

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 19, 2011
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

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Denny Dillon, NewLife Community Church

3.0 Pledges to U. S. and Texas Flags were led by Members of the Tomball High School Student Council

4.0 No public comments were received.

5.0 Mayor Fagan presented:

- Proclamation - *Tomball Charter Chapter American Business Women's Association Day* - September 22, 2011
- Swearing In Ceremony for New Tomball Police Officers - Keith Ferguson, Alfred Hernandez, Brandon Patin, and Alex Ramsey
- Presentation by Mayor Fagan to the Tomball Fire Department, Winners of the Annual Mayor's Challenge Community Blood Drive

Mayor Fagan introduced Al Rendl, Board of Directors, North Harris County Regional Water Authority:

- Mr. Rendl presented information regarding progress by NHCRWA in reducing groundwater use to meet the required timeline to meet the 2030 conversion schedule to reduce groundwater usage by 80% (Tom Rollin, Program Manager, and Lisa Sagstetter, Community Relations Coordinator, NHCRWA also present) and the City of Tomball's role in reducing groundwater usage.

6.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 24-November 12)
- September 28, 2011 – **Homecoming Parade and Rally at the Depot**, 6:00 p.m.–8:00 p.m.
- October 1, 2011 – **Bugs, Brew and Barbecue at the Depot**, 12:30 p.m.–6:00 p.m.
- October 8, 2011 – **Open House at the Central Fire Station**, 10:00 a.m.–3:00 p.m.
- October 8, 2011 – **2nd Saturday at the Depot "Spooktacular Bash"** – 5:00 p.m.
- October 10, 2011 – **Fall Cleanup Week**
- October 15, 2011 – **E-Waste and Shredding Event**
- October 15, 2011 – **Tomball Art Walk**, 2:00 p.m.–6:00 p.m.; Free Concert at the Depot, 5:00 p.m.–7:30 p.m.
- October 22, 2011 - **Special Walk Tomball** to support American Heart Association – 9:30 a.m.; Heart Walk routes begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- October 28-29, 2011 – **Fire Department Fall Festival** – 6:00 p.m.
- November 1, 2011 – **Mayor's Coffee**, 5:30 p.m.–7:00 p.m., Nona's Italian Grill
- November 12, 2011 – **2nd Saturday at the Depot** – 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**, 2:00 p.m.–6:00 p.m.; Free Concert at the Depot, 5:00 p.m.–7:30 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 Doris Speer provided report that, in order to assist the Tri-County Fire victims in their recovery efforts, the City of Tomball will provide a single copy of a Tomball-born birth certificate, from May 1980 to present, for \$5.00; acceptable proof of loss must be presented with application. Birth certificates for those born outside of Tomball or before May 1980 will still cost \$23.00, as required under the Health and Safety Code, as these records are held by the State.

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the following meetings:

- September 6, 2011 Special Council and Planning and Zoning Meeting
- September 6, 2011 Regular Council Meeting

Motion carried unanimously.

9.0 New Business:

9.8 Motion was made by Councilman Brown, second by Councilman Stoll, to move consideration of Item 9.8 before Old Business items. Councilman Dodson stated that he would abstain from participation in discussion or action on Item 9.8, based on the Conflict of Interest Affidavit previously filed with the City Secretary.

Rodney Schmidt advised Council that the applicant and his attorney have requested withdrawal of the current re-zoning request and will bring a new zoning request before the Planning and Zoning Commission on November 21, 2011.

No action necessary.

Consideration to approve **ZONING CASE P11-349**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.928 acres of land, legally described as Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-9 - Single-Family Residential-9 District to the C - Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-349**
- Adopt of First Reading, Ordinance 2011-23, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 6.928 acres of land, legally described as lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat, Within the City of Tomball, Harris County, Texas, from the SF-9 - Single-Family Residential-9 District to the C -Commercial District; Said property being generally located on

the easterly side of State Highway 249, northerly of Zion 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

Mayor Fagan called a recess at 6:55 p.m.; upon reconvening into session at 7:02 p.m., the following items were considered:

8.0 Old Business:

- 8.1 Doris Speer presented information regarding action by Council to ratify the FY 2012 Budget and acknowledge that the proposed Tax Rate will raise more revenue than the FY 2011 Budget. Motion was made by Councilman Dodson, second by Councilman Brown to Ratify the FY 2012 Budget and to Find that the Proposed Tax Rate of \$0.341455/\$100 Generates More Property Tax Revenue than the FY 2011 Budget. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.2 Doris Speer presented recommendations regarding the proposed public hearing dates. Motion was made by Councilman Brown, second by Councilman Dodson, to Set October 3, 2011 at 6:00 p.m. and October 10, 2011 at 6:00 p.m. as the Dates for Public Hearings on the Proposed Tax Rate of \$0.341455/\$100.

Motion carried unanimously.

- 8.3 Kelly Violette presented the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve, on Second Reading, Resolution No. 2011-17-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 the City of Tomball to Make Direct Incentives to, or Expenditures for, the Expansion and Development of Medical Complex Drive; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with the City of Tomball to make direct incentives to or expenditures for, the expansion and development of Medical Complex Drive in the City of Tomball. The estimated amount of expenditures for such project is \$850,000.

Motion carried unanimously.

- 8.4 George Shackelford presented the proposed revised concept plan. Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve Revised Concept Plan and Contract with Aquascapes Pool & Spas, LLC for the Construction of an Entry Fountain and Splash Pad at Depot Plaza, in the amount of \$67,435 plus \$4,200 for Additional Pavers to Create a Walkway from the Driveway Area on the South Side, for a Total Estimated Cost of \$71,635, of which a Portion will be Offset by Selling Pavers and Other Possible Donations, pending minor changes in the design.

Motion carried unanimously.

9.0 New Business:

- 9.1 Doris Speer presented the proposed dates for the vote on the proposed \$0.341455 tax rate. Motion was made by Councilman Hudgens, second by Councilman Stoll, to set October 17, 2011 at 6:00 p.m. and October 24, 2011 at 5:30 p.m. as the dates for Vote on Tax Rate Increase on the Proposed Tax Rate of \$0.341455/\$100.

Motion carried unanimously.

- 9.2 George Shackelford presented the proposed Heart Walk. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request from Tomball Regional Hospital for City Support of the "2011 Heart Walk" on Saturday, October 22, 2011, to Support the American Heart Association.

Motion carried unanimously.

- 9.3 Doris Speer presented the proposed Request by WCA Waste Corporation. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Request by WCA Waste Corporation (WCA) for an Annual CPI Adjustment of 3.4%, to become effective October 1, 2011.

Motion carried unanimously.

- 9.4 Doris Speer presented an overview of the proposed Amendment. Motion was made by Councilman Dodson, second by Councilman Brown, to approve proposed First Amendment to Solid Waste Collection and Disposal Service Contract between the City of Tomball and WCA Waste Corporation (WCA), to provide an adjustment request period of May 31-June 1 of each contract year, with the effective date for rate adjustments to remain as October 1.

Motion carried unanimously.

- 9.5 Lori Lakatos presented an overview of the proposed Plats. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Following Plats, as recommended by Planning and Zoning Commission:

- **THE POINT FINAL PLAT**: Being a subdivision of 6.3637 acres of land out of the Claude M. Pillot Survey, Abstract No. 632, in the City of Tomball, Harris County, Texas.
- **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1**: Being a Replat of Lots 485, 486 and part of lot 484 of the five-acre tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R., a subdivision of 13.8198 acres out of the J. Pruitt Survey, Abstract No. 629 Harris County, Texas.
- **ROSE GARDENS REPLAT**: Being a subdivision of 0.5062 acre tract, 22, 049.39 Square Feet, Being a Replat of New Lot 25, Block 82 of Kana Industrial Park, as recorded in Film Code No. 437064 Harris County Map Records and 7,827.73 Square Feet of Abandoned Ash Street and Timkin Road Right of Way Situated in the William Hurd Survey a-371, Harris County, Texas.

Motion carried unanimously.

- 9.6 Rodney Schmidt presented the staff report on **ZONING CASE P11-347**: Request by John Thomas, on behalf of R.K. McGaughy, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 3.9078 acres of land, legally described as Tract 2AA out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-347** at 7:25 p.m.; no public comments being received, Mayor Fagan closed the public hearing at 7:25 p.m.
- Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2011-21 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 2011-21, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 3.9078 acres of land, legally described as tract 2aa out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District; said property being generally located on the westerly side of State Highway 249, northerly of Holderrieth 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>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 9.7 Rodney Schmidt presented the staff report on **ZONING CASE P11-348**: Request by the Tomball Economic Development Corporation, on behalf of Capital One, National Association, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 97.48 acres of land, legally described as Lots 386 and 387 and Tract 385 out of the Tomball Outlots and Tract 4 out of the Elizabeth Smith Survey, Abstract 70, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road, from the SF-6 - Single-Family Residential-6 District and C -Commercial District to the LI - Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-348** at 7:30 p.m.; no public comments being received, Mayor Fagan closed the public hearing at 7:30 p.m.
- Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2011-22 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 2011-22, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 97.48 acres of land, legally described as lots 386 and 387 and tract 385 out of the Tomball Outlots and tract 4 out of the Elizabeth Smith Survey, Abstract 70, within the City of Tomball, Harris County, Texas, from the SF-6 - Single-Family Residential-6 District and C-Commercial District to the LI-Light Industrial District; Said property being generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth 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>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 9.9 George Shackelford presented the proposed 2011-2016 Strategic Plan. Motion was made by Councilman Brown, second by Councilman Dodson, to approve the 2011-2016 Strategic Plan.

Motion carried unanimously.

- 9.10 Mayor Fagan presented the Employment Contract for George Shackelford. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Amendments to and Extension of the Employment Contract for George Shackelford, City Manager.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 3rd day of October 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor