

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JANUARY 21, 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 Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
IT Director – Doug Tippey
GIS/IT Tech – Ben Lato
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Police Captain – Rick Grassi
TEDC-Executive Director – Kelly Violette

2.0 Invocation

- Led by Pastor Teichmiller, Zion Lutheran Church

3.0 Pledges to U. S. and Texas Flags

- Led by Member of the Tomball High School Student Council

4.0 The following Public Comments were received:

Leslie Lagerquist 30711 William Juergens Dr., 77375	- Expressed his opposition to Item 7.2, regarding fencing requirements.
Johnny Dove 502 Clarence, 77375	- Email expressing his opposition to Item 7.2, regarding fencing requirements, was read into the record.
Sallie Fisher and Bill Usrey 723 Hospital Road, 77375	- Email expressing their opposition to Item 7.2, regarding fencing requirements, was read into the record.
Belinda Abbott-Shaw 400 Epps, 77375	- Email expressing her opposition to Item 7.2, regarding fencing requirements, was read into the record.
Will Bentley 30730 William Juergens Dr., 77375	- Email expressing his opposition to Item 7.2, regarding fencing requirements, was read into the record.
Michael Lodge 30720 William Juergens Dr., 77375	- Email expressing his opposition to Item 7.2, regarding fencing requirements, was read into the record.
Gloria Gammon 201 Houston, 77375	- Email expressing her opposition to Item 7.2, regarding fencing requirements, was read into the record.

5.0 Reports and Announcements:

- January 30, 2013 through March 1, 2013 – Period to File Application for Place on Ballot for the May 11, 2013 General City Election
- **Farmers Market** – Reopened January 5, 2013
- February 6, 2013 – *Mayor's Coffee – Sol de Luna*, 207 Commerce
- February 9, 2013 – **2nd Saturday at the Depot, “A Real Pig Tale in Tomball”**, showing *Charlotte's Web* (2006), starring Dakota Fanning – 5:00 p.m.

- February 18, 2013 - Appointment of members to BOA (regular and alternate members for terms expiring March 2, 2013)
- February 19, 2013 – **Trail Rider Reception** at the Depot – 12:00 p.m.
- March 1, 2013 – Last Day to File Application for Place on May 11, 2013 Ballot – 5:00 p.m.
- March 4, 2013 and March 18, 2013 – **Public Hearings** regarding Tomball’s Juvenile Curfew Ordinance
- March 9, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 16, 2013 – **Tomball HonkyTonk Music Festival** – 11:00 a.m.-7:00 p.m.
- March 18, 2013 – Candidate Orientation (tentative date)
- April 21-27, 2013 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – **Annual Tomball Recycle and E-Waste Event**
- **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:
 - David Kauffman provided an update regarding Depot Restroom Facilities
 - Randy Parr introduced newest firefighter, Sam Sheffield
 - Glenn Windsor and Kevin Sanford, Weaver, LLP, presented the Annual Financial Report for Fiscal Year Ending September 30, 2012 (Item 8.4, New Business)

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of January 7, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

The order of items was changed:

7.2 Rebecca Guerra presented a photo survey of fencing in Tomball, conducted by the Mayor, City Manager, and City Planner, and updated information regarding the proposed amendments to the fencing ordinance. Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2012-51, an Ordinance of The City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 42.4 (“Fences In Residential Areas”); 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.

Motion to Amend was made by Councilman Brown, second by Councilman Stoll, to include staff-recommended changes to the Ordinances and to adopt on Revised First Reading, Ordinance No. 2012-51, an Ordinance of The City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 42.4

("Fences In Residential Areas"); 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, as amended, carried unanimously on Revised First Reading.

- 7.1 Christal Weber provided information regarding neighborhood empowerment zones, waiver of impact fees at Council's discretion, and extension of the Old Town mixed-use district impact fee suspension as development tools to encourage development. No action taken.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Brown, to Approve Resolution No. 2013-09, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Training Well Drilling Activities Permit Application from Baker Hughes Oilfield Operations, Inc. for the Drilling of Nine Training Wells at 1121 West FM 2920, Tomball, Texas, contingent upon the site plan being approved. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.3 Christal Weber provided information regarding possible regulation of Donation Boxes. No action taken.

- 8.4 The item regarding presentation of the Annual Financial Report for Fiscal Year Ending September 30, 2012 as presented by Weaver, LLP, as a report not requiring Council action, was moved to Reports and Announcements, Item 5.0. No action taken.
- 8.5 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Tomball Economic Development Corporation's expenditure of funds in an amount not to exceed \$1,756,452.20 in accordance with a Professional Services Agreement with CLR Inc. for the Preparation of the Final Design of the Tomball Business and Technology Park.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Request by Oilfield Helping Hands and Co-Sponsorship for the 5th Annual Oilfield Helping Hands Auto Show and Motorcycle Rally at the Tomball Depot Plaza, to be held on Saturday, March 9, 2013 and to Approve Requested Street Closures and In-kind Services from Public Works in the amount of \$500 and the Police Department in the amount of \$2000.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2013-05, Supporting Local Control over Appointees to the Port of Houston Authority, as requested by the Harris County Mayors' and Councils' Association.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Dodson, that the City of Tomball authorize the use of the power of eminent domain to acquire the 2.1324 acres of land owned by Jana's Dirt for the Medical Complex Drive expansion project, and approve Resolution No. 2013-06, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Extension of Medical Complex Drive as Part of the Medical Complex Drive Extension Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Jana's Dirt, LLC, 2.1324 Acres). Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.9 Motion was made by Councilman Stoll, second by Councilman Brown, that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.0923 acres of land owned by Edgar Ray for the Medical Complex Drive expansion project and approve Resolution No. 2013-07, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Extension of Medical Complex Drive as Part of the Medical Complex Drive Extension Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Edgar Ray, 0.0923 Acres). Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.10 Motion was made by Councilman Stoll, second by Councilman Brown, that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.1211 acres of land owned by HSMTX/Stallones-Tomball, LLC for the Medical Complex Drive expansion project and approve Resolution No. 2013-08, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Extension of Medical Complex Drive as Part of the Medical Complex Drive Extension Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (HSMTX/Stallones-Tomball, LLC, 0.1211 Acres). Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve **BAKER HUGHES EDUCATION CENTER FINAL PLAT**: A subdivision of 96.9420 Acres, being a partial Replat of Lots 447, 448, 449, 459, 460, 461, 462, 463, 464, 465, and 466 of the Tomball Townsite Vol. 2 Page 65 out of the Jesse Pruitt Survey, A-629 Harris County, Texas.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve **SHAW COMMERCIAL FINAL PLAT**: Being a subdivision of 4.0130 Acres of land situated in the John S. Smith Survey, Abstract Number 730, of Harris County, Texas, and being the same land as described in deed recorded in Clerk's File Number R265465, of Real Property Records of Harris County, Texas.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Dodson, second by Councilman Brown, to approve and authorize City Manager to execute Additional Services Agreement with AECOM Technical Services, Inc. (AECOM) for services related to Utilities GIS in the amount of \$150,000.

Motion carried unanimously.

- 8.13 Mayor Fagan led discussion regarding Policy for Posting Period for Political Signs. No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of February 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor