

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



MONDAY, APRIL 17, 2017

6:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, April 17, 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 Andy Chute, Southwinds Baptist Church

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:

- New Baby Proclamation – Jason and Hollyann Apel, Parents of **Jackson Scott Apel**

6.0 Reports and Announcements:

- April 17-22, 2017 – Annual **Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 24, 2017 – 2nd Public Hearing – Mustang Cat Annexation
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- 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:
 - Mike Baxter – Report on the Success of the ***8th Annual 5K Bunny Run and 1 Mile Kids Walk*** and the ***Ride 2 Recovery Reception***

7.0 Approve the Minutes of the April 3, 2017 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2017-08, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract 1: 65.6190 Acres of Land in the William Perkins Survey, Abstract No. 621, the T. A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas] (Grand Parkway)

9.0 New Business:

- 9.1 Conduct First Public Hearing to Consider the Annexation of the Following Tract of Land: **A Tract or Parcel Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a Called 16.4724 Acre Tract Conveyed to 11311 Holderreith Limited, L.P. as recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, being more particularly described by Metes and Bounds as follows, with All Bearings being based on the Texas State Plane Coordinate System, South Central Zone, NAD 83:**

COMMENCING AT A 1 INCH IRON PIPE FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HOLDERREITH ROAD (WIDTH VARIES) RECORDED UNDER FILM CODE (F.C.) NO. 594151, HARRIS COUNTY MAP RECORDS (H.C.M.R.), MARKING THE NORTHEAST CORNER OF A CALLED 18.778 ACRE TRACT CONVEYED TO BERNHARD AND ALVINA HOLDERIETH AS RECORDED UNDER H.C.C.F. NO. P225191;

THENCE NORTH 81 DEG. 09 MIN. 40 SEC. EAST, ALONG AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERREITH ROAD, A DISTANCE OF 409.45 FEET TO A POINT MARKING THE NORTHWEST CORNER OF A CALLED 1.2504 ACRE TRACT CONVEYED TO THE COUNTY OF HARRIS AS RECORDED UNDER H.C.C.F. NO. 2016466901 AND SAID 16.4724 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 18.778 ACRE TRACT, FROM WHICH A CORNER BEARS FOR REFERENCE, NORTH 81 DEG. 09 MIN. 40 SEC. EAST, 244.50 FEET TO THE NORTHEAST CORNER OF SAID 1.2504 ACRE TRACT AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF SAID HOLDERREITH ROAD AND THE WESTERLY R.O.W. LINE OF HUFFSMITH-KOHRVILLE ROAD, FROM WHICH A FOUND 3/4 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 33 MIN. 11 SEC. EAST, 0.32 FEET;

THENCE, SOUTH 01 DEG. 30 MIN. 23 SEC. EAST, LEAVING SAID R.O.W. LINE, A DISTANCE OF 20.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE COMMON LINE OF SAID 18.778 ACRE TRACT AND SAID 16.4724 ACRE TRACT, MARKING A WESTERLY CORNER OF SAID 1.2504 ACRE TRACT AND THE NORTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, THROUGH AND ACROSS SAID 16.4724 ACRE TRACT AND ALONG THE SOUTH AND WEST LINES OF SAID 1.2504 ACRE TRACT, THE FOLLOWING COURSES:

NORTH 81 DEG. 09 MIN. 42 SEC. EAST, 203.13 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 49 DEG. 19 MIN. 45 SEC. EAST, 26.30 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 00 DEG. 10 MIN. 48 SEC. WEST, 317.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE LEFT;

ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, A CENTRAL ANGLE OF 07 DEG. 42 MIN. 23 SEC., AN ARC LENGTH OF 275.73 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 40 MIN. 24 SEC. EAST, 275.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING A POINT OF TANGENCY;

SOUTH 07 DEG. 31 MIN. 35 SEC. EAST, 430.17 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4450.00 FEET, A CENTRAL ANGLE OF 03 DEG. 18 MIN. 53 SEC., AN ARC LENGTH OF 257.44 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEG. 52 MIN. 09 SEC. EAST, 257.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 85 DEG. 47 MIN. 18 SEC. WEST, 12.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4438.00 FEET, A CENTRAL ANGLE OF 07 DEG. 40 MIN. 46 SEC., AN ARC LENGTH OF 594.83 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 00 DEG. 22 MIN. 20 SEC. EAST, 594.38 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, MARKING THE SOUTH CORNER OF SAID 1.2504 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, SOUTH 44 DEG. 53 MIN. 35 SEC. WEST, A DISTANCE OF 105.45 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF A CALLED 3.989 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X787363 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 43 MIN. 29 SEC. WEST, 0.54 FEET;

THENCE, DEPARTING SAID R.O.W., SOUTH 88 DEG. 29 MIN. 37 SEC. WEST, A DISTANCE OF 186.62 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE EAST LINE OF A CALLED 26.0841 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X346741 AND MARKING THE NORTHWEST CORNER OF SAID 3.989 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEG. 30 MIN 23 SEC. WEST, A DISTANCE OF 1936.33 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.1307 ACRES OR 484,852 SQUARE FEET OF LAND AS SHOWN ON THE SURVEY, JOB NO. 53491 FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.

- 9.2 Presentation by Mobilitie, LLC in Regards to Mobilitie's Desire to Engage in a Franchise Agreement with the City of Tomball to Install Transport Poles within the City's Rights-of-Way to Add Coverage and Capacity to Existing Wireless Networks
- 9.3 Approve, on First 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
- 9.4 Authorize the City Manager to enter into an Interlocal Agreement with Harris County (HCTRA) for reimbursement to the County for the relocation of crossing city utilities and for the purchase of additional ROW for right turn lanes at Baker, Zion and Brown Roads in the amount not to exceed \$275,307.25

- 9.5 Consider and Set a Date for Presentation of the 5-Year Financial Plan to City Council
- 9.6 Adopt, on First Reading, Ordinance No. 2017-11, an Ordinance Prohibiting On-Street Parking of Vehicles in a Designated Residential Area; Providing for a Severability Clause; Providing a Penalty for Violations Hereof; Providing a Savings Clause; Providing for the Publication in the Official Newspaper; and Providing an Effective Date (600 Block of Texas Street)
- 9.7 Consideration to Approve **Zoning Case P17-0012**: Request by Francisco Choi, on behalf of Tamiro Wood LLC, to operate an Assisted Living Facility (continuing care retirement community) at 609 South Pine Street. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street and is zoned Office District.
- Conduct Public Hearing on **Zoning Case P17-0012**
 - Adopt, on First 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
- 9.8 Consideration to Approve **Zoning Case P17-0023**: Request by Scott McKinzie, on behalf of BCDE, LTD to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road, from the Single-Family 9 District to the Planned Development District.
- Conduct Public Hearing on **Zoning Case P17-0023**
 - Adopt, on First 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

- 9.9 Adopt, on First Reading, Ordinance No. 2017-14, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Non-Residential Properties Within the Old Town Area as Defined in the Tomball Comprehensive Plan and Including the Properties Located West of the BNSF Railroad, South of Fannin Street, East of South Elm Street, and North of Florence Street, Starting at the Southeast Corner at The BNSF Railroad and Florence Street Westerly Along Florence Street to South Pine Street, Northerly Along South Pine Street to Percival Street, Westerly Along Percival Street to School Street, Northerly Along School Street to Main Street, Westerly Along Main Street to Baker Street, Northerly Along Baker Street to Hicks Street, Easterly Along Hicks Street to North Magnolia Street, Northerly Along North Magnolia Street to Unimproved Right-of-Way North of Hicks and Epps Streets, Easterly Along Unimproved Right-of-Way North of Hicks and Epps Streets to North Cherry Street, Southerly Along North Cherry Street to Epps Street, Easterly Along Epps Street to North Elm Street, Southerly Along North Elm Street to Main Street, Main Street Southerly Along South Elm Street to Unimproved Fannin Street, Easterly Along Unimproved Fannin Street to Right-Of-Way Adjacent to BNSF Railroad, Southerly Along Right-of-Way Adjacent to BNSF Railroad to Florence Street and for Properties Adjacent to FM 2920 (Main Street) Between State Highway 249 Business and North Willow Street Until May 15, 2019; and Providing for Severability.
- 9.10 Adopt, on First 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

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 13th 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.