

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 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 Brown
Councilman Dodson

Councilmembers absent:

Councilman Townsend - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Finance Director – Glenn Windsor
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Brother James Roberson, Hufsmith Church of Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Courtlynn Noack and Madi Kaczynski, members of the Tomball High School Student Council

4.0 The following public comment was received.

Martin Russell - Moved his company, Pinnacle Autobody, to
112503 Stony Mill, 77429 Tomball; extremely pleased with the assistance
provided by City staff and employees.

5.0 Reports and Announcements:

- September 23, 2013 at 5 p.m. – **Public Hearing** on Proposed Tax Rate
- September 25, 2013 at 10:30 a.m. – **SH 249 Groundbreaking**
- September 28, 2013 – ***Bugs, Brew & Barbecue, VW Show and MusicFest*** – 9:00 a.m.-6:00 p.m.
- October 7, 2013 at 6 p.m. – **Vote** on Proposed Tax Rate
- October 1, 2013 – ***Annual National Night Out at the Depot*** – 6:00-8:00 p.m.
- October 7, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk*** at 8:00 a.m. and ***1 Mile Run/Walk*** at 9:00 a.m.
- October 12, 2013 - ***2nd Saturday at the Depot*** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 26, 2013 – ***Tomball Bluegrass Festival*** – 11:00 a.m.-7:00 p.m.
- November 2, 2013 – ***Diesels & Easels Art Festival*** – 10:00 a.m.-6:00 p.m.
- November 19, 2013 – ***20th Anniversary of Lone Star College-Tomball Walk Tomball!*** – Every Saturday at 8:00 a.m. at the Depot
- Reports by City staff, members of Council, and others about items of community interest on which no action will be taken:
 - David Kauffman presented a report on the Summer 2013 Pool Activity.

6.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve the Minutes of the September 3, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Dodson, second by Councilman Brown, to award Contract for Project No. 2013-07 - Janitorial Services to Kleen Tech, in the Amount of \$49,020.24.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Dodson, second by Councilman Brown, to “move that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.345 acres of land owned by Mary Radcliffe for the Raleigh Creek Utility Line Project and to approve Resolution No. 2013-26R, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Completion of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Mary Radcliffe, 0.345 Acres)” and to approve Resolution No. 2013-26R, a Resolution of the City Council of the City of Tomball, Texas, Determining that 0.0345 Acre Tract of Land is Needed for the Zion Road Extension Project and 0.0690 Acre Tract of Land is Needed for the Construction, Operation, Maintenance, Inspection, Replacement, and Removal of One or More Utility Lines as Part of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings. Vote was as follows:

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

Motion carried unanimously.

- 7.3 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2013-27, 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 2014 General Assembly and Designating Derek S. Townsend, Sr., Council Position 4, as the Representative and Mark A. Stoll, Council Position 2, as the Alternate.

Motion carried unanimously.

- 7.4 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Resolution No. 2013-28, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2013-2014.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve **ACQUEST TOMBALL REPLAT NO 1**: A subdivision of 7.0434 acres situated in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas and also being a Replat of Lots 70 and 71, Block 1 of Final Plat Acquest Tomball, a

subdivision in Harris County, Texas, According to the Map or Plat thereof recorded in Film Code No 645193 of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-16 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on First Reading, Ordinance No. 2013-16, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article VII, Water Conservation, of Chapter 82, Utilities, Thereof in Its Entirety and Substituting Therefor a New Article VII, Water Conservation; Establishing Water Conservation Regulations; Defining Certain Terms; Providing Rules and Regulations Governing Drought Response States; Providing Procedures for Administration and Enforcement of a Water Conservation and Emergency Management Plan; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Day of Violation of Any Provision Hereof; Repealing Ordinance No. 2002-20 and All Other Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Containing Other Provisions related to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 7.7 George Shackelford advised Council that the applicant, Cecilio Cano, had requested that Zoning Case P13-117 be tabled until the October 7, 2013 Council meeting. Mayor Fagan opened the public hearing regarding **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District at 6:39 p.m.

Donald Branham	-	Expressed his opposition to the
Full Circle Enterprises		proposed zoning change.
906 Persimmon, 77375		

Fred Fano - Expressed his opposition to the
MCA Systems, Inc. proposed zoning change.
1100 S. Persimmon, 77375
15118 Greenhaven Lake Ln, 77429

Receiving no additional comments, Mayor Fagan advised Council that, because the applicant had requested that consideration of Zoning Case P13-117 be tabled until the October 7, 2013 Council Meeting, the Public Hearing would be RECESSED until October 7, 2013 to provide an opportunity for additional comments before Council's consideration of Zoning Case P13-117.

Consideration to Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg 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. Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly of Agg 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 will be placed on the October 7, 2013 agenda.

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

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

Motion carried, 3 votes Aye, 1 vote Nay.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of October 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor