

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JANUARY 7, 2013
6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, January 7, 2013 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Dr. Robert Rush, First Presbyterian Church-Tomball

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions (*At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.*)

5.0 Reports and Announcements:

- January 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 30, 2013 through March 1, 2013 – Period to File Application for Place on Ballot for the May 11, 2013 General City Election
- **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
 - Doug Tippey and Ben Lato – Launch of City's New Website

- 6.0 Approve the Minutes of the December 17, 2012 Special City Council Meeting and the December 17 Regular City Council Meeting
- 7.0 Old Business:
- 7.1 Adopt, on Second Reading, Resolution No. 2012-35-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 One Moore Holdings Inc., 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 Commercial Facility to be Located at 15423 FM 2920, Tomball, TX 77375. The Estimated Amount of Expenditures for Such Project is \$56,425.00
- 7.2 Consideration to approve **ZONING CASE P12-510**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 42.4 ("Fences in Residential Areas").
- Conduct a Public Hearing on **ZONING CASE P12-510**
 - Adopt on 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
- 7.3 Adopt, on Second Reading, Ordinance No. 2012-50, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Amending Section 38.2 ("Use Charts") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by Creating a New Land Use called "Training Well," Permitting It by Right in the Light Industrial District, and Assigning It a Parking Requirement of One Parking Space per Acre of Land Area; Creating a New Section 43.9 ("Training Wells and Training Well Sites") to Regulate Training Wells and Training Well Sites; and Amending Section 45.2 ("Definitions") by Creating a Definition for "Training Well" and "Training Well Site;" 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
- 7.4 Adopt, on Second Reading, Ordinance No. 2012-53, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 96.94 acres of Land from Mixed Use to Business/Industrial; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill

Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 0.610-Acre Tract of Land being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas, from Mixed Use to Business/Industrial; Said Property being generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978; 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

- 7.5 Adopt, on Second Reading, Ordinance No. 2012-54, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 96.94 Acres of Land, generally Located on the Northeast Corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District; Same being a 3.143-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143-Acre Tract of Land being All of That 3.1378-Acre Tract of Land (By Deed) Deeded to Mary McGill Criner Adickes, Trustee, as Recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County,

Texas, Said 3.143-Acre Tract of Land also being a Portion of Lot 463, Tomball Townsite as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 0.610-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610-Acre Tract of Land being All of the Remainder of That 30-Foot Wide Unnamed Road Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as Shown on Said Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 49.544-Acre Tract of Land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544-Acre Tract of Land being All of That 49.547-Acre Tract of Land (By Probate) Conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, Deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544-Acre Tract of Land also being a Portion of Lot 448, Lot 449, Lot 460, Lot 461, the Remainder of Lot 447, the Remainder of Lot 459, the Remainder of Lot 462, the Remainder of Lot 464, the Remainder of Lot 465, and the Remainder of Lot 466, Tomball Townsite, as Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas; being a 23.624-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624-Acre Tract of Land being All of That 23.5935-Acre Tract of Land (By Deed) Deeded to Cypressbrook 2920, LP, as Recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, Said 23.624-Acre Tract of Land being more Particularly Described by Metes and Bounds as Follows; and being a 20.021-Acre Tract of Land Out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, Said 20.021-Acre Tract of Land being a Portion of the Remainder of a 23.6963-Acre Tract of Land (By Deed) Deeded to ABCO Land Corporation as Recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas; 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

- 7.6 Adopt, on Second Reading, Ordinance No. 2012-55, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, from Medium Density Residential to Business/Industrial; Said Property being generally Located Easterly of South Chestnut Street, Southerly of Timkin 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

- 7.7 Adopt, on Second Reading, Ordinance No. 2012-56, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance, by Approving a Planned Development District (“PDD”) of Approximately 16.1 Acres of Land, Legally Described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #3 (PD-3); Adopting a Concept Plan and Regulations Applicable to PD-3; 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
- 7.8 Adopt, on Second Reading, Ordinance No. 2012-57, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Ordinance No. 2012-21 (Conditional Use Permit #8) by Removing the Condition that “Outside Storage shall be Limited to a Maximum of Five (5) Percent of the Total Lot Area, or 1,546 Square Feet,” Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability
- 7.9 Adopt, on Second Reading, Ordinance No. 2012-58, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Roadway Right-of-Way Containing 1.1794 Acres Tract of Land Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and Being out of Lot 171, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and Being out of a 1.145 Acre Tract as Conveyed to the City of Tomball by Deed Recorded in County Clerk’s File Number J819958, Film Code Number 002-64-1847 of the Official Public Records of Real Property of Harris County Texas, within the City of Tomball, Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway Right-of-Way to Jacquelyn D. Marshall; Providing for Severability; and Containing Other Provisions Relating to the Subject
- 8.0 New Business:
- 8.1 Approve Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 1:30 p.m. to 4:00 on Friday, March 8, 2013 and Friday, September 13, 2013 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 9, 2013 and Saturday, September 14, 2013 for the Juried Art Shows

- 8.2 Approve Resolution No. 2013-02, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be Held in Tomball on Saturday, March 23, 2013
- 8.3 Approve Resolution No. 2013-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election to be Held on Saturday, May 11, 2013; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of such Election
"Aprobar la Resolución Nro. 2013-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 11 de mayo de 2013; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección."
"Chấp thuận Nghị Quyết số 2013-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 11 tháng Năm, 2013; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó"
"批准決議案編號2013-01,
為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2013年5月11日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節"
- 8.4 Approve Resolution No. 2013-03, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2012-2013
- 8.5 Approve Resolution No. 2013-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2013 for Publication of Matters Pertaining to the City of Tomball
- 8.6 Approve Appointment of Director by Ballot, Naming Nominee to Serve on the Board of Directors of the Lone Star Groundwater Conservation District for a Term Ending January 31, 2017 and Authorize the Mayor to Cast Appointment Ballot on Behalf of the City of Tomball
- 8.7 Review Documentation and Accept Donation of a Type VI Engine (Brush Truck) from the Texas A&M Forest Service Texas Intrastate Fire Mutual Aid System (TIFMAS) Capacity Building Grant Program

- 8.8 Approve Encroachment Agreement for Woodforest Boulevard at Tomball Marketplace Shopping Center and Authorize Mayor to Execute Agreement
- 8.9 Executive Session: The Tomball City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.072 – Deliberations Regarding Real Property

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of January 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC, CMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.