

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



MONDAY, SEPTEMBER 15, 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 Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Executive Director-TEDC – Kelly Violette

2.0 Invocation was led by Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce.

3.0 Pledges to U. S. and Texas Flags were led by members of Boy Scout Troop #1493 and Alan Hernandez and Gabriel Gach, members of the Tomball High School Student Council.

4.0 The following public comments were received:

Alan Hernandez and Gabriel Gach - Expressed the Tomball High School Student
THS Student Council Council's appreciation of the City's support for the
2014 Homecoming Parade and Pep Rally

Bruce Hillegeist
GTACC

- Expressed his appreciation, on behalf of the Greater Tomball Area Chamber of Commerce, for the successful partnerships of the City of Tomball, GTACC, and TEDC in working together for the success of the City and community. Reminded Council that George Shackelford and he have been invited to participate again on a statewide panel regarding the cooperation between the City of Tomball and the GTACC and expressed his appreciation for Mike Baxter's participation with Bruce at Rockport-Fulton's chamber luncheon regarding Tomball's becoming a destination location within the past three years.

5.0 Reports and Announcements:

- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival**
- October 7, 2014 – **Mayor's Coffee, Cisco's Salsa, Sol de Luna** – 5:30 p.m.-7:00 p.m.
- October 11, 2014 - **2nd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**
- October 20-31, 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

6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the September 2, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2014-26, an Ordinance of the City of Tomball, Texas, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2013-12 and All Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing Other Matters Relating to the Subject; 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.

8.0 New Business:

- 8.1 Council received a report from Lynn LeBouef regarding the Tomball Regional Health Foundation's operations.

No action taken.

- 8.2 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to reappoint Ralph Foxworthy to Position 1 and Ellen Stutts to Position 5, and to appoint Steven Vaughan to Position 3 on the Tomball Regional Health Foundation Board of Directors, with new terms expiring September 1, 2016.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2014-2015.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2014-2015.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-30 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First 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. 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.

- 8.6 Motion was made by Councilman Hudgens, second by Councilman Degges, to read Ordinance No. 2014-31 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First 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>). 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.

- 8.7 Request was made by John Sellers, representative for TNRG, to withdraw the item for consideration of **ZONING CASE P14-145**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend the City's Zoning Ordinance by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Light Industrial District.

- No public hearing on **ZONING CASE P14-145** was conducted.
- No action was taken regarding Ordinance No. 2014-32, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Changing the Zoning District Classification of Approximately 20.64 Acres of Land, Legally Described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot, Within the City of Tomball, Harris County, Texas, From the General Retail District to the Light Industrial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth 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.

No action taken.

- 8.8 Consideration was given to **COMPREHENSIVE PLAN CASE P14-153**: Request by Southern Knights Inc. to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 4.31 acres of land, legally described as Tract 2, Howe Tract, within the City of Tomball, Harris County, Texas, generally located between Michel Road and Theis Lane, west of Johnson Road, from High Density Residential to Employment/Office

- Mayor Fagan called the public hearing on **COMPREHENSIVE PLAN CASE P14-153** to order at 7:04 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:04 p.m.

- Motion was made by Councilman Hudgens, second by Councilman Townsend, to read Ordinance No. 2014-33 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Townsend, to adopt, on First 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. 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.

- 8.9 Consideration was given to **ZONING CASE P14-154**: Request by Southern Knights Inc. to amend the City's Zoning Ordinance by rezoning approximately 4.31 acres of land, legally described as Tract 2, Howe Tract, within the City of Tomball, Harris County, Texas, generally located between Michel Road and Theis Lane, west of Johnson Road, from the Duplex District to the Commercial District

- Mayor Fagan called the public hearing on **ZONING CASE P14-154** to order at 7:08 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:08 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-34 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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. 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.

- 8.10 Consideration was given to **ZONING CASE P14-159**: Request by the City of Tomball to amend Section 38.2 (“Use Charts”) of the City’s Zoning Ordinance to allow “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

- Mayor Fagan called the public hearing on **ZONING CASE P14-159** to order at 7:11 p.m. Public comment was received:

Marilyn Higgins Salon Owner 714 Barbara Street, 77375	-	Expressed her concern regarding the possibility of a hair salon being constructed on her residential street, should the text amendment be approved.
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Receiving no further public comments, Mayor Fagan closed the public hearing at 7:15 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-35 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First 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. Vote was as follows:

Councilman Hudgens	<u>Nay</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, 2 votes Nay.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve an Interlocal Agreement between Harris County and the City of Tomball to Provide a Contingency Plan for Assistance with Removing Debris in the City of Tomball Resulting from a Natural or Manmade Incident.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Resolution No. 2014-17, a Resolution of the City of Tomball, Texas, adopting the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy"

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 6th day of October 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor