

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



**MONDAY, AUGUST 18, 2014**

**6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, August 18, 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 Dr. Russell Hall, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

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:

- Presentations to the Sponsors of Tomball Kids Club:
  - Lunch Meal Donations: Buffalo Wild Wings, Cisco's Salsa Company, and H-E-B
  - Volunteers: Tomball Bible Church, Redeemer Church, Salem Lutheran Ministries, Tomball High School NJROTC, Tomball High School Charms, Tomball High School National Honor Society, and Concordia Lutheran High School
  - Monetary/Supplies Donations: Cisco's Salsa Company, Resale with a Purpose, Lone Star College Tomball, and French Quarter Restaurant
  - Programs/Support: Tomball Lowe's, Denise Neef, Mi Pottery, Houston Livestock Show & Rodeo Special Event Team, Tomball Soo Bahk Do, Texas Star Gymnasium, Waste Corporation of America, Northwest EMS, Tomball Public Works Department, Tomball Fire Department, and Tomball Police Department

6.0 Reports and Announcements:

- **Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool** opened May 24, 2014 and will close on September 1, 2014. May 24-June 6, 2014, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2014, except Memorial Day and Labor Day. June 6-August 24, 2014 will be regular weekly days and hours. After August 24, 2014, the pool will open weekends only until September 1, 2014.
- August 30, 2014 – **Texas Music Festival**
- September 13, 2014 – **2nd Annual “New Life” 5K and Kid’s Walk Fundraiser (Tomball Pregnancy Center and Salem Lutheran)**
- September 13, 2014 - **2nd Saturday at the Depot - “Barnyard”** - 6:00 p.m.
- 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 8:00 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 Approve the Minutes of the August 4, 2014 Regular City Council Meeting

8.0 Old Business:

- 8.1 Consideration and Possible Action Regarding Solid Waste Collection and Disposal Services for the City of Tomball, Texas and the Proposed Service Level for the Contract for Project No. 2014-06, Solid Waste Collection and Disposal Services for the City of Tomball, between the City of Tomball and WCA Waste Corporation
- 8.2 Adopt, on Second Reading, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [70.36 Acres of Land Located on FM 2978 (Hufsmith-Kohrville Road), North of Spell Road; Located within the Extraterritorial Jurisdictional of the City of Tomball, Harris County, Texas]
- 8.3 Adopt, on Second Reading, Ordinance No. 2014-20, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classifications of Approximately 70.36 Acres of Land, Legally Described as All of

- Proposed Alexander Estates Subdivision and Being a Partial Replat of Tomball Greens Unrestricted Reserve "C" as Recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas; from Rural Residential and Business/Industrial to Medium Density Residential; Said Property Being Generally Located East of Hufsmith-Kohrville Road, North of Spell 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. 2014-21, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 70.36 Acres of Land, Legally Described as All of Proposed Alexander Estates Subdivision and Being a Partial Replat of Tomball Greens Unrestricted Reserve "C" as Recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas; from the Agricultural District to the Single-Family Residential-9 District; Said Property Being Generally Located East of Hufsmith-Kohrville Road, North of Spell 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. 2014-24, an Ordinance of the City of Tomball, Texas, Amending the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Making Certain Findings; and Providing for Severability
- 8.6 Approve Joint Resolution and Interlocal Agreement between the City of Tomball and Harris County Emergency Management regarding Updates to the Interlocal Agreement between Harris County and the City of Tomball regarding the Harris County Emergency Operations Plan for the Provision of Mutual Aid between Harris County and the City of Tomball during a Disaster Event, to which the City of Tomball is a Signatory, and Adopt, on First Reading, **Ordinance No. 2014-23**, an Ordinance of the City of Tomball, Texas, Establishing an Emergency Management Program by Amending Chapter 22, Emergency Management, by Deleting Chapter 22 in Its Entirety and Adopting a New Chapter 22, Emergency Management; Establishing Program Response and Recovery Phase of Comprehensive Emergency Management; Acknowledging the Office of Emergency Management Director; Authorizing the Appointment of an Emergency Management Coordinator; and Providing for the Duties and Responsibilities of those Offices; Identifying an Operational Organization; Granting Necessary Powers to Cope with All Phases of Emergency Management which Threaten Life and Property in the City of Tomball; Authorizing Cooperative and Mutual Aid Agreements for Relief Work between This and Other Cities or Countries and for Related Purposes; Repealing Ordinance No. 92-16, Passed, Approved and Adopted on October 19, 1992; Providing for Severability; and Making Other Findings Related Thereto

9.0 New Business:

- 9.1 Approve Resolution No. 2014-18, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Special Local Option Election, to be Held in the City of Tomball on Tuesday, November 4, 2014; 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  
*Aprobar la Resolución Nro. 2014-18, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball, Texas, que ordena una Elección de Opción Local Especial, a celebrarse en la Ciudad de Tomball el martes 4 de noviembre de 2014; que designa los lugares de votación y los funcionarios electorales para dicha elección; que instruye la entrega del aviso de dicha elección; y que dispone detalles relativos a la celebración de dicha elección*  
Thông qua Nghị Quyết số 2014-18, một Nghị Quyết và Lệnh của Hội Đồng Thành Phố Tomball, Texas, Ra Lệnh một Cuộc Bầu Cử Lựa Chọn Địa Phương Đặc Biệt, sẽ được tổ chức tại Thành Phố Tomball vào Thứ Ba, ngày 4 tháng Mười Một, 2014; Chỉ định các Địa Điểm Bỏ Phiếu và Bổ Nhiệm Các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Chỉ thị đưa ra Ngày cho cuộc Bầu Cử đó; và Đưa ra các Chi Tiết Liên Quan đến việc tổ chức Cuộc Bầu Cử đó  
通過決議案編號2014-18，即Texas州Tomball市市議會的決議和命令，  
需要計劃在2014年11月4日星期二於Tomball市舉行一次特殊的本地選項選舉；指定這次選舉的投票站和指定所要任命的官員；管理該選舉信息的發出；和提供這次選舉舉行的相關詳細資料
- 9.2 Conduct Public Hearing for the Purpose of Council Consideration, Approval and Submission of a Grant Application to the Texas Parks and Wildlife Outdoor Recreation Grant Program for the Proposed Development of a New City Park, said Park being located at 1414 Hufsmith, Tomball, Texas
- 9.3 Approve the Submittal of Grant Application to the Texas Parks & Wildlife Outdoor Recreation Grant Program
- 9.4 Approve Resolution No. 2014-19, a Resolution of the City of Tomball, Texas, as Hereinafter Referred to as “Applicant”, Designating Certain Officials as Being Responsible For, Acting For, and on Behalf of the Applicant in Dealing with the Texas Parks & Wildlife Department, Hereinafter Referred to as “Department,” for the Purpose of Participating in the Local Park Grant Program, Hereinafter Referred to as the “Program”; Certifying that the Applicant is Eligible to Receive Program Assistance; Certifying that the Applicant Matching Share is Readily Available; and Dedicating the Proposed Site for Permanent (or for the Term of the Lease for Leased Property) Public Park and Recreational Uses.
- 9.5 Adopt, on First Reading, Ordinance No. 2014-28, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas

- Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, Within the Corporate Limits of the City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance
- 9.6 Presentation by Kimley-Horn Regarding a Proposed Development at SH 249 and Holderrieth Road. Mark Kirkland from Kimley-Horn and Brian Herwald from Greystar Development will be present at the meeting to provide presentation.
- 9.7 Conduct Public Hearing on the Proposed Budget for Fiscal Year 2014-2015 and Set Dates for Public Hearings on the Proposed Tax Rate
- 9.8 Adopt, on First Reading, Ordinance No. 2014-25, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2014-2015; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2013-2014 Fiscal Year in Accordance with Actual Expenditures; and Providing other Details Relating to the Passage of This Ordinance
- 9.9 Approve Resolution No. 2014-20, a Resolution of the City of Tomball, Texas, Soliciting Support for Legislative Action to Change the Deadline for Posting the Proposed Property Tax Rate Notice as Required by Texas Local Government Code Section 140.010
- 9.10 Consideration to Approve **CABANAS**; A Subdivision of a 0.2410 acre tract; Being a Replat of Lots 42, 43 and 44, Block 68 of Revised Map of Tomball as recorded in Volume 4, Page 25, Harris County, Texas
- 9.11 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:
- Approve Resolution No. 2014-02, a Resolution of the City Council of the City of Tomball, Texas Determining that a 3.608 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings
- 9.12 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:
- Approve Resolution No. 2014-03, a Resolution of the City Council of the City of Tomball, Texas, Determining that 8.288 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings
- 9.13 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2014-11, a Resolution of the City Council of the City of Tomball, Texas, determining that 3.001 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings

- 9.14 Consideration to approve **ZONING CASE P14-123**: Request by Bill Merriman, on behalf of Concordia Lutheran High School, to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street; from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.

- Conduct a Public Hearing on **ZONING CASE P14-123**
- Adopt, on First Reading, Ordinance No. 2014-27, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development (PD) District of Approximately 39.4 Acres of Land, Legally Described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be Known as PD District #7 (PD-7); Adopting a Concept Plan and Regulations Applicable to PD-7; 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

## 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 14th day of August 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](http://www.ci.tomball.tx.us).