

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, APRIL 15, 2013
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Gretchen Fagan. Other members present were:

Councilman Hudgens
Councilman Brown
Councilman Townsend
Councilman Dodson

Councilmembers absent:

Councilman Stoll – Excused

Planning and Zoning Commissioners present:

Chair Lori Wallace
Commissioner Beauvais
Commissioner Torres-Chervenak
Commissioner Tague
Commissioner Roquemore

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Community Development Director – Craig Meyers

Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
E&P Administrative Assistant – Brandy Pate

2.0 Invocation

- Led by Pastor Andy Chute, Southwinds Baptist Church.

3.0 Pledges to U. S. and Texas Flags

- Led by Chief Robert Hauck.

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented proclamation declaring May 2013 as “***Motorcycle Safety and Awareness Month***”.

6.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 22 through May 3, 2013 – Annual **Tomball Spring Clean-up Week and Consolidated Recycling Day** – 8:00 a.m.-4:30 p.m. Monday-Friday (closed Sunday, April 28), and 10:00 a.m.-2:00 p.m. on Saturday, April 27
- April 27, 2013 – Annual **Tomball Consolidated Recycling Day** – Academy Shopping Center – 10:00 a.m.-2:00 p.m.
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – ***Rails and Tails Mudbug Festival*** – 11:00 a.m.-7:00 p.m.
- May 6, 2013 – Appointments to the Tomball Economic Development Corporation for Terms Expiring May 31, 2013
- May 6, 2013 – Appointments to the Planning and Zoning Commission for Terms Expiring June 1, 2013
- May 7, 2013 – **Mayor's Coffee** – *Sol do Luna*, 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – ***Memorial Day Weekend Chili Challenge*** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – ***80th Anniversary of the 1933 Tomball Oil Strike*** – 11:00 a.m.-6:00 p.m.
- June 21, 2013 – **Friday Night Creature Feature** – ***Creature from the Black Lagoon***
- July 4, 2013 – ***City of Tomball July 4th Celebration*** – 2:00 p.m.-10:30 p.m.

- July 19, 2013 – **Friday Night Creature Feature – *Invasion of the Body Snatchers***
- August 16, 2013 – **Friday Night Creature Feature – *THEM!***
- ***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 presented a report on the success of ***5th Annual City of Tomball Bunny Run 5K and Kids 1K***
 - George Shackelford read the following statement: “The City will conduct the sale of its Combination Tax and Revenue Certificates of Obligation, Series 2013 on May 6, 2013. The ordinance approving the sale of the Certificates of Obligation will be considered by City Council at its regular meeting on May 6, which will be held here at City Hall at 6 p.m. For your information, we’ve provided council with a copy of the timetable for the transaction.”

7.0 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Minutes of the April 1, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2013-05, An Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Mayor Fagan opened the Public Hearing at 6:31 p.m. to consider Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 The Tomball Planning and Zoning Commission was called to order for Joint Workshop Session with the Tomball City Council by Lori Wallace, Chair.

The Tomball City Council and the Tomball Planning and Zoning Commission entered into a Workshop Session to receive a presentation from Sean Rae, Vice President, Development, Trammell Crow Residential, regarding a proposed multifamily project at the northeast corner of Holderrieth Road and State Highway 249 Business.

No action was taken.

Chair Lori Wallace adjourned the Tomball Planning and Zoning Commission.

- 9.2 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Resolution No. 2013-17, a Resolution of the City of Tomball, Texas in Support of Proposed Legislation, HB 571 and SB 233, Clarifying the Power of the

Tomball Regional Health Foundation, as the Authority Board, to Make Expenditures for Public Health Purposes.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve, as a Project of the Corporation, an Agreement with Advanced Pressure Systems to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Advanced Pressure Systems. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$42,600.00.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve, as a Project of the Corporation, an Agreement with Century Hydraulics LLC, to Make Direct Incentives to, or Expenditures for, the Creation or Retention of Primary Jobs Associated with the Expansion of an Office/Warehouse Facility located at 23706 Snook Lane, Tomball, Texas. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$12,000.00.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Following Plats, as recommended by the Planning and Zoning Commission:

- **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE**: Being a 221.2020 Acres located in the Joseph Miller Leave, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.
- **REPLAT OF QUINN TRACT**: A subdivision of 1.3104-acre tract, 57084 square feet; Being a Replat of Lots 11, Abbreviated Plat of Quinn Tract as recorded in Film Code 609204, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- **REPLAT OF ABANDONED ANIMAL RESCUE**: Being a subdivision of 6.0439 acres of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a Replat of Lot 61 of Tomball Outlots; a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, together with a Replat of Abandoned Animal Rescue, a subdivision according to the map plat thereof recorded in Volume 584, Page 265 of the Map Records of Harris County, Texas.

Motion carried unanimously.

10.0 Motion was made by Councilman Dodson, second by Councilman Brown, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of May 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor