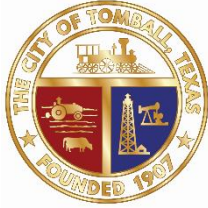


**NOTICE OF REGULAR COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, July 19, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JULY 19, 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: 845 4357 9180, Passcode: 508313.** The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Chaplain Gary Crowe – Tomball Police Department
- C. Pledges to U.S. and Texas Flags

D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

E. Reports and Announcements

1. Announcements

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

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

III. August 2, 2021 and August 16, 2021 - Public Hearings for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2021-2022

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

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

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

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

F. Approval of Minutes

1. Approve the Minutes of the July 6, 2021 Special Tomball City Council Meeting, the July 6, 2021 Regular Tomball City Council Meeting, and the July 9, 2021 Special Tomball City Council Meeting

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; 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. Consideration to approve Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.
 - Conduct Public Hearing on Zoning Case P21-252
 - Adopt, on First Reading, Ordinance No. 2021-24, 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 4.00 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located at the northwest corner of Agg Road and Persimmon 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. Consideration to approve Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between

Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-266
- Adopt, on First Reading, Ordinance No. 2021-26, an Ordinance of the City of Tomball, Texas, amending chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District, said property being generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith 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.

3. Consideration to approve Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an office showroom/warehouse facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

- Conduct Public Hearing on Zoning Case P21-267
- Adopt, on First Reading, Ordinance No. 2021-27, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Clinton Hankla to operate an “Office showroom / warehouse” facility at 343 East Hufsmith Road; said property being approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, and is zoned General Retail use district; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

4. Reject all bids received for bid number 2021-02 – Mulberry & Agg Drainage Improvements and rebid the project.

5. Award Contract for Bid number 2021-04, Purchase of Diesel Fuel and Gasoline, to Sun Coast Resources, Inc.
6. Renew Blue Cross Blue Shield Insurance for the Employees of the City of Tomball
7. American Rescue Plan (ARP) disbursement discussion and Authorize City Manager to request funds from Texas Department of Emergency Management (TDEM)
8. Approve Resolution No. 2021-23, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the City Manager of the City of Tomball, Texas, to Complete the Submission for Coronavirus State and Local Fiscal Recovery Funds, and Designating the City Manager as the Authorized Representative; and Providing for an Effective Date Hereof
9. Approve One percent (1%) Cost of Living salary increase for City employees
10. Consideration and Possible Action regarding the Hiring/Employment, Duties and Responsibilities of a City Manager

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of July 2021 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

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

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Doris Speer</u>	<u>7-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager _____
				Date _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

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

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>7-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager _____
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

August 2, 2021 and August 16, 2021 - Public Hearings for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2021-2022

Background:

Origination: Mayor Fagan

Recommendation:

N/A

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

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>7-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

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

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

August 14, 2021 – 2nd Saturday at the Depot

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

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

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	7-12-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

Approve the Minutes of the July 6, 2021 Special Tomball City Council Meeting, the July 6, 2021 Regular Tomball City Council Meeting, and the July 9, 2021 Special Tomball City Council Meeting

Background:

Origination: City Secretary

Recommendation:

Approve

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

FUNDING (IF APPLICABLE)

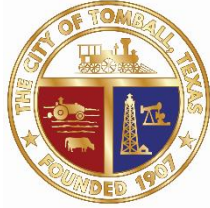
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Doris Speer</u>	<u>7-9-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Tuesday, July 6, 2021
4:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 6, 2021, 4:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the Special meeting of the Tomball City Council to order at 4:14 p.m.

PRESENT:

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

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
IT Manager – Doug Tippey
Director of Community Development – Craig Myers
CSO Administrative Assistant – Sasha Luna
CSO Administrative Assistant – Johnita Robinson
Asst. Fire Chief/Fire Marshal – Joe Sykora
Senior Accountant – Christine Brookshire
Accountant – Kristin Kelley
Senior HR Generalist – Alison Asbury
Police Lieutenant-Support Services – Brandon Patin
Executive Director-TEDC – Kelly Violette

B. No public comments were received.

C. New Business

1. Tomball City Council entered into a Workshop Session to receive a presentation from Hub International and to receive and consider the Proposed Fiscal Year 2021-2022 Budget.

Mayor Fagan called a recess at 4:43 p.m.; upon reconvening into the workshop session at 4:53 p.m., consideration of the Proposed Fiscal Year 2021-2022 Budget continued.

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

Motion carried unanimously.

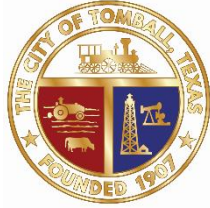
Meeting adjourned at 6:05 p.m.

PASSED AND APPROVED this the 19th day of July 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



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

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

- A. Mayor Fagan called the regular meeting of the Tomball City Council to order at 6:19 p.m.

PRESENT:

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

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
Director of Community Development – Craig Myers
CSO Administrative Assistant – Johnita Robinson
Community Center Manager – Rosalie Dillon
Asst. Fire Chief/Fire Marshal – Joe Sykora
Marketing Assistant – Larrissa Roberts

- B. Invocation - Led by Chaplain Steve Allison – Tomball VFW Post 2427
- C. Pledges to U.S. and Texas Flags – Led by Joe Sykora
- D. The following Public Comments were received:

Earl Detwiler
626 Texas Street, 77375 - Expressed his concern about the excessive speeding in the school zone on FM 2920.

E. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- II. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club began a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents MUST stay with their children. **Tomball Kid's Club** is not a drop-off camp.
- III. July 10, 2021 – **2nd Saturday at the Depot**
- IV. August 6, 2021 – **49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**
- V. August 14, 2021 – **2nd Saturday at the Depot**
- VI. September 18, 2021 – **GroovFest 2021** – 11:00 a.m.-6:00 p.m., at the Depot

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

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

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the June 21, 2021 Special Tomball City Council Meeting, the June 21, 2021 Regular Tomball City Council Meeting, and the June 29, 2021 Special Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4

Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

G. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District, said property being generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

H. New Business

1. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to approve the request by Tomball High School for In-Kind Services from Police, Fire and Public Works for the 14th Annual Homecoming Parade & Community Rally at the Depot on Wednesday, September 29, 2021

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

Motion carried unanimously.

2. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to approve Tomball ISD (TISD) Interlocal Agreement amendment for one additional School Resource Officer (SRO)

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4

Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to award the Contract for Bid Number 2021-02 for the Reclamation of Agg Road, to WadeCon, LLC, in the amount of \$238,711.96.

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

Motion carried unanimously.

4. Executive Session: The City Council recessed at 6:38 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
- Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into regular session at 7:56 p.m., no action was taken.

- I. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adjourn.

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

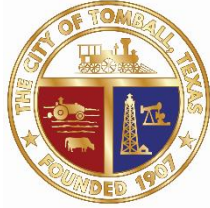
Motion carried unanimously.

PASSED AND APPROVED this the 19th day of July 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF SPECIAL COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Friday, July 9, 2021
8:00 AM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 9, 2021, 8:00 AM, at 401 Market Street, Tomball, Texas 77375, via personal attendance.

A. Mayor Fagan called the Special meeting of the Tomball City Council to order at 8:00 a.m.

PRESENT:

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

OTHERS PRESENT:

Interim City Manager – David Esquivel
City Secretary – Doris Speer
HR Director – Lisa Coe

B. No Public Comments were received.

C. New Business

1. Executive Session: The City Council recessed at 8:03 a.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. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into special session at 2:10 p.m., no action was taken.

D. Mayor Fagan adjourned the special meeting at 2:12 p.m.

PASSED AND APPROVED this the 19th day of July 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; 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:

Origination: Daniel Valdez with META Planning + Design LLC

Recommendation:

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

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

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-08

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 31.7 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A & B BLOCK 1 PECK STATION, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT (PD-6) DISTRICT TO THE PLANNED DEVELOPMENT (PD-15) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF FM 2978 AT WINFREY LANE; 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, Daniel Valdez with META Planning + Design LLC, has requested that approximately 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, generally located on the west side of FM 2978 at Winfrey Lane, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of an age-restricted single-family residential subdivision; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-15) 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 Planned Development (PD-6) District to the Planned Development (PD-15) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-15) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-15) District as described above.

Section 5. The Planned Development (PD-15) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-15) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF MARCH 2021.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL 2021.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Revised 5/19/15
P&Z #P21-010
\$1,000

Reserves A & B, Blocks 1 & 2, Peck Station

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

HCAD Identification Number: 135-663-001-0001, 135-663-001-0002 Acreage: 34.4945

Current Use of Property: Vacant

Proposed Use of Property: Single-family residential (age-restricted)

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  12/21/2020
Signature of Applicant Date

X  04Jan 2021
Signature of Owner Date



January 6, 2021

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: WINFREY TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, ROC Homes/EPOC Communities, we are submitting the application for the creation of the Winfrey Tract Planned Development.

The developer intends to develop the 31-acre tract into an age-restricted single-family residential community. The tract is located west of Huffsmith-Kohrville Road (FM 2978), east of Snook Lane, north of East Main Street.

Below is a list of the items that are included with this submittal:

- 1) Completed application form
- 2) Copy of Recorded Peck Station Plat
- 3) Metes & Bounds descriptions that comprise the tract
- 4) Planned Development Text
- 5) Detailed Concept Plan
- 6) Open Space Plan
- 7) Tax statements showing all taxes paid (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Valdez".

Dan Valdez
Enclosure

[illegible]

Exhibit “B” Planned Development Regulations

Exhibit B

Planned Development

31 Acre Winfrey Tract

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

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- Amenities and Landscape Regulations
- Open Space and Trails

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in the SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

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

D. Development Regulations for Single Family Lots and Reserves – Maximum 130 lots permitted.

The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide at building line.
2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured along front building line)
 - b. Rear yard: 14 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

Reserves within the PD shall be developed with the following regulations:

1. Minimum building setbacks
 - a. 10 feet; (measured along any adjoining right-of-way)

E. Amenities and Landscape Regulations – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:

1. Recreation site and amenities:
 - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
 - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - c. Amenities may include (but are not limited to):
 - Clubhouse
 - Swimming Pool
 - Pickleball

2. Landscape buffers:

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
 - b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
 - c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
 - d. Required buffers may include trails.
3. Open Space:
- a. Minimum 15% space, to be distributed as shown on Exhibit C1
 - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
 - c. At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
 - d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- F. Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
- 1. Modifications to internal street patterns are allowed.
 - 2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - 3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - 4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

**Exhibit “C”
Concept Plan**



THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRELIMINARY PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR RECORD. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS.

MEFA PLANNING + DESIGN

© 2021 MEFA PLANNING + DESIGN. ALL RIGHTS RESERVED.

EXHIBIT C

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

WINFREY TRACT ± 31.7 ACRES OF LAND

a concept plan for

MEFA
PLANNING + DESIGN
24275 Katy Freeway, Ste. 200
Katy, Texas 77454
Tel: 281-910-1422
JANUARY 15, 2021

SCALE
1" = 100'

THIS DRAWING IS A PRELIMINARY REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE. THE DEVELOPER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DEVELOPER DOES NOT WARRANT, REPRESENT OR GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DEVELOPER DOES NOT WARRANT, REPRESENT OR GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DEVELOPER DOES NOT WARRANT, REPRESENT OR GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

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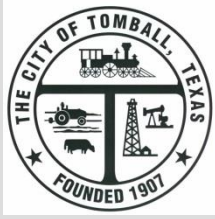
EXHIBIT C1

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

on open space for
WINFREY TRACT
 ± 31.7 ACRES OF LAND

MEFA 24275 Kory Freeway, Ste. 200
 Killeen, TX 78901-1425
 Tel: 817 310-1425
 MFA-1424
 JANUARY 2, 2021

SCALE 0 50 100 150



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

Rezoning Case:	P21-010
Property Owner(s):	2978 Panormus, LP – Damon Palermo
Applicant(s):	Daniel Valdez – META Planning + Design LLC
Legal Description:	Reserve A & B Block 1 Peck Station
Location:	West side of FM 2978 at Winfrey Lane (Exhibit “A”)
Area:	31.7 acres
Comp Plan Designation:	Corridor Commercial (Exhibit “B”)
Present Zoning and Use:	Planned Development (PD-6) District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Proposed Use(s):	Single-family residential subdivision (age-restricted) (Exhibit “E”)
Request:	Rezone from the Planned Development (PD-6) District to the Planned Development (PD-15) District
Adjacent Zoning & Land Uses:	
North:	Single-Family 9 District / Undeveloped
South:	Single-Family 9 District / Undeveloped
West:	Single-Family 9 and Commercial Districts / Center Point highline, undeveloped property, office/warehouse facility
East:	Single-Family 9 and Commercial Districts / Undeveloped

ANALYSIS

The property is zoned Planned Development (PD-6) District. Surrounding properties are zoned, Commercial, and Single-Family 9 District. Surrounding land uses include mostly undeveloped property, a Center Point highline, a metal fabricator facility and an office/warehouse facility on Snook Lane.

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

“The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g.,

Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

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

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will be an age-restricted single-family residential community with a maximum number of 130 lots, and will include amenities such as a recreational reserve with benches and trails. Other potential amenities may include a clubhouse, swimming pool and/or pickle ball court.

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”. While Planned Development Districts are appropriate in this category, the proposed single-family residential development does not meet the intent of the Corridor Commercial designation. However, this site does not have direct access to FM 2978, but rather has access from a collector street, Winfrey Lane. Additionally, there is mostly undeveloped property surrounding the site and it is believed these properties will be developed as retail/commercial, which will allow for an opportunity for pedestrian accommodations for the residents.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-010.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

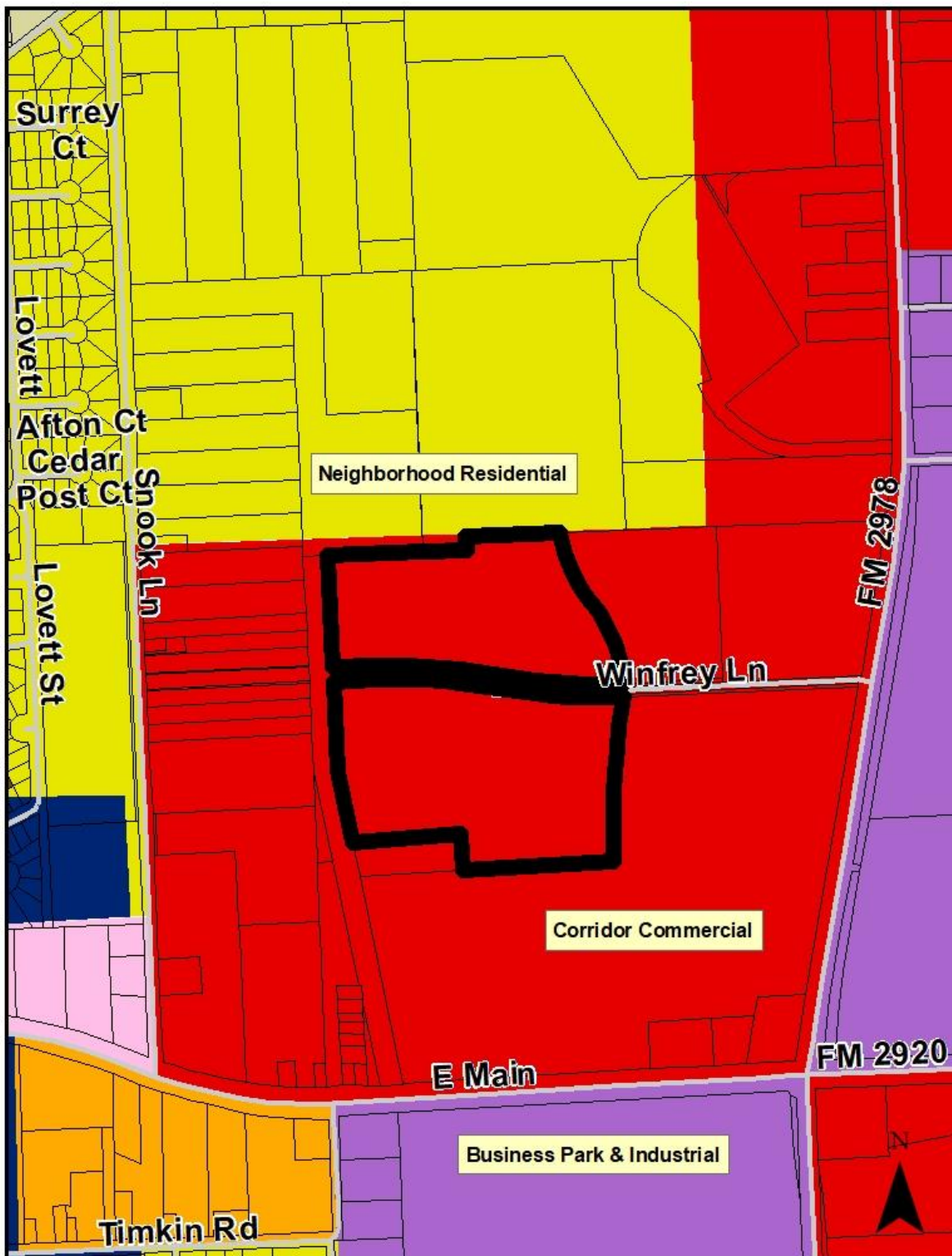
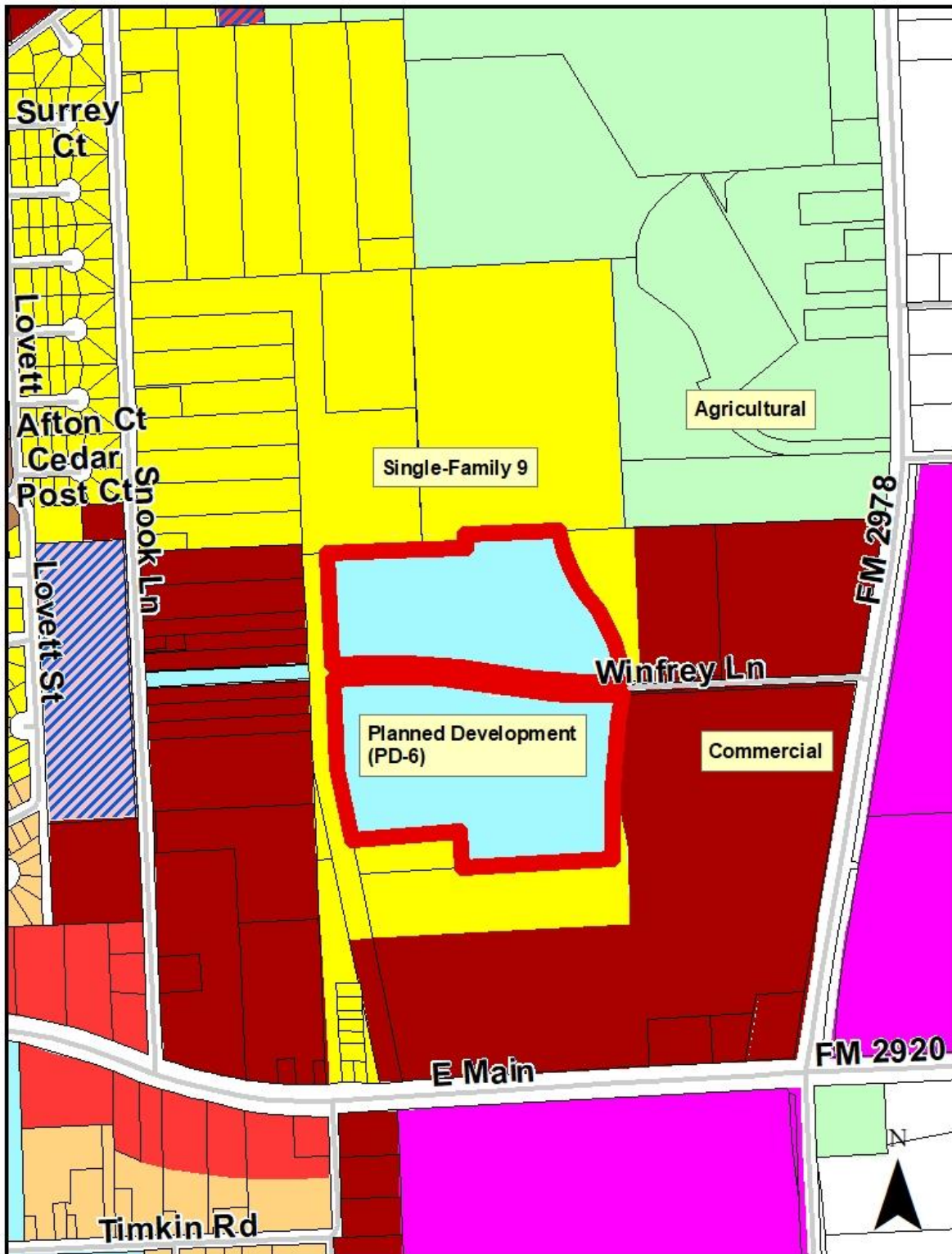


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



APPLICATION FOR
PLANNED DEVELOPMENT
Community Development Department
Planning Division

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

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

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

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

Applicant

Name: Dan Valdez - META Planning + Design LLC Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: () Email: dvaldez@metaplanningdesign.com

Owner

Name: 2978Panormus, LP -DamonPalermo Title: _____
Mailing Address: 10200GrogansMill Rd Ste 550 City: Spring State: TX
Zip: 77380
Phone: (713) 816-0001 Fax: (____) _____ Email: dpalermo@palermocrea.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: ±34.4945 Acre Single-family residential community

Physical Location of Property: West of Huffsmith-Kohrville Road (FM 2978), East of Snook Lane, North of E Main Street
[General Location – approximate distance to nearest existing street corner]

Reserves A & B, Blocks 1 & 2, Peck Station

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

HCAD Identification Number: 135-663-001-0001, 135-663-001-0002 Acreage: 34.4945

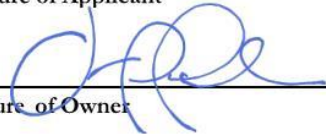
Current Use of Property: Vacant

Proposed Use of Property: Single-family residential (age-restricted)

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  12/21/2020
Signature of Applicant Date

X  04Jan 2021
Signature of Owner Date



January 6, 2021

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: WINFREY TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, ROC Homes/EPOC Communities, we are submitting the application for the creation of the Winfrey Tract Planned Development.

The developer intends to develop the 31-acre tract into an age-restricted single-family residential community. The tract is located west of Huffsmith-Kohrville Road (FM 2978), east of Snook Lane, north of East Main Street.

Below is a list of the items that are included with this submittal:

- 1) Completed application form
- 2) Copy of Recorded Peck Station Plat
- 3) Metes & Bounds descriptions that comprise the tract
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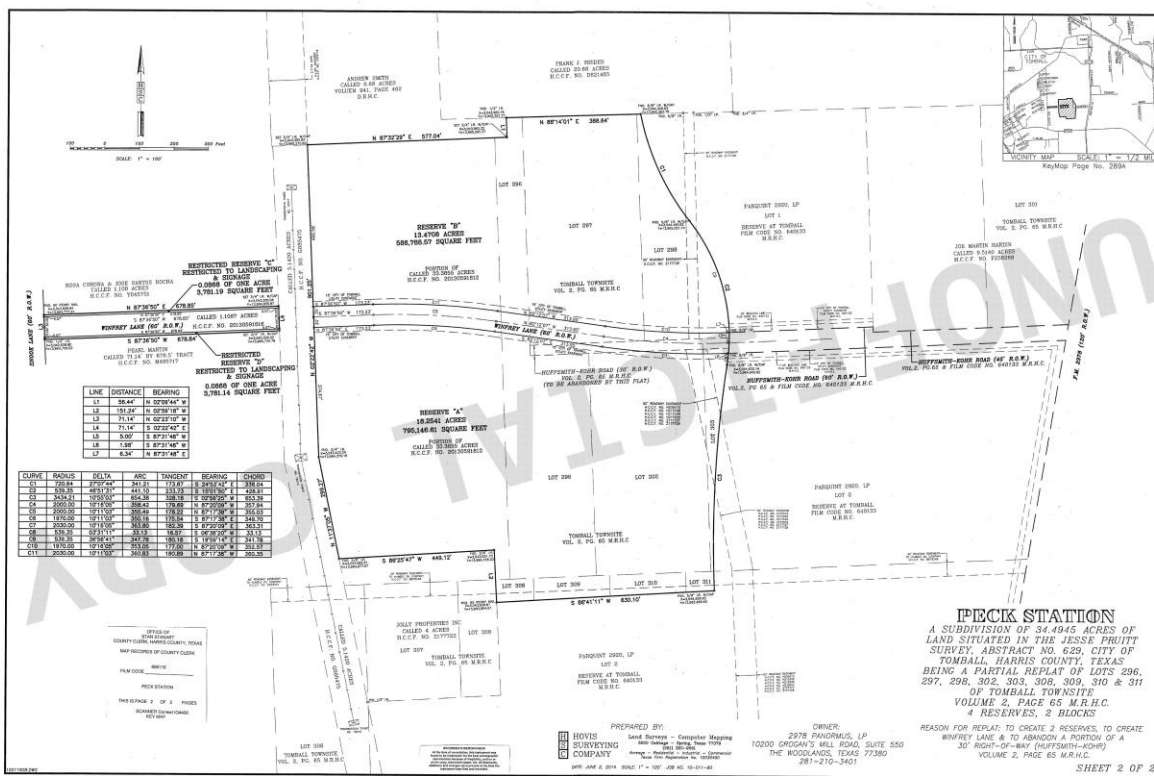
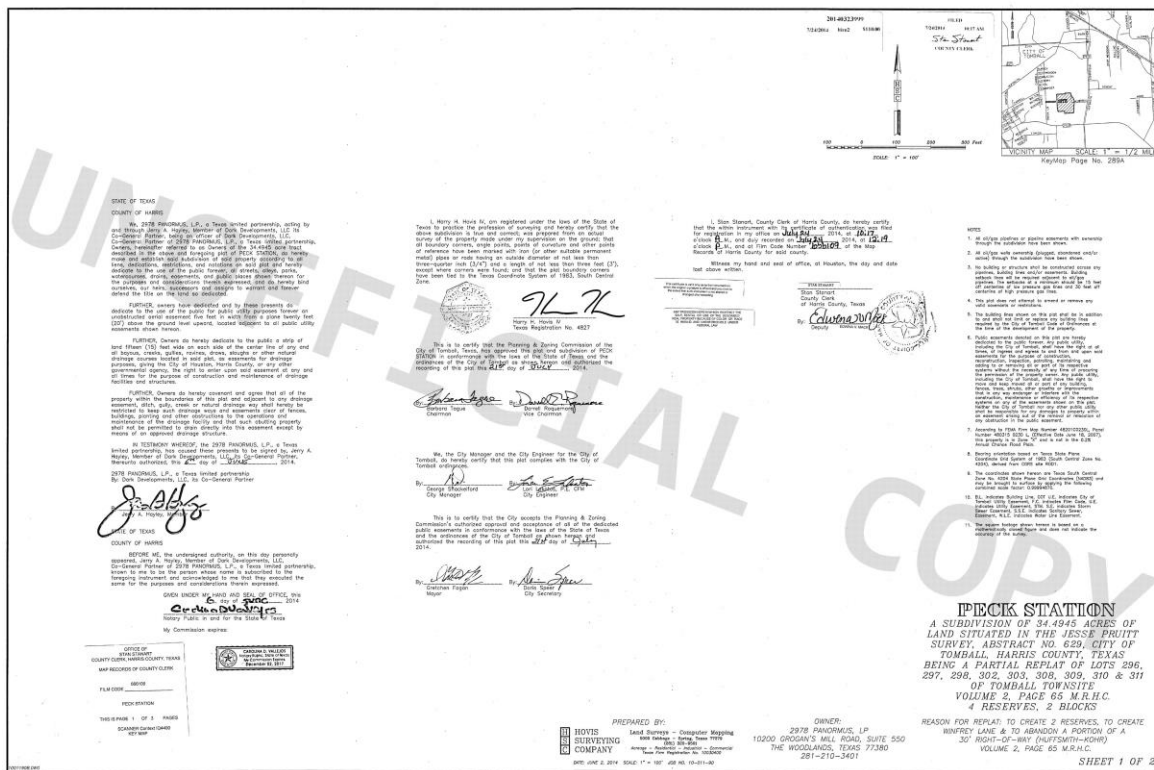
Feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Valdez".

Dan Valdez
Enclosure

24275 Katy Freeway, Suite 200 | Katy, Texas 77494 | 281-810-1422



Page 12 of 19

Page 47

**STATE OF TEXAS
COUNTY OF HARRIS
RESERVE "A"**

A 18.2541 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "A" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 18.2541 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found in the South limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Northeast corner of said Reserve "A" and the herein described tract of land;

THENCE along the East limit of said Reserve "A", in a Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 33.14 feet and a Chord which bears South 06°38'20" West, a distance of 33.13 feet to a 5/8 inch iron rod with cap found for the point of tangency of a curve to the left;

THENCE continuing along the East limit of said Reserve "A", in a Southerly direction along a curve to the left having a Radius of 3,434.21 feet, an Arc Length of 654.38 feet and a Chord which bears South 02°56'25" West, a distance of 653.39 feet to a 5/8 inch iron rod with cap found for the Southeast corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°41'11" West, along the South line of said Reserve "A", a distance of 630.10 feet to a 3/8 inch iron rod found for the Southern most Southwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 02°59'18" West, along the Southern most West line of said Reserve "A", a distance of 151.24 feet to a 3/8 inch iron rod found for an interior corner of said Reserve "A" and the herein described tract of land;

THENCE South 86°25'47" West, along the Northern most South line of said Reserve "A", a distance of 449.12 feet to a 5/8 inch iron rod found for the Western most Southwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 11°37'05" West, along the West line of said Reserve "A", a distance of 299.27 feet to a 5/8 inch iron rod found for an angle point in the West line of said Reserve "A" and the herein described tract of land;

THENCE North 02°22'42" West, continuing along the West line of said Reserve "A", a distance of 374.67 feet to a point located in the said South limit of Winfrey Lane, said point being the Northwest corner of said Reserve "A" and the herein described tract of land;

THENCE North 87°36'50" East, along the South limit of Winfrey Lane, a distance of 173.23 feet to the point of tangency of a curve to the right;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 350.16 feet and a Chord which bears South 87°17'38" East, a distance of 349.70 feet to the point of tangency;

THENCE South 82°12'07" East, continuing along the South limit of Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

THENCE continuing along the South limit of Winfrey Lane, in an Easterly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 363.80 feet and a Chord which bears South 87°20'09" East, a distance of 363.31 feet to the point of tangency;

THENCE North 87°31'48" East, continuing along the South limit of Winfrey Lane, a distance of 1.99 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 18.2541 Acres, or 795,147 Square Feet of land.


PAUL A. COYNE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6374
**TETRA**
SURVEYS & APPRAISALS
5304 ASHBROOK DR.
HOUSTON, TEXAS 77081
(P) 713-462-6100 (F) 713-432-1003
E-MAIL: SURVEY@TSATX.COM
www.TSATX.com
Texas Board Of Professional Land Surveying
Registration/License No. 10127500



**STATE OF TEXAS
COUNTY OF HARRIS
RESERVE "B"**

A 13.4708 ACRE TRACT OF LAND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, AND BEING ALL OF RESERVE "B" OF PECK STATION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 666109 OF THE HARRIS COUNTY MAP RECORDS, SAID 13.4708 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found in the North limit of Winfrey Lane (based on a 60 foot wide public right-of-way) for the Southeast corner of said Reserve "B" and the herein described tract of land;

THENCE South 87°31'48" West, along the North limit of Winfrey Lane, a distance of 6.35 feet to the point of tangency of a curve to the right;

THENCE continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the right having a Radius of 1,970.00 feet, an Arc Length of 352.57 feet and a Chord which bears North 87°20'09" West, a distance of 352.57 feet to the point of tangency;

THENCE North 82°12'07" West, continuing along the North limit of said Winfrey Lane, a distance of 313.95 feet to the point of tangency of a curve to the left;

THENCE continuing along the North limit of said Winfrey Lane, in a Westerly direction along a curve to the left having a Radius of 2,030.00 feet, an Arc Length of 360.83 feet and a Chord which bears North 87°17'38" West, a distance of 360.35 feet to the point of tangency;

THENCE South 87°36'50" West, continuing along the North limit of said Winfrey Lane, a distance of 173.22 feet to a point located in the North limit of said Winfrey Lane, said point being the Southwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 02°22'42" West, along the West line of said Reserve "B", a distance of 466.58 feet to a 5/8 inch iron rod with cap found for the Western most Northwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 87°32'29" East, along the Southern most North line of said Reserve "B", a distance of 577.04 feet to a Bolt found for an interior corner of said Reserve "B" and the herein described tract of land;

THENCE North 02°09'44" West, along the Northern Most West line of said Reserve "B", a distance of 56.44 feet to a 3/8 inch iron rod found for the Northern most Northwest corner of said Reserve "B" and the herein described tract of land;

THENCE North 88°14'01" East, along the North line of said Reserve "B", a distance of 388.64 feet to a 5/8 inch iron rod with cap found for the Northeast corner of said Reserve "B" and the herein described tract of land;

THENCE along the East line of said Reserve "B", in a Southerly direction along a curve to the left having a Radius of 720.64 feet, an Arc Length of 341.22 feet and a Chord which bears South 24°53'42" East, a distance of 338.04 feet to a 5/8 inch iron rod with cap found for the point of tangency with a curve to the right;

THENCE continuing along the East line of said Reserve "B", in an Southerly direction along a curve to the right having a Radius of 539.35 feet, an Arc Length of 347.78 feet and a Chord which bears South 19°59'15" East, a distance of 341.78 feet to the **POINT OF BEGINNING** of the herein described tract and containing within these calls 13.4708 Acres, or 586,789 Square Feet of land.


PAUL A. COYNE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6374

TETRA
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Exhibit B

Planned Development

31 Acre Winfrey Tract

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

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots and Reserves
- Amenities and Landscape Regulations
- Open Space and Trails

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in the SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extent the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by Section 50-2 (Definitions).
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

Exhibit C – Concept Plan

Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 31.7 acres, located west of FM 2978, east of Snook Lane, north of East Main Street.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

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

- D. **Development Regulations for Single Family Lots and Reserves** – Maximum 130 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

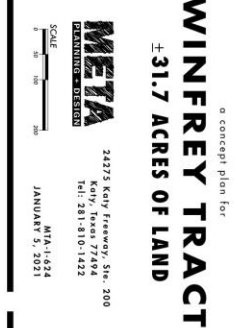
1. The minimum lot width shall be 45 feet wide at building line.
2. Lots shown on Exhibit C
 - a. Minimum lots area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot depth: 100 feet
 - d. Maximum lot coverage: 60% (lot coverage shall include building footprint only)
3. Minimum building setbacks:
 - a. Front yard: 20 feet; (measured along front building line)
 - b. Rear yard: 14 feet;
 - c. Side yard: 5 feet, 10 feet on street side of a corner lot.

Reserves within the PD shall be developed with the following regulations:

1. Minimum building setbacks
 - a. 10 feet; (measured along any adjoining right-of-way)
- E. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
1. Recreation site and amenities:
 - a. A minimum one-half (0.5) acre recreational reserve, located within the development, may include benches and trails, etc.
 - b. A minimum of 5, off-street parking spaces shall be provided at the recreation center. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - c. Amenities may include (but are not limited to):
 - Clubhouse
 - Swimming Pool
 - Pickleball

2. Landscape buffers:

- a. 10' foot minimum buffer shall be provided along all major and minor arterials contiguous to lot lines. As shown on Exhibit C1
 - b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1
 - c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
 - d. Required buffers may include trails.
3. Open Space:
- a. Minimum 15% space, to be distributed as shown on Exhibit C1
 - b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
 - c. At a minimum 1 acre shall be provided as parks (total park acreage may be divided among multiple sites within the PD)
 - d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
- F. Minor Modifications** –The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance to the applicable Tomball Codes and this Ordinance and approved by the Community Development Director.
- 1. Modifications to internal street patterns are allowed.
 - 2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - 3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - 4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.



THIS PLANNING IS A PRELIMINARY DESIGN FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A CONTRACT. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.



This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

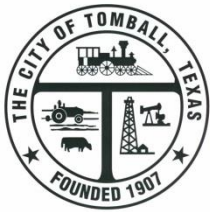
EXHIBIT C1

MEHA
2427 S. Kuy Freeway, Ste. 200
Austin, TX 78744
Tel: (202) 810-1442
M/A: 624
JANUARY 5, 2021

WINFREY TRACT ±31.7 ACRES OF LAND

on open space for

SCALE
0 50 100 200



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P21-010

APPLICANT/OWNER: Daniel Valdez with META Planning + Design

LOCATION: Generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) 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.



**City Council Public Hearing:
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.

Amelia Lindley

From: Damon P. Palermo <dpalermo@palermocrea.com>
Sent: Thursday, February 4, 2021 12:37 PM
To: Amelia Lindley
Cc: Jerry Hayley; Ronnie Dark
Subject: Re: Planning & Zoning Commission Public Hearing, Case #P21-010

Amelia - good afternoon. Can you accept this email as ownership's support of the proposed zoning change to PD-15 contingent upon the sale of the property? Or should I mail in the notice response?

Thank you,

Damon Palermo
2978 Panormus, LP

From: Damon P. Palermo
Sent: Tuesday, February 2, 2021 2:24 PM
To: Jerry Hayley <jahayley64@gmail.com>
Subject: Planning & Zoning Commission Public Hearing
When: Monday, February 8, 2021 6:00 PM-7:30 PM.
Where: 401 Market Street, Tomball, TX

Case number P21-010

Applicant: Daniel Valdez with META planning
Proposal: Rezoning to amend Chapter 50 (zoning) of the Tomball Code of Ordinances from Planned Development (PD-6) District to the Planned Development (PD-15) District.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 8, 2021
&
CITY COUNCIL
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P21-011: Request by David Weekley 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 Planned Development (PD-16) 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.

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 **4th** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Consideration to approve Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-252
- Adopt, on First Reading, Ordinance No. 2021-24, 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 4.00 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

City Staff recommends approval. Planning & Zoning Commission recommends denial (2-2)

Origination: Tim Littlefield

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Amelia Lindley, City Planner

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-24

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 4.00 ACRES OF LAND LEGALLY DESCRIBED AS TRS 284D 284E & 286 TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF AGG ROAD AND PERSIMMON 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, Tim Littlefield has requested that approximately 4.00 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, generally located at the northwest corner of Agg Road and Persimmon 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 deny the requested rezoning of the 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.

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 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 19TH DAY OF JULY 2021.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF AUGUST 2021.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

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



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 12, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 19, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-253: Request by Louis Smulders to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as Reserve A Block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District. The property is generally located at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an *office showroom/warehouse* facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375.

Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

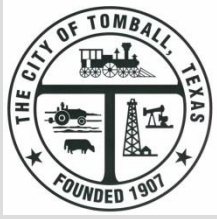
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **July 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 12, 2021
City Council Public Hearing Date: July 19, 2021

Rezoning Case: P21-252
Property Owner(s): Tim Littlefield
Applicant(s): Tim Littlefield
Legal Description: TRS 284D 284E & 286 Tomball Outlots
Location: Northwest corner of Agg Road and Persimmon Road (Exhibit “A”)
Area: 4.00 acres
Comp Plan Designation: Business Park & Industrial (Exhibit “B”)
Present Zoning and Use: Single-Family 20 Estate District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone from the Single-Family 20 Estate District to the Light Industrial District
Adjacent Zoning & Land Uses:
North: Single-Family 20 Estate District / Undeveloped
South: Single-Family 20 Estate District / Single-Family residence
West: Single-Family 20 Estate District / Single-family residence
East: Planned Development PD-12 District / Raburn Reserve (under construction)

BACKGROUND

City Staff received a Rezoning Application for the subject site in May 2021.

ANALYSIS

The subject site is approximately 4.00 acres located at the northwest corner of Agg Road and South Persimmon Street. The property is undeveloped. Raburn Reserve, a single-family residential subdivision, is currently under construction on the east side of South Persimmon Street. The property to the north of the subject site is undeveloped and the properties to the west and south contain single-family residences on lot estate lots.

According to Section 50-78 (*Light Industrial District*), the Light Industrial District is “intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major

thoroughfares, major highways, and/or other means of transportation such as the railroad.” The subject site is located at the intersection of two major thoroughfares: South Persimmon Street and Agg Road (Medical Complex Drive) and also is in close proximity to the railroad tracks.

The property, along with properties to the north, south and west, is designated as Business Park and Industrial by the Comprehensive Plan Future Land Use Map. This category is intended “to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic”. Appropriate land uses for this category include office, warehousing, light manufacturing, breweries/distilleries, equipment sales, contractor services, and corporate campuses. Additionally, compatible zoning districts include Light Industrial, Commercial, Office and Planned Development.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on June 30, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-252.

EXHIBITS

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

Exhibit "A"
Aerial Photo

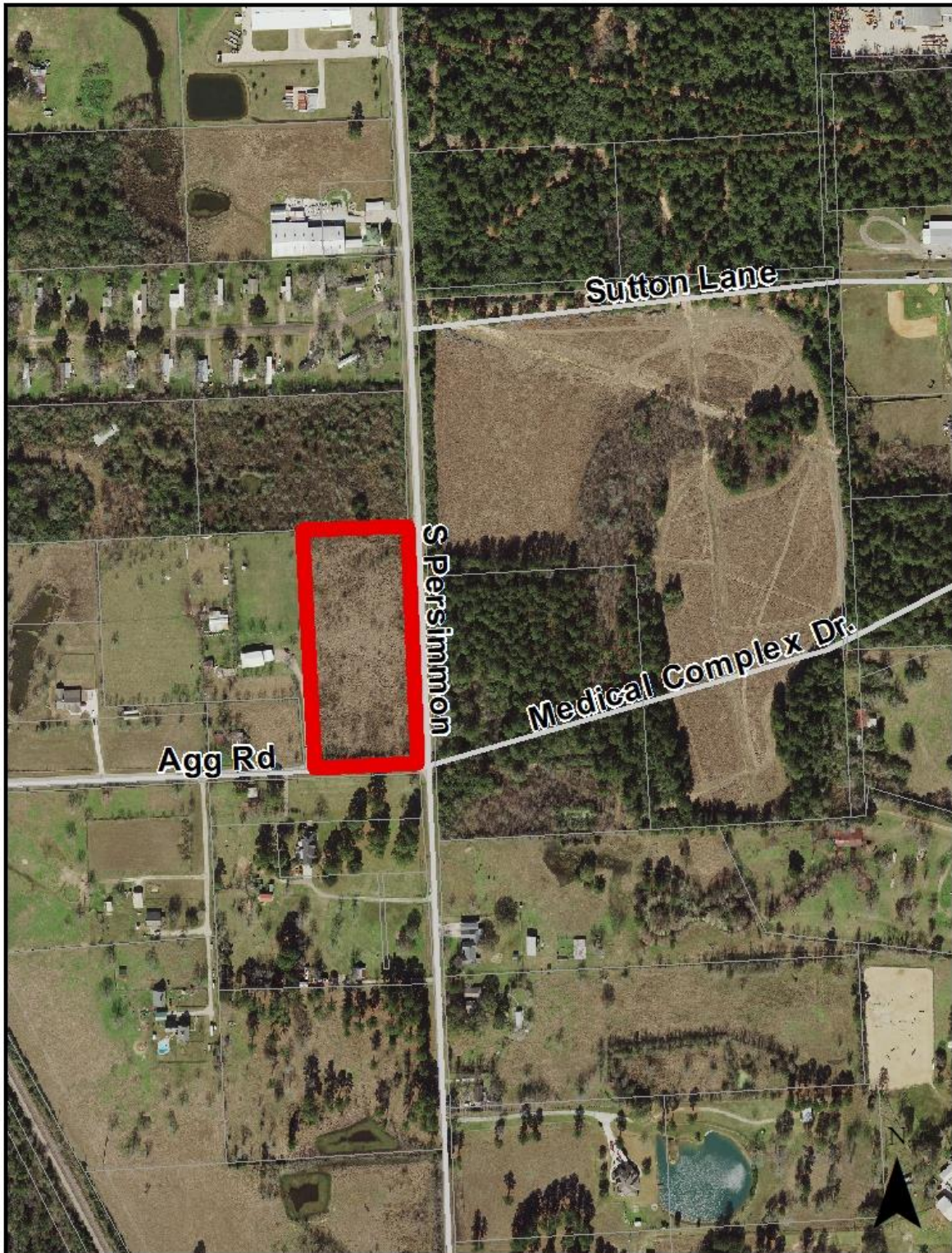


Exhibit "B"
Comprehensive Plan

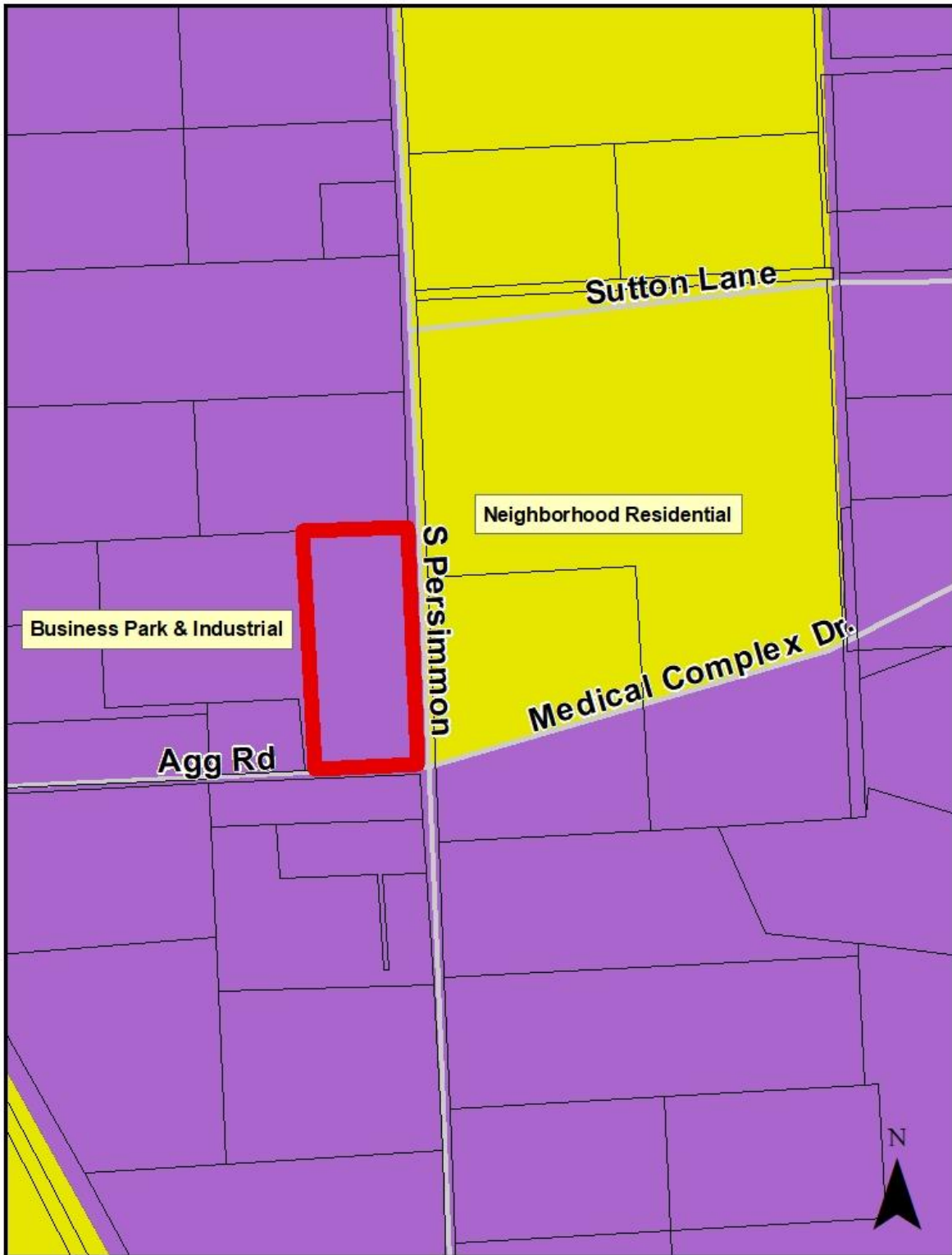
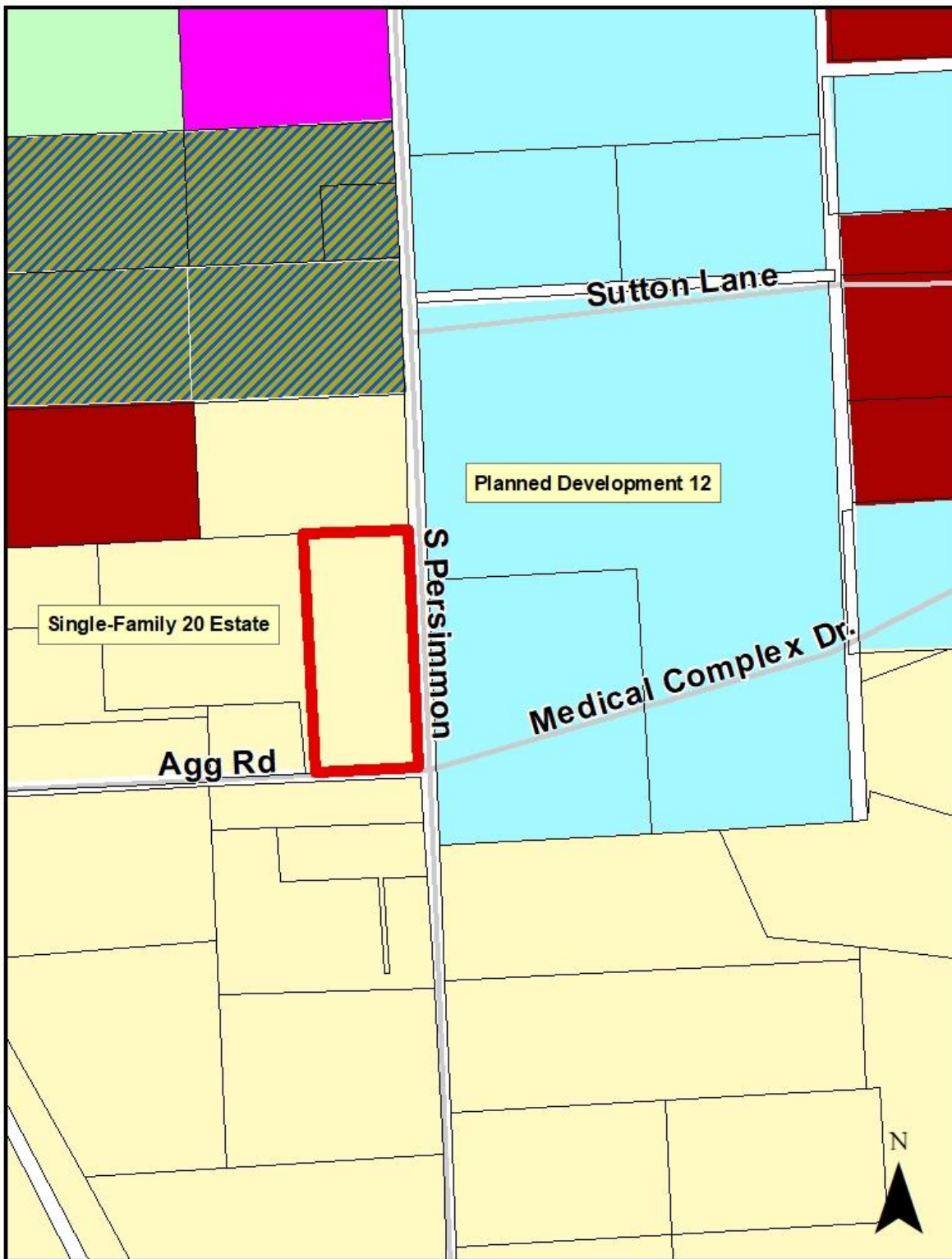


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"

Rezoning Application



RECEIVED (KC)
05/17/2021 2:32:57 PM

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

Revised: 4/13/2020

P&Z #21-252
\$440.00 PD

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: Tim Littlefield LLC, Tim Littlefield Title: Owner
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX
Zip: 77379 Contact: Tim Littlefield
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

Owner

Name: Tim Littlefield LLC, Tim Littlefield Title: Owner
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX
Zip: 77379 Contact: Tim Littlefield
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Office/Warehouse

Physical Location of Property: Corner of AGG Road and Persimmon Street
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 3.9287 Acres (called 4.393 acres Duncan Harrison H.C.C.F. No. 20150071264 O.P.R.R.P.H.C., TX
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E Single - Family 20 Estate District

Current Use of Property: NONE (empty lot)

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: Office/Warehouse

HCAD Identification Number: _____ Acreage: 3.9287

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  _____ Signature of Applicant	5/10/21 _____ Date
X  _____ Signature of Owner	5/10/21 _____ Date

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

DATE : 5/14/2021 2:44 PM
OPER : TW
TKBY : TW
TERM : 5
REC# : R01263152

130.0000 PLANNING AND ZONING 440.00
Corner of Agg Rd & Persimmon 440.00

Paid By: Corner of Agg Rd & Persimmon
2-CK 440.00 REF: w 2209

APPLIED	440.00
TENDERED	440.00
CHANGE	0.00

Dear Planning and Zoning Commission as well as City Council,

My name is Tim Littlefield. I own a construction company located in Conroe, Texas. I recently purchase approx. 3.93 acres at the corner of Agg Road and Persimmon Street. I am asking for this property to be rezoned from SF-20-E Single – Family to LI – Light Industrial. I would like to build a new office/warehouse on the property. If approved, and once project is completed, we would move our office staff from Conroe to Tomball. This property is currently an empty lot (vacant). At some point, we may try and building an additional warehouse if space is adequate. We have been at our current location for going on 25 yrs. We have outgrown our current property (1.5 acers) and would love to build a new office on this property in Tomball area.

Sincerely,



Tim Littlefield

Old Republic National Title Insurance Company
GF# 21000834

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: March 5, 2021

Grantor: Duncan Harrison, a married person not joined herein by Grantor's spouse as the property conveyed forms no part of the homestead

Grantor's Mailing Address: 8419 CreeksideTimbersDr, Tomball, TX 77375

Grantee: Tim Littlefield LLC

Grantee's Mailing Address: 15925 FM 3083 #16, Conroe, TX 77301

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Fieldnotes for a survey of 4.393 acres of land out of Outlots 284 and 286 of CORRECTED MAP OF TOMBALL OUTLOTS, recorded in Volume 4, Page 75 of the Harris County Map Records, and also being out of that certain 15.6203 acre tract described in deed recorded under Harris County Clerk's File No. R838858, said 4.393 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the east line of said 15.6203 acre tract and west right-of-way line of Persimmon Road (30 feet wide), marking the northeast corner of Outlot 284 and southeast corner of Outlot 281 and southeast corner of that certain 5.004 acre tract described in deed recorded under Harris County Clerk's File No. U858829, and also marking the northeast corner of the herein described tract;

THENCE S 00 deg. 13 min. 27 sec. W along said west right-of-way line of Persimmon Road, and east line of Outlot 284, at 377.60 feet passing the southeast corner of Outlot 284 and northeast corner of Outlot 286, and northeast corner of a 30 feet wide unimproved public road dedicated in Volume 2, Page 65 of the Harris County Map Records, and at 407.60 feet passing the southeast corner of said 30 feet unimproved public road, and continuing for a total distance of 657.93 feet to a point in Agg Road as occupied, 50 feet wide, from whence a 5/8 inch iron rod bears N 00 deg. 13 min. 27 sec. E, 25.00 feet, said point marking the southeast corner of the herein described tract;

THENCE S 89 deg. 34 min. 28 sec. W, in said Agg Road, and along the north line of that certain 1.67 acre tract described in deed recorded under Harris county Clerk's File No. D557909, a distance of 284.80 feet to a point in Agg Road as occupied for the southwest corner of the herein described tract, and also being the southeast corner of a 2.0172 acre tract;

THENCE N 01 deg. 35 min. 04 sec. W along the east line of said 2.0172 acre tract, at 25.00 feet passing a 5/8 inch iron rod found in the north line of Agg road as occupied, and continuing for a total distance of 197.48 feet to a 5/8 inch iron rod found at an angle point in the east line of said 2.0172 acre tract and west line of the herein described tract;

THENCE N 00 deg. 09 min. 00 sec. E, continuing along the east line of said 2.0172 acre tract and west line of the herein described tract, at 55.73 feet passing the south line of said 30 feet wide unimproved public road, at 85.73 feet passing the north line of said 30 feet unimproved public road, and continuing for a total distance of 463.33 feet to a 5/8 inch iron set in the common line of Outlots 281 and 284, and south line of said 5.004 acre tract, marking the

RP-2021-132294

RP-2021-132294

RP-2021-132294
Pages 4
03/15/2021 11:06 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Tenesia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

Old Republic National Title Insurance Company
GF# 21000839

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: March 5, 2021

Grantor: Duncan Harrison, a married person not joined herein by Grantor's spouse as the property conveyed forms no part of the homestead

Grantor's Mailing Address: 8419 CreeksideTimbersDr, Tomball, TX 77375

Grantee: Tim Littlefield LLC

Grantee's Mailing Address: 15925 FM 3083 #6, Conroe TX 77301

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Fieldnotes for a survey of 4.393 acres of land out of Outlots 284 and 286 of CORRECTED MAP OF TOMBALL OUTLOTS, recorded in Volume 4, Page 75 of the Harris County Map Records, and also being out of that certain 15.6203 acre tract described in deed recorded under Harris County Clerk's File No. R838858, said 4.393 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the east line of said 15.6203 acre tract and west right-of-way line of Persimmon Road (30 feet wide), marking the northeast corner of Outlot 284 and southeast corner of Outlot 281 and southeast corner of that certain 5.004 acre tract described in deed recorded under Harris County Clerk's File No. U858829, and also marking the northeast corner of the herein described tract;

THENCE S 00 deg. 13 min. 27 sec. W along said west right-of-way line of Persimmon Road, and east line of Outlot 284, at 377.60 feet passing the southeast corner of Outlot 284 and northeast corner of Outlot 286, and northeast corner of a 30 feet wide unimproved public road dedicated in Volume 2, Page 65 of the Harris County Map Records, and at 407.60 feet passing the southeast corner of said 30 feet unimproved public road, and continuing for a total distance of 657.93 feet to a point in Agg Road as occupied, 50 feet wide, from whence a 5/8 inch iron rod bears N 00 deg. 13 min. 27 sec. E, 25.00 feet, said point marking the southeast corner of the herein described tract;

THENCE S 89 deg. 34 min. 28 sec. W, in said Agg Road, and along the north line of that certain 1.67 acre tract described in deed recorded under Harris county Clerk's File No. D557909, a distance of 284.80 feet to a point in Agg Road as occupied for the southwest corner of the herein described tract, and also being the southeast corner of a 2.0172 acre tract;

THENCE N 01 deg. 35 min. 04 sec. W along the east line of said 2.0172 acre tract, at 25.00 feet passing a 5/8 inch iron rod found in the north line of Agg road as occupied, and continuing for a total distance of 197.48 feet to a 5/8 inch iron rod found at an angle point in the east line of said 2.0172 acre tract and west line of the herein described tract;

THENCE N 00 deg. 09 min. 00 sec. E, continuing along the east line of said 2.0172 acre tract and west line of the herein described tract, at 55.73 feet passing the south line of said 30 feet wide unimproved public road, at 85.73 feet passing the north line of said 30 feet unimproved public road, and continuing for a total distance of 463.33 feet to a 5/8 inch iron set in the common line of Outlets 281 and 284, and south line of said 5.004 acre tract, marking the

northwest corner of the herein described tract;

THENCE S 89 deg. 51 min. 00 sec. E along said common line of Outlots 281 and 284, and south line of said 5.004 acre tract, a distance of 291.61 feet to the POINT OF BEGINNING, and containing 4.393 acres of land.

SAVE AND EXCEPT:

That certain 0.2547 acre (11,096 square feet) tract of land described in Right of Way Deed dated March 13, 2019,, filed on May 27, 2020, under Clerk's File No. RP-2020-222647, GRANTED to the City of Tomball, Texas and being more particularly described by metes and bounds in said Right of Way Deed.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (1) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (2) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (3) filled-in lands or artificial islands, (4) water rights, including riparian rights, or (5) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

SIGNATURES ON FOLLOWING PAGE

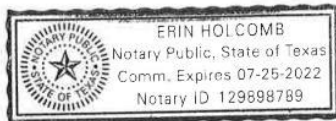
Duncan Harrison
Duncan Harrison

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned Notary Public, on this day personally appeared Duncan Harrison, proved to me through TXDL to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

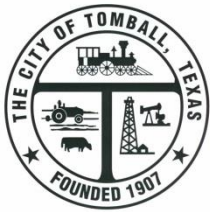
Given under my hand and seal of office this 5 day of March, 2021.



Erin Holcomb
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Dorsett Johnson & Swift, LLP
407 Throckmorton, Suite 500
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:



Notice of Public Hearing

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

CASE NUMBER: P21-252

APPLICANT/OWNER: Tim Littlefield

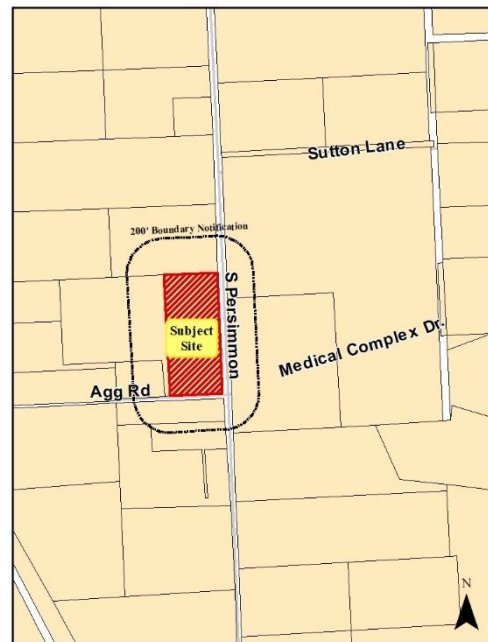
LOCATION: Generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, 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, July 12, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, July 19, 2021 6:00 PM**

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

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

CALLED 5.006 ACRES
 MENDOZA HOME BUILDERS LLC
 H.C.C.F. No. RP-2020-189624
 O.P.R.R.P.H.C., TX.

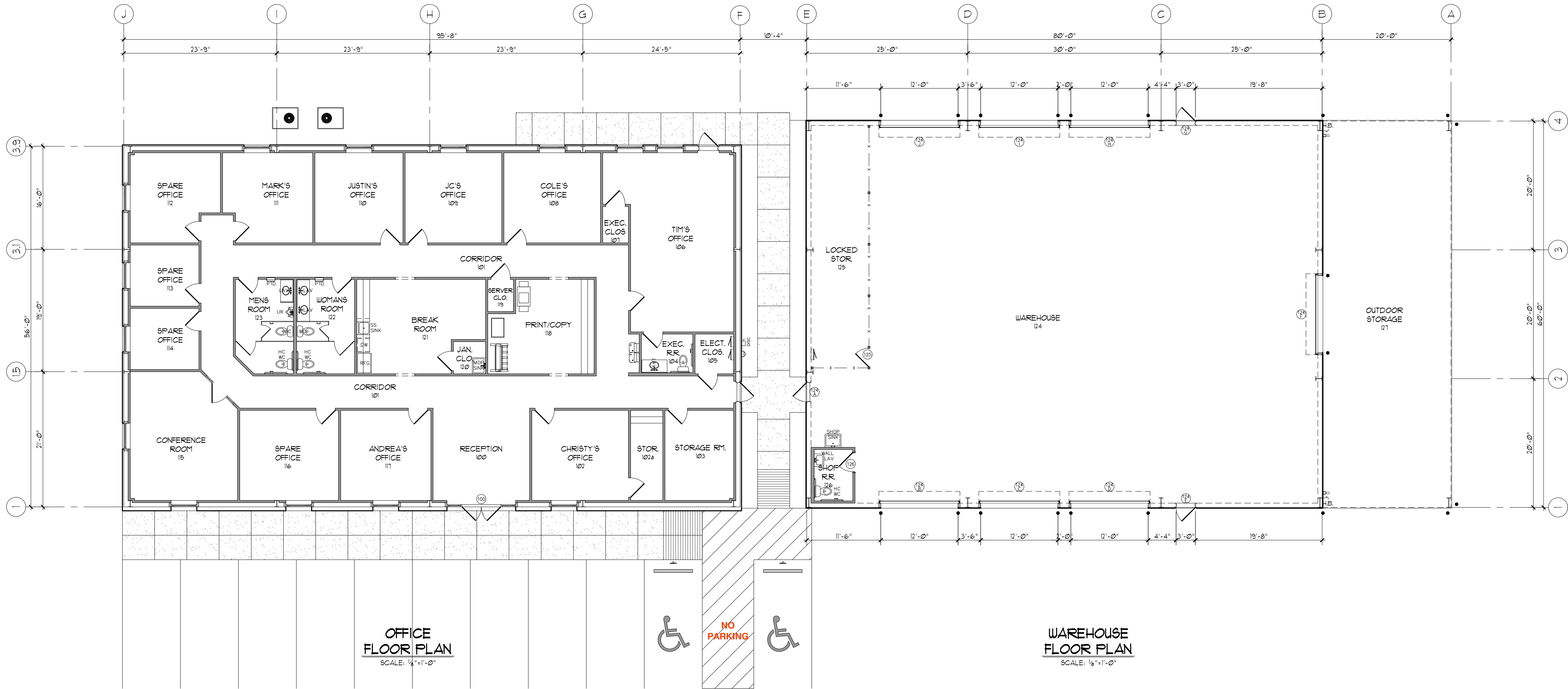
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 10'-0"
 60'-3"
 54'-0"
 41'-0"
 30'-0"
 10'-0"
 5'-0"
 56'-5"
 2'-0"
 66'-0"
 21'-0"
 588.96'
 S 01°38'09" E
 20' UTILITY ESMT.
 10' AERIAL EASEMENT
 10' H.L. & P. EASEMENT
 10' AERIAL EASEMENT
 20' UTILITY ESMT.
 S 81°24'15" W 258.98'
 S 41°23'02" W 182.21'
 N 03°55'21" W 146.51'
 N 02°24'04" W 463.25'
 TRAILER PARKING
 PROPOSED 6,040 SQ. FT. SHOP BUILDING
 PROPOSED 5,420 SQ. FT. OFFICE BUILDING
 AGG ROAD
 (100' WIDE R.O.W.)
 PERSIMMON STREET
 (VARIABLE WIDTH R.O.W.)

CALLED 6.21 ACRES
 FRANCISCO LOPEZ AND VERONICA BELTRAN
 H.C.C.F. No. 20150114381
 O.P.R.R.P.H.C., TX.

CALLED 4.393 ACRES
 DUNCAN HARRISON
 H.C.C.F. No. 20150071264
 O.P.R.R.P.H.C., TX.

CALLED 2.364 ACRES
 JAMES CASE AND WIFE PATRICIA CASE
 H.C.C.F. No. S184202
 O.P.R.R.P.H.C., TX.

Page 81



ARCHITECT
CHRISTOPHER I. FRITSCH
6-17-2021

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DESCREPANCY SHALL BE BROUGHT TO THE
ATTENTION OF THE ON SITE SUPERINTENDENT
PRIOR TO COMMENCEMENT OF THE WORK.

HUFFCO SERVICES, INC.
DESIGN-BUILD GENERAL CONTRACTOR
103 LONGVIEW ST.
CONROE, TX 77301
OFFICE: 936-756-2278
FAX: 936-788-5443

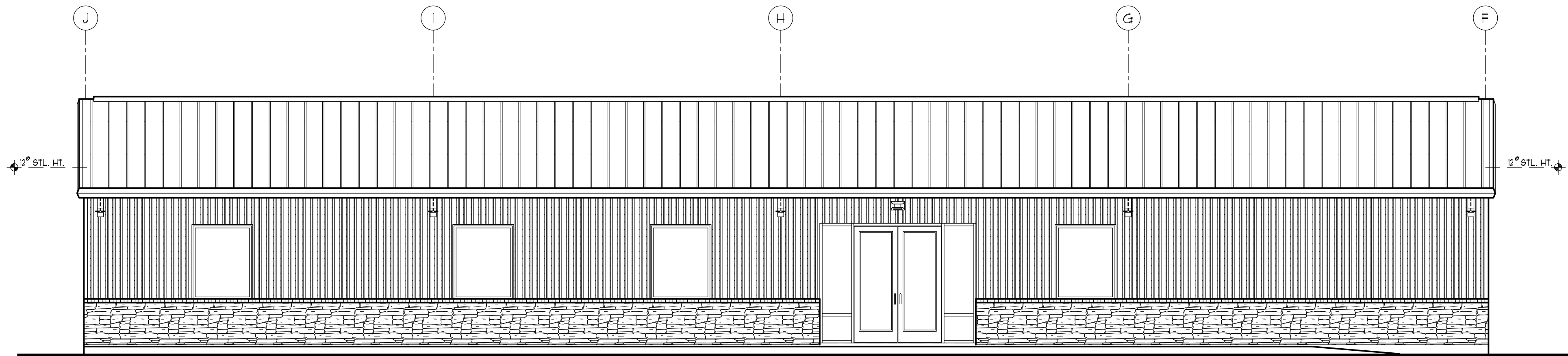
Littlefield Brothers
concrete construction

**A NEW
OFFICE/WAREHOUSE
BUILDING FOR:**

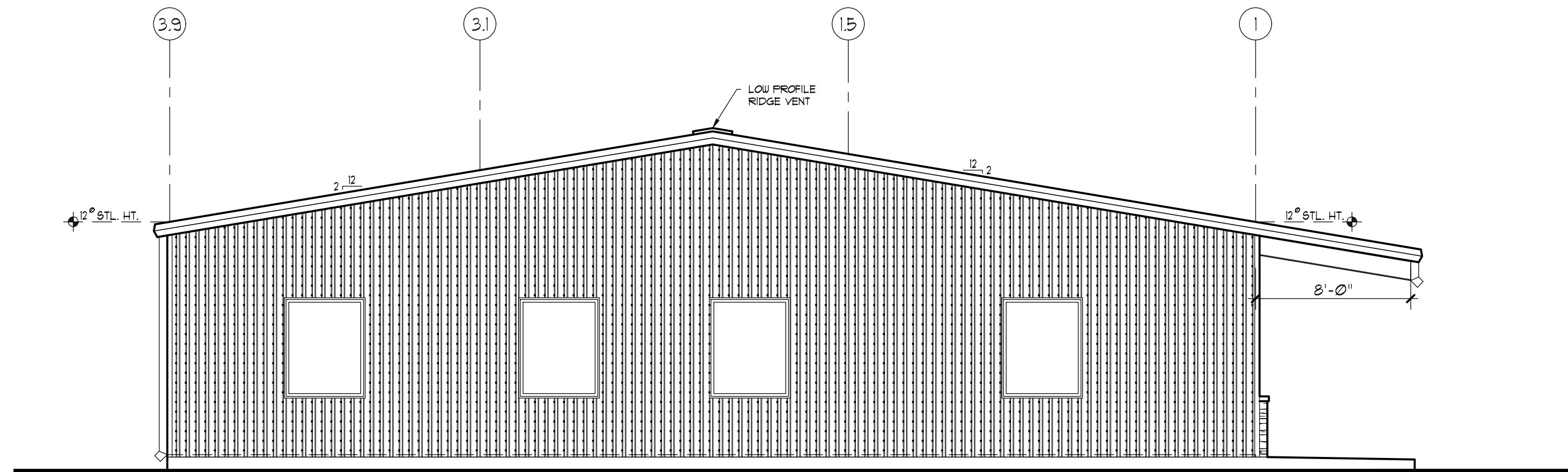
PROJECT #: H620-132
DATE: 6-17-2021
SCALE: 1/8" = 1'-0"

REVISIONS / ISSUE	
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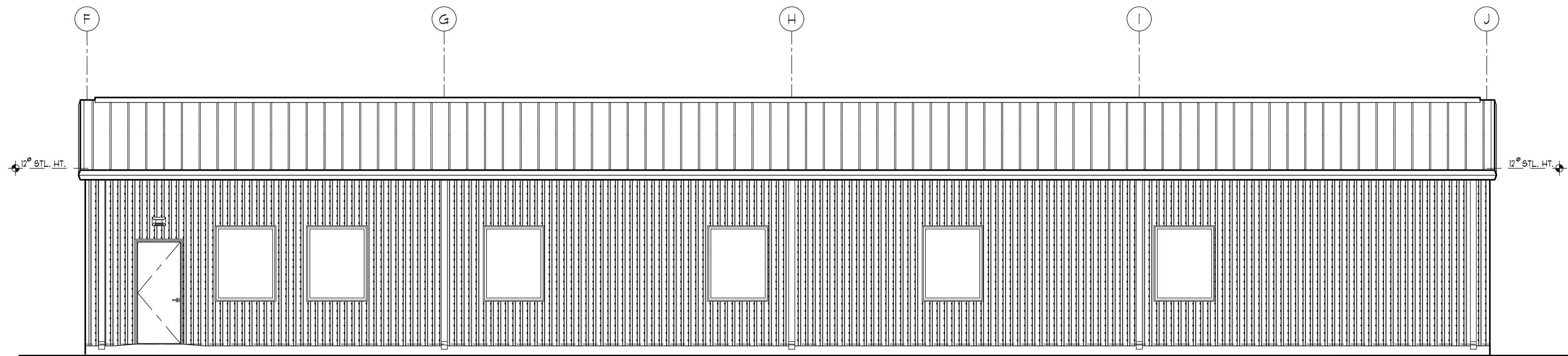
SHEET
A-2



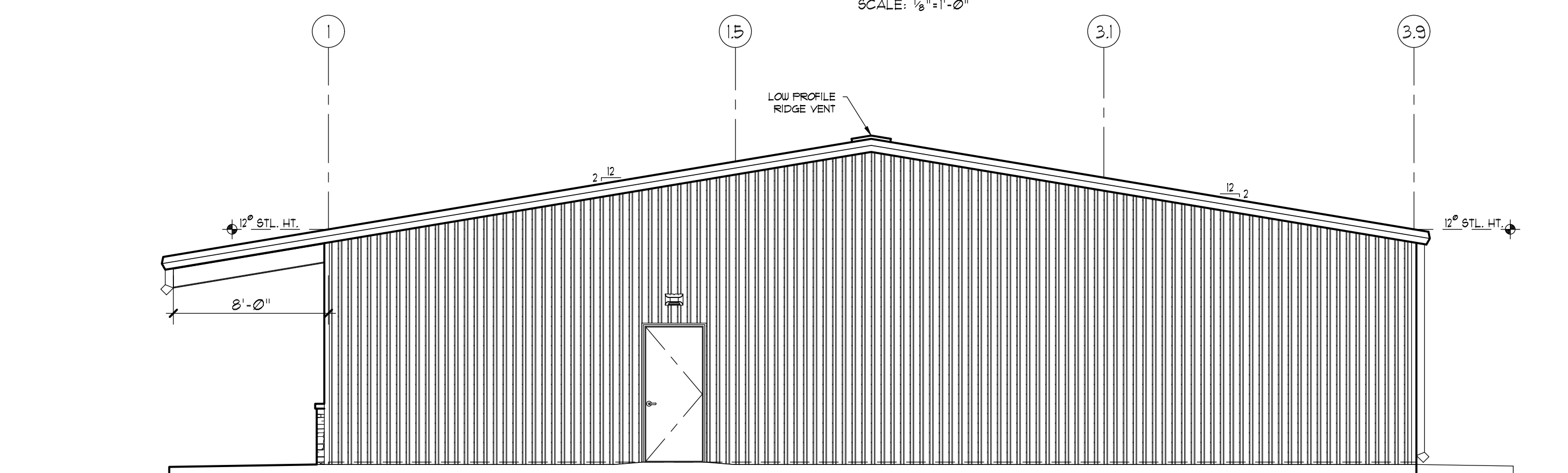
OFFICE
SOUTH ELEVATION
SCALE: 3/8"=1'-0"



OFFICE
NORTH ELEVATION
SCALE: 1/8"=1'-0"



OFFICE
EAST ELEVATION
SCALE: 1/8"=1'-0"



OFFICE
WEST ELEVATION
SCALE: 1/8"=1'-0"

ARCHITECT
CHRISTOPHER I. FRITSCHÉ
6-17-2021

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PRIOR TO COMMENCEMENT OF THE WORK.

HUFFCO SERVICES, INC.
DESIGN-BUILD GENERAL CONTRACTOR
103 LONGVIEW ST.
CONROE, TX 77301
OFFICE: 936-756-2278
FAX: 936-788-5443



A NEW
OFFICE/WAREHOUSE
BUILDING FOR:

PROJECT #: H620-132

DATE: 6-17-2021

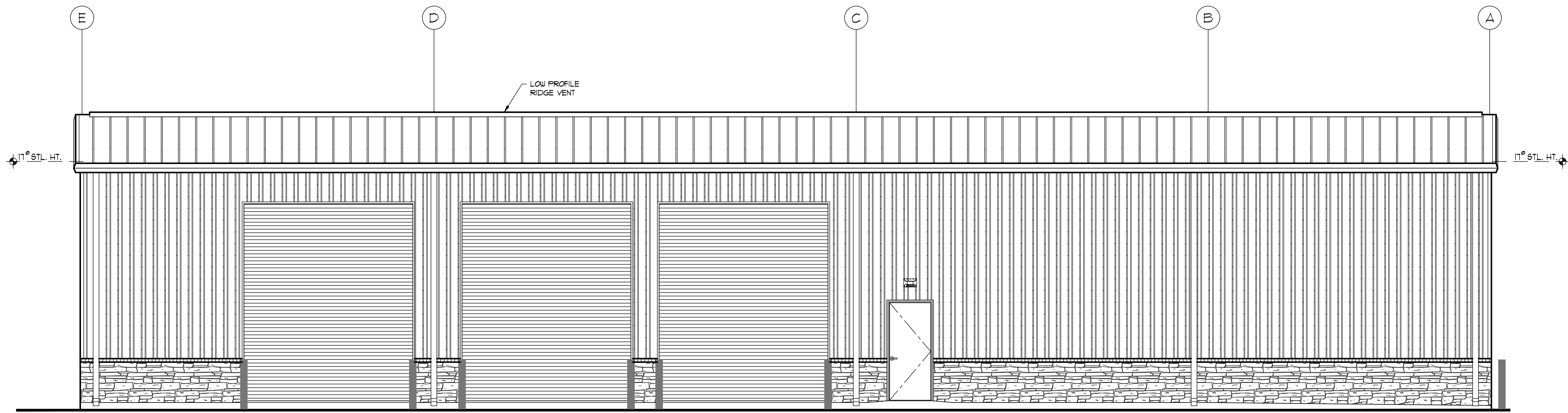
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REVISIONS / ISSUE

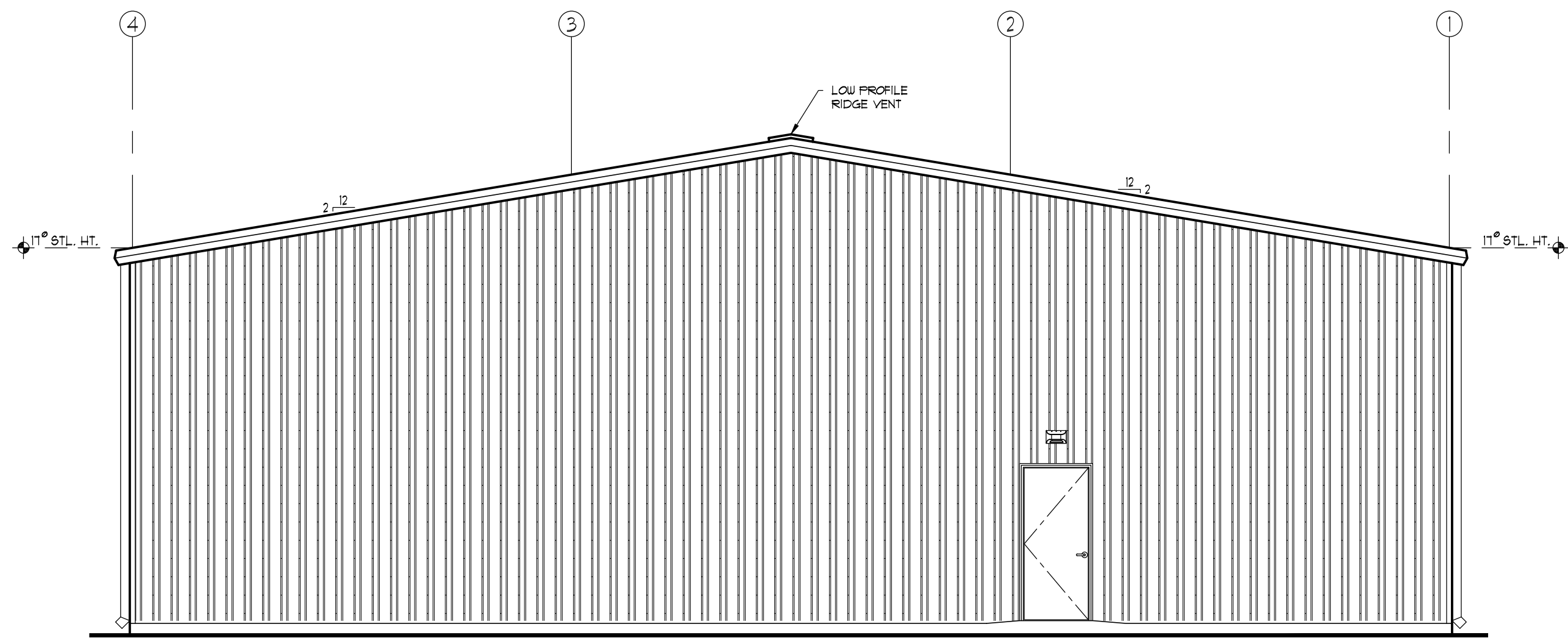
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SHEET

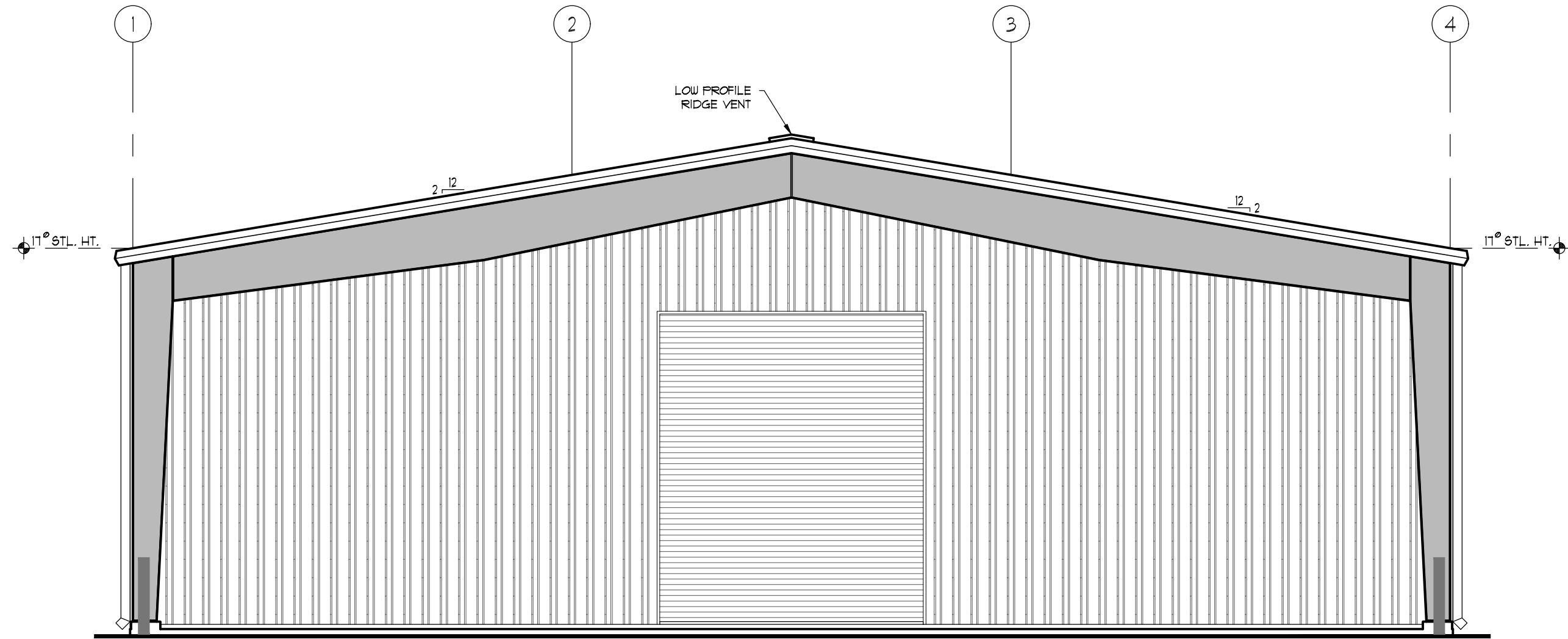
A-3



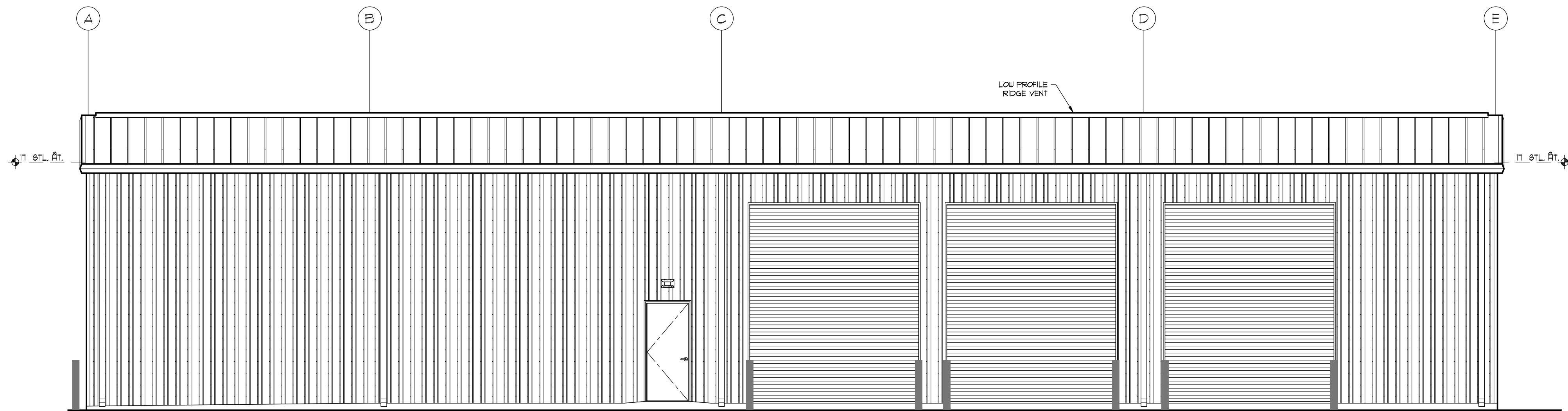
SHOP
EAST ELEVATION
SCALE: 3/16"=1'-0"



SHOP
SOUTH ELEVATION
SCALE: 3/16"=1'-0"



SHOP
NORTH ELEVATION
SCALE: 3/16"=1'-0"



SHOP
WEST ELEVATION
SCALE: 3/16"=1'-0"

ARCHITECT
CHRISTOPHER I. FRITSCHÉ
6-17-2021

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ATTENTION OF THE ON SITE SUPERINTENDENT
PRIOR TO COMMENCEMENT OF THE WORK.

HUFFCO SERVICES, INC.
DESIGN-BUILD GENERAL CONTRACTOR
103 LONGVIEW ST.
CONROE, TX 77301
OFFICE: 936-756-2278
FAX: 936-788-5443



A NEW
OFFICE/WAREHOUSE
BUILDING FOR:

PROJECT #: H520-132
DATE: 7-7-2021
SCALE: 3/16"=1'-0"

REVISIONS / ISSUE

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SHEET

A-4

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Consideration to approve Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on Zoning Case P21-266
- Adopt, on First Reading, Ordinance No. 2021-26, an Ordinance of the City of Tomball, Texas, amending chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District, said property being generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

City Staff recommends approval. Planning & Zoning Commission recommends denial (2-2)

Origination: Clinton Hankla

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Amelia Lindley, City Planner

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 3.78 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1 BLOCK 1 TENNIS VENTURE TRACT, FROM THE AGRICULTURAL DISTRICT TO THE GENERAL RETAIL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST HUFSMITH ROAD, BETWEEN PEACH STREET AND HOSPITAL STREET, AT 343 EAST HUFSMITH 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, Clinton Hankla has requested that approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith 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 deny the requested rezoning of the General Retail District; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the General Retail 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 General Retail District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the General Retail District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JULY 2021.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF AUGUST 2021.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

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



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 12, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 19, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-253: Request by Louis Smulders to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as Reserve A Block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District. The property is generally located at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an *office showroom/warehouse* facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375.

Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

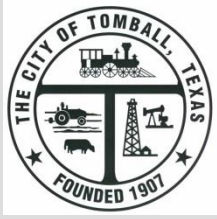
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **July 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 12, 2021
City Council Public Hearing Date: July 19, 2021

Rezoning Case: P21-266
Property Owner(s): Clinton Hankla – GHM Homes, LLC
Applicant(s): Clinton Hankla
Legal Description: Lot 1 Block 1 Tennis Venture Tract
Location: North side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road (Exhibit “A”)
Area: 3.78 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone from the Agricultural District to the General Retail District

Adjacent Zoning & Land Uses:

North: General Retail District / Undeveloped (future self-storage facility)

South: Agricultural and Single-Family 6 Districts / Undeveloped

West: Single-Family 20 Estate and Agricultural Districts / Single-family residence and undeveloped

East: Agricultural District / Single-family residence

BACKGROUND

City Staff met with the applicant to discuss the development of the subject site in June 2021. In 2014, CUP #11 was approved by City Council for a *tennis court (private)* on the property. In 2015, City Staff approved plans for a private tennis club facility. Construction began, but was never completed.

ANALYSIS

The subject site is approximately 3.78 acres located on East Hufsmith Road. The property is between two single-family residences to the east and west. The properties on the south side of East Hufsmith Road are undeveloped. The property to the north of the subject site is currently undeveloped as well, however, plans have been submitted to the City for a boat and RV storage facility.

The property is zoned Agricultural District, with an approved CUP for a private tennis facility. Surrounding properties are zoned Agricultural to the east and west, Single-Family 20 Estate to the east as well and Single-Family 6 and Agricultural to the south. In 2017, the property to the north was rezoned to the General Retail District. According to Section 50-73 (*General Retail District*), the “General Retail District is established to provide areas for local neighborhood shopping and service facilities”. This district should be located along major thoroughfares to accommodate higher traffic volume. The General Retail District appears to be an appropriate zoning district for this area.

The property and all surrounding properties are designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses include “restaurants, retail, professional services, clinics, and offices” and compatible zoning districts include Office, General Retail and Planned Developments. The rezoning appears to meet the intent of the Future Land Use Map.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on June 30, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-266.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

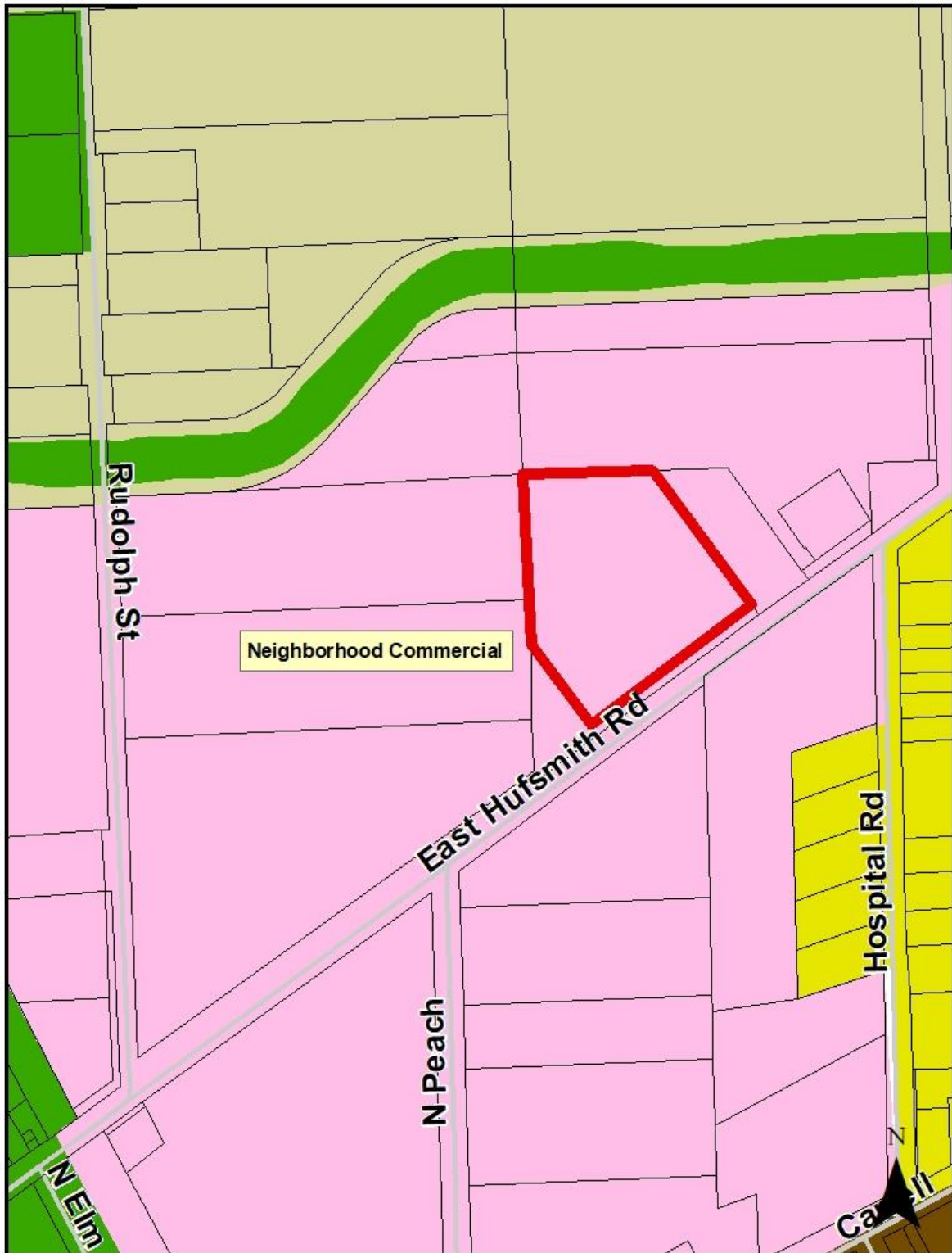
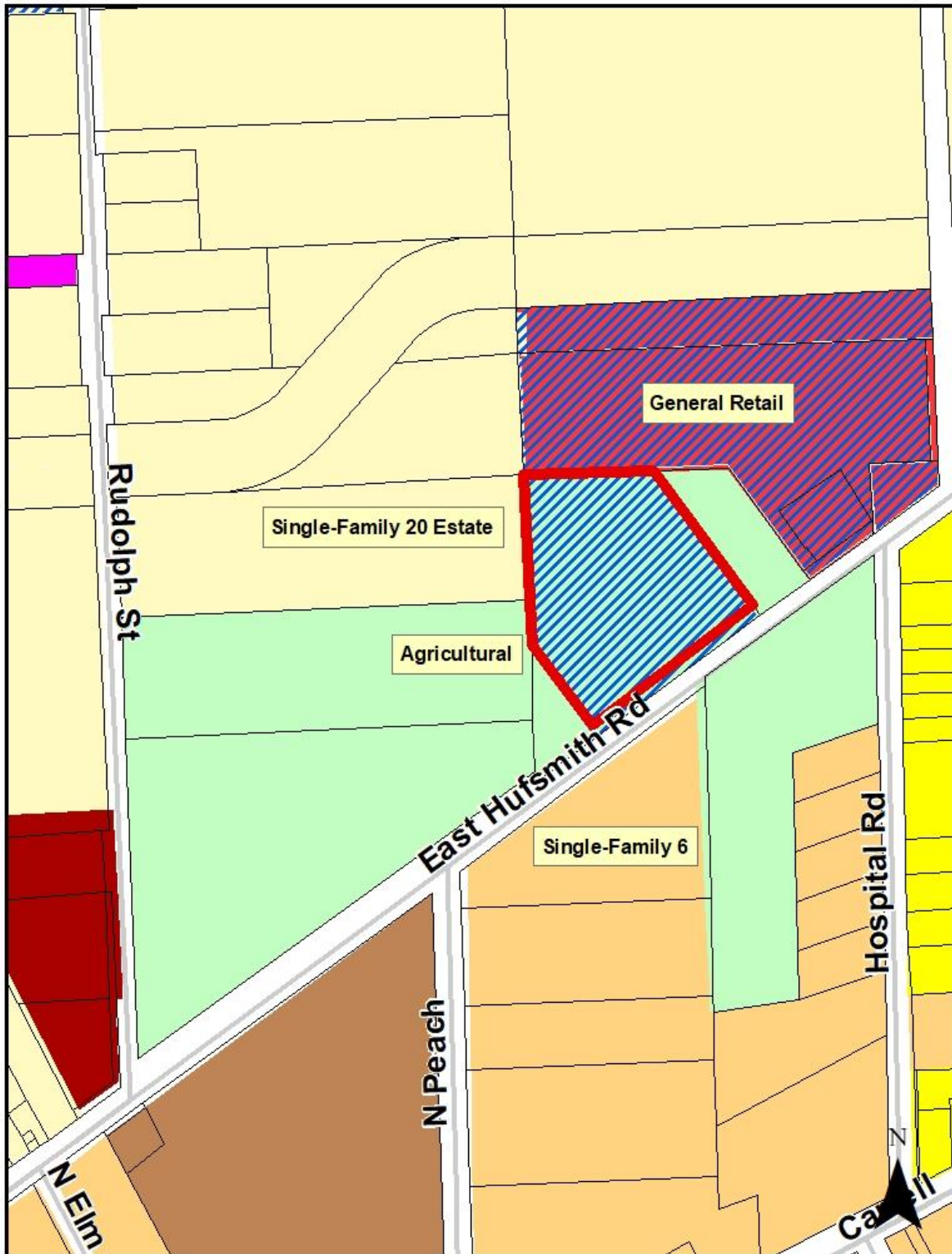


Exhibit "C"
Zoning Map

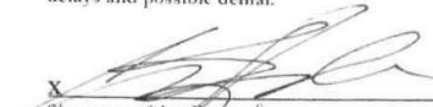


**Exhibit “D”
Site Photo**



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

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

	
X	
Signature of Applicant	Date
	5-19-2021
Signature of Owner	Date

June 1, 2021

Amelia Lindley
City of Tomball Planning Department
401 Market Street
Tomball, Texas 77375

Re: 4 Ac Huffsmith Tract Rezone Application (343 E Huffsmith Rd.)

Dear Ameila,

On behalf of our client, Clint Hankla – GHM Homes, LLC, we are submitting the application for a zone change and conditional use permit for a +/- 4 Acre tract located at 343 E Huffsmith Rd. The applications are for a rezone to General Retail with a Conditional Use Permit for Office Warehouse.

Below is a list of the items that are included with the Rezone submittal:

- 1) Rezone Application
- 2) Submittal Fee - \$440 (to be paid over the phone)
- 3) Copy of Recorded "Tennis Venture Tract" Plat
- 4) Tax statements showing all taxes paid (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Kathryn Parker
Enclosure

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



2020 Property Tax Statement

Web Statement

Statement Date: May 26, 2021

Account Number

136-388-001-0001

Additional city sales tax reduced your city ad
valorem tax by: \$468.23



STOKES JANIE L
29910 ANNA TRAILS
TOMBALL TX 77375-6206

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	252,016	0.391160	\$985.79
Harris County Flood Control Dist	0	252,016	0.031420	\$79.18
Port of Houston Authority	0	252,016	0.009910	\$24.97
Harris County Hospital District	0	252,016	0.166710	\$420.14
Harris County Dept. of Education	0	252,016	0.004993	\$12.58
Lone Star College System	0	252,016	0.107800	\$271.67
City of Tomball	0	252,016	0.337862	\$851.47
Emergency Service Dist #8 (EMS)	0	252,016	0.097000	\$244.46

Property Description	
343 E HUFSMITH RD 77375 LT 1 BLK 1 TENNIS VENTURE TRACT 3.7766 AC	
Appraised Values	
Land - Market Value	224,016
Impr - Market Value	28,000
Total Market Value	252,016
Less Capped Mkt Value	0
Appraised Value	252,016
Exemptions/Deferrals	

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:				\$2,890.26
Payments Applied To 2020 Taxes				\$2,890.26
Total Current Taxes Due (Including Penalties)				\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)				\$0.00
Total Amount Due For May 2021				\$0.00
Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2021	7%	\$0.00	\$0.00	\$0.00
By March 31, 2021	9%	\$0.00	\$0.00	\$0.00
By April 30, 2021	11%	\$0.00	\$0.00	\$0.00
By May 31, 2021	13%	\$0.00	\$0.00	\$0.00
By June 30, 2021	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2015 to 2020: Appraised Value 0%, Taxable Value 0%, Tax Rate 0%, Tax Bill 0%.

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



PAYMENT COUPON

STOKES JANIE L
29910 ANNA TRAILS
TOMBALL TX 77375-6206

Make check payable to:

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

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

Account Number
136-388-001-0001
Amount Enclosed
\$ _____

Web Statement - Date Printed: 05-26-2021

13638800100010 2020 0000000000 0000000000 0000000000 0000000000

Page 101

2,633,054-1

TAX STATEMENT 2020 +**STATEMENT DATE: 05/26/2021****LEGAL: LT 1 BLK 1****ACCOUNT: 1363880010001****TENNIS VENTURE TRACT**

OWNER: STOKES JANIE L
PARCEL ADDRESS: 0000343 E HUFSMITH RD
EXEMPTION CODES

PIDN: 1363880010001
ACRES: 3.7766

LAND VALUE	IMPROVEMENT VALUE	APPRAISED VALUE			
224,016	28,000	252,016			
TAXING ENTITIES	EXEMPTION AMOUNT	TAXABLE VALUE	TAX RATE PER \$100	BASE TAX	PENALTY & INTEREST
TOMBALL ISD	0	252,016	1.290000	0.00	0.00
			SUBTOTAL	0.00	0.00
			PRIOR YEARS	0.00	
TOTAL AMOUNT DUE				0.00	

This top portion and your canceled check will serve as your receipt.

^ Detach on perforation and return this portion with your check payable to:

Kristi Williams
PO Box 276
Tomball, TX 77377-0276
(281)357-3100

DELINQUENT DATE: 02/01/2021**ACCOUNT: 1363880010001 2020 +**

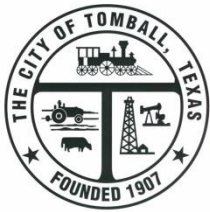
STOKES JANIE L
29910 ANNA TRAILS
TOMBALL, TX 77375-6206

TOTAL AMOUNT DUE
\$0.00

^^ AMOUNT DUE ON RECEIPT ^^

OWNER: STOKES JANIE L
PIDN: 1363880010001

<u>IF PAID IN</u>	<u>AMOUNT DUE</u>
JUN	0.00
JUL	0.00
AUG	0.00
SEP	0.00
OCT	0.00
NOV	0.00



Notice of Public Hearing

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

CASE NUMBER: P21-266

APPLICANT/OWNER: Clinton Hankla

LOCATION: Generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail 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, July 12, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, July 19, 2021 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

Dana Wade

413 E. Hufsmith Rd
Tomball Tx 77375

Dana Wade

7/4/21

X

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P21-266. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P21-266. (Please state reasons below)

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

Monday, July 12, 2021 6:00 PM

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

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

Monday, July 19, 2021 6:00 PM

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

COMMENTS:

I will be out of town at time of meeting but I have personally met & like Mr. Hankla. He has explained his plans to me about what he proposes to do with this land and ~~meets~~ has with my approval. Dana Wade

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

Please reference the case number in the subject line.

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Consideration to approve Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an office showroom/warehouse facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

- Conduct Public Hearing on Zoning Case P21-267
- Adopt, on First Reading, Ordinance No. 2021-27, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Clinton Hankla to operate an "Office showroom / warehouse" facility at 343 East Hufsmith Road; said property being approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, and is zoned General Retail use district; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

Background:

City Staff recommends approval. Planning & Zoning Commission recommends denial (1-3)

Origination: Clinton Hankla

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Amelia Lindley, City Planner

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-27

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO CLINTON HANKLA TO OPERATE AN “OFFICE SHOWROOM / WAREHOUSE” FACILITY AT 343 EAST HUFSMITH ROAD; SAID PROPERTY BEING APPROXIMATELY 3.78 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1 BLOCK 1 TENNIS VENTURE TRACT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE NORTH SIDE OF EAST HUFSMITH ROAD, BETWEEN PEACH STREET AND HOSPITAL STREET, AND IS ZONED GENERAL RETAIL USE DISTRICT; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Clinton Hankla has requested a CUP to operate an “*office showroom / warehouse*” facility on approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, in the City of Tomball, Harris County, Texas, (the "Property"), 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 CUP; 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 CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested CUP; 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 CUP, the City Council held the public hearing for the requested CUP 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 CUP.

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. A CUP to operate an “*office showroom/warehouse*” facility at the Property and subject to the terms and conditions set forth below is hereby granted to Clinton Hankla.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A”.

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

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JULY 2021.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF AUGUST 2021.

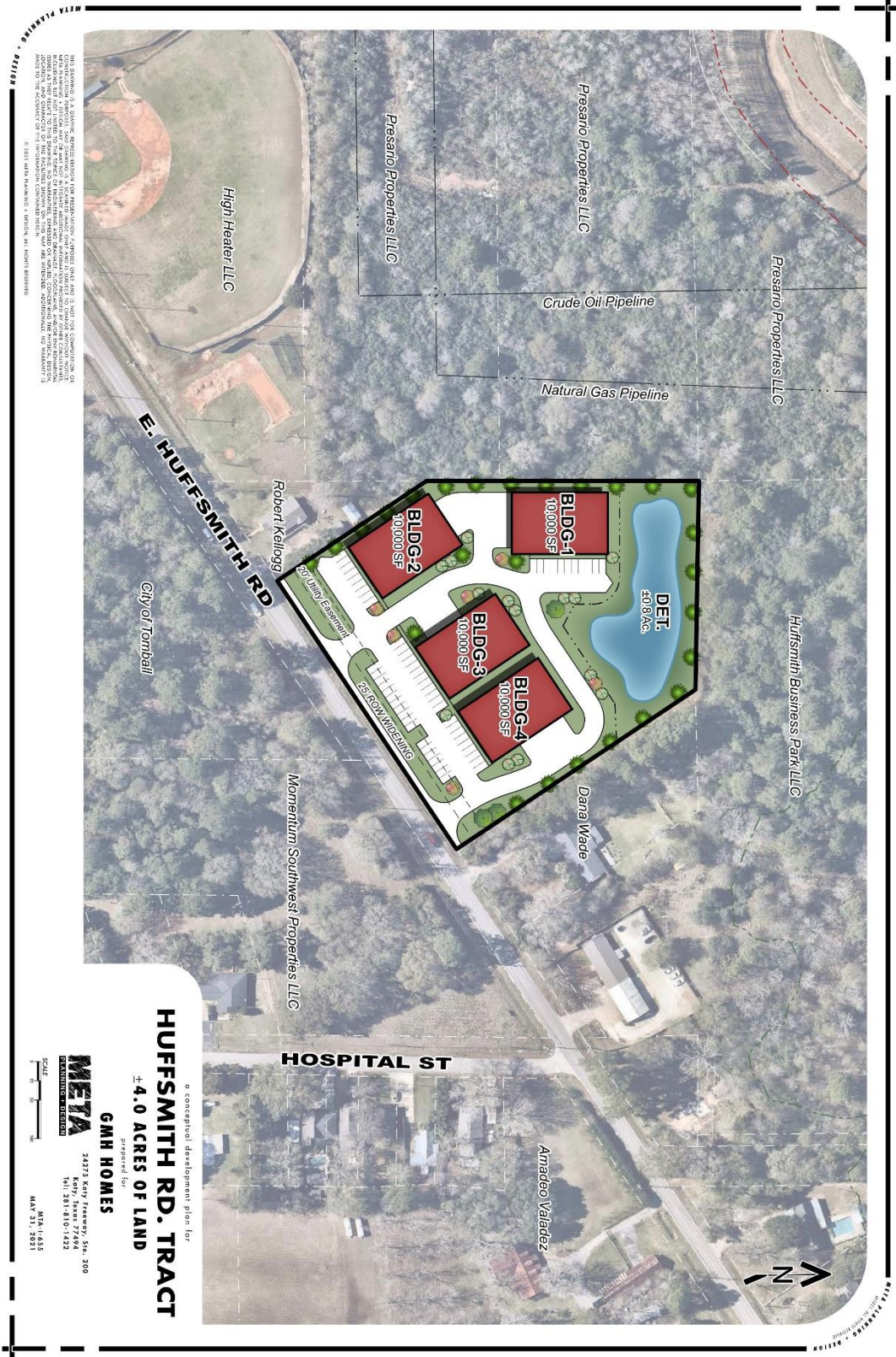
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A" Concept Plan



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



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 12, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 19, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-253: Request by Louis Smulders to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as Reserve A Block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District. The property is generally located at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an *office showroom/warehouse* facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375.

Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

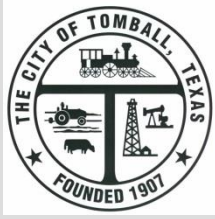
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **July 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: July 12, 2021

City Council Public Hearing Date: July 19, 2021

Rezoning Case: P21-267

Property Owner(s): Clinton Hankla

Applicant(s): Clinton Hankla – GHM Homes, LLC

Legal Description: Lot 1 Block 1 Tennis Venture Tract

Location: North side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road (Exhibit “A”)

Area: 3.78 acres

Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)

Present Zoning and Use: Agricultural District (Rezoning request for the General Retail District) (Exhibit “C”) / Undeveloped (Exhibit “D”)

Proposed Use(s): *Office showroom / warehouse* (Exhibit “D”)

Request: Conditional Use Permit (CUP) to allow the operation of an office/warehouse facility

Adjacent Zoning & Land Uses:

- North:** General Retail District / Undeveloped (future self-storage facility)
- South:** Agricultural and Single-Family 6 Districts / Undeveloped
- West:** Single-Family 20 Estate and Agricultural Districts / Single-family residence and undeveloped
- East:** Agricultural District / Single-family residence

BACKGROUND

City Staff met with the applicant to discuss the development of the subject site in June 2021. In 2014, CUP #11 was approved by City Council for a *tennis court (private)* on the property. In 2015, City Staff approved plans for a private tennis club facility. Construction began, but was never completed.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties

and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The property and all surrounding properties are designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses include “restaurants, retail, professional services, clinics, and offices” and compatible zoning districts include Office, General Retail and Planned Developments. The proposed land use appears to meet the intent of the Future Land Use Map.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

The property is zoned Agricultural District, with an approved CUP for a private tennis facility. Surrounding properties are zoned Agricultural to the east and west, Single-Family 20 Estate to the east as well and Single-Family 6 and Agricultural to the south. In 2017, the property to the north was rezoned to the General Retail District. According to Section 50-73 (*General Retail District*), the “General Retail District is established to provide areas for local neighborhood shopping and service facilities”. This district should be located along major thoroughfares to accommodate higher traffic volume. The proposed use appears to be consistent with the intent of the General Retail District.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. Since the lot abuts two single-family residences, additional regulations will be required, such as landscape buffers, screening and increased building setbacks.

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;

The property is between two single-family residences to the east and west. The properties on the south side of East Hufsmith Road are undeveloped. The property to the north of the subject site is currently undeveloped as well, however, plans have been submitted to the City for a boat and RV storage facility.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on June 30, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P21-267.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

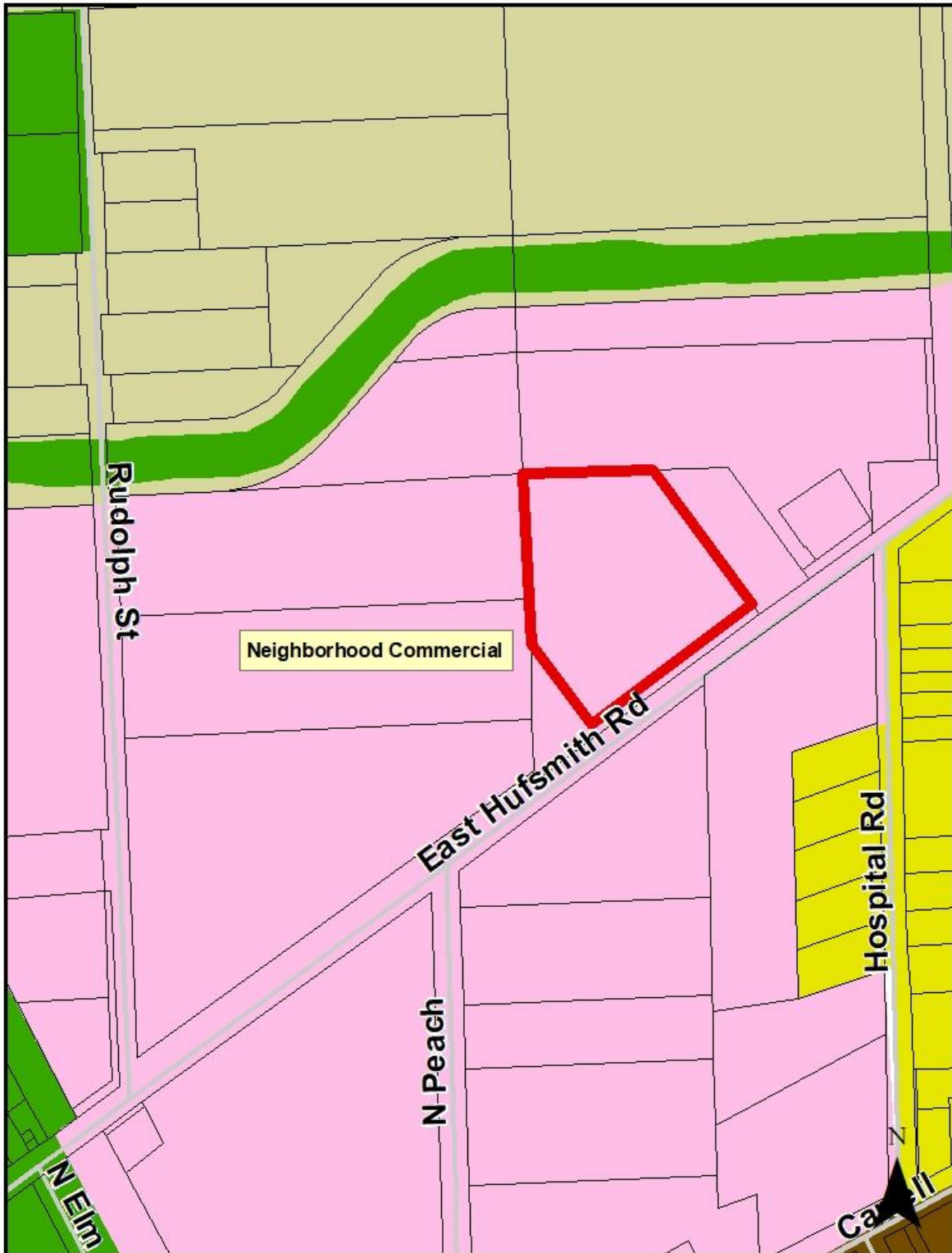
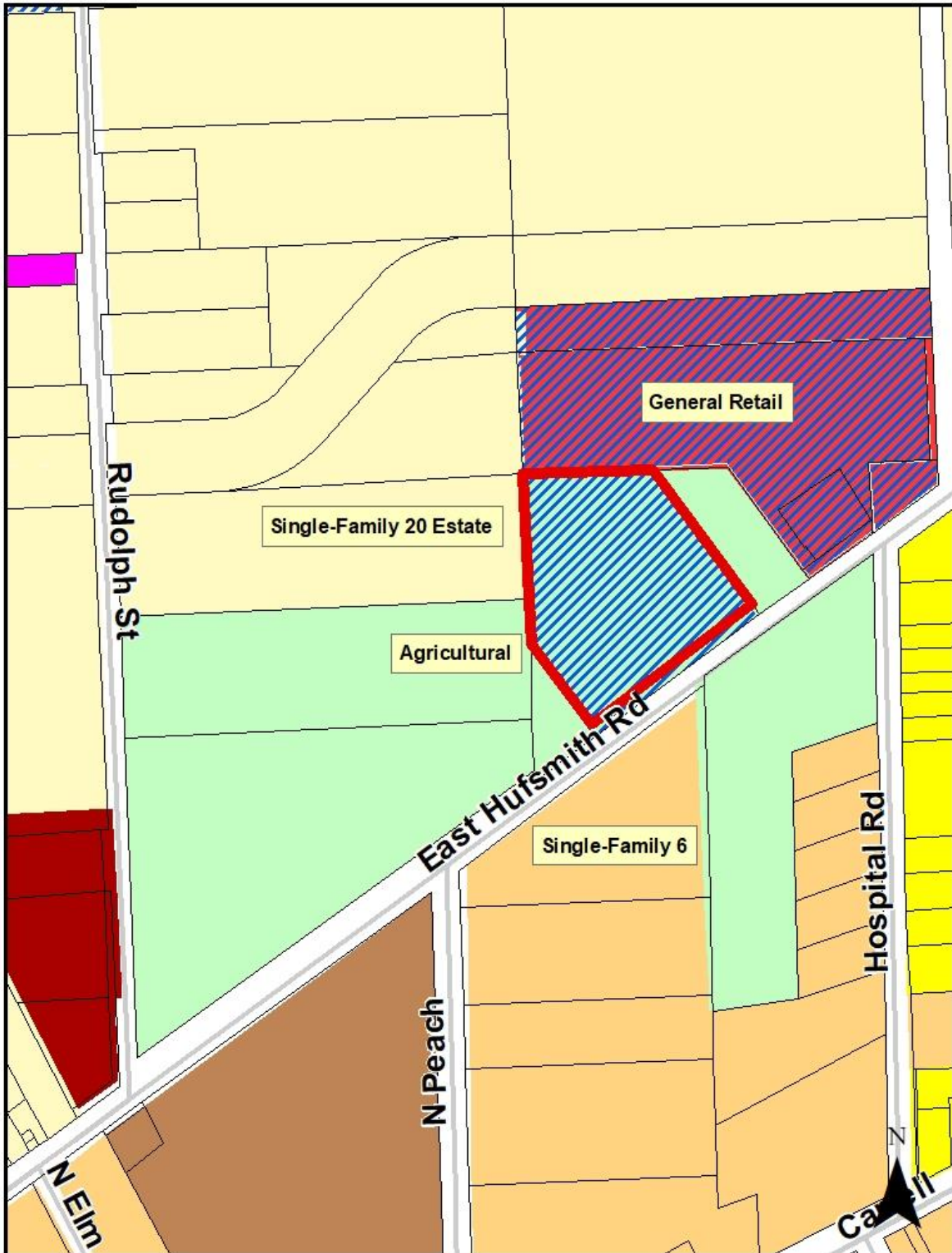


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

RECEIVED (KC)
06/01/2021 10:22:58 AM



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department

Revised 1/20/09
P&Z #21-267
\$600.00

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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: CLINTON HANKLA Title: MANAGING MEMBER
Mailing Address: 13315 Misty Hills Drive City: Cypress State: TX
Zip: 77429
Phone: (832) 684-5301 Fax: () Email: chankla@lcc-associates.com

(Clint Hankla)

Owner

Name: GMH Homes, LLC Title: Managing member
Mailing Address: 13315 Misty Hills Drive City: Cypress State: TX
Zip: 77429
Phone: (832) 684-5301 Fax: () Email: chankla@lcc-associates.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: office warehouse

Physical Location of Property: 343. East Hufsmith Tomball, TX 77375

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

Legal Description of Property: ABSTRACT NO. 1 IN HARM'S COUNTY LOT 1

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

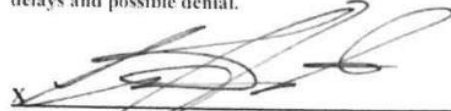
HCAD Identification Number: 1363880010001 Acreage: 3.78

Current Use of Property: Land

Proposed Use of Property: office warehouse

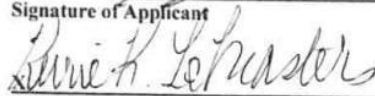
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X 

Signature of Applicant

Date

X 

5/19/2021

Signature of Owner

Date

June 1, 2021

Amelia Lindley
City of Tomball Planning Department
401 Market Street
Tomball, Texas 77375

Re: 4 Ac Huffsmith Tract CUP Application (343 E Huffsmith Rd.)

Dear Amelia,

On behalf of our client, Clint Hankla – GMH Homes, LLC, we are submitting the application for a zone change and conditional use permit for a +/- 4 Acre tract located at 343 E Huffsmith Rd. The request is for a rezone to General Retail with a Conditional Use Permit for Office Warehouse. More specifically, the applicant intends to build a facility that will have the potential to house multiple tenants with a variety of office and service related uses (example: engineering firm, general office uses, repair service business, etc.). The proposed development will be in compliance with all city standards including, but not limited to, allowed uses, building standards, landscaping, parking, screening, and signage.

The enclosed preliminary site plan illustrates the proposed layout for the tract, incorporating significant landscape/open space area and plenty of space for required parking, buffering, etc. The project will be compatible with the surrounding uses, which includes baseball fields, various other business and undeveloped acreage. Property to the east of the tract is already zoned General Retail with a variety of Conditional Use Permits.

The proposed development will bring business to the area and be a beneficial addition to the City of Tomball. Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Kathryn Parker
Enclosure

June 1, 2021

Amelia Lindley
City of Tomball Planning Department
401 Market Street
Tomball, Texas 77375

Re: 4 Ac Huffsmith Tract CUP Application (343 E Huffsmith Rd.)

Dear Amelia,

On behalf of our client, Clint Hankla – GMH Homes, LLC, we are submitting the application for a zone change and conditional use permit for a +/- 4 Acre tract located at 343 E Huffsmith Rd. The applications are for a rezone to General Retail with a Conditional Use Permit for Office Warehouse.

Below is a list of the items that are included with the Conditional Use Permit submittal:

- 1) Rezone Application
- 2) Submittal Fee - \$600 (to be paid over the phone)
- 3) Copy of Recorded "Tennis Venture Tract" Plat
- 4) Tax statements showing all taxes paid (Harris County and Tomball ISD)
- 5) Letter of Intent/Reason for Request
- 6) Preliminary Concept/Site Plan

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Kathryn Parker
Enclosure

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



**2020 Property Tax Statement
Web Statement**

Statement Date:	May 26, 2021
Account Number	
	136-388-001-0001

Additional city sales tax reduced your city ad
valorem tax by: \$468.23



STOKES JANIE L
29910 ANNA TRAILS
TOMBALL TX 77375-6206

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	252,016	0.391160	\$985.79
Harris County Flood Control Dist	0	252,016	0.031420	\$79.18
Port of Houston Authority	0	252,016	0.009910	\$24.97
Harris County Hospital District	0	252,016	0.166710	\$420.14
Harris County Dept. of Education	0	252,016	0.004993	\$12.58
Lone Star College System	0	252,016	0.107800	\$271.67
City of Tomball	0	252,016	0.337862	\$851.47
Emergency Service Dist #8 (EMS)	0	252,016	0.097000	\$244.46

Property Description	
343 E HUFSMITH RD 77375 LT 1 BLK 1 TENNIS VENTURE TRACT 3.7766 AC	
Appraised Values	
Land - Market Value	224,016
Impr - Market Value	28,000
Total Market Value	252,016
Less Capped Mkt Value	0
Appraised Value	252,016
Exemptions/Deferrals	

Page: 1 of 1

Total 2020 Taxes Due By January 31, 2021:				\$2,890.26
Payments Applied To 2020 Taxes				\$2,890.26
Total Current Taxes Due (Including Penalties)				\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)				\$0.00
Total Amount Due For May 2021				\$0.00
Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2021	7%	\$0.00	\$0.00	\$0.00
By March 31, 2021	9%	\$0.00	\$0.00	\$0.00
By April 30, 2021	11%	\$0.00	\$0.00	\$0.00
By May 31, 2021	13%	\$0.00	\$0.00	\$0.00
By June 30, 2021	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2015 to 2020: Appraised Value 0%, Taxable Value 0%, Tax Rate 0%, Tax Bill 0%.

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



PAYMENT COUPON

STOKES JANIE L
29910 ANNA TRAILS
TOMBALL TX 77375-6206

Make check payable to:

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

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

Account Number
136-388-001-0001
Amount Enclosed
\$ _____

Web Statement - Date Printed: 05-26-2021

13638800100010 2020 000000000 000000000 000000000 000000000

2,633,054-1

TAX STATEMENT 2020 +

STATEMENT DATE: 05/26/2021

LEGAL: LT 1 BLK 1

ACCOUNT: 1363880010001

TENNIS VENTURE TRACT

OWNER: STOKES JANIE L
PARCEL ADDRESS: 0000343 E HUFSMITH RDPIDN: 1363880010001
ACRES: 3.7766

LAND VALUE	IMPROVEMENT VALUE	APPRAISED VALUE			
224.016	28.000	252.016			
TAXING ENTITIES	EXEMPTION AMOUNT	TAXABLE VALUE	TAX RATE PER \$100	BASE TAX	PENALTY & INTEREST
TOMBALL ISD	0	252.016	1.290000	0.00	0.00
			SUBTOTAL	0.00	0.00
			PRIOR YEARS	0.00	
TOTAL AMOUNT DUE				0.00	

This top portion and your canceled check will serve as your receipt.

^ Detach on perforation and return this portion with your check payable to:

Kristi Williams
PO Box 276
Tomball, TX 77377-0276
(281)357-3100

DELINQUENT DATE: 02/01/2021

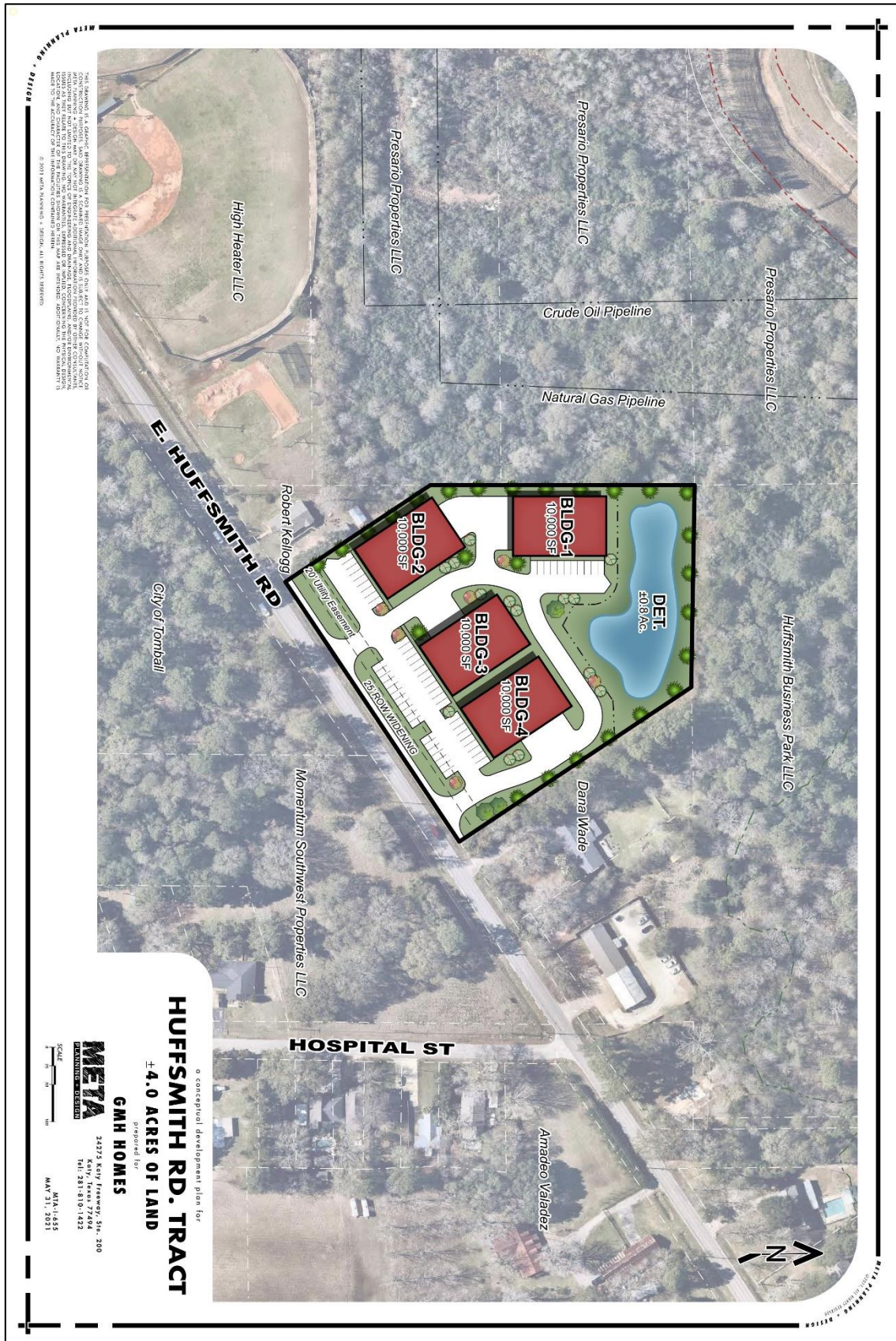
ACCOUNT: 1363880010001 2020 +
STOKES JANIE L
29910 ANNA TRAILS
TOMBALL, TX 77375-6206TOTAL AMOUNT DUE
\$0.00

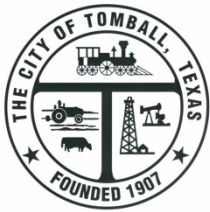
^^ AMOUNT DUE ON RECEIPT ^^

OWNER: STOKES JANIE L
PIDN: 1363880010001

IF PAID IN	AMOUNT DUE
JUN	0.00
JUL	0.00
AUG	0.00
SEP	0.00
OCT	0.00
NOV	0.00

**Figure “F”
Concept Plan**





Notice of Public Hearing

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

CASE NUMBER: P21-267

APPLICANT/OWNER: Clinton Hankla

LOCATION: Generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas

PROPOSAL: A Conditional Use Permit to operate an *office showroom/warehouse* facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract and is zoned Agricultural District with an application to rezone to the General Retail 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, July 12, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, July 19, 2021 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

Dana Wade

(please print)

Address:

413 E. Hufsmith Rd

Tomball, Tx 77375

Signature:

Dana Wade

Date:

7/4/21

X

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P21-267**. (Please state reasons below)

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P21-267**. (Please state reasons below)

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

Monday, July 12, 2021 @ 6:00 PM

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

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

Monday, July 19, 2021 @ 6:00 PM

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

COMMENTS:

I will be out of town at time of meeting but I have personally met & like Mr. Hankla. He has explained his plans to me about what he proposed to do with this land and has my approval. Dana Wade

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

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

Janie L. Stokes
29910 Anna Trails
Tomball, TX 77375
Janie L. Stokes
7-8-2021



I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P21-267**. (Please state reasons below)



I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P21-267**. (Please state reasons below)

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

Monday, July 12, 2021 @ 6:00 PM

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

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

Monday, July 19, 2021 @ 6:00 PM

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

COMMENTS:

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

Please reference the case number in the subject line.

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

Consideration to reject all bids received for bid number 2021-02 – Mulberry & Agg Drainage Improvements and rebid the project.

Background:

In an effort to obtain the most favorable pricing, sealed bids were solicited for completion of drainage improvements along Mulberry and Agg Road. Bid specifications and plans were available at the City Administration Building or could be electronically delivered by request. A total of seven (7) vendors received information on the bid specifications, of which two (2) qualifying bids were received.

Upon review of the submitted bids, large differences in the unit pricing were evident. After consultation with our engineer, staff recommends rejecting all bids received, further defining the project scope and bid form, and rebidding the project.

Origination: Public Works Department

Recommendation:

Staff recommends rejecting all bids received, and rebidding the project.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Meagan Mageo	Approved by	
	Staff Member		City Manager
	Date		Date

CITY OF TOMBALL

MULBERRY ROAD AND AGG ROAD DRAINAGE IMPROVEMENTS

BID PROPOSAL

ITEM	DESCRIPTION	QUANTITY	UNIT	Caesar		Cooley	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1.	Mobilization, Bonds and Insurance	1	LS	\$10,838.00	\$10,838.00	\$21,500.00	\$21,500.00
2.	Storm Water Pollution Prevention	1	LS	\$3,500.00	\$3,500.00	\$2,500.00	\$2,500.00
3.	Site Preparation including stripping, clearing and debris removal.	1	LS	\$6,500.00	\$6,500.00	\$26,150.00	\$26,150.00
4.	Remove and Re-Install Existing Traffic Signs.	2	EA	\$1,500.00	\$3,000.00	\$500.00	\$1,000.00
5.	Remove and Replant Existing Oak Trees in Median on Agg Road.	3	EA	\$800.00	\$2,400.00	\$2,500.00	\$7,500.00
6.	Remove & Replace Existing Water Line Lead, Complete In Place Including Wet Connection to Existing Water Line and Gate Valve, Adjust Existing Water Meter, RPZ, & Irrigation System to Existing Conditions or Better on Agg Road Median.	1	LS	\$12,500.00	\$12,500.00	\$7,500.00	\$7,500.00
7.	Trench Safety	201	LF	\$200.00	\$40,200.00	\$1.00	\$201.00
8.	Roadside Swales along Mulberry St. as per Cross Section including Off-Site Disposal	831	LF	\$25.00	\$20,775.00	\$70.00	\$58,170.00
9.	Clean & Demuck Existing Roadside Swales along Agg Rd including Off-Site Disposal	200	LF	\$25.00	\$5,000.00	\$50.00	\$10,000.00
10.	24-Inch, CLIII R/G, RCP Storm Sewer	201	LF	\$250.00	\$50,250.00	\$146.00	\$29,346.00
11.	Manhole Cone for Existing 3'x5' Box Culvert @ STA 0+18.11 including Manhole Blockout per City of Tomball Detail COT STM-11 & COT STM-12	1	EA	\$5,500.00	\$5,500.00	\$5,300.00	\$5,300.00
12.	Standard Type "C" Manhole (24"-42") @ STA 2+19.04	1	EA	\$5,500.00	\$5,500.00	\$4,800.00	\$4,800.00

13.	Break Out and Connect 24" RCP to Existing 3'x5' Box Culvert	1	EA	\$7,550.00	\$7,550.00	\$1,500.00	\$1,500.00
14.	Site Restoration Including But Not Limited To Curb, Pavement, Median Nose and Turf. Site To Be Restored To Original Conditions or Better.	1	LS	\$6,500.00	\$6,500.00	\$35,975.00	\$35,975.00
15.	Backfill/Bedding Testing	1	LS	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
Grand Total					\$182,513.00		\$216,442.00

City Council Meeting Agenda Item Data Sheet

Meeting Date: 7/19/2021

Topic:

Award Contract for Bid number 2021-04, Purchase of Diesel Fuel and Gasoline, to Sun Coast Resources, Inc.

Background:

In an effort to obtain commodities and services used on a continuous basis, the City routinely solicits bids to secure the most favorable pricing and service. The current City of Tomball contract for the purchase of diesel fuel and gasoline was executed in 2014 for a two –year period with two additional two-year renewal options.

In an effort to obtain the most favorable pricing, sealed bids were solicited, bid specifications were available at the City Administration Building or could be electronically delivered by request. A total of eight (8) vendors received information on the bid specifications, of which one (1) qualifying bid was received.

Based upon our cumulative historical usage for all three fuel types, the recommended contract award will result in the following price differential above the OPIS PAD3 rates for Houston, Texas:

Midgrade 89 Octane Gasoline:	+\$0.0055/gal
TXLED High Sulfur Diesel:	+\$0.0138/gal
TXLED Low Sulfur Diesel:	+\$0.0138/gal

City staff recommends award of the contract for the purchase of diesel fuel and gasoline to Sun Coast Resources, Inc. for a two-year period, with the option to renew the differential rate for three (3) additional two-year terms.

Origination: Public Works Department

Recommendation:

Staff recommends award of contract for bid number 2021-04 to Sun Coast Resources, Inc. for the purchase of diesel fuel and gasoline.

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

FUNDING (IF APPLICABLE)

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

Yes: X No: If yes, specify Account Number: #varies by department

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

Signed

Meagan Mageo

Staff Member

Date

Approved by

City Manager

Date

**City of Tomball Bid 2021-04
Diesel Fuel and Gasoline
Bid Tabulation**

Bidder	Fuel Type	Price Differential Above or Below OPIS PAD3
Sun Coast Resources, Inc.	Midgrade 89 Octane Gasoline	\$ +.0055 / gal
	TXLED High Sulfur Diesel	\$ +.0138 / gal
	TXLED Low Sulfur Disel	\$ +.0138 / gal

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

Renew Blue Cross Blue Shield Insurance for the Employees of the City of Tomball

Background:

In March of 2021, our insurance brokers, HUB International, informed us that the City was on track to receive a 24% increase to premium payments on medical insurance.

Our initial renewal offer from Blue Cross Blue Shield (BCBS) was an 18% increase. After further negotiations with BCBS we were able to bring the cost down to a 13% increase. We made some plan design changes and were able to bring the total down to a 10.4% increase. We will continue to offer a PPO plan and an HSA plan.

The estimated cost of medical insurance for the next fiscal year is \$3,137,321. The City's share will be reduced by the contributions paid by the employees, which will change later this year.

The total amount was included in the budget for 2021-2022 fiscal year.

Origination: Human Resources

Recommendation:

Staff recommends approval.

Party(ies) responsible for placing this item on agenda: Lisa Coe, HR 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: #910-920-6024

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

Signed	Lisa Coe		Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

American Rescue Plan (ARP) disbursement discussion and Authorization for City Manager to request funds from Texas Department of Emergency Management (TDEM)

Background:

The total amount of ARP (American Rescue Plan) funds allocated to the City of Tomball is approximately \$2,570,000. Texas Department of Emergency Management (TDEM) will request the funds from the US Treasury on August 2nd. Cities are requested to submit required program documentation. Documentation includes Terms and Conditions, Assurances of Compliance with Civil Rights Requirements, direct deposit authorization forms, W9, the Non-Entitlement Unit (NEU) budget/expenditure certification and SAM.gov registration information.

These funds are to be disbursed using the following criteria:

The Department of Treasury will issue guidance detailing its interpretation and implementation of eligible uses, but the statutory language specifically authorizes use of the funds. Each of the following is a separate allowable use of the funds for the recipient:

- To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- For premium pay to eligible workers performing essential work (as determined by each recipient government) during the pandemic, providing up to \$13 per hour above regular wages;
- For the provision of government services to the extent of the reduction in revenue due to the pandemic (relative to revenues collected in the most recent full fiscal year prior to the emergency);
- To make necessary investments in water, sewer, or broadband infrastructure;

In addition, a recipient may transfer its allocation to a private nonprofit organization, Tribal organization, public benefit corporation involved in the transportation of passengers or cargo, or special-purpose unit of State or local government, if the recipient government so chooses. The recipient entity would need to use the funds consistent with the purposes listed above.

The recipient government must send Treasury periodic reports with a detailed accounting of the uses of the funds (States and territories must also provide all modifications to tax revenue sources since March 3, 2020).

The language explicitly prohibits funds from:

- Offsetting, either directly or indirectly, a tax cut made since March 3, 2021; or
- Being deposited into a pension fund.

Staff Recommendation for funding disbursement:

1. To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - Grants to nonprofits – \$200,000
 - Improvements to Depot area – \$350,000
2. For the provision of government services to the extent of the reduction in revenue due to the pandemic (relative to revenues collected in the most recent full fiscal year prior to the emergency);
 - Reimburse HOT fund for reduction in revenues – approx. \$915,000

(First reimbursement (FY20 lost revenues) = \$230,000)

3. To make necessary investments in water, sewer, or broadband infrastructure.
 - Water Projects (remaining funds – approx. \$1,106,000)
 - Hufsmith 16” water line loop (Timber Trails to Ulrich St.)
 - FM 2978 Water & Sewer line extension
 - Main Street water line Upsizing

Origination: Administration

Recommendation:

Staff recommends authorizing City Manager to request ARP funds.

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

David Esquivel, Interim City
Manager

FUNDING (IF APPLICABLE)

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

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

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

Signed _____	Approved by David Esquivel
Staff Member _____	City Manager _____
Date _____	Date _____

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.



CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS TIMELINE CHECK-IN

The State of Texas will soon announce the availability of Coronavirus Local Fiscal Recovery Funds. These funds are provided by the American Rescue Plan Act of 2021.

This program is coordinated by TDEM and provides funding to eligible non-entitlement units of local government (NEUs). This funding covers COVID-19-related expenditures that were incurred between **March 3, 2021** and **December 31, 2024**.

NEUs requesting funding should submit required program documentation within TDEM's Grants Management System (GMS) by **August 2, 2021**.

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- 1 If you already have an account in GMS, **skip to 4**. If you do not have a GMS account, begin your registration in GMS by clicking on the gray Register button and completing the registration screen at <https://grants.tdem.texas.gov/>.
- 2 Download the Designation of Account Approval form at grco.de/doaaform. Follow the instructions on the form and email to tdem.gms@tdem.texas.gov.

The following steps must be completed by August 2, 2021:

- 3 You will receive an email with a user ID and a temporary password for GMS access.
- 4 Login to TDEM GMS (<https://grants.tdem.texas.gov/>) and submit a request for assistance. Instructions for submission are located at grco.de/rfains.
- 5 You will receive an explanatory email with instructions for completing and submitting the Terms and Conditions, Assurances of Compliance with Civil Rights Requirements, Direct Deposit Authorization forms, W-9, NEU Budget/Expenditure Certification, and SAM.gov registration information.

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- 6 Funding will be processed as soon as available via direct deposit into the NEUs bank account.

Once funding has been received:

- 7 The NEU will spend the money and report on expenditures to the US Treasury in compliance with the Terms and Conditions and the guidance provided by the US Treasury.
- 8 A second round of funding will be disbursed Summer of 2022 utilizing the information and documents you have already submitted.

Full program information and the forms are available for download from <https://tdem.texas.gov/crf-lea/>.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Approve Resolution No. 2021-23, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the City Manager of the City of Tomball, Texas, to Complete the Submission for Coronavirus State and Local Fiscal Recovery Funds, and Designating the City Manager as the Authorized Representative; and Providing for an Effective Date Hereof

Background:

Under the terms and conditions of the Coronavirus Relief Fund (CRF) Texas Division of Emergency Management, *Section 1.2 Legal Authority to Apply* states: “*The grantee certifies that it possesses legal authority to apply for the grant. A resolution, motion or similar action has been or will be duly adopted or passed as an official act of the applicant’s governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required.*”

Resolution No. 2021-23 fulfills this requirement, authorizing the City Manager to complete the submission for funds and as the authorized representative for Tomball.

Origination: David Esquivel, Interim City Manager

Recommendation: N/A

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

Signed	<u>Doris Speer</u>	<u>7-15-2021</u>	Approved by	<u>David Esquivel</u>
	Staff Member	Date		Acting City Manager
				Date

RESOLUTION NO. 2021-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF TOMBALL, TEXAS, TO COMPLETE THE SUBMISSION FOR CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the American Rescue Plan provides \$350 billion in emergency funding for eligible state, local, territorial, and Tribal Governments to respond to the COVID-19 emergency; and

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each government to meet local needs including support for households, small businesses, impacted industries, and essential workers; and

WHEREAS, the funds can also be used to make necessary investments in water, sewer, and broadband infrastructure; and

WHEREAS, the City of Tomball is considered a “Non-Entitlement Unit” (NEU) and has been identified to receive funds in the amount of \$2,570,000.

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

SECTION 1. The City Manager of the City of Tomball, Texas, is hereby authorized to complete the submission for Coronavirus State and Local Fiscal Recovery Funds.

SECTION 2. The City Manager of the City of Tomball, Texas is designated as the Authorized Representative.

SECTION 3. This Resolution shall be effective immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Tomball, Texas,
this 19th day of July 2021.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: July 19, 2021

Topic:

Approve One percent (1%) Cost of Living salary increase for City employees

Background:

Discussion from the budget workshop held on July 6, 2021, Council directed staff to implement a 1% cost of living increase to all city employees for this current fiscal year.

The amounts per funds are as follows:

Fund 100	\$128,474
Fund 200	\$2,833
Fund 600	\$22,015

For a total budget increase of \$153,322, that will be reflected in the current year projections.

Origination: Administration

Recommendation:

Approve 1% cost of living increase

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

Signed	_____	Approved by	<u>David Esquivel</u>
Staff Member	Date	Acting City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: July 19, 2021

Topic:

Consideration and Possible Action regarding the Hiring/Employment, Duties and Responsibilities of a City Manager

Background:

Origination: Mayor Fagan

Recommendation:

N/A

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

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>7-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date