

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



MONDAY, MAY 1, 2017

6:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 1, 2017 at 6:00 p.m., 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.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Tommy Roberson, Real Life Ministries Tomball

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School or Tomball Memorial High School Student Councils

4.0 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.]*

5.0 Presentations:

- Proclamation – May 1, 2017 is **“Tomball High School Cougar Pride Band Percussion - World Champions” Day**
- Proclamation – May 4, 2017 is **“2017 Tomball National Day of Prayer”**
- Proclamation – May 7-13, 2017 is **“National Travel and Tourism Week”**
- Proclamation – May 7-13, 2017 is **“National Hurricane Preparedness Week – Tomball, Texas”**

- Proclamation – May 14-20, 2017 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 14-20, 2017 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 16, 2017 is “**Peace Officers Memorial Day**” and May 14-20, 2017 is “**Tomball Police Week**”
- Proclamation – May 14-20, 2017 is “**National Emergency Medical Services Week**”

6.0 Reports and Announcements:

- May 6-7, 2017 – ***Rails & Tails Mudbug Festival***
- May 27, 2017 – ***Tomball Honky Tonk Music Festival and Chili Challenge***
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Esquivel – Report on the Success of the ***Annual Spring Clean-Up and Chipping Week*** and the ***Tomball Consolidated Recycling Day***

7.0 Approve the Minutes of the April 17, 2017 Regular Tomball City Council Meeting and the April 24, 2017 Special Tomball City Council Meeting

8.0 Old Business:

- 8.1 Approve, on Second Reading, Resolution No. 2017-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and A-K 133 HWY 249-GRAND PARKWAY, L.P., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a commercial shopping center known as the Grand Parkway Town Center to be located at the southwest corner of State Highway 249 and State Highway 99
- 8.2 Adopt, on Second Reading, Ordinance No. 2017-12, 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 Francisco Choi, on behalf of TamiroWood, LLC, to Operate an “Assisted Living Facility (Continuing Care Retirement Community)” at 609 South Pine Street; Said Property Being approximately 2 acres, and Being Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Harris County, Texas, Generally Located on the East Side of South Pine Street Between James Street and Cherry Laurel Street; 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

- 8.3 Adopt, on Second Reading, Ordinance No. 2017-13, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, By Approving a Planned Development District of approximately 70.36 acres of Land, Legally Described as Reserve C, C1 And C2 Tomball Greens; Within The City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the Planned Development District to be known as Planned Development – 9 (PD-9) District; Adopting a Concept Plan and Regulations Applicable to PD-9 District; 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
- 8.4 Adopt, on Second Reading, Ordinance No. 2017-15, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Article II, Taxicabs, of Chapter 48, Vehicles for Hire, to Add Definitions to Section 48-26, Definitions; Amending Section 48-31, Cruising Prohibited, to Allow City Council to Designate Parking Areas within the City for Taxicabs during Peak Times; Amending Section 48-32, Maximum Seating, to Increase the Maximum Number of Persons to Ten (10); Deleting Sections 48-33 through 48-33; Adding a New Section 4-33, Violations, to Specify Specific Actions which Violate This Ordinance; Amending Section 48-39, Property Left in Vehicle, to Delete Specific Penalty Provision; Deleting Section 48-40, Penalties; Amending Section 48-56, Required, of Division 2, Business Permit, to Exclude Taxicabs Licensed in Other Jurisdictions Delivering Passengers in the City; Amending Section 48-57, Application, to Require Certain Information to be Included in Business Permit Application; Amending Section 48-65, Inspection, to Delete Certain Inspection Requirements; Amending Section 48-66, Revocation, to Allow Chief of Police to Revoke Business Permit; Amending Section 48-67, Identification of Vehicles, to Allow City Secretary to Issue Taxi Permit Numbers; Amending Section 48-83, Application of Division 3, Driver's Licenses, Changing the Medical Reporting Requirements; Amending Section 48-87, Appeal, to Allow City Manager to Hear Appeal; Amending Section 48-88, Identification Cards, to Alter the Requirements of Identification Cards; Amending Sections 48-89, Transfer Prohibited, 48-90, Duration, and 48-91, Fee, to Add the Words "City Chauffer's License"; Amending Section 48-107, Minimum Amounts of Coverage, of Division 4, Insurance, Altering the Minimum Insurance Requirements; Amending Section 48-110, Increasing Amount upon Return of Execution Unsatisfied, to Clarify Regulations Therein; Providing a Penalty Not in Accordance with Section 1-14 of the City's Code of Ordinances for Any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto

9.0 New Business:

- 9.1 Approve Resolution No. 2017-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Tuesday, July 4, 2017, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 3:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249
- 9.2 Approve Resolution No. 2017-09, a Resolution of the City of Tomball, Texas, Amending the City of Tomball's Current Human Resources Handbook by Replacing Sections 2, 3, 4 and 7 Therein and Repealing all Other Resolutions or Parts of Resolutions Inconsistent or in Conflict Herewith; and Providing for Severability
- 9.3 Conduct Public Hearing on Ordinance No. 2017-10 and Adopt, on First Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately 65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development-10 (PD 10) District; Adopting Regulations Applicable To PD-10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters
- 9.4 Approve and Ratify the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 3, The Reserve at Spring Lake (Zion Road Properties, LLC, PID #3 receivables to Preferred Bank
- 9.5 Reappoint Sherrie Meicher as the City of Tomball's Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors
- 9.6 Executive Session: City Council will now meet in closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss with the City Attorney the following pending litigation:
 - 1. Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*, in the Harris County Court at Law No. 3; and
 - 2. Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4

- 9.7 Consideration and possible action to approve settlement in Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*; in the Harris County Court at Law No. 3
- 9.8 Consideration and possible action to approve settlement in Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4
- 10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 27th day of April 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC, 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.