITION 4**

Section 2: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

Patsy Kinsey, Presiding Judge
Latrell Shannon, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code. If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$15.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$14.00 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4: The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 20, 2021 and Tuesday, April 27, 2021.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary

for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8: Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 9: The first day to file an application for place on ballot is January 13, 2021. All candidates for election for the Office of City Council, Position 2 and City Council, Position 4 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 12, 2021 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 5, 2021. Early voting for the Runoff Election will begin May 24, 2021 and end June 1, 2021. All terms, conditions, and provisions established for the May 1, 2021 Regular City Officers Election shall apply to the Runoff Election.

Section 11: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this 4th day of January 2021.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2021-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 1 DE MAYO DE 2021; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.

* * * * *

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 1 de mayo de 2021, elección en la cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

CONCEJAL, POSICIÓN 2

CONCEJAL, POSICIÓN 4

Sección 2: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Patsy Kinsey, Juez Presidente
Latrell Shannon, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas. Si el Juez Presidente o el Juez Presidente alterno no pueden desempeñar sus funciones asignadas, la secretaria de la ciudad está autorizada a seleccionar un Juez presidente Actuante o un Juez Alterno Actuante de entre los funcionarios electorales calificados, según sea necesario.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$15.00 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$14.00 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser hacerse conformidad con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente esta abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en persona en el lugar

central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 20 de abril de 2021 y el martes 27 de abril de 2021.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de papel y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

Sección 6: Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

Sección 7: Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierren las casillas de votación.

Sección 8: Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 13 de enero de 2021. Todos los candidatos para el cargo de Concejal Municipal, Posición 2 y Concejal Municipal, Posición 4, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 12 de febrero de 2021 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 5 de junio de 2021. La votación anticipada de la Elección de Desempate comenzará el 24 de mayo de 2021 y terminará el 1 de junio de 2021. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 1 de mayo de 2021 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

PASADA, APROBADA y RESUELTA este día 1 de enero de 2021.

ATESTIGUA:

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2021-01

MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO THỨ BẢY, NGÀY 1 THÁNG NĂM, 2021; CHỈ ĐỊNH CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ

* * * * *

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS RA NGHỊ QUYẾT:

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 1 tháng Năm, 2021, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành Phố Tomball nói trên, gồm có:

VI TRÍ

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 2
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 4**

Mục 2: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử, phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00) chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

Patsy Kinsey, Trưởng Ban Điều Hành
Latrell Shannon, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ

nếu đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas. Nếu Trưởng Ban Điều Hành Bầu Cử hoặc Trưởng Ban Điều Hành Dự Khuyết đều không thể thực hiện các nhiệm vụ được chỉ định, Thư Ký Thành Phố được phép chọn ra một Quyền Trưởng Ban hoặc Quyền Trưởng Ban Dự Khuyết từ các Thư Ký Phụ Trách Cuộc Bầu Cử hội đủ điều kiện, nếu cần.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban Điều Hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$15.00; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$14.00 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Thư Ký Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 20 tháng Tư, 2021 và Thứ Ba, ngày 27 tháng Tư, 2021.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và trong bất kỳ trường hợp nào không

cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu bầu gửi bằng thư. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Tổng Thư Ký Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu giấy sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Tổng Thư Ký Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mượn các viên chức phụ trách bầu cử tại đây được cấp phép.

Mục 6: Thư Ký Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

Mục 7: Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố sau khi đóng cửa phòng phiếu.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp Tiểu Bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo Luật Về Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của Thành Phố Tomball sẽ được bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 13 tháng Giêng, 2021. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 2 và Vị Trí 4, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 12 tháng Hai, 2021 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 5 Tháng Sáu, 2021. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 24 Tháng Năm, 2021 và kết thúc ngày 1 tháng Sáu, 2021. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 1 tháng Năm, 2021 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày 1 tháng Giêng, 2021.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

決議案編號 2021-01

TOMBALL市市議會決議及指示將於2021年5月1日星期六召開市政府官員普選；指定該選舉之投票地點及委派選舉工作官員；指揮該選舉公告之發佈；指定如有需要的二次決選日期；以及提供舉行該選舉的相關細節

* * * * *

由德克薩斯州TOMBALL市議會決議的適用條款如下：

第一條： 特此指示德克薩斯州Tomball市在2021年5月1日，星期六舉行普選，在該項選舉中將由符合資格的選民選舉Tomball市下列官員，即是：

席位

市議會席位2

市議會席位4

第二條： 構成一個選舉區目前的市政區界限，下列投票所開放投票的時間將為上午七時(7:00)至下午七時(7:00)，在此指派於指定之投票所辦理投票事宜的官員如下：

投票所

Tomball市政廳
401 Market Street
Tomball, Texas 77375

執行選舉官員

Patsy Kinsey, 主理法官
Latrell Shannon, 替代主理法官

依照德克薩斯州選舉法32.009條規定，在此授權并指派市府秘書向法官們提交此**決議書**副本作為其任命之書面通知。如果主理法官或替代主理法官均無法執行其委派職責，在需要時授權市府秘書於符合資格的選舉書記中選擇一位代理主理或代理替代主理法官。

主理法官將有權委派不超過七名書記協助舉辦此項選舉，但在任何情況下主理法官不得委派兩名以下的書記。提述之選舉官員也將擔任此項選舉的提前投票選票委員會的工作；該選區的主理法官亦同時擔任提前投票選票委員會的主理法官。

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$15.00；提前投票書記及選舉書記之酬薪為每小時\$14.00。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工作是

必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

第四條： 市府秘書在此委派提前投票之選舉書記；市府秘書應將依照德克薩斯州選舉條例第83.001條及該條款下列相關條款規定委派提前投票之代表書記或書記。此項選舉的提前投票地點在此指定於：

市政廳
德州Tomball市
401 Market Street
Tomball, Texas 77375

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45)至下午五時(5:00)、週二上午七時四十五分(7:45)至下午七時四十五分(7:45)、週五上午七時四十五分(7:45)至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005(d)條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2021年4月19日，星期二及2021年4月27日，星期二開放每日12小時供個人出席的提前投票；

提述之書記不得允許任何人在書記辦公室非正常工作日內進行個人出席提前投票，在該辦公室未對外開放時，在任何情況之下絕不允許任何人進行個人出席提前投票。上述提前投票地點亦為辦理選票申請及郵寄選票書記辦公室的通訊地址。依據德州選舉條例規定，提前投票書記應保存每位進行個人出席提前投票和寄發郵寄選民的名冊。名冊應保持州務卿批核之格式。

第五條： 所有選票均依照的州選舉條例進行準備。郵寄提前投票將使用紙張選票，個人出席提前投票和選舉日投票將使用eSlate 直接記錄電子(DRE)投票系統，兩者均為eSlate DRE 投票系統之部分。州務卿已核準市議會在此通過提前投票及選舉日使用eSlate直接記錄電子(DRE)投票系統。所有舉辦選舉、材料採購、以及選舉人員的僱聘之必要支出在此業經授權。

第六條： 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

第七條： 此項選舉公告的發佈依照德克薩斯州選舉條例之規章，公告回執亦應按上述條例進行。市長將開具所有有關此項選舉必要的命令及令狀，每項選舉回執在投票所關閉后應提交市府秘書。

第八條： 提述之選舉將依據德克薩斯州憲法第11章，第11條之規定辦理，德克薩斯州選舉條例及1965年聯邦投票權法案修正案規定市行政單位超過兩年的任期，必須在空缺發生的120日內填補該項空缺，唯有Tomball市正式合格的居民選民才能取得投票資格。

第九條： 開始申請參選選票席位的第一天為2021年1月13日。所有競選市議會席位1及市議員辦公室市議會席位5之候選人必須在2021年2月12日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

第十條： 如果需要進行二次決選，二次決選定於2021年6月5日。二次決選的提前投票將於2021年5月24日開始并於2021年6月1日結束。2021年5月1日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

第十一條： 在此依法授權及指示市府秘書發佈上述選舉公告。

於2021年1月__4__日通過，核準并決議。

GRETCHEN FAGAN, 市長
Tomall市

此證：

DORIS SPEER, 市府秘書
Tomall市

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: January 4, 2021

Topic:

Approve Resolution No. 2021-02, a Resolution of the City Council of the City of Tomball, Texas, Designating The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) as the Official Newspaper for 2021 for Publication of Matters Pertaining to the City of Tomball

Background:

Tomball Home Rule Charter, Section 3.06, and Texas Government Code, Section 2051.044, require the City Council to annually designate a public newspaper of general circulation in the City as the official newspaper for all legal notices—ordinances, public hearing notices, election notices, and other matters required to be published by the Charter, City of Tomball ordinances, the Constitution or state or federal laws.

The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) is the only "local" paper to meet all of the requirements of the City's Charter and state law. The Houston Chronicle's legal section would meet the requirements, however, publication rates are much higher in the Houston Chronicle than in the weekly edition of the Potpourri. The Community Impact newspaper does not meet the state's legal requirements.

The major portion of the City's official advertising involves legal notices, some of which are quarter-page ads that state or federal law require be published as display ads in the main body of the newspaper.

The Potpourri has an Internet site and we have enjoyed an excellent relationship with the Potpourri over the years. The Potpourri's publication date is on Wednesday.

Staff recommends designation of The Potpourri, Tomball Edition (Houston Community Newspapers) as the official newspaper for 2021.

Origination: Home Rule Charter, City Secretary

Recommendation:

Approve Resolution No. 2020-02

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 12-28-2020 Approved by _____

Staff Member	Date
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City Manager	Date
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RESOLUTION NO. 2021-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS, DESIGNATING THE POTPOURRI, TOMBALL EDITION
(HOUSTON COMMUNITY NEWSPAPERS/HOUSTON CHRONICLE) AS
THE OFFICIAL CITY NEWSPAPER FOR 2021 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

WHEREAS, the Home Rule Charter of the City of Tomball, Section 3.06 – Official Newspaper, states:

“The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas.”

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) to be named the official newspaper for 2021 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

PASSED AND APPROVED BY A VOTE OF ___ TO ___ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 4TH DAY OF JANUARY 2021:

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 01/04//2021

Topic:

Approve the Assignment and Sale Agreement between Yaupon Trails LTD LLC, and Texas PID Financing I, LLC, for (TPID 5) Yaupon Trails Subdivision and Authorize the Mayor to Execute the Necessary Documents.

Background:

A development agreement is in place between the City of Tomball and the developer, whereby the City has agreed to collect the annual assessment payments at the same time as property taxes (or provide for the collection of the assessment through the Harris County tax office) and then convey the assessment revenue to the developer annually as a reimbursement for the infrastructure costs detailed in the agreement.

The developer is requesting that there be an assignment of those annual assessment collections to another entity, which is allowable under the agreement subject to the City's consent.

Origination: Finance

Recommendation:

Recommend approval

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

Glenn Windsor, CPA

Finance Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____

To account # _____

Signed Glenn Windsor, CPA

Finance Director

Date

Approved by _____

City Manager

Date

ASSIGNMENT AND SALE AGREEMENT

This Assignment and Sale Agreement, dated as of [], 2020 (this “Agreement”), is between Yaupon Trails LTD LLC, a Texas limited liability company (the “Seller”), and [Texas PID Financing I, LLC], a [Delaware limited liability company] (the “Buyer”).

W I T N E S S E T H :

WHEREAS, the City of Tomball (the “City”), a municipal corporation and a home-rule city in the State of Texas, has created the Public Improvement District Number 5 (the “PID”);

WHEREAS, the Seller intends to construct (or cause to be constructed) and is constructing (or is causing to be constructed) a residential development within the PID, consisting of 37 single-family lots, and other related improvements (collectively, the “PID Improvements”);

WHEREAS, the City previously entered into that certain Development Agreement, dated as of March 16, 2015 (the “Development Agreement”), with Seller, pursuant to which the City has agreed to reimburse the Seller for certain amounts advanced by the Seller to finance the development and construction of PID Improvements; and

WHEREAS, the Seller desires to sell to the Buyer, and the Buyer desires to purchase from the Seller, all of the Seller’s rights to be paid any and all amounts payable to the Seller by the City pursuant to the Development Agreement and all amounts paid by the City thereunder (collectively, the “Reimbursements”).

NOW, THEREFORE, in consideration of the premises and of the commitments made hereunder the parties hereto agree as follows:

1. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Seller hereby sells to the Buyer, without recourse, the Reimbursements.

2. It is the express intent of the parties hereto that the transfer of the Reimbursements by the Seller to the Buyer as provided in this Agreement be, and be construed as, an absolute sale of the Reimbursements. It is, further, not the intention of the parties that such transfer be deemed the grant of a security interest in the Reimbursements by the Seller to the Buyer to secure a debt or other obligation of the Seller. In the event, however, that, notwithstanding the intent of the parties, the Reimbursements are held to be the property of the Seller, or if for any other reason this Agreement is held or deemed to create a security interest in the Reimbursements, then this Agreement shall constitute a security agreement. Without derogating from the intent of the parties as set forth above, the Seller hereby grants to the Buyer, to secure all of the Seller’s obligations hereunder, a security interest in all of the Seller’s right, title, and interest, if any, whether now owned or hereafter acquired, in and to the Reimbursements and all proceeds thereof.

3. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS whereof this Assignment and Sale Agreement has been entered into the date first above written.

YAUPON TRAILS LTD LLC

By: _____
Name: _____
Title: _____

[TEXAS PID FINANCING I, LLC]

By: _____
Name: _____
Title: _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 01/04//2021

Topic:

Approve the Assignment and Sale Agreement between Tomball Copper Cove, LLC,, and Texas PID Financing I, LLC, for (TPID 6) Copper Cove Subdivision and Authorize the Mayor to Execute the Necessary Documents

Background:

A development agreement is in place between the City of Tomball and the developer, whereby the City has agreed to collect the annual assessment payments at the same time as property taxes (or provide for the collection of the assessment through the Harris County tax office) and then convey the assessment revenue to the developer annually as a reimbursement for the infrastructure costs detailed in the agreement.

The developer is requesting that there be an assignment of those annual assessment collections to another entity, which is allowable under the agreement subject to the City's consent.

Origination: Finance

Recommendation:

Recommend approval

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

Glenn Windsor, CPA

Finance Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____

To account # _____

Signed Glenn Windsor, CPA

Finance Director

Date

Approved by _____

City Manager

Date

ASSIGNMENT AND SALE AGREEMENT

This Assignment and Sale Agreement, dated as of [], 2020 (this “Agreement”), is between Tomball Copper Cove, LLC, a Texas limited liability company (the “Seller”), and [Texas PID Financing I, LLC], a [Delaware limited liability company] (the “Buyer”).

W I T N E S S E T H :

WHEREAS, the City of Tomball (the “City”), a municipal corporation and a home-rule city in the State of Texas, has created the Public Improvement District Number 6 (the “PID”);

WHEREAS, the Seller intends to construct (or cause to be constructed) and is constructing (or is causing to be constructed) a residential development within the PID, consisting of 52 single-family lots, and other related improvements (collectively, the “PID Improvements”);

WHEREAS, the City previously entered into that certain Development Agreement, dated as of November 6, 2017 (the “Development Agreement”), with Seller, pursuant to which the City has agreed to reimburse the Seller for certain amounts advanced by the Seller to finance the development and construction of PID Improvements; and

WHEREAS, the Seller desires to sell to the Buyer, and the Buyer desires to purchase from the Seller, all of the Seller’s rights to be paid any and all amounts payable to the Seller by the City pursuant to the Development Agreement and all amounts paid by the City thereunder (collectively, the “Reimbursements”).

NOW, THEREFORE, in consideration of the premises and of the commitments made hereunder the parties hereto agree as follows:

1. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Seller hereby sells to the Buyer, without recourse, the Reimbursements.

2. It is the express intent of the parties hereto that the transfer of the Reimbursements by the Seller to the Buyer as provided in this Agreement be, and be construed as, an absolute sale of the Reimbursements. It is, further, not the intention of the parties that such transfer be deemed the grant of a security interest in the Reimbursements by the Seller to the Buyer to secure a debt or other obligation of the Seller. In the event, however, that, notwithstanding the intent of the parties, the Reimbursements are held to be the property of the Seller, or if for any other reason this Agreement is held or deemed to create a security interest in the Reimbursements, then this Agreement shall constitute a security agreement. Without derogating from the intent of the parties as set forth above, the Seller hereby grants to the Buyer, to secure all of the Seller’s obligations hereunder, a security interest in all of the Seller’s right, title, and interest, if any, whether now owned or hereafter acquired, in and to the Reimbursements and all proceeds thereof.

3. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS whereof this Assignment and Sale Agreement has been entered into the date first above written.

TOMBALL COPPER COVE, LLC

By: _____
Name: _____
Title: _____

[TEXAS PID FINANCING I, LLC]

By: _____
Name: _____
Title: _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 01/04/2021

Topic:

Approve the Assignment and Sale Agreement between Tomball Grand Junction, LLC, and Texas PID Financing I, LLC, for (TPID 7) Tomball Grand Junction Subdivision and Authorize the Mayor to Execute the Necessary Documents

Background:

A development agreement is in place between the City of Tomball and the developer, whereby the City has agreed to collect the annual assessment payments at the same time as property taxes (or provide for the collection of the assessment through the Harris County tax office) and then convey the assessment revenue to the developer annually as a reimbursement for the infrastructure costs detailed in the agreement.

The developer is requesting that there be an assignment of those annual assessment collections to another entity, which is allowable under the agreement subject to the City's consent.

Origination: Finance

Recommendation:

Recommend approval

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

Glenn Windsor, CPA

Finance Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed Glenn Windsor, CPA
Finance Director

Date

Approved by _____
City Manager

Date

ASSIGNMENT AND SALE AGREEMENT

This Assignment and Sale Agreement, dated as of [], 2020 (this “Agreement”), is between Tomball Grand Junction, LLC, a Texas limited liability company (the “Seller”), and [Texas PID Financing I, LLC], a [Delaware limited liability company] (the “Buyer”).

W I T N E S S E T H :

WHEREAS, the City of Tomball (the “City”), a municipal corporation and a home-rule city in the State of Texas, has created the Public Improvement District Number 7 (the “PID”);

WHEREAS, the Seller intends to construct (or cause to be constructed) and is constructing (or is causing to be constructed) a residential development within the PID, consisting of 49 single-family lots, and other related improvements (collectively, the “PID Improvements”);

WHEREAS, the City previously entered into that certain Development Agreement, dated as of March 19, 2018 (the “Development Agreement”), with Seller, pursuant to which the City has agreed to reimburse the Seller for certain amounts advanced by the Seller to finance the development and construction of PID Improvements; and

WHEREAS, the Seller desires to sell to the Buyer, and the Buyer desires to purchase from the Seller, all of the Seller’s rights to be paid any and all amounts payable to the Seller by the City pursuant to the Development Agreement and all amounts paid by the City thereunder (collectively, the “Reimbursements”).

NOW, THEREFORE, in consideration of the premises and of the commitments made hereunder the parties hereto agree as follows:

1. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Seller hereby sells to the Buyer, without recourse, the Reimbursements.

2. It is the express intent of the parties hereto that the transfer of the Reimbursements by the Seller to the Buyer as provided in this Agreement be, and be construed as, an absolute sale of the Reimbursements. It is, further, not the intention of the parties that such transfer be deemed the grant of a security interest in the Reimbursements by the Seller to the Buyer to secure a debt or other obligation of the Seller. In the event, however, that, notwithstanding the intent of the parties, the Reimbursements are held to be the property of the Seller, or if for any other reason this Agreement is held or deemed to create a security interest in the Reimbursements, then this Agreement shall constitute a security agreement. Without derogating from the intent of the parties as set forth above, the Seller hereby grants to the Buyer, to secure all of the Seller’s obligations hereunder, a security interest in all of the Seller’s right, title, and interest, if any, whether now owned or hereafter acquired, in and to the Reimbursements and all proceeds thereof.

3. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS whereof this Assignment and Sale Agreement has been entered into the date first above written.

TOMBALL GRAND JUNCTION, LLC

By: _____
Name: _____
Title: _____

[TEXAS PID FINANCING I, LLC]

By: _____
Name: _____
Title: _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 01/04//2021

Topic:

Approve the Assignment and Sale Agreement between Tomball Timber Trails, LLC,, and Texas PID Financing I, LLC, for (TPID 8) Timber Trails Subdivision and Authorize the Mayor to Execute the Necessary Documents

Background:

A development agreement is in place between the City of Tomball and the developer, whereby the City has agreed to collect the annual assessment payments at the same time as property taxes (or provide for the collection of the assessment through the Harris County tax office) and then convey the assessment revenue to the developer annually as a reimbursement for the infrastructure costs detailed in the agreement.

The developer is requesting that there be an assignment of those annual assessment collections to another entity, which is allowable under the agreement subject to the City's consent.

Origination: Finance

Recommendation:

Recommend approval

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

Glenn Windsor, CPA

Finance Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____

To account # _____

Signed Glenn Windsor, CPA

Finance Director

Date

Approved by _____

City Manager

Date

ASSIGNMENT AND SALE AGREEMENT

This Assignment and Sale Agreement, dated as of [], 2020 (this “Agreement”), is between Tomball Timber Trails, LLC, a Texas limited liability company (the “Seller”), and [Texas PID Financing I, LLC], a [Delaware limited liability company] (the “Buyer”).

W I T N E S S E T H :

WHEREAS, the City of Tomball (the “City”), a municipal corporation and a home-rule city in the State of Texas, has created the Public Improvement District Number 8 (the “PID”);

WHEREAS, the Seller intends to construct (or cause to be constructed) and is constructing (or is causing to be constructed) a residential development within the PID, consisting of 104 single-family lots, and other related improvements (collectively, the “PID Improvements”);

WHEREAS, the City previously entered into that certain Development Agreement, dated as of November 5, 2018 (the “Development Agreement”), with Seller, pursuant to which the City has agreed to reimburse the Seller for certain amounts advanced by the Seller to finance the development and construction of PID Improvements; and

WHEREAS, the Seller desires to sell to the Buyer, and the Buyer desires to purchase from the Seller, all of the Seller’s rights to be paid any and all amounts payable to the Seller by the City pursuant to the Development Agreement and all amounts paid by the City thereunder (collectively, the “Reimbursements”).

NOW, THEREFORE, in consideration of the premises and of the commitments made hereunder the parties hereto agree as follows:

1. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Seller hereby sells to the Buyer, without recourse, the Reimbursements.

2. It is the express intent of the parties hereto that the transfer of the Reimbursements by the Seller to the Buyer as provided in this Agreement be, and be construed as, an absolute sale of the Reimbursements. It is, further, not the intention of the parties that such transfer be deemed the grant of a security interest in the Reimbursements by the Seller to the Buyer to secure a debt or other obligation of the Seller. In the event, however, that, notwithstanding the intent of the parties, the Reimbursements are held to be the property of the Seller, or if for any other reason this Agreement is held or deemed to create a security interest in the Reimbursements, then this Agreement shall constitute a security agreement. Without derogating from the intent of the parties as set forth above, the Seller hereby grants to the Buyer, to secure all of the Seller’s obligations hereunder, a security interest in all of the Seller’s right, title, and interest, if any, whether now owned or hereafter acquired, in and to the Reimbursements and all proceeds thereof.

3. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

IN WITNESS whereof this Assignment Sale Agreement has been entered into the date first above written.

TOMBALL TIMBER TRAILS, LLC

By: _____
Name: _____
Title: _____

[TEXAS PID FINANCING I, LLC]

By: _____
Name: _____
Title: _____