

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**TUESDAY, SEPTEMBER 4, 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 Stoll
Councilman Dodson
Councilman Hudgens
Councilman Townsend

Excused Absence: Councilman Brown

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Kelly Violette – TEDC Executive Director

2.0 Invocation

- Led by Tara Dorroh, Chaplain, International Fellowship of Chaplains

3.0 Pledges to U. S. and Texas Flags

- Led by Anna Liu and Courtlynn Noack, Tomball High School Student Council Members

4.0 The following public comments were received:

Tim Miller 16416 Surrey Lane, 77355 Liberty Tax Service	-	Expressed his opposition to the proposed changes to the City's sign ordinance regarding prohibition of "wind feathers" and "human wavers".
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5.0 Presentations: Mayor Fagan presented the following:

- Presentation of Certificates of Appreciation to HEB, Buffalo Wild Wings, Cisco's Salsa Company, Rey Rueda, TISD Student Council, and Tomball Bible Church for their participation in and support of the 2012 **Tomball Kids Club at MLK, Jr. Park**
- Proclamation - **"Texting & Driving – It Can Wait Day"- September 19, 2012** to the Shelli Ralls-Brinkley and the Herbie Martinez families.

6.0 Reports and Announcements:

- September 8, 2012 – **Second Saturday at the Depot – 6:30 p.m.**
- **September 17, 2012 at 6 p.m. – Public Hearing on Proposed Tax Rate**
- **September 24, 2012 at 5 p.m. – Public Hearing on Proposed Tax Rate**
- **September 29, 2012 – Bugs, Brew & Barbecue, VW Show and MusicFest – 9:00 a.m.-6:00 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

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the August 20, 2012 City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2012-25, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from High Density

Residential to Employment/Office; said Property being Generally Located on the Southwestern Corner of Michel Road and Johnson 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Absent</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve, on Second Reading, Ordinance No. 2012-26, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), Within The City Of Tomball, Harris County, Texas, From the Duplex Residential District to the Office District; said Property being Generally Located on the Southwestern Corner of Michel Road and Johnson 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>Absent</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve, on First 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.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on First 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. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay

- 9.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2012-2013 Budget.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Request from Salem Ministries for City Support of the "4 Their Lives" Run Fundraiser, to be Held on Saturday, October 13, 2012, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve New Dates for the Public Hearings on the Proposed Tax Rate for 2012 and Set October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5 p.m. as the Dates for the Votes to Adopt the Tax Rate.

Motion carried unanimously.

- 9.6 Rebecca Guerra presented staff report on **ZONING CASE P12-477**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-477** at 7:05 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 7:05 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-30 by caption only on First Reading.

Motion carried unanimously.

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

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

A tie resulting, Mayor Fagan cast vote: Aye

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-31 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt on First 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.

Motion was made by Councilman Stoll, second by Councilman Townsend, to amend Ordinance No. 2012-31 by changing the review period in Section 3 from 150 days to 90 days and to adopt on First 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, as amended. Vote was as follows:

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

Motion carried unanimously.

9.8 No Executive Session was held.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of September 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor