

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JULY 2, 2012
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Townsend
Councilman Dodson
Councilman Hudgens
Councilman Brown

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Rob Hauck
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
IT Specialist – Doug Tippet
Community Events Coordinator – Rosalie Dillon
Kelly Violette – TEDC Executive Director

2.0 Invocation

- Led by Shawn O'Hearn, Pastor, Saddlecreek Church

3.0 Pledges to U. S. and Texas Flags

- Led by Randy Parr, Fire Chief

4.0 The following public comments were received:

Darrell Roquemoore
614 N. Hickory, 77375

- Stated his wish to serve on the Planning and Zoning Commission.

5.0 Reports and Announcements:

- **June 25 through August 13, 2012 – Tomball Kids Club at MLK, Jr. Park – Hosted by HEB, in Partnership with Buffalo Wild Wings and Cisco’s Salsa Company**
- **July 4, 2012 – City of Tomball Fourth of July Celebration – 2:00 p.m.-10:00 p.m.**
- July 10, 2012 – Blood Drive
- July 14, 2012 – **Second Saturday at the Depot** – 6:30 p.m.
- July 16, 2012 – **Budget Workshop** on FY 2012-2013 Budget – 4 p.m.
- **August 6, 2012 – Public Hearing** on FY 2012-2013 Budget – 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:
 - Lori Lakatos – Update on Medical Complex Right-of-Way Purchases
 - Randy Parr – Promotion of Justin Martinets to Driver/Operator – Fire Department
 - George Shackelford – Introduced Rebeca Guerra, City Planner

6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the minutes of the June 18, 2012 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Lease Agreement between the City of Tomball and Burlington Northern Santa Fe Railroad (BNSF), Covering Lease of Property off of North Elm Street for the City's Parking Lot Project, at an Annual Lease Rate of \$3,000.00, and Authorize Payment of a One-Time Railroad Protective Liability Insurance Fee as required by BNSF, in the Amount of \$885.00. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 7.2 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Resolution No. 2012-17-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving a development and property exchange agreement between the Tomball Economic Development Corporation and 2978 Industrial Properties, LLC, (The “Company”) related to the development of the Tomball Business and Technology Park Project; containing other provisions relating to the subject; and providing for severability.

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Three. 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.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-16, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit Amendment to K. E. Jams Investments, Inc., to Expand a “Recreational Vehicle Park”; Being an Approximately 23.74 Acre Site, and Being Legally Described as Lot 168, Amending Plat of Tomball Outlots, generally located on the Westerly Side of South Cherry Street, Northerly of Agg Road at 1402 South Cherry Street, Tomball, Texas; Providing Requirements and Conditions for This Conditional Use Permit Amendment; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not To Exceed Two Thousand Dollars for Violations Hereof; 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.

- 7.5 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-18, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 38.2 (“Use Charts”) to Allow a “Playfield or Stadium (Private)” Land Use in the Agricultural District with a Conditional Use Permit; 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 approve Request from Tomball Regional Hospital for City Support of the "3rd Annual American Heart Association's Northwest Harris County Satellite Heart Walk" on Saturday, October 20, 2012, to Support the American Heart Association.

Motion carried unanimously.

- 8.2 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball at 7:28 p.m. to Consider Proposed Assessments against Reserve at Spring Lakes Section One Properties in the City of Tomball Public Improvement District Number Three, Established by City Council Resolution No. 2009-28.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:28 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-19 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2012-19, an Ordinance of the City Council of Tomball, Texas, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Reserve at Spring Lakes Section One Properties within the City of Tomball Public Improvement District Number Three; and making Certain 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	<u>Aye</u>

Motion carried unanimously.

- 8.4 Mayor Fagan announced that consideration of 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, will be moved to the July 16, 2012 meeting.

No action taken.

- 8.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-19, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Tomball 10 Joint Venture for use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute All Documents Related Thereto, in the Amount of \$314,810.00.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four Student Resource Officers (SROs) to TISD Campuses.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events occurring Before, During and After the Normal Campus Hours.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to appoint Darrell Roquemore to Fill Vacancy and Complete Unexpired Term on City of Tomball Planning and Zoning Commission.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Brown, second by Councilman Dodson, to appoint Rocky Pilgrim to Alternate Position 2, to Fill Vacancy and Complete Unexpired Term on City of Tomball Board of Adjustments.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve **BJS MANUFACTURING CENTER REPLAT**: A subdivision of 71.3618 Acres of Land out of the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas; Being a Replat of Restricted Reserve "A" and Reserve "B" of BJ Services Tract, Film Code No. 537089 M.R.H.C.; Being a Replat of Lots 327 and 328 of Tomball Townsite, Volume 2, Page 65 M.R.H.C. and Being a Replat of Lots 330 and 333 of Corrected Map of Tomball Outlots, Volume 4, Page 75 M.R.H.C.

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 16th day of July 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor