

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, NOVEMBER 18, 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 Brown
Councilman Townsend
Councilman Dodson

Others present:

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

2.0 The invocation was led by Pastor James Clark, First Baptist Church

3.0 The pledges to the U. S. and Texas Flags were led by Madi and Haley Kaczynski, representing Tomball High School.

4.0 No Public Comments were received.

5.0 Reports and Announcements:

- November 19, 2013 – **25th Anniversary of Lone Star College-Tomball**
- November 21, 2013 – **Ribbon Cutting** at the Depot Restrooms – 11:30 a.m.
- November 23, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 28-29, 2013 – **Thanksgiving Holiday** – City Offices Closed
- December 13-15, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 14, 2013 – **“Christmas on Commerce” – a 2nd Saturday at the Depot Event**, from 10:00 a.m.-8:00 p.m.
- December 24-25, 2013 – **Christmas Holiday** – City Offices Closed
- January 1, 2014 – **New Year’s Day Holiday** – City Offices Closed
- **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:
 - Glenn Windsor – Introduce Christine Brookshire, New Accountant

6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the November 4, 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 adopt, on Second Reading, Ordinance No. 2013-20, an Ordinance Reducing the Prima Facie Speed Limit Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon SH 249 Frontage Roads/Access Roads, from the Intersection of the SH 249 Frontage Roads/Access Roads and Holderrieth Road, to the North Intersection of the Tomball Bypass and Business 249, 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. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Mayor Fagan accepted, on behalf of City Council, the Resignation of Councilman Rick Brown, Position 3, effective as of Midnight, November 18, 2013. Mayor Fagan presented a set of bookends to Councilman Brown on behalf of the City Council.

No action taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2013-31, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, January 18, 2014; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of Such Election.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Hudgens, to appoint Councilman Townsend as the Council Representative to the NWEMS Board of Directors.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Brown, to appoint Brett Tynes as a Member to the Texas Legacy Fund, Inc. Board of Directors, Position 7.

Motion carried unanimously.

- 8.5 Consideration to approve **ZONING CASE P13-157**: Request by Jackie Moon, on behalf of Breaux Properties, LTD, to amend the City's Zoning Ordinance by rezoning approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris

County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas, generally located northerly and southerly of Hirschfield Road, between State Highway 249 and State Highway 249 Expressway, from the General Retail and Agricultural Districts to the Planned Development - 5 District to facilitate the expansion of Breaux Machine Works.

- Mayor Fagan opened the public hearing on **ZONING CASE P13-157** at 6:19 p.m. No public comments being received, Mayor Fagan closed the public hearing at 6:19 p.m.
- Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2013-21 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. 2013-21, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance, by approving a Planned Development District ("PDD") of approximately 8.55 acres of land, legally described as Lot 1, Block 3, Hirschfield Farms (Unrecorded); Lot 2, Block 3, Hirschfield Farms (Unrecorded); Lot 3, Block 3, Hirschfield Farms (Unrecorded); 0.1246 acres being a residue of a called 2.8805 acre tract as described in Harris County Clerk's File Number J-904080; 1.5918 acres being a residue of a called 3.5864 acre tract as described in Film Code Number 119-48-0065, Harris County Clerk's File; Lot 1, Block 1, Hirschfield Farms (Unrecorded); Lot 5, Block 1, Final Plat of Parkway Oasis; and being a portion of Lot 1, Block 1, Final Plat of Parkway Oasis Replat No. 1, according to the map or plat recorded in Film Code No. 635087 of the Harris County Map Records, as recorded under Harris County Clerk's File No. 20070358349; within the City of Tomball, Harris County, Texas; amending the official Zoning Map of the City to reflect the PDD to be known as Planned Development District #5 (PDD-5); adopting a Concept Plan and regulations applicable to PDD-5; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 8.6 Consideration to Approve **ZONING CASE P13-158**: Request by Stutts Cox Builders, Inc., on behalf of Ronald and Amy Haffner, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, generally located southerly of Brown-Hufsmith Road between State Highway 249 and Quinn Road, from the Planned Development - 1 District to the Office District.

- Mayor Fagan opened the public hearing on **ZONING CASE P13-158** at 6:26 p.m. No public comments being received, Mayor Fagan closed the public hearing at 6:26 p.m.
- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2013-22 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-22, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by changing the zoning district classification of approximately 0.68 acres of land, legally described as Lot 2, Block 2, Brown-Hufsmith Commercial within the City of Tomball, Harris County, Texas, from the Planned Development - 1 District to the Office District; said property being generally located southerly of Brown Road between State Highway 249 and Quinn 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 8.7 Consideration to Approve **ZONING CASE P13-161**: Request by the City of Tomball to amend Section 38.2 ("Use Charts") of the City's Zoning Ordinance by allowing a "Residential Use" with a Conditional Use Permit in the Office District.

- Mayor Fagan opened the public hearing on **ZONING CASE P13-161** at 6:29 p.m. No public comments being received, Mayor Fagan closed the public hearing at 6:29 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-23 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-23, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by amending Section 38.2 ("Use Charts") by allowing a "Residential Use" with a Conditional Use Permit in the Office District; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.8 Motion was made by Councilman Dodson, second by Councilman Brown, to approve **FINAL PLAT TUCKER MEADOWS**; A Subdivision of 4.6756-Acre Tract, being Comprised of 4.3285-Acre Tract and 0.5000-Acre Tract situated in Chauncey Goodrich Survey, Abstract 311, Harris County, Texas.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the preparation of a Request for Qualifications to prepare an Evaluation and Analysis of the City's Development Review Process.

Motion carried unanimously.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.
Vote was as follows:

Councilman Hudgens	<u>Abstain</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 4 votes Aye, 1 Abstention.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of December 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Preston Dodson
Preston Dodson
Mayor Pro Tem