

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



MONDAY, NOVEMBER 3, 2014

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 Stoll
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Center Manager – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole

2.0 The invocation was led by Chaplain Steve Allison, VFW Chaplain.

3.0 Pledges to U. S. and Texas Flags were led by Denise Amador, member of the Tomball High School Student Council, and Jai Michael and Davis Duerer, members of Boy Scout Troop 471.

4.0 The following public comments were received:

- | | |
|---|--|
| H. G. Harrington
619 N. Magnolia, 77375 | - Expressed his opposition to Item 9.5 and any long-term tax abatements. |
| Bruce Hillegeist, GTACC
20339 Telge, 77375 | - Expressed his wish for Council support of Item 9.1, Resolution No. 2014-27, supporting the 49 th annual Holiday Parade. |

5.0 Mayor Fagan presented a Proclamation declaring Saturday, November 8, 2014 as ***“Team Rachel Ann Can” Day*** to the Nut family, to raise awareness of Down Syndrome and to raise funds for the Down Syndrome Association of Houston.

6.0 Reports and Announcements:

- **November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.**
- November 8, 2014 – ***6th Annual 5K Tomball Dash*** (Woodforest Bank)
- November 8, 2014 – ***2nd Saturday at the Depot – “Free Birds” – 5:00 p.m.***
- **November 10, 2014 – Canvass Election – 5:00 p.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 action will be taken:
 - Mayor Fagan announced that City crews will be flushing the water system on November 3, 4, 6 and 7.
 - Mike Baxter presented a report on the success of the **3rd Annual Tomball Bluegrass Festival.**
 - Lisa Coe and Rosalie Dillon presented a check in the amount of \$10,836.16 to Judy Deyo and Robert Hauck on behalf of TOMAGWA from the **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness.**
 - Robert Hauck – announced “No Shave” November in support of Prostate Cancer Awareness.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the October 20, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 40-76, Utilities, of Article III, Design Standards, of Chapter 40, Plats and the Subdivision of Land, to Require all Utility Lines, Other than Electric Lines, to be Located Underground; to

Require all Electric Distribution Lines to be Underground if the Customer Elects Such Pursuant to the Utility's Distribution Tariff; and to Require All Aboveground Electric Distribution Lines be Located Along the Perimeter of the Overall Subdivision Unless the Utility Determines Different Placement is Needed to Provide Safe and Reliable Electric Service; Providing a Penalty in an Amount Not to Exceed \$2,000 for Each Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2014-37, an Ordinance of the City Of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to JTS Development, Ltd. to Operate a Hotel/Motel that is 59-Feet, 3-Inches in Height; Said Property Being Approximately 2.2 Acres, and Being Legally Described as Lot 2, Block 1, JTS Subdivision Final Plat, Generally Located South of Medical Complex Drive, West of State Highway 249 Bypass; 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 Two Thousand Dollars For Violations Hereof; and Providing For Severability. 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 Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-38, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to Tennis Ventures, LLC. to Operate a "Country Club (Private);" Said Property Being Approximately 4.02 Acres, and Being Legally Described as Tract 64B-1, Tomball Outlots, Generally Located North of East Hufsmith Road, West of Hospital 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 Two Thousand Dollars for Violations Hereof; and Providing For Severability. 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 Hudgens, to approve Resolution No. 2014-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 49th Annual Tomball Holiday Parade, “A Star Spangled Christmas”, to be held in Tomball on Saturday, November 22, 2014 and to approve Requested Street Closures and In-kind Services

Motion carried unanimously.

- 9.2 Motion was made by Councilman Degges, second by Councilman Stoll, to approve Request by Bill Cummings (TNRG Development) to Develop per Previously Adopted Building Codes (IBC 2003).

Motion carried unanimously.

Council requested that City staff provide suggestions

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2014-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2014-2015

Motion carried unanimously.

- 9.4 Council Recessed at 7:12 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 Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session
- Sec. 551.072 - Deliberations Regarding Real Property

Upon reconvening in regular session at 8:42 p.m., the following action was taken:

- 9.5 Motion was made by Councilman Townsend, second by Councilman Degges, to approve a Development Agreement with A-K Venture Capital, LC, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway, as amended to define “development” in Section 7.02 to state that development means “any physical activity in furtherance of development”, to add “substantially in the form” to Section 4.03.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of November 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor