

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JUNE 18, 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

Councilmembers absent:

Councilman Brown – Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Scott Bounds
Police Chief – Rob Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Reverend John Holiday, Powerhouse Church of God in Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Members of JOY School – ChristBridge Summer Program

4.0 The following public comments were received:

- | | |
|---|--|
| Rodney Hutson
9431 Rosie Lane, 77355 | - Expressed his support for Item 9.9 (it is long overdue) and requested that the City construct something attractive for the long-term. |
| Mike O'Brien
11767 Quail Creek, 77070 | - Expressed his appreciation for the TEDC Business Revitalization Program grant, used for 416 Main Street improvements – Tomball Electric Company. |
| Bruce Hillegeist
20339 Telge, 77377
GTACC | - Expressed his appreciation and support of Item 9.1, Resolution 2012-18, supporting the 40 th Annual Tomball Night. |
| Larry Hugonin
30507 Country Meadows, 77375 | - Expressed his support for a 4-way stop or caution light at the intersection of Quinn and Brown Road. |

5.0 Presentations:

- Mayor Fagan presented Plaques for the following:
 - Ron Stewart, Tomball Police Department – 18 Years of Service
 - Jimmie Reynolds, Public Works Department – 23 Years of Service

6.0 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**
- **June 26, 2012 - 4th Annual Economic Development Breakfast**, hosted by the Tomball Economic Development Corporation, 8:00 - 10:30 a.m., Lone Star College-Tomball, Beckendorf Conference Center
- **July 2, 2012 – Budget Workshop** on FY 2012-2013 Budget – 4 p.m.
- **July 2, 2012 – Public Hearing** – 6 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
- **July 4, 2012 – City of Tomball Fourth of July Celebration** – 2:00 p.m.-10:00 p.m.
- **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.
- **July 16, 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:
 - o Rob Hauck and David Kauffman provided updates on the following:
 - Traffic control at the intersection of Quinn and Brown Road
 - ♦ County traffic studies indicated that a 2-way stop would be sufficient; City staff has installed three lighted trailers with message boards to warn that cross-traffic does not stop, enforcement activity has been increased; additionally, smaller signs will be mounted on the stop signs, advising motorists that cross-traffic does not stop. Councilman Townsend advised that the City has the right to request a 4-way stop at Quinn and Brown Roads. Councilman Stoll suggested using a trailer with a camera to video the intersection. Chief Hauck advised that TPD could set the trailer up and monitor the location.
 - Left turn options on Main Street
 - ♦ Per Doug Stephens, TxDOT, TxDOT is reviewing the study regarding protected left turns on Cherry Street. Councilman Townsend advised that the City needs to suggest very strongly to TxDOT to prohibit left turns on Cherry during specific times of the day.
 - Police Department Air Support Unit
 - ♦ Rob Hauck provided an update regarding the TPD Aviation Program, using the City's Light-Support Aircraft (LSA).

7.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the minutes of the following City Council Meetings:

- June 4, 2012 - Special Joint Tomball City Council, Planning and Zoning Commission, & Downtown Tomball Advisory Committee Meeting
- June 4, 2012 - Regular City Council Meeting
- June 11, 2012 Special Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2012-13, an Ordinance of the City Council of the City of Tomball, Texas, Amending Subsection (b)(1) of Section 30-159 of Article IV, Nuisances, of Chapter 30, Environment, of the City's Code of Ordinances relating to the Prohibition of Weeds; Providing a New Definition of "Weeds"; 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. 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 Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-14, an Ordinance of the City of Tomball, Texas, Providing that the Portion of That Road Currently Known as Brown-Hufsmith Road shall be Renamed to Brown Road; Providing for Notice to Utility Companies and the United States Postal Service of Such Name Change; Providing for Severability; and Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay, with Mayor Fagan casting vote to break tie.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt Resolution No. 2012-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 40th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 3, 2012.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-15 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. 2012-15, 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 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.

- 9.3 Rodney Schmidt presented the staff report on **ZONING CASE P11-383**: Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the “Recreational Vehicle Park” land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-383** at 7:03 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 7:03 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-16 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. 2012-16 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 Stoll	<u>Aye</u>
Councilman Brown	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>

Motion carried unanimously.

- 9.4 Rodney Schmidt presented the staff report on **ZONING CASE P12-436**: Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City’s

Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-436** at 7:12 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 7:12 p.m.
- Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-17 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-17 an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 7.51 Acres of Land, Legally Described as Part Of Lot 69, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being generally located Easterly of Rudolph Road, Northerly of Hufsmith 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 Townsend	<u>Nay</u>
Councilman Dodson	<u>Nay</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Absent</u>

Motion FAILED, 3 votes Nay, 1 vote Aye.

Motion was made by Councilman Hudgens to change the zoning district to General Retail; motion died for lack of second.

- 9.5 Rodney Schmidt presented the staff report on **ZONING CASE P12-431**: Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-431** at 7:31 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 7:31 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-18 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. 2012-18, 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 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.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve **TOMBALL 2920 REPLAT NO. 1**: A Subdivision of 26.4208 Acres of Land; Being a Replat of Lot 1 of Tomball 2920 as Recorded at File Code Number 644123, Harris County Map Records, Located in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve an Initial One-Year Renewal of the Service Contract between the City of Tomball and Waste Corporation of Texas, L.P.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Townsend, to award Contract for Project No. 2012-06, Asphalt Overlay Improvements, to Forde Construction, Inc., in the Amount of \$116,384.00.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Hudgens, second by Councilman Dodson, to accept staff recommendations regarding the Existing Buildings and Proposed Restroom Facilities, located at 217 South Walnut Street (Depot Plaza) and to approve a site-built restroom facility at 217 South Walnut Street.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Dodson, second by Councilman Stoll to authorize City Staff to Remove Buildings Located on the following City Properties:

- ◆ 24114 Flax Court
- ◆ 24115 Flax Court
- ◆ 24114 Lovett Street
- ◆ 217 South Walnut Street
- ◆ 217 West Main Street
- ◆ 221 West Main Street

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 2nd day of July 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor