

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 17, 2012
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
City Attorney – Donna Johnson
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
TEDC Executive Director – Kelly Violette
Chief-NWEMS – Brian Petrilla

2.0 Invocation

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Monique Dermaux 2531 S. Cherry, 77375	- Expressed her appreciation, as a resident, investor, and developer in Tomball, of the City of Tomball, City employees, and the Downtown Specific Plan
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5.0 Chief Rob Hauck presented the following new employees and Mayor Fagan administered the Oath of Office to each employee:

- ***New City of Tomball Police Department Employees***
 - o *Police Officers:*
 - Tomeko Henagan
 - Tuan-Anh Nguyen
 - o *Public Service Officers:*
 - Crystal Garrett
 - Joshua Littell
 - o *Dispatchers:*
 - Shaunna Cundiff
 - Patrick Tompkins

6.0 Reports and Announcements:

- January 12, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- ***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
 - o Rosalie Dillon presented a report on the success of the second annual ***Christmas on Commerce***

7.0 Motion was made by Dodson, second by Townsend, to approve the Minutes of the December 3, 2012 Regular City Council Meeting and the December 10, 2012 Special City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

Councilman Hudgens left Council Chambers at 6:20 p.m.

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-45, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract One(B): Being 0.610-Acre Tract of Land, Being All of the Remainder of a 30-Ft. Wide Unnamed Road Right-of-Way Lying Between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465 and Lot 466, Located near the Intersection of FM 2978 and FM 2920; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-37, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Tract One: Being 3.143 Acres of Land Located at 0 Hufsmith-Kohrville Road, at the Intersection of FM 2978 and FM 2920 – Mary McGill Criner Adickes, Individually and as Trustee and as Successor in Interest to the Joint Venture Agreement, as Recorded under Clerk's File No. G-572577, Real Property Records, Harris County, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Texas). Vote was as follows:

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

Motion carried unanimously.

- 8.3 Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2012-38, an Ordinance of the City of

Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Tract Two: Being 49.544 Acres of Land Located at 0 Dement Road, near the Intersection of FM 2978 and FM 2920 – 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, A/K/A/ Adell G. Johlke Dietz, Deceased); Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-39, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract Three: Being 23.624 Acres of Land, Located at 0 FM 2920, Near the Intersection of FM 2978 and FM 2920 – Cypressbrook 2920, LP; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-40, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating

to the Subject; and Providing a Savings and Severability Clause [Tract Four: Being 20.021 Acres of Land, Located at 10920 FM 2920, near the Intersection of FM 2978 and FM 2920 – ABCO Land Corporation; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 8.6 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-52, an Ordinance Creating City of Tomball, Texas, Reinvestment Zone No. 4; an Approximately 96.942-Acre Tract of Land, Located Generally at the Northeast Corner of the Intersection of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability (Baker Hughes). Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Tax Abatement Agreement between City of Tomball and Baker Hughes for Improvements to be Constructed in Tax Abatement Reinvestment Zone No. 4.

Motion carried unanimously.

- 9.2 Mayor Fagan opened the Public Hearing at 6:35 p.m. to consider **ZONING CASE P12-513**: Request by Baker Hughes Oilfield Operations, Inc. to amend 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.”

Receiving no public comments, Mayor Fagan closed the public hearing at 6:35 p.m.

Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-50 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on First 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. Vote was as follows:

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

Motion carried unanimously.

- 9.3 Mayor Fagan opened the Public Hearing at 6:38 p.m. to consider **COMPREHENSIVE PLAN CASE P12-515**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and ABCO Land Corporation, to amend the City’s Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

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.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:38 p.m.

Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2012-53 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. 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. Vote was as follows:

Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Absent</u>

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

Motion carried unanimously.

- 9.4 Mayor Fagan opened the Public Hearing at 6:45 p.m. to consider **ZONING CASE P12-514**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and ABCO Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning 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. The subject site is legally described as:

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.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:45 p.m.

Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2012-54 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First 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. Vote was as follows:

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

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing at 6:53 p.m. to consider **COMPREHENSIVE PLAN CASE P12-517**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use 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, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:53 p.m.

Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-55 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt on First 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. Vote was as follows:

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

Motion carried unanimously.

- 9.6 Mayor Fagan opened the Public Hearing at 6:56 p.m. to consider **ZONING CASE P12-516**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning 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, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:56 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-56 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First 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. Vote was as follows:

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

Motion carried unanimously.

- 9.7 Mayor Fagan opened the Public Hearing at 6:59 p.m. to consider **ZONING CASE P12-518**: Request by the City of Tomball to amend Ordinance 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.”

Receiving no public comments, Mayor Fagan closed the public hearing at 6:59 p.m.

Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2012-57 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt on First Reading, Ordinance No. 2012-57, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Ordinance 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. Vote was as follows:

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

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2012-34-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 the City of Tomball to make direct incentives to, or expenditures for, improvements for the construction of downtown public restroom facilities at 217 South Walnut Street

(Depot Plaza site). The estimated amount of expenditures for such project is an amount not to exceed \$25,000.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Brown, to approve, as a Project of the Corporation, an agreement with QTRCO Inc., to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the expansion of a manufacturing facility located at 13120 Theis Lane, Tomball, Texas. The estimated amount of expenditures for such project is an amount not to exceed \$18,000.00.

Motion carried unanimously.

Councilman Hudgens returned to Council Chambers at 7:10 p.m.

- 9.10 Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on First 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. Vote was as follows:

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

Motion carried unanimously.

- 9.11 Motion was made by Councilman Brown, second by Councilman Dodson, to Approve Amendment to Extend Agreement between the City of Tomball and Redflex Traffic Systems for Photo Red Light Enforcement Program. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.12 Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-58 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. 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. 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.

- 9.13 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2012-36, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Jacquelyn Marshall for use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute All Documents Related Thereto.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2012-37, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Cherry Meadows Community Association, Inc., a Texas Non-Profit Corporation for use in the Medical Complex

Drive Expansion Project; and Authorizing the City Manager to Execute All Documents Related Thereto.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of January 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor