

# NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JULY 18, 2011  
6:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, July 18, 2011 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Invocation
  - Led by Chaplain Tara Dorough, Tomball Fire Department
- 3.0 Pledges to U. S. and Texas Flags
- 4.0 Public Comments and Receipt of Petitions *(At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*
- 5.0 Reports and Announcements:
  - **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
  - **June 20-August 15** (skip July 4<sup>th</sup>) – **Tomball's Kids Club**, hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park**
  - July 19, 2011 – Downtown Tomball Advisory Committee Meeting – 3:00 p.m.-5:00 p.m. at the Public Works Training Room, 501-B James Street
  - July 19, 2011 – Downtown Tomball Specific Plan Public Workshop – 6:00 p.m.-8:00 p.m. at the Community Center
  - July 20, 2011 – Strategic Planning Workshop – 8:00 a.m.-4:00 p.m.
  - July 25, 2011 – Regular Tourism Advisory Committee Meeting – 3:00 p.m.
  - July 25, 2011 – Special Council Meeting (Budget) – 4:00 p.m.
  - July 26, 2011 – Special Council Meeting (Budget) – 4:00 p.m.

- August 2, 2011 – **2011 National Night Out** – 6:00 p.m.-9 p.m. at the Depot
- August 2, 2011 – **Mayor's Coffee – Nona's Italian Grill** - 5:30 p.m.-7:00 p.m.; sponsored by CommunityBank of Texas, N.A.
- August 5, 2011 – **Tomball Night**
- August 13, 2011 – **2nd Saturday at the Depot**
- September 17, 2011 – **Tomball Art Walk** – 2:00 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
  - Glenn Windsor – Quarterly Investment Report for Period Ending June 30, 2011
  - Glenn Windsor – Financial Report for Nine Months Ending June 30, 2011
  - Rosalie Dillon – 2<sup>nd</sup> Saturday at the Depot

6.0 Approve the Minutes of the July 5, 2011 Special and Regular City Council Meetings

7.0 New Business:

- 7.1 Presentation and Possible Action regarding Prospective Designs for Fountain at the Tomball Depot
- 7.2 Presentation by BMX regarding Proposed BMX Track
- 7.3 Approve Request from The North Houston Volkswagen Club to Use the Depot Area and to Close Streets for a Volkswagen Car Show and Swap Meet to be held on Saturday, October 1, 2011
- 7.4 The Tomball City Council and the Planning and Zoning Commission will enter into a workshop session to review the Downtown Specific Plan, as presented by Partners for Strategic Action (PSA)
- 7.5 Consideration and possible action regarding: **PINE COUNTRY OF TOMBALL SECTION THREE REPLAT**; A residential subdivision of 29.4207 acres comprised of 5 residential estate acreage lots and being a Replat of Pine Country of Tomball, Section Three, a residential subdivision of 29.4207 acres comprised of 4 residential estate acreage lots as recorded in H.C. Film Code #632143, located in the John Edwards Survey, A-20 and the Chauncey Goodrich Survey A-311, City of Tomball, Harris County, Texas.
- 7.6 Consideration and possible action regarding: **ZONING CASE P11-333**: Request by Eagle Gasket and Packing Company, Inc., on behalf of Faires Properties Inc. LLC, to amend the City's Comprehensive Zoning Ordinance to rezone an approximately 3.86 acre site, legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, generally located on the easterly side of Ulrich Road, northerly of Hufsmith Road at 1110 Ulrich Road, Tomball, Texas from the SF-20-E Single-Family Estate Residential-20 District to the C-Commercial District. (This case will be heard in conjunction with Zoning Case P11-334).

- Conduct a Public Hearing on **ZONING CASE P11-333**
- Adopt on First Reading, Ordinance No. 2011-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District classification of approximately 3.86 acres of land, legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, Within the City of Tomball, Harris County, Texas, from the SF-20-E Single-Family Estate Residential-20 District to the C-Commercial District; said property being generally located on the Easterly side of Ulrich Road, Northerly of Hufsmith Road at 1110 Ulrich Road, Tomball, Texas; 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

7.7 Consideration and possible action regarding: **ZONING CASE P11-334**: Request by Eagle Gasket and Packing Company, Inc., on behalf of Faires Properties Inc. LLC, for a Conditional Use Permit to operate a “Any Manufacture or Industrial Process Not Listed and Not Prohibited by Law” use. The property is an approximately 3.86 acre site, legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, generally located on the easterly side of Ulrich Road, northerly of Hufsmith Road at 1110 Ulrich Road, Tomball, Texas. The site is located in the SF-20-E Single-Family Estate Residential-20 District. (This case will be heard in conjunction with Zoning Case P11-333).

- Conduct a Public Hearing on **ZONING CASE P11-334**
- Adopt on First Reading, Ordinance No. 2011-12, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Eagle Gasket and Packing Company, to operate a “Any manufacture or industrial process not listed and not prohibited by law” use; said tract being an approximately 3.86 acre site, and being legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, generally located on the Easterly side of Ulrich Road, Northerly of Hufsmith Road in 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.

7.8 Consideration and possible action regarding: **ZONING CASE P11-335**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 7 (“Nonconforming Uses & Structures”) and Section 9 (“Board of Adjustments”) to authorize the Board of Adjustments to grant special exceptions related to the continuance, conversion, enlargement, extension and expansion of nonconforming structures and uses.

- Conduct a Public Hearing on **ZONING CASE P11-335**
  - Adopt on First Reading, Ordinance No. 2011-13, an Ordinance Amending Ordinance No. 2008-01, the Comprehensive Zoning Ordinance, of the Code of Ordinances of the City of Tomball, Texas, passed, approved and adopted on the 4<sup>th</sup> day of February, 2008, by Amending Subsection 7.1, Nonconforming Uses, of Section 7, Nonconforming Uses & Structures, by adding a new paragraph (D) to allow the Board of Adjustments to approve Expansions of Nonconforming Uses in certain circumstances; by amending Subsection 7.2, Nonconforming Structures of Section 7, Nonconforming Uses & Structures, by adding a new paragraph (G) to allow the Board of Adjustments to approve Expansions of Nonconforming Structures in certain circumstances; by amending Subsection 9.4(a), Authority of Board of Adjustments, to Section 9, Board of Adjustments (BOA), by adding a new paragraph (4) authorizing expansions of Legally Nonconforming Uses and Structures in specific cases; by adding a new subsection 9.9, expansion of Legally Nonconforming Uses and Structures, to Section 9, Board of Adjustments (BOA), granting authority to the Board of Adjustments and establishing the procedure for the expansion of legally nonconforming uses and structures; by renumbering the current Subsection 9.9, Procedures, of Section 9, Board of Adjustments (BOA), striking all of the new Subsection 9.10 and Substituting therefore a new Subsection 9.10, Procedures, establishing the procedures for an application before the Board of Adjustments; by renumbering current Subsection 9.10 to be numbered 9.11; 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
- 7.9 Adopt, on First Reading, Ordinance No. 2011-14, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 60 ("Signs") of the City's Code of Ordinances Relating to Changeable Electronic Variable Message Signs (CEVMS); Providing a Penalty of Up to \$2,000.00 for Violations; Providing for the Publication of this Ordinance; and Making Other Findings and Provisions Related Thereto.
- 7.10 First Reading of Ordinance No. 2011-16, an Ordinance amending Chapter 78, Traffic and Vehicles, Article III, Operation of Vehicles Generally, of the Code of Ordinances of the City Council of the City of Tomball, Texas, by adding a New Section 78-74, Through Truck Traffic Prohibited; Establishing Regulations related to Truck Traffic on Public Streets Designated as No Through Truck Street; Providing a Penalty in an Amount Not to Exceed \$200 for Each Violation Hereof; and Providing for Severability; and Making other Provisions and Findings related Thereto
- 7.11 Award Contract for Project No. 2011-07 (Asphalt Overlay Improvements) to Low Bidder, Turner Paving & Construction, for a Total Contract Amount of \$59,215.00
- 7.12 Award Contract for Project No. 2011-06 (City Hall Roof Replacement) to F.W. Walton, Inc, for a Total Contract Amount of \$147,100.00

7.13 Executive Session: The City Council will 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

7.14 Consideration and Possible Action to Approve the Purchase, on Behalf of the Tomball Economic Development Corporation, of Approximately 97.5 Acres of Land Generally Located at the Northwest Corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375, for the Development of a Business Park for Purposes of Projects related to the Creation or Retention of Primary Jobs

8.0 Adjournment

### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of July 2011 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer  
Doris Speer  
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).