

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



MONDAY, JANUARY 5, 2015

6:00 P.M.

1.0 Call to Order

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

Councilman Hudgens
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Center Manager – Rosalie Dillon
Fire Marshal – Doug Sanguedolce
Community Events Coordinator – Denise Neef-Fiore
Assistant City Secretary/Deputy Registrar – Betsy Gates
Administrative Assistant/Deputy Registrar – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Rick Brown, Senior Pastor, ChristBridge Fellowship

3.0 The pledges to U. S. and Texas Flags were led by Chief Parr

4.0 The following public comments were received:

Steve Hughes - Expressed his interest in being appointed to the
1123 Summit, 77375 Tourism Advisory Committee as a Resident Member

Rick Brown - Expressed his support for the appointment of Steve
24102 Doverwick, 77375 Hughes to the Tourism Advisory Committee

Nancy Nygaard - Expressed her desire that the Tomball-Magnolia Tribune
515 W. Main, 77375 be designated as the official newspaper for the City of
Tomball for 2015

5.0 Presentations were made by Mayor Fagan in Recognition of “Old Town Heroes”. Mayor Fagan and George Shackelford made presentations to the City Secretary’s Office for receiving the 2014 Exemplary Five-Star Designation Award from the Texas Department of State Health Services, Vital Records Division, and to Doris Speer for achieving Master Registrar Certification from the State Department of Health Services.

6.0 Reports and Announcements:

- January 10, 2015 – **2nd Saturday at the Depot – to be Held in the Community Center**
- **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 action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 15, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-43, 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 Nancy Gomez Revocable Living Trust to Operate a “Dance/Drama/Music School;” Said Property Being Approximately 2.46 Acres, and Being Legally Described As Tract 42b, Tomball Outlots, Generally Located Between Ulrich Road and Rudolph Road, North of East Hufsmith Road; Providing Requirements and Conditions For This Cup; 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 as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-44, 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 1.13 Acres of Land, Legally Described as Tract 7d-3, Abstract 34, Joseph House Survey, Within The City Of Tomball, Harris County, Texas, From The Multifamily Residential District to The Commercial District; Said Property Being Generally Located South of Baker Drive, West of State Highway 249; 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. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</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 adopt, on Second Reading, Ordinance No. 2014-45, an Ordinance of the City Of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances By Amending Section 50-82(B) ("Use Charts"); 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 as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Councilman Klein Quinn Aye

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-47, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Roadway Right-of-Way Designated Michel Road, Such Portion Containing 1.2748 Acres of Land Located in the Jesse Pruitt Survey, Abstract Number 629 and being out of Lot 172, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas and being out of a Residue of a 1.382 Acre Tract of Land Conveyed to the City of Tomball, Texas by Deed Recorded in the Harris County Clerk's Records File No. J819957, Film Code No. 002-64-1844 of the Official Public Records of Real Property of Harris County, Texas, Said Tract being more Particularly Described in Exhibit "A" Attached Hereto; Vacating, Abandoning, and Closing Said Portion of Such Road Right-of-Way; Authorizing the City Manager to Execute and the City Secretary to Attest a Special Warranty Deed Conveying the City's Interest in Said Abandoned Roadway Right-of-Way; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business

- 9.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the appointment of David Esquivel as the new Director of Public Works.

Motion carried unanimously.

Mayor Fagan administered the Oath of Office to new Director of Public Works, David Esquivel.

- 9.2 Motion was made by Councilman Degges, second by Councilman Hudgens, to Reappoint Holly Cook and Kevin Lala to their respective Positions 4 and 7 on the Tourism Advisory Committee and to appoint Steve Hughes as the new resident member, Position No. 1, on the Tourism Advisory Committee.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt Resolution No. 2015-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 9, 2015; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Approve Resolution No. 2015-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2015 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Degges, second by Councilman Townsend, to approve an Agreement between Harris County and the City of Tomball for the Purpose of Funding Zumba Body Fitness, Beginning/Intermediate/Advanced Line Dancing, and Art classes at the Tomball Community Center and Authorize the Mayor to Execute the Agreement.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A"**
REPLAT: A residential subdivision of 2.0000 acres located in the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas being a replat of Reserve "A" of Pine Country of Tomball ~ Section Two, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 628282 of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Degges, second by Councilman Townsend, to read Ordinance No. 2015-01 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance 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>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Nay</u>

Motion carried, 3 votes Aye, 1 vote Nay.

Council requested that City staff bring a text amendment to the zoning ordinance back to Council to allow private schools to have the same CEVMS signage as publicly funded schools.

- 9.8 Council recessed at 7:08 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. 551.072 – Deliberations Regarding Real Property
- Sec. 551.087 – Deliberations Regarding Economic Development
- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Director of Public Works

Upon reconvening in regular session at 7:35 p.m., no action was taken.

10.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of January 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary
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Gretchen Fagan
Gretchen Fagan
Mayor