

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 16, 2013
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 were:

Councilman Hudgens
Councilman Stoll
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Accountant – Christine Brookshire
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – KellyViolette

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family

3.0 The pledges to the U. S. and Texas Flags were led by members of the Tomball High School Student Council.

4.0 The following public comment was received:

Richard Anderson - Expressed his interest in being appointed to
13307 Lost Creek Road serve on the Planning and Zoning Commission
77375

5.0 Reports and Announcements:

- December 24-25, 2013 – **Christmas Holiday** – City Offices Closed
- January 1, 2014 – **New Year's Day Holiday** – City Offices Closed
- January 6-14, 2014 – **Early Voting** for January 18, 2014 **Special Election**
- January 11, 2014 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 18, 2014 – **Special Election** – 7:00 a.m.-7:00 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:
 - Mike Baxter/Rosalie Dillon presented a report regarding **Christmas on Commerce**
 - Glenn Windsor presented the **Quarterly Investment Report for Period Ending September 30, 2013**. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2013, the City had total cash equivalents and investments totaling \$51,878,009. A copy of the report is attached for Council review.
 - Chief Mike Gentry, Harker Heights Police Department, TPCA Immediate Past President, presented the **Texas Police Chiefs Association Law Enforcement Recognition Award** to the Tomball Police Department
 - George Shackelford presented the **Exemplary Five-Star Service Award for Excellence in Vital Registration** to Doris Speer, on behalf of the employees of the City Secretary's Office

6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the December 2, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve, on Second Reading, Resolution No. 2013-35-TEDC, a Resolution of the

City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Garth Lodging Corporation, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Holiday Inn Express & Suites Hotel to be located at 14055 Park Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$56,000.00. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 The City Council and the Charter Review Commission entered into a workshop session to receive the final report of the Charter Review Commission:

Chair Steven Vaughan called the Charter Review Commission Meeting to Order.

Motion was made by Commissioner Shannon, second by Commissioner Ball, to approve the Minutes of the December 3, 2013 Special Charter Review Commission Meeting.

Motion carried unanimously.

Chair Steven Vaughan and George Shackelford presented the Final Charter Review Commission Report regarding Possible Charter Amendments to be Placed on the May 10, 2014 Special Charter Amendment Election Ballot Report to City Council.

Motion was made by Commissioner Anderson, second by Commissioner Sumner, to adjourn.

Motion carried unanimously.

Charter Review Commission Meeting adjourned.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept recommendations from the Charter Review Commission and to approve

proposed amendments and additional amendments as proposed by Council to be placed on the May 10, 2014 Special Charter Amendment Election ballot.

Motion carried unanimously.

- 8.3 Councilman Stoll presented the Tomball Water Committee Report. Motion was made by Councilman Stoll, second by Councilman Dodson, that the City Manager send a letter to the North Harris County Regional Water Authority, asking that the City of Tomball be included in the Authority's future planning.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Stoll, second by Councilman Dodson, to appoint Richard Anderson to fill the unexpired term on the Planning and Zoning Commission.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Tobacco Awareness Classes, to be offered by Tomball Municipal Court and Tomball Police Department, to Tomball, Harris County, and Montgomery County Areas, and to approve the \$50 fee for the classes.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2013-24 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading, Ordinance No. 2013-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 60 Signs, of the Code of Ordinances, City of Tomball, by Providing that Certain Political Signs used for Electioneering shall be Governed by the Code of Ordinances, City of Tomball, by Adding Definitions to Section 60-1 Definitions; by Amending Section 60-7, Miscellaneous Sign Provisions, of Chapter 60, Signs, to Adopt Regulations Concerning the Time, Place and Manner of Electioneering on Public Property Used as a Polling Place; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$500 for Each Day of Violation of Any Provision Hereof, Providing an Effective Date; 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Councilman Hudgens left the meeting at 7:25 p.m.

- 8.7 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Pipeline Permit Application from BridgeTex Pipeline Company, LLC, for the Construction of One 20" Crude Oil Pipeline.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to award the Contract for Project Bid No. 2013-08, "Tomball Business & Technology Park, Clearing, Grubbing, and SWPPP", E&P Project Number 2011-10016, to Low Bidder, R&T Ellis Excavating, Inc., in the amount of \$222,050.00

- 8.9 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the following Plats, as recommended by the Planning and Zoning Commission:

- **TOMBALL SOUTH COMMERCIAL NO. 2**; Being a subdivision of a 14.8086 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, of Harris County, Texas, out of and a part of a tract described in deed recorded in Clerk's File Number 20070269548 of the Real Property Records of Harris County, Texas; said 14.8086 acre subdivision being a Replat of all of Lot 1 and Restricted Reserve C, both in Block One of Tomball South Commercial, a subdivision according to the map or plat thereof recorded in Volume 632, Page 199 of the Map Records of Harris County, Texas.
- **STONE BAER SUBDIVISION**; Being a subdivision of a 0.3214 acre, 0.3214 acre and 0.1607 acre of land situated in the Joseph House Survey, Abstract Number 34 of Harris County, Texas, and being a Replat of Lots 31, 32, 33, 34, 35, 36, 38, 39, 40 and 41 in Block 46 of Revised Map of Tomball, a subdivision according to the map or plat thereof recorded in Volume 4, Page 25 of the map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number 20130496699 of the Real Property Records of Harris County Texas.

Motion carried unanimously.

8.10 Consideration to approve **COMPREHENSIVE PLAN CASE P13-181**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 25.70 acres of land, legally described as Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential and Business/Industrial to Business/Industrial.

- Mayor Fagan opened the public hearing Public Hearing on **COMPREHENSIVE CASE P13-181** at 7:40 p.m. The following public comment was received:

Todd Johnson	-	Expressed his opposition
10910 S. Country Club Green Drive		to the proposed change.
77375		

- Receiving no additional comments, Mayor Fagan closed the public hearing at 7:44 p.m.
- Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2013-25 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Stoll, to approve, on First Reading, Ordinance No. 2013-25, an Ordinance an Ordinance of the City of Tomball, Texas, amending its Comprehensive Plan by changing the Future Land Use classification of approximately 25.70 acres of land, legally described as Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, from Rural Residential and Business/Industrial to Business/Industrial; said property being generally located west 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. Vote was as follows:

Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion FAILED, 2 votes Aye, 1 vote Nay.

- 8.11 Consideration to approve **ZONING CASE P13-182**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Zoning Ordinance by rezoning approximately 18.77 acres of land, legally described as Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the public hearing Public Hearing on **ZONING CASE P13-182** at 7:53 p.m. The following public comment was received:

Todd Johnson	-	Expressed his opposition
10910 S. Country Club Green Drive		to the proposed change.
77375		

- Receiving no additional comments, Mayor Fagan closed the public hearing at 7:55 p.m.
- Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-26 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Dodson, to approve, on First Reading, Ordinance No. 2013-26, an ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by changing the Zoning District Classification of approximately 18.77 acres of land, legally described as Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located west 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. Vote was as follows:

Councilman Hudgens
Councilman Stoll

Absent
Aye

Councilman Townsend Aye
Councilman Dodson Aye

Motion carried unanimously.

9.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of December 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor