

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, APRIL 18, 2011
7:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, April 18, 2011 at 7:00 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 Ted Ritts, Commander, Tomball American Legion Post 127
- 3.0 Pledges to U. S. and Texas Flags
 - Led by Ted Ritts, Commander, Tomball American Legion Post 127
- 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 Presentations:
 - **American Legion Public Safety Award** - Ted Ritts, Commander, Tomball American Legion Post 127, honoring Public Safety Awardees for 2010 in the Tomball Police and Fire Departments and Northwest EMS
 - Proclamation – **Childhood Cancer Awareness Week** – Mayor Fagan
- 6.0 Reports and Announcements:
 - Report from the Tomball Sister City Organization regarding German Heritage Festival
 - **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)

- April 18-23, 2011 – **City of Tomball Spring Clean Up Week** – 8:00 a.m. to 4:30 p.m.
- April 26, 2011 – **Boards and Commissions Appreciation Banquet** – 6:00 p.m. to 8:00 p.m., at the Community Center, Room A
- April 28, 2011 – City of Tomball to Receive Award from ASLA for Downtown Livable Centers
- May 2, 2011 – Appointments to Planning and Zoning Commission for terms expiring June 1, 2011
- May 5, 2011 – **Mayor's Coffee** – Nona's Italian Grill - 5:30 p.m.-7:00 p.m.
- **May 14, 2011 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 14, 2011 – **2nd Saturday at the Depot**
- **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
 - Shawn Cox – Report on April 9, 2011 Bunny Run

7.0 Approve the Minutes of the April 4, 2011 Regular City Council Meeting and the April 11, 2011 Special Tomball City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting

8.0 New Business:

8.1 Appoint Members to the Tomball Economic Development Corporation

8.2 Approve the Following Plats, as Recommended by the Planning and Zoning Commission:

- **TOMBALL R 135 FINAL PLAT**; Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, Harris County, Texas, as recommended by Planning and Zoning Commission
- **STRIPES - FM 2920 REPLAT**: A subdivision of 1.2707 acres or 55,352 square feet of land, Being a partial Replat of Unrestricted Reserve "B" of Tomball East Gate Center, recorded under F.C. No. 542107, H.C.M.R. and Outlots 313 and 314 of Tomball Townsite, Vol. 2, Pg. 65, H.C.M.R. situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.

8.3 Public Hearing on Application of Phillip O'Sullivan for Abandonment of a Portion of Ash and Timken Street Rights-of-Way

8.4 Approve Application of Phillip O'Sullivan for Abandonment of a Portion of Ash and Timken Street Rights-of-Way and Adopt, on First Reading, Ordinance No. 2011-04, an Ordinance of the City of Tomball, Texas, finding and determining that public convenience and necessity no longer require the continued existence of road right-of-way containing all that certain tract or parcel containing 7,827.73 square feet situated in the William Hurd Survey, A-371 in Harris County, Texas, same also being a part of Ash Street, (variable

width, unimproved), as shown on the revised map of Tomball, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in volume 4, page 25 of the Harris County Map Records and a part of Timkin Road, (variable width) as recorded in instruments filed for record in volume 338, page 552 and under Harris County Clerk's File No. M-572329 of the Harris County Deed Records; vacating, abandoning, and closing said roadway right-of-way; authorizing the Mayor to execute and the City Secretary to attest, respectively, deed without warranty of title; providing for severability; and containing other provisions relating to the subject

- 8.5 Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 1,000-gallon aboveground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.

- Conduct a Public Hearing on **ZONING CASE P10-289**
- Adopt on First Reading, Ordinance No. 2011-05; An Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Jeff Williams III of Professional Welding Supply, to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling; Said tract being located within the City in Zoning District GR-General Retail District and being legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 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.

- 8.6 Consideration and possible action regarding **ZONING CASE P11-313**; Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 ("Additional Off-Street Parking Space Requirements") to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

- Conduct a Public Hearing on **ZONING CASE P11-313**
- Adopt on First Reading, Ordinance No. 2011-06, An Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by amending Section 34.6.E.1 ("Additional off-street parking space requirements") to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town area bounded by Fannin Street, Houston

Street, the railroad tracks, and Pine Street, and including the Lots that Front on Fannin Street and Houston Street adjacent to such portion; 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.

- 8.7 Approve Service Agreement with Main Street Crossing for Advertising Services
- 8.8 Approve Amendments to Administrative Policy Number 22, "*Hotel Occupancy Tax Grant Process and Application*," as recommended by the Tourism Advisory Committee
- 8.9 Adopt, on First Reading, Ordinance No. 2011-07, an Ordinance of the City of Tomball, Texas, amending Chapter 2. Administration, of Its Code of Ordinances to Change Its Regular Meeting Time to 6:00 P.M.; amending Subsections 2-32(C) Meetings and 2-32(D)(6) Organization and Order Of Agenda Related to the Same; Making Other Provisions Related Thereto; Repealing Ordinances or Parts of Ordinances Inconsistent Herewith; and Providing for Severability
- 8.10 Adopt, on First Reading, Ordinance No. 2011-08, an Ordinance of the City Council of the City of Tomball, Texas, Providing for Minor Plats; and Making other Findings and Provisions related Thereto
- 8.11 Discussion and Possible Direction to City Staff regarding Lone Star College-Tomball's Decision to Purchase Natural Gas Supplies from the Texas General Land Office (GLO)
- 8.12 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:
 - Sec. 551.072 – Deliberations Regarding Real Property

9.0 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 April 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.