

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, APRIL 16, 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 Brown
Councilman Townsend
Councilman Dodson

Councilman Hudgens – Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

2.0 Invocation

- Led by Pastor Arthur Purvis, Christ Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 No Public Comments were received.

5.0 Presentations:

- Mayor Fagan presented a Proclamation declaring **May 5 through 13, 2012 as “National Travel and Tourism Week – Tomball, Texas”** to Mike Baxter.

Tomball HEB Unit Director, Tom Smith, and Unit Coordinator, Beverly Leday presented a \$10,000 Donation to the City of Tomball, Sponsoring the ***Rails and Tails Mudbug Festival at the Depot*** and the ***Memorial Day Weekend Chili Challenge at the Depot***.

6.0 Reports and Announcements:

- April 21, 2012 – **Art Walk Tomball!** – 11:00 a.m.-6:00 p.m.
- April 23-28, 2012 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 24, 2012 – **City of Tomball Volunteer Fire Fighters and Fire Corps, Reserve Police Officers & Volunteers in Policing Appreciation Banquet** – 6:00 p.m.-8:00 p.m. at the Community Center
- April 28, 2012 – **Annual Tomball Clean-up Recycling Day – E-Waste and Drug Take-Back Program – Tuesday Morning/Old Kroger Center Parking Lot, 9:00 a.m.-1:00 p.m.**
- **April 30-May 8, 2012 - Early Voting** for May 12, 2012 General Election and ESD #8 Directors and Tax Election – April 30 through May 8, 2012 at City Hall (Monday, Wednesday, and Thursday – 7:45 a.m.-5:00 p.m.) (Tuesday – 7:45 a.m.-7:45 p.m.) and (Friday – 7:45 a.m.-4:00 p.m.)
- May 3, 2012 – **National Day of Prayer** at the Gazebo, 12:00 Noon
- May 5-6, 2012 – **Rails and Tails Mudbug Festival at the Depot** – 11:00 a.m.-6:00 p.m.
- May 8, 2012 – **Mayor’s Coffee – Sol de Luna – 207 Commerce**, 5:00 p.m.
- May 26 – **Memorial Day Weekend Chili Challenge at the Depot** – 11:00 a.m.-6:00 p.m.
- **May 29, 2012** - Harris County Primary Election Date; Runoff Date is July 31, 2012
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot; 8:00 a.m. beginning in May)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Randy Parr introduced James Jones, new Lieutenant, C Shift, Tomball Fire Department.
 - Councilman Townsend advised that Councilman Hudgens is in the hospital.
 - Glenn Windsor provided update on the **4th Annual Bunny Run 5K and Kids 1M** – 345 participants in the 5K this year versus 198 participants in the 5K in 2011.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the April 2, 2012 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-04, an Ordinance of the City of Tomball, Texas, amending Article V. Records Management, Division 1, Generally, Section 2-222. Records Control Schedules—to be Developed; Approval; Filing with State, by Deleting Section 2-222 in its Entirety and Adopting a New Section 2-222. Records Control Schedule, Providing for the Publication of this Ordinance; and Making Other Findings and Provisions Related Thereto. 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>Absent</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Rodney Schmidt presented an overview of the proposed **ZONING CASE P12-421**: Requested by Shintaro Yoshida, on behalf of Baker Oilfield Operations, Inc., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of South Persimmon Road, southerly of F.M. 2920, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-421** at 6:21 p.m.; the following public comments were received:

No public comments being received, Mayor Fagan closed the public hearing at 6:21 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-05 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Dodson, to approve on First Reading, Ordinance No. 2012-05, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 10 acres of land, Legally described as Lots 330 and 333, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located easterly of South Persimmon Road,

southerly of F.M. 2920; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Letter of Support on behalf of the Tomball Sister City Organization for Road Closure of South Cherry Street, a County Road, in Connection with the German Christmas Market, December 7-9, 2012 and the German Heritage Festival, March 22-24, 2013 and Authorize Mayor Fagan to Issue Letter of Support to Harris County Commissioners Court, and to include an additional statement in the Letter of Support to advise Harris County that there will be no cost to Harris County for the closure of South Cherry Street.

Motion carried unanimously.

- 9.3 Request was made by Loren Smith, City Attorney to move consideration and/or action regarding the Lease Agreement between the City of Tomball and Burlington Northern Santa Fe Railroad (BNSF), Covering Lease of Property off of North Elm Street for City's Parking Lot Project, at an Annual Lease Rate of \$3,000.00, and Authorize a Payment to Cover the Railroad Protective Liability Insurance required by BNSF, in the Amount of \$885.00 to one of the May 2012 Council meetings.

No action taken.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2012-06, a Resolution of the City of Tomball, Texas, Stating the City of Tomball's Intent to Participate in Tax Abatement and Establishing the Guidelines and Criteria for Granting Tax Abatements in a Reinvestment Zone Created in the City of Tomball and to include the additional changes/corrections to the policy as recommended by the City Manager to change the abatement formula to be calculated on the capital investment value instead of the appraised value used previously.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-07, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Gill Real Estate, LLC, a Texas Limited Liability Company, for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$30,718.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-08, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Orbit Development, Inc., for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$4,191.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-06 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. 2012-06, an Ordinance of the City of Tomball, Texas, Adopting Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2012 and Future Years, Unless Revised, 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; Providing for Severability; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-07 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-07, an Ordinance of the City of Tomball, Texas, Amending the Code of Ordinances of the City of Tomball by Amending Chapter 60, Signs, to Add a New Subsection (b)(6) to Section 60-9, Off-Premises Sign Provisions, to Allow the Addition of an LED Clock Display to Off-Premise Signs.

Motion to amend was made by Councilman Dodson, second by Councilman Stoll, to amend the ordinance to include the word “timer” or “time counter” to new subsection (b)(6), Section 60-9. Vote was as follows:

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

Motion carried unanimously.

- 9.9 The City Council recessed at 6:40 p.m. to meet in 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. 551.087 – Deliberations Regarding Economic Development

Upon reconvening into regular session at 7:24 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of May 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor