

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 1, 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
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Brother James Roberson, Hufsmith Church of Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Rosalie Dillon, Community Events Coordinator

4.0 No public comments were received.

5.0 Reports and Announcements:

- **October 2, 2012 – Annual National Night Out at the Depot – 6:00-8:00 p.m.**
- **October 8, 2012 – Vote on Proposed Tax Rate – 5:00 p.m.**
- **October 13, 2012 - 2nd Saturday at the Depot —“Zomball in Tomball” – 5:00 p.m.**
- **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 10, 2012 – Tomball Art Walk**
- **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***
 - David Kauffman - Update on the Demolition of the Two Buildings on Walnut and TISD Administrative Building and Construction of Restrooms on Walnut

6.0 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Minutes of the Following Meetings:

- September 17, 2012 - Regular City Council Meeting
- September 24, 2012 - Special City Council Meeting

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt on Second Reading, Ordinance No. 2012-33, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District; said property being generally located northerly of East Hufsmith Road, easterly of Snook Lane; 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Nay</u>

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt on Second Reading, Ordinance No. 2012-34, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; 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 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.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2012-35, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District; said property being generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road; 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>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.

- 7.4 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2012-36, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; 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 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.

8.0 New Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt \$0.230000 as the Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for Fiscal Year 2012-2013.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt \$0.111455 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for Fiscal Year 2012-2013.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-32 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. 2012-32, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2012 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. 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	<u>Aye</u>

Motion carried unanimously.

- 8.4 Mayor Fagan Announced that the Final Vote on the proposed 2012 Tax Rate will be held on October 8, 2012 at 5:00 p.m. No action necessary.
- 8.5 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resolution No. 2012-26, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (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) – Tract 1.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2012-27, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (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) – Tract 2.

Consideration of Resolution No. 2012-27 was tabled to the October 8, 2012 meeting at the request of Council, pending inclusion of road right-of-way in metes and bounds description for Tract 2.

No action taken.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2012-28, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (23.624 Acres of Land Located at 0 FM 2920, near the Intersection of FM 2978 and FM 2920 – Cypressbrook 2920, LP) – Tract 3.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-29, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (20 Acres of Land Located at 10920 FM 2920, near the Intersection of FM 2978 and FM 2920 – ABCO Land Corporation) – Tract 4.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-41 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. 2012-41, 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 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.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll to Adopt, on First 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 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, by deleting the proposed amendment to Section 30-69, Rules for Drilling and Producing Operations for Permit Holder, of Division 3, Well Operation, Making Regulations Contained Therein Applicable to Training Wells and by amending Section 30-31A(b) to 150 feet. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-42 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. 2012-42, 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. 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.

- 8.11 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Professional Services Agreement with CLR, Inc. for Design of the Medical District Sidewalks, E&P Project Number 2012-10018, in the Amount of \$77,423.20.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Hudgens, second by Councilman Stoll, to authorize Engineering and Planning Department to Negotiate and Prepare Professional Services Agreement with CLR, Inc. for Update of the Infrastructure Master Plan.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of October 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor