

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



MONDAY, JANUARY 19, 2015

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Pro Tem Hudgens. Other members present:

Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Mayor Fagan - Excused
Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
Assistant City Secretary – Betsy Gates
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Public Works Director – David Esquivel
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Neef-Fiore
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Councilman Townsend.

3.0 The pledges to U. S. and Texas Flags were led by members of the Tomball High School Student Council.

4.0 No public comments were received.

5.0 Reports and Announcements:

- February 24, 2015 – **Trailride Reception** – 12 Noon at the Depot
- March 14, 2015 – **2nd Saturday at the Depot**
- March 21, 2015 – ***Tomball Honky Tonk Music Festival***
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – ***6th Annual 5K Bunny Run and 1 Mile Kids Walk***
- April 11, 2015 – **2nd Saturday at the Depot**
- April 19, 2015 – ***“2015 Ride 2 Recovery Texas Challenge” Welcome and Reception*** – 9:30 a.m.-11:00 a.m.
- ***Walk Tomball!*** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no was taken

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the January 5, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt, on Second Reading, Ordinance No. 2015-01, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 34-1, Definitions, of Article I, in General, of Chapter 34, Signs, to Add a Definition of Obsolete Sign; by Amending Section 34-6, Sign Maintenance and Removal, of Article I, in General, of Chapter 34, Signs, to Add a New Subsection (c) Requiring Signs with No Sign Face or Message for a Period of 120 Days to be Removed; Amending Section 34-7 (a), Miscellaneous Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Restrict the Size of Banner Signs to 32 Square Feet; Amending Section 34-9, Off-premises Sign Provisions, of Article I, in General, of Chapter 34, Signs, to Add a New Sentence to Subsection (c) to Require Removal of Any Off-premises Sign for a Business or Entity Which No Longer Exists for more than 120 Consecutive Days; by Amending Section 34-11, Changeable Electronic Variable Message Signs, of Article I, in General, of Chapter 34, Signs to Exclude Changeable Electronic Variable Message Signs from the Old Town Area; by Amending Section 34-14, Prohibited Signage, of Article I, in General, of Chapter 34, Signs, to Prohibit Obsolete Signs; by Amending Section 34-45, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 34, Signs to

Limit On-premises Signs Other than Integrated Business Development Signs as Defined in Subsection 34-8(c)(3); Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing a Penalty for Violation of any Part of this Ordinance in an Amount Not to Exceed \$2,000.00 per Violation with Each Day Constituting a Separate Violation; Providing for Severability; and Making Other Findings Related Hereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business

- 8.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to Accept Resignation of Associate Municipal Court Judge, Laryssa Korduba-Hrncir and Approve the Appointment of and Contract with Cindy Bennett Smith and Michael R. Tiffin as Associate Municipal Court Judges, with terms expiring August 31, 2016, as required by Government Code, Section 29.005, and City Code of Ordinances, Section 28-3.

Motion carried unanimously.

- 8.2 Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height

- Mayor Pro Tem Hudgens opened the Public Hearing on **ZONING CASE P14-255** at 6:22 p.m.

Receiving no public comments, Mayor Pro Tem Hudgens closed the Public Hearing at 6:22 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2015-02 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt, on First Reading Ordinance No. 2015-02, An Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Amending Sections 50-69 (“Single-Family Estate Residential District”) and 50-76 (“General Retail 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.

Vote was made by Councilman Townsend, second by Councilman Stoll, to AMEND Ordinance No. 2015-02 to remove the proposed setback of 15 feet in Section 50-69 and the proposed height of 70 feet in Section 50-76 and to insert the original proposed setback of 10 feet in Section 50-69 and the proposed height of 70 feet in Section 50-76. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to review and approve the 2015 Compensation Amendment to the ESD 15 Fire Protection Interlocal Agreement for Fire Protection, Fire Suppression, and Rescue Services.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to Approve the Following Plats as Recommended by the Planning and Zoning Commission:

- **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.
- **REPLAT TENNIS VENTURE TRACT**: A replat of that certain 4.017 acre tract of land in the Ralph Hubbard Survey, Abstract No. 383, in Harris County, Texas, out of and a part of Lot 64 of FIVE ACRE TRACTS~TOMBALL TOWNSITE, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 8.5 Council recessed at 6:31 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 – Private consultation with City Attorney in closed meeting regarding Cause No. 1028316; *City of Tomball, Texas v. Edgar C. Ray*, in the County Court at Law No. 3 of Harris County, Texas.

Upon reconvening in regular session at 6:38 p.m., the following action was taken.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the settlement of Cause No. 1028316; *City of Tomball, Texas v. Edgar C. Ray*, in the County Court at Law No. 3 of Harris County, Texas.

Motion carried unanimously.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of February 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor