

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



MONDAY, OCTOBER 20, 2014

6:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, October 20, 2014 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 David Crowson, The Real Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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.]*

5.0 Reports and Announcements:

- October 20-24, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- October 27-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- **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 – 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:
 - Rosalie Dillon – **“Zomball in Tomball”**
 - Mike Baxter – Introduce Community Events Coordinator, Denise Neef-Fiore

6.0 Approve the Minutes of the October 6, 2014 Regular City Council Meeting and the October 13, 2014 Special City Council Meeting

7.0 Old Business:

7.1 Consideration of a Revision to Section 40-76 of the Tomball Code of Ordinances:

Adopt, on First 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

8.0 New Business:

8.1 Consideration and Possible Action regarding **ZONING CASE P14-184**: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

- Public Hearing on **Zoning Case P14-184**
- Adopt, on First 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

8.2 Consideration and Possible Action regarding **ZONING CASE P14-186**: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a "Country Club (Private)."

The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural District

- Public Hearing on **Zoning Case P14-186**
 - Adopt, on First 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
- 8.3 Accept Purchase and Financing Proposal to Acquire a New 2015 Pierce Velocity Pumper to Replace Engine 3, a 1995 E-One Pumper
- 8.4 Award Contract for Project No. 2014-06 (Solid Waste Collection and Disposal) to Waste Corporation of Texas, LP
- 8.5 Award Contract for Project No. 2015-01 - North Wastewater Treatment Plant Emergency Backup Generator to National Electrical Systems, Inc., in the Amount of \$249,456.00
- 8.6 Approve Development Agreement between the City of Tomball and Big Diamond LLC, a Texas Limited Liability Company, to Participate with the Over-Sizing Cost of Water and Sanitary Sewer Facility Extensions along Tomball Parkway (SH 249 Business), in the Amount Not to Exceed \$34,100.00
- 8.7 Discuss Amending Section 50-82(b) to Prohibit or to Allow Through a Conditional Use Permit Auto Dealer (New, Auto Servicing and Used Auto Sales as Accessory Uses Only, with Outdoor Sales) and Auto Dealer, Primarily Used Auto Sales with Outdoor Sales in the Old Town and Mixed Use Zoning District
- 8.8 Discuss Possible Amendments to Chapter 34, Signs
- 8.9 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

- 8.10 Consideration and Possible Action regarding a Development Agreement with NewQuest Properties, 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
- 8.11 Consideration and Possible Action regarding a Strategic Partnership Agreement with NewQuest Properties, 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

9.0 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 16th day of October 2014 by 6:00 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, CMC

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.