

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 17, 2012
6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, September 17, 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 Pastor Wayne Graumann, Salem Lutheran Church

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:

- **September 24, 2012 – Public Hearing on Proposed Tax Rate – 5 p.m.**
- **September 29, 2012 – Bugs, Brew & Barbecue, VW Show and MusicFest – 9:00 a.m.-6:00 p.m.**
- **October 1, 2012 – Vote on Proposed Tax Rate – 6:00 p.m.**
- **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.**
- **Walk Tomball!** – Every Saturday at 8:00 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

6.0 Approve the Minutes of the Following Meetings:

- September 4, 2012 - Special City Council and Planning and Zoning Commission Meeting
- September 4, 2012 - Regular City Council Meeting

7.0 Old Business:

- 7.1 Approve, on Second Reading, Resolution No. 2012-22-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 Stripes LLC to make direct Incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at the northwest corner of S.H. 249 and Holderrieth Road in Tomball, Texas. The estimated amount of expenditures for such Project is \$21,000.
- 7.2 Approve, on Second Reading, Resolution No. 2012-23-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 Baker Hughes Incorporated, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business development related to the construction of a commercial facility to be located at the northeast corner of FM 2920 and FM 2978 in the City of Tomball’s extraterritorial jurisdiction (ETJ). The estimated amount of expenditures for such Project is \$912,889.00.
- 7.3 Adopt, on Second Reading, Ordinance No. 2012-30, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Section 43.8 (“Temporary Structures & Uses”) allowing governmental entities and publicly funded school districts to utilize temporary buildings under certain conditions; Providing for 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. 2012-31, an Ordinance of the City of Tomball, Texas Temporarily Suspending the Collection of Impact Fees for the Development of Commercial Properties for the Area of the City known as Old Town Tomball, that Area being bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street and including the properties that front on Fannin and Houston Streets adjacent to such area; Providing for Mandatory Review of this Suspension; and Providing for Severability
- 7.5 Discussion regarding Regulation of Left-Turns on FM 2920 During Specific Hours
- 8.0 New Business:
 - 8.1 Conduct First Public Hearing on the Proposed 2012 Tax Rate and Announce that the Second Public Hearing will be held on September 24, 2012 at 5:00 p.m.
 - 8.2 Announce that the Vote on the Proposed 2012 Tax Rate will be held on October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5:00 p.m.
 - 8.3 Approve Resolution No. 2012-24, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council 2013 General Assembly
 - 8.4 Approve a Development Agreement between the City of Tomball and Stripes, LLC to Participate with the Over-Sizing Cost of Water, Sanitary Sewer, and Gas Facility Extensions along Holderrieth Road
 - 8.5 Award Contract for COT Project Bid Number 2012-09, Elm and Fannin Street Parking Lots, E&P Project Number 2010-10032, to Project Management Group, LLC (PMG) in the Amount of \$519,506.10
 - 8.6 Authorize Engineering and Planning Department to Negotiate and Prepare Professional Services Agreement with CLR, Inc. for Design of Medical District Sidewalks
 - 8.7 Consideration to approve **ZONING CASE P12-459**: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning 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, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.
 - Conduct a Public Hearing on **ZONING CASE P12-459**

- Adopt on First 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.

8.8 Consideration to approve **ZONING CASE P12-468**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-468**
- Adopt on First 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.

8.9 Consideration to approve **ZONING CASE P12-469**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning 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, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-469**

- Adopt on First 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.
- 8.10 Consideration to approve **ZONING CASE P12-481**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.
- Conduct a Public Hearing on **ZONING CASE P12-481**
 - Adopt on First 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.
- 8.11 Appoint Presiding Municipal Court Judge
- 8.12 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
 - Sec. 551.074 – Deliberations Regarding Personnel Matters – Evaluation of City Manager

8.13 Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

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 13th day of September 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.