

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 15, 2012
6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, October 15, 2012 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 Chaplain Steve Allison, VFW Chaplain
- 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 Presentations:
 - **Mayor's Cup** – Trophy to the Winner of the 2012 **Mayor's Cup** Blood Drive
- 6.0 Reports and Announcements:
 - **October 27, 2012 – Tomball Bluegrass Festival – 11:30 a.m.-6:00 p.m.**
 - November 5, 2012 – Appointments to Tourism Advisory Committee for terms expiring December 5, 2012
 - **November 3, 2012 – Tomball Art Walk**

- 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.**
- **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 - **Bugs, Brew & Barbecue, VW Show and MusicFest Re-Do – November 10, 2012 (New Date)**

7.0 Approve the Minutes of the Following Meetings:

- October 1, 2012 - Regular City Council Meeting
- October 8, 2012 - Special City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2012-41, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 30, Environment, Article II, Oil and Gas Wells and Pipelines, to Add a New Definition of *Training Well and Training Well Site*, to Section 30-27 of Division 1, Generally, Thereof; Adding a New Section 30-31a, Location and Setback Requirements for Training Well Sites, to Division 1, Generally, Thereof; Adding Location and Setback Requirements for Training Well Sites to the Appeal Provisions of Section 30-32, of Division 1, Generally, Thereof; Adding Language to Section 30-33, Substitute Wells, of Division 1, Generally, to Make Such Regulations Applicable to Training Wells; Adding Language to Section 30-46, Permit Required to Drill or Deepen a Well, or Conduct Seismic Activities, of Division 2, Wells and Seismic Activities Permits, to Make Such Regulations Applicable to Training Wells; Adding Language to Section 30-47, Application and Filing Fee, of Division 2, Wells and Seismic Activities Permits, to Exempt Training Wells from Certain Regulations and Requiring a Filing Fee for a Training Well Application; Adding Language to Section 30-48, Filing of Application and Notice, of Division 2, Wells and Seismic Activities Permits, Exempting Training Wells from the Regulations of Section 30-48; Adding Language to Section 30-49, Granting or Refusal of Permit, of Division 2 Wells and Seismic Activities Permits, Making Regulations Contained Therein Applicable to Training Wells; Adding Language to Section 30-50, Form and Issuance of Permit, of Division 2, Wells and Seismic Activities Permits, Making Regulations Contained Therein Applicable to Training Wells; Adding Language to Section 30-51, Bond Requirements, of Division 2, Wells and Seismic Activities Permits, Exempting Training Wells from the Regulations Contained Therein; Adding Language to Section 30-66, Unlawful to Permit Escape of Mud, Etc., of Division 3, Well Operation, Making Regulations Contained Therein Applicable to

Training Wells; Adding Language to Section 30-67, Remedial Well Work, of Division 3, Well Operation, Making Regulations Contained Therein Applicable to Training Wells; Adding Language to Section 30-68, Reworking a Well, Deeper Drilling; Supplemental Permit Required, of Division 3, Well Operation, Making Regulations Contained Therein Applicable to Training Wells; Adding New Sections 30-70, Noise, 30-71, Lighting, and 30-72, Buffering, to Division 3, Well Operation, Providing Regulations for Noise, Lighting and Buffering for Training Wells; 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; Providing for Severability; and Making Other Findings and Provisions Related Thereto.

- 8.2 Adopt, on Second Reading, Ordinance No. 2012-42, 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 in New Commercial Buildings, 5,000 Square Feet or Larger, on All Service Entrance Conductors and Feeder Conductors Sized 4/0 and Larger; 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
- 8.3 Adopt, on First 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

9.0 New Business:

- 9.1 Adopt, on First 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, to Add to the Exception that Signs Relating to Construction, Repair, Sale or Rental of the Property and Garage Sale Signs be Limited to the Duration that the Property is Under Repair or Construction, or for Sale or Rent; 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 New 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.

- 9.2 Consideration to approve **ZONING CASE P12-483**: Request by Tomball & Magnolia Properties, LLC to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center within the City of Tomball, Harris County, Texas, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, from the Single-Family Residential-6 District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-483**
- Adopt, on First Reading, Ordinance No. 2012-43, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Commercial District; said Property being Generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; 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.

- 9.3 Public Hearing and Adopt, on First Reading, Zoning Case P12-484 – Ordinance No. 2012-44 (Barbara & Lawrence)

- Conduct a Public Hearing on **ZONING CASE P12-484**
- Adopt, on First Reading, Ordinance No. 2012-44, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 0.32 Acres of Land, Legally Described as Lots 11 and 12, Block 6, Main Street-Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Commercial District; said Property being Generally Located at the Southeast Corner of Barbara Street and Lawrence Avenue; 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.

- 9.4 Discussion and Direction to Staff regarding Jacqueline Angelo's Request for the City to Acquire the School Street Right-of-Way
- 9.5 Approve Resolution No. 2012-31, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 47th Annual Tomball Holiday Parade, ***"Candy Canes and Christmas Carols"***, to be held in Tomball on Saturday, November 17, 2012 and to Approve Requested Street Closures and In-kind Services
- 9.6 Approve the Following Plats, as Recommended by Planning and Zoning Commission:
- **ABBREVIATED PLAT PATEL PLAZA**: Being a Subdivision of 0.3214 Acre, being comprised of Lots 1 and 2 in Block 41 of Tomball Townsite; situated in the William Hurd Survey, Abstract No. 371 according to the Map or Plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas.
 - **DAKOTA PINES FINAL PLAT**: A Subdivision of 5.0005 Acres of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas; Being a Replat of a portion of a Tract of land containing a called 21.922 Acres, Being a portion of a Tract of land containing called 52 Acres as described in Deed to Park Place Assembly of God Church under Clerk's File No. E330792 of the Real Property Records of Harris County, Texas.
 - **POINT SOUTH BUSINESS PARK FINAL PLAT**: Being a Subdivision of 3.9078 Acres of land out of the Claude M. Pillot Survey, Abstract No. 632, in the City of Tomball, Harris County, Texas.

10.0 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 11th day of October 2012 by 6:00 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.