

# **MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS**



**MONDAY, NOVEMBER 5, 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  
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  
Chief-NWEMS – Brian Petrilla

## **2.0 Invocation**

- Led by Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Courtlynn Noack and Ally Pace, Tomball High School Student Council

4.0 The following public comments were received:

|                                                |   |                                                                                                                                                  |
|------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Marlene Kovacs<br>27650 Tomball Parkway, 77375 | - | Extended invitation to Woodforest Bank's 4 <sup>th</sup> Annual Tomball Bash and 5K Run, to be held on Saturday, November 10, 2012 at the Depot. |
| Tommy Lyles<br>621 N. Magnolia, 77375          | - | Expressed his opposition to the banner signs section of Ordinance No. 2012-22, Item 8.2, regarding the 14-day restriction for banner signs.      |
| N. T. Breaux<br>1502 Rudolph, 77375            | - | Requested Council consideration regarding changes to zoning ordinance that are currently restricting his ability to develop his property.        |
| Laura Wilson<br>209 Commerce, 77375            | - | Expressed her desire to be appointed to the Tomball Tourism Advisory Committee.                                                                  |
| Sherrie Meicher<br>222 Southmore, 77375        | - | Expressed the Spring Creek Historical Society and Museum Center's appreciation for the City grant to maintain and improve the museum complex.    |

5.0 Randy Parr presented the following new employees:

- ***New City of Tomball Fire Department Employees***
  - o *Firefighters:*
    - Joshua Brookshire
    - Christopher Camp
    - Ethan Grossman
    - David Hill
    - Steven McHenry
    - Kye Rymer
    - Gary Simpson
  - o *Driver/Operator:*
    - Brian Holasek
  - o *Lieutenant:*
    - Hubert (Joe) Sykora
    - Justin Martinets

6.0 Reports and Announcements:

- November 5, 2012 – **Mayor's Coffee** - 5:00 p.m.-7:00 p.m. at *Sol de Luna*
- November 10, 2012 – **Woodforest Run at the Depot** – 8:00 a.m.
- November 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- November 10, 2012 – **Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do** – 9:00 a.m.-6:00 p.m.
- November 17, 2012 – **47th Annual Tomball Holiday Parade – “Candy Canes and Christmas Carols”** – 10:00 a.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:
  - Mike Baxter provided a report on the success of the City's **Tomball Art Walk**
  - Mike Baxter provided a report on the success of the City's **Tomball Bluegrass Festival**
  - David Kauffman provided an update on meetings with TxDOT regarding the possibility of left-turn lanes at traffic signals on FM 2920 through Downtown Tomball.
  - George Shackelford announced that the City Secretary's Office had earned the **Exemplary Five Star Service Award for Excellence in Vital Registration**.

7.0 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Minutes of the October 15, 2012 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. 2012-20, an Ordinance Deleting Article IV., Electricity, of Chapter 14, Buildings and Building Regulations, of the Code of Ordinances of the City of Tomball, Texas, in Its Entirety and Substituting Therefor a New Article IV., Electricity, of Chapter 14, Buildings and Building Regulations; Repealing all Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing a Penalty in an Amount of Not More Than \$2,000 for Violation of Any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto. 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

Aye

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-22, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City by Amending and/or Adding Definitions of *Aircraft, Awning Sign, Bandit Sign, Banner Sign, Billboard, Flag Sign, Inflatable Sign, Living Or Human Sign, Marquee Sign, Message Board, Monument Sign, Pole Sign, Premises, Temporary Sign, Wayfinding Sign, and Window Sign* to Section 60-1, Definitions, of Article I, In General, of Chapter 60, Signs; Amending Section 60-4, Sign Administrator and Enforcement, of Article I, In General, of Chapter 60, Signs, to Delete Reference to Rules and Regulations for Appeals to City Council; Amending Section 60-3, Classifications, of Article I, In General, of Chapter 60, Signs, to Add Window Sign as a Classification of Signage; Deleting Subsection (b)(3), Exceptions, Other Signs, from Section 60-5, Sign Permits and Fees, of Article I, In General, of Chapter 60, Signs, and Adding a New Subsection (b)(3), Exceptions, Other Signs, to Add to the Exceptions to the Permitting Requirements; Amending Subsection (c), Application Procedure, of Section 60-5, Sign Permits and Fees, of Article I, In General, of Chapter 60, Signs, by Adding Marquee and Projecting Signs to the Application Procedure; Amending Section 60-7, Miscellaneous Sign Provisions, of Article I, In General, of Chapter 60, Signs, to Limit Properties to One (1) On-Premise Temporary Banner or Flag Sign and Adding Regulations for Message Board and Marquee Signs; Amending Section 60-8, On-Premises Sign Provisions, of Article I, In General, of Chapter 60, Signs, to Provide that On-Premise Signs Shall Adhere to the Visibility Triangle Requirements of Chapter 66 of the Code of Ordinances; Amending Section 60-9, Off-Premises Sign Provisions, of Article I, In General, of Chapter 60, Signs, to Limit Properties to No More than Two (2) Off-Premise Signs; Adding a New Section 60-12, Attention-Getting Devices, to Article I, In General, of Chapter 60, Signs, to Prohibit Attention-Getting Devices as Defined Herein; Adding a New Section 60-13, Billboards, to Article I, In General, of Chapter 60, Signs, to Prohibit New Billboards within the City or Its Extraterritorial Jurisdiction and Providing Regulations for the Replacement or Restoration of Existing Billboards; Adding a Section 60-14, Prohibited Signage, to Article I, In General, of Chapter 60, Signs, Prohibiting the Types of Signs Described Therein; Amending Section 60-29, Height Limitations, of Article II, Design and Structural Requirements, of Chapter 60, Signs, to Limit On-Premise Signs to a Height No Greater than 42 Feet from the Natural Grade Level of the Ground Surface, Requiring that Projecting and Marquee Signs Shall not Exceed Eight (8) Feet Above the Roof Level, and Requiring that No Off-Premise Sign Shall Exceed a Height of 12 Feet from the Natural Grade Level of the Ground Surface; Deleting Section 60-30, Size Limitation, of Article II, Design and Structural Requirements, of Chapter 60, Signs, and Adding a New Section 60-30, Size Limitation, to Limit On-Premise Wall Signs to a Face Area of 300 Square

Feet or Less per Building Face, to Limit CEVMS Signs to a Face Area of 32 Square Feet for a Single Business Use or 50 Square Feet for a Multi-Tenant Use, and Limiting Off-Premise Signs to a Face Area Not to Exceed 40 Square Feet; Deleting from Article II, Design and Structural Requirements of Chapter 60, Signs, Section 30-33, Portable Signs, in Its Entirety; Adding a New Section 60-33, Wayfinding Signs, to Article II, Design and Structural Requirements, of Chapter 60, Signs, to Limit On Premises Wayfinding Signs to a Maximum Sign Face Area of 12 Square Feet, to Limit Off Premises Wayfinding Signs to a Maximum Sign Face Area of 40 Square Feet, Requiring a Wayfinding Guide Sign Plan to be Approved by Sign Administrator and Providing Other Regulations Regarding Wayfinding Signs; Adding a New Section 60-34, Flags and Flag Signs, to Article II, Design and Structural Requirements, of Chapter 60, Signs, to Limit Flag Signs to a Maximum of Three (3) Flag Signs per Premises, Including One (1) Corporate Flag and Providing Other Regulations for the Height, Lighting and Other Matters Related to Flag Signs; Providing for Severability; Providing a Penalty of up to \$2,000.00 for Violations with Each Day Constituting a Separate Violation; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Appointment of Blair Bruce as Alternate Municipal Court Judge for Term Expiring August 15, 2014, as required by Government Code, Section 29.005.

Motion carried unanimously.

- 9.2 Glenn Windsor, Joe Morrow, First Southwest, and Jonathan Frels, Bracewell & Giuliani, presented information regarding Refunding (Refinancing) of Series 2002 and Series 2003 Certificates of Obligation. No action necessary.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-46 by caption only on First Reading and Only Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading and Only Reading, Ordinance No. 2012-46, an Ordinance Authorizing the Issuance of City of Tomball, Texas General Obligation Refunding Bonds, Series 2013; Levying a Tax in Payment Thereof; Setting Certain Parameters for the Bonds; Authorizing the Authorized Officer to Approve the Amount, the Interest Rate, Price and Certain Other Terms Thereof; Authorizing the Redemption prior to Maturity of Certain Outstanding Obligations; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement Relating to Such Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting Other Provisions Relating Thereto. 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.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Dodson, to reappoint Mary Harvey and Prakash Patel to their respective positions on the Tourism Advisory Committee and to appoint Laura Wilson to Position 5 on the Tourism Advisory Committee for Terms Expiring December 5, 2012.

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing at 7:00 p.m. to consider the annexation of the following tracts of land:

- **TRACT ONE(B):** 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;
- **TRACT ONE:** 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;

- **TRACT TWO:** 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;
- **TRACT THREE:** 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
- **TRACT FOUR:** 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 7:00 p.m.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Memorandum of Understanding between the City of Tomball and the Gulf Coast Chapter of the National Railway Historical Society regarding the Relocation of the Chapter's Houston Railroad Museum Collection to the City of Tomball.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-47 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-47, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Chapter 27. Establishing Emergency Medical Services and Ambulance Regulations; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability. 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.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-49 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2012-49, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 14-293, Special Provisions, of Division 4, Permits and Inspections, of Article IV, Electricity, of Chapter 14, Buildings and Building Regulations, to Allow Aluminum Conductors to be Installed Underground from Pole to Pole or from Pole to Outside Electrical Box Not Attached to a Structure; Providing a Penalty of Up to \$2,000.00 for Each Violation of Any Provision Hereof; Providing for Severability; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto. 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>Aye</u> |

Motion carried unanimously.

- 9.9 Motion was made by Councilman Dodson, second by Councilman Brown, to approve **GRAND THREE FINAL PLAT**: Being a Subdivision of 0.4686 Acre of land situated in the Joseph House Survey, Abstract Number 34, of Harris



County, Texas, and being the same land called 0.4689 Acre as described in deed recorded in Clerk's File Number K893680 of the Real Property Records of Harris County, Texas.

Motion carried unanimously.

9.10 No Executive Session was held 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

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19<sup>th</sup> day of November 2012.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor