

**MINUTES OF SPECIAL CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, OCTOBER 24, 2011
5:30 P.M.**

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan.

Council members present were:

Councilman Stoll
Councilman Brown
Councilman Dodson
Councilman Hudgens

Council members absent were:

Councilman Townsend – Excused.

Planning and Zoning Commission Members present:

Commissioner Lori Wallace
Commissioner Barbara Tague
Commissioner James Kendler
Commissioner Michelle Beauvais
Commissioner Evelyn Torres-Chervenak

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor

Assistant City Planner – Rodney Schmidt
Chief-NWEMS – Brian Petrilla
Partners for Strategic Action - Peggy Fiandaca

2.0 The following public comments were received:

- | | |
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| Louise Owens
503 E. Hufsmith Road, 77375 | - Expressed her opposition to passage of Ordinance No. 2011-25. |
| Kevin Babb
507 E. Hufsmith Road, 77375 | - Did not attend; his opposition to passage of Ordinance No. 2011-25 was read into the record. |
| Donald Downey
29918 Keen Road, 77375 | - Expressed his support for passage of Ordinance No. 2011-25. |

3.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10-November 12)
- October 28-29, 2011 – **Fire Department Fall Festival, 709 West Main** – 7:00 p.m.-12:00 Midnight
- November 1, 2011 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m., **Bootsie's Heritage Cafe, 112 Commerce**
- November 7, 2011 - Appointments to Tourism Advisory Committee for Terms expiring December 5, 2011
- November 7, 2011 - Appointment to Fill Vacancy on Tomball Economic Development Corporation
- November 12, 2011 – **2nd Saturday at the Depot – "Christmas at Give Thanks Tomball"** – 5:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - *Special Walk Tomball* in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:00 p.m.–7:30 p.m.
- **Walk Tomball!** (Every Saturday at 9:00 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

4.0 Old Business:

- 4.1 Motion was made by Councilman Dodson, second by Councilman Hudgens to adopt, on Second Reading, Ordinance No. 2011-19, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2011 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for

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; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 4.2 Motion was made by Councilman Brown, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2011-25, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 5 acres of land, legally described as lot 61, Tomball Outlots, 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 Hufsmith Road, Westerly of the unimproved Neal Street Right-of-Way; 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 Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>

Motion carried unanimously.

- 4.3 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2011-26, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to M.H.B. Holdings LLC, to operate a “carpet and rug cleaning plant”; Said tract being an approximately 0.3214 acre site, and being legally described as lot 2, block 66, Tomball Townsite Amending Plat, generally located on the Westerly side of Live Oak Street, Northerly of Main Street at 212 East Main Street, Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

5.0 New Business:

- 5.1 George Shackelford presented Resolution No. 2011-22. Motion was made by Councilman Hudgens, second by Councilman Dodson, to approve Resolution No. 2011-22, Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto.

Motion carried unanimously,.

- 5.2 George Shackelford presented the Tomball Sister City Organization's request for hotel occupancy tax funding. Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Tomball Sister City Organization's request for Support, Funding in the amount of \$35,000, and to approve Road Closures and In-Kind Support for the 2011 Tomball German Christmas Market, to be held December 9-11, 2011, and for the 2012 Tomball German Heritage Festival, to be held March 30-April 1, 2012, as Recommended by the Tourism Advisory Committee.

Motion carried unanimously.

- 5.3 Lori Wallace, Chair, called the Planning and Zoning Commission to order for the Joint City Council and Planning and Zoning Commission Meeting

Prior to receiving the presentation by PSA, Chair Lori Wallace requested a motion to table the presentation and discussion of the Downtown Specific Plan to allow City Staff, PSA, and the Planning and Zoning Commission additional time to study specific areas of the plan that the Planning and Zoning Commission believes needs additional study. Motion was made by commissioner Tague, second by Commissioner Beauvais to table Items, 5.3, 5.4, 5.5, 5.6, and 5.7.

Motion carried unanimously.

Mayor Fagan asked if anyone in attendance would like to speak regarding the Downtown Specific Plan; the following comments were received:

Dale Cobourn
407 Fannin Street, 77375

- Expressed his concern regarding the mixed use transitions to residential use in the DSP.

Chris (szar
21315 Cherry Canyon, 77375

- Expressed her concern regarding her property at the intersection of Baker and Hicks, currently commercial and designated as residential in the DSP.

5.4 Receive Presentation by Peggy Fiandaca of PSA, Inc. (Partners for Strategic Action, Inc.) regarding the City of Tomball Downtown Specific Plan. Item tabled – no action taken.

5.5 Consideration by Planning and Zoning Commission to Approve the Downtown Specific Plan.

- Conduct a Public Hearing regarding the **DOWNTOWN SPECIFIC PLAN (DSP)**: To receive testimony and written evidence from the public regarding the City's proposed adoption of the Tomball Downtown Specific Plan.

Item tabled – no action taken.

5.6 Consideration by Planning and Zoning Commission to Approve City-Initiated Text Amendments (DSP):

- Conduct a Public Hearing regarding the **CITY INITIATED TEXT AMENDMENTS (DSP)**: Public hearing to consider City-initiated text amendments to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) adding a new Article VII “Downtown Specific Plan,” Section 52 “Regulating Plan and General Elements,” Section 53 “Historic Main Street District (DSP-HMS),” Section 54 “Old Town Plaza District (DSP-OTP),” Section 55 “Old Town Commercial District (DSP-OTC),” Section 56 “Mixed Use Transition District (DSP-MUT),” Section 57 “Old Town Residential District (DSP-OTR),” and Section 58 “Museum Center District (DSP-MC);” and amending Appendix A “Summary of Area Regulations by District” and Section 45 “Definitions.”

Item tabled – no action taken.

5.7 Consideration by Planning and Zoning Commission to Approve City-Initiated Rezoning (DSP):

- Conduct a Public Hearing regarding **CITY INITIATED REZONINGS (DSP)**: Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone the properties within the Old Town Area as defined by the Tomball Comprehensive Plan and including the properties located west of the

BNSF railroad, south of Fannin Street, east of South Elm Street, and north of Florence Street, starting at the DSP boundary in the southeast corner at the BNSF railroad and Florence Street westerly along Florence to South Pine Street, northerly along South Pine Street to Percival Street, westerly along Percival Street to School Street, northerly along School Street to Main Street, westerly along Main Street to Baker Street, northerly along Baker Street to Hicks Street, easterly along Hicks Street to North Magnolia Street, northerly along North Magnolia Street to unimproved right-of-way north of Hicks and Epps Streets, easterly along unimproved right-of-way north of Hicks and Epps Streets to North Cherry Street, southerly along North Cherry Street to Epps Street, easterly along Epps Street to North Elm Street, southerly along North Elm Street to Main Street, Main Street southerly along South Elm Street to unimproved Fannin Street, easterly along unimproved Fannin Street to right-of-way adjacent to BNSF railroad, southerly along right-of-way adjacent to BNSF railroad to Florence Street, within the City of Tomball, Harris County, Texas, from the SF-6, OT, & MU, and General Retail Districts to the DSP Historic Main Street, DSP Mixed Use Transition, DSP Museum Center, DSP Old Town Commercial, DSP Old Town Plaza Area, and DSP Old Town Residential Districts.

Item tabled – no action taken.

- 5.8 Motion was made by Commissioner Tague, second by Commissioner Kendler, to adjourn of the Planning and Zoning Commission.

Motion carried unanimously.

- 5.9 Possible Discussion by City Council regarding Presentation and Recommendations by Planning and Zoning Commission.

Joint meeting items tabled – no action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of November 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor