

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



**MONDAY, AUGUST 21, 2017
6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, August 21, 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 Father Tommy Hopper, St. Anne's Catholic Church, Tomball
- 3.0 Pledges to U. S. and Texas Flags
- 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:
 - Fire Department:
 - Dave Harrington – Promotion to Lieutenant
- 6.0 Reports and Announcements:
 - **Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
 - August 26, 2017 – **Tomball Texas Music Festival**
 - September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
 - October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**

- October 14, 2017 – **“Zomball in Tomball”**
- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for period ending June 30, 2017. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On June 30, 2017, the City had total cash and cash equivalents in the amount of \$68,386,720.

7.0 Approve the Minutes of the August 7, 2017 Regular Tomball City Council Meeting and the August 14, 2017 Special Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2017-26, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2017-2018; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2016-2017 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance.
- 8.2 Adopt, on Second Reading, Ordinance No. 2017-24, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Section 44-167, Parking in Designated Areas Unlawful during Special Events and Festivals, of Division 1, Generally, of Article V, Stopping, Standing, and Parking, of Chapter 44, Traffic and Vehicles; Making it Unlawful to Park in Designated Areas during Special Events and Festivals and Providing for Removal of Such Unlawfully Parked Vehicles; Providing for a Penalty of an Amount Not to Exceed \$200.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters
- 8.3 Adopt, on Second Reading, Ordinance No. 2017-25, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 16-100, Definitions, of Division 1, Generally, of Article III, Emergency Medical Services and Ambulance Regulations, of Chapter 16, Emergency Services, to Add a Definition of Paratransit Vehicle; Amending Section 16-162, Permit Required; Exception, of Division 3, Nonemergency Transfer Services, of Article III, Emergency Medical Services and Ambulance Regulations, of Chapter 16, Emergency Services; to Incorporate Paratransit Vehicles in the Exception to the Permit Requirement; Providing a Penalty in an Amount

Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance;
Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith;
and Providing for Severability

9.0 New Business:

- 9.1 Consideration to Approve Zoning Case P17-0077: Request by Catalyst Technical Group, Inc. for a Conditional Use Permit to operate a motel. The property is approximately 2.1879 acres, legally described as Lot 1 Block 1 Dixie Properties, generally located on the south side of FM 2920, east of Tomball Cemetery Road and is zoned Commercial District.

- Conduct Public Hearing on Zoning Case P17-0077
- Adopt, on First Reading, Ordinance No. 2017-27, 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 Catalyst Technical Group, Inc. to Operate a “Motel”; said Property Being Approximately 2.1879 Acres, and Being Legally Described as Lot 1 Block 1 Dixie Properties, Harris County, Texas, Generally Located on the South Side of FM 2920 East of Tomball Cemetery Road; 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

- 9.2 Consideration to Approve Zoning Case P17-0083: Request by Shane Estes, on behalf of Vaquero Ventures, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Lot 2 Block 1 Park Manor of Tomball, Harris County, Texas, generally located on the south side of Medical Complex Drive, west of School Street, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on Zoning Case P17-0083
- Adopt, on First Reading, Ordinance No. 2017-28, 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 One Acre of Land, Legally Described Lot 2 Block 1 Park Manor, within the City of Tomball, Harris County, Texas, from the Agricultural District to the commercial district; Said Property Being Generally Located on the South Side of Medical Complex Drive, West of School Street; 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

- 9.3 Adopt, on First Reading, Ordinance No. 2017-29, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, Deleting All of Article VI, Use of Public Rights-of-Way, of Chapter 38, Streets, Sidewalks and Other Public Places, and Replacing it with a

New Article VI, Right-of-Way Management; Updating the City's Right-of-Way Management Regulations; Deleting All of Article VII, Use of Rights-of-Way by Providers of Telecommunication Services, of Chapter 38, Streets, Sidewalks and Other Public Places, and Replacing it with a New Article VII, Telecommunications and Wireless Facilities; Regulating the Physical Use, Occupancy and Maintenance of the City's Rights-of-Way by Telecommunications Service and Wireless Network Providers; Providing Procedures for Applications for Permits; Establishing Time Periods for Approval of Permit Applications; Providing Permit Fees and Public Rights-Of-Way Rental Rates; Requiring Land Use Approval Prior to Placement of Network Nodes and Node Support Poles in Parks, Residential Areas, Historic Areas, Underground Areas and Design Areas; Adopting a Design Manual Under Chapter 284 of the Texas Local Government Code; and Providing a Savings Clause

- 9.4 Discussion and Possible Action in Regards to Implementing Commercial Alleyway Improvements within the Old Town Area of Tomball
- 9.5 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:
- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session.

10.0 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 17th day of August 2017 by 4:00 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.