

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



MONDAY, OCTOBER 6, 2014

6:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, October 6, 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 and Founder, Elder Edward V. Mathews, Newness of Life Church of God in Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Kamryn Grice, National American Miss Texas Jr. Pre-Teen 2014, and Ashtyn Grice, Miss Mini Bay Area 2014

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 Presentations:

- Proclamation – “**Marine Lance Corporal Chris Masters**” Day
- Presentation by Roger Matheson and Members of the Jerry Matheson Family (Judy Matheson Evans and husband, John; Kyle and Joy Matheson; Lance and Michelle Matheson; and Deana [nee Matheson] and Carl Phillpott) of a Donation to City Council for the Purchase of New Picnic Tables and BBQ Grills for the New Pavilion at Jerry Matheson Park
- Presentation of 2013 Comptroller’s Transparency Award – Platinum Level Award for Financial Transparency
- Presentation of 2013 Comprehensive Annual Financial Report Award

6.0 Reports and Announcements:

- October 7, 2014 – **Mayor’s Coffee, Cisco’s Salsa, Sol de Luna** – 5:30 p.m.-7:00 p.m.
- October 7, 2014 – **National Night Out** at the Depot – 6:00 p.m.-8:00 p.m.
- October 11, 2014 - **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**
- October 11, 2014 – **“Zomball in Tomball”** – a 2nd Saturday at the Depot Event for Kids, starting at 5 p.m.
- October 20-24 and October 27-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- **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)**
- **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:
 - Mike Baxter – **4th Annual Bugs, Brew & Barbeque Festival**
 - Craig Meyers –
 - Introduce City Planner, Harold Ellis
 - Introduce Community Development Coordinator, Amelia Vasquez

7.0 Approve the Minutes of the September 15, 2014 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2014-30, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2014 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject
- 8.2 Adopt, on Second Reading, Ordinance No. 2014-31, an Ordinance of the City of Tomball, Texas, Adopting and Enacting a New Code for the City of Tomball, Texas; Providing for the Repeal of Certain Ordinances not included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; Providing when Such Code and This Ordinance shall become Effective; Directing Publication of the Caption of This Ordinance; Finding that the Meetings at which This Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance (Link to Code: <http://www.ci.tomball.tx.us/Archive.aspx?AMID=48>)
- 8.3 Adopt, on Second Reading, Ordinance No. 2014-33, an Ordinance Of The City Of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 4.31 Acres of Land, Legally Described as Tract 2, Howe

Tract, Within The City Of Tomball, Harris County, Texas, from High Density Residential to Employment/Office; Said Property Being Generally Located Between Michel Road and Theis Lane, West of Johnson Road; Providing for the Amendment Of The Comprehensive Plan 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

- 8.4 Adopt, on Second Reading, Ordinance No. 2014-34, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 4.31 Acres of Land, Legally Described as Tract 2, Howe Tract, Within The City of Tomball, Harris County, Texas, from The Duplex District to The Commercial District; Said Property Being Generally Located Between Michel Road and Theis Lane, West of Johnson Road; 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

- 8.5 Adopt on Second Reading, Ordinance No. 2014-35, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Amending Section 38.2 ("Use Charts") by Allowing a "Dance/Drama/Music Schools (Performing Arts, Martial Arts)" With a Conditional Use Permit in the Agricultural, Single-Family Estate Residential-20, Single-Family Residential-9, Single-Family Residential-6, Duplex, Multi-Family, and Manufactured Home Park Districts; 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

9.0 New Business:

- 9.1 Approve Land Donation Agreement between BD Broussard Real Estate Partnership, Ltd. and the City of Tomball for Broussard Community Park
- 9.2 Set a Date and Time for City Council Workshop to Discuss the City of Tomball Community Development Department Development Review Process Evaluation
- 9.3 Approve the Appointment of Brent Peabody as Presiding Municipal Court Judge
- 9.4 Approve Resolution No. 2014-22, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2014-2015
- 9.5 Approve Resolution No. 2014-23, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council (H-GAC) 2015 General Assembly

- 9.6 Approve Resolution No. 2014-24, a Resolution of the City of Tomball, Texas, Replacing the City of Tomball's Current Human Resources Policies and Employee Handbook in Its Entirety with the "Human Resources Handbook" and Repealing all other Resolutions or Parts of Resolutions Inconsistent or in Conflict Herewith; and Providing for Severability

- 9.7 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

- 9.8 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(s):

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Chief of Police
- Sec. 551.074 – Personnel Matters: Deliberation of the Evaluation of a Public Officer or Employee – City Manager

- 9.9 Consideration and Possible Action on the Employment and Appointment of Billy Tidwell as Chief of Police by the City Manager, Pursuant to Section 7.03 of the City Charter

- 9.10 Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

- 10.0 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 2nd 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.