

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, APRIL 18, 2011

7:00 P.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Finance Director – Glenn Windsor
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce
Fire Inspector – Tommy Nicholson
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Petrilla

2.0 The invocation was given by Chaplain James Poe, Commander, Tomball American Legion Post 127

3.0 Pledge to the U. S. flag was led by Ted Ritts, Commander, Tomball American Legion Post 127; pledge to the Texas flag was led by Robert Hauck.

4.0 The following public comments were received:

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| Marie Heffernan
13615 Country Hill Court, 77375 | - Expressed her support for Item 8.10. |
| Bill Webb
915 Baker Drive, 77375 | - Requested postponement for appointment of Planning and Zoning Commission members from May 2 to May 16. Item 8.12 - requested explanation regarding Lone Star College possible purchase of natural gas from the General Land Office. Item 8.12 – requested explanation regarding proposed sale of property at 101 Market Street and future of tax office if property is sold. Requested exit review on two employees who were fired last week. |

5.0 Presentations:

- **American Legion Public Safety Award** - Ted Ritts, Commander, Tomball American Legion Post 127, presented the following Public Safety Awards for 2010:
 - Northwest EMS – Chris Knowers
 - Tomball Fire Department – Ben Covey
 - Tomball Police Department – David White
- Proclamation – **Childhood Cancer Awareness Week**

6.0 Reports and Announcements:

- Grady Martin, President – TSCO, provided a report on the success of the 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 provided a report on the success of the April 9, 2011 Bunny Run
 - Councilman Townsend thanked City employees for successful cleanup of the property on Snook Lane and reminded the public of the shred day, to be held on April 30 in the parking lot across from the tax office.

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

- April 4, 2011 Regular City Council Meeting
- April 11, 2011 Special Tomball City Council, Planning and Zoning Commission, and Downtown Tomball Advisory Committee Meeting

Motion carried unanimously.

8.0 New Business:

8.1 Mayor Fagan presented the proposed candidates for consideration to the TEDC. Councilman Townsend nominated James Kendler and Evelyn Torres-Chervenak for consideration. Motion was made by Councilman Brown, second by Councilman Dodson to appoint Steven Vaughan, Gretchen Fagan, and Brad Hallmark to the Tomball Economic Development Corporation. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

8.2 Lori Lakatos presented the proposed Plats. Councilman Dodson advised Mayor and Council that he would recuse himself from discussion and vote regarding the Tomball R135 Final Plat and that he had filed an affidavit of Conflict of Interest with the City Secretary. Motion was made by Councilman Stoll, second by Councilman Townsend, to 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.

Motion carried unanimously, with Councilman Dodson abstaining.

- **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.

Motion carried unanimously.

- 8.3 Lori Lakatos provided information regarding the application for abandonment of a portion of Ash and Timkin road rights-of-way. Mayor Fagan opened the public hearing on the application of Phillip O'Sullivan for Abandonment of a Portion of Ash and Timkin Street Rights-of-Way at 7:28 p.m.; no comments being received, Mayor Fagan closed the public hearing at 7:28 p.m.
- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the application of Phillip O'Sullivan for Abandonment of a Portion of Ash and Timkin Street Rights-of-Way.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2011-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to 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. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Councilman Dodson Aye

Motion carried unanimously.

- 8.5 Rodney Schmidt presented the staff report for **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.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P10-289** at 7:36 p.m.:

Phillip O’Sullivan addressed his concerns regarding the aboveground propane tank.

Jeff Williams requested permission to use chain-link fence versus green landscape around the propane tank.

No further public comments being received, Mayor Fagan closed the public hearing at 7:39 p.m.

- Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2011-05 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Dodson, to 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. Vote was as follows:

Councilman Stoll Aye
Councilman Brown Aye

Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.6 Rodney Schmidt presented the staff report for **ZONING CASE P11-313**: 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.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-313** at 7:42 p.m.; no public comments being received, Mayor Fagan closed the public hearing at 7:42 p.m.
- Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2011-06 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Brown, to 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. Vote was as follows:

Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 8.7 Shawn Cox presented the proposed Agreement. Councilman Dodson, second by Councilman Stoll, to approve the Service Agreement with Main Street Crossing for Advertising Services, with changes to Sections 9 and 17 as requested by Council and extending the contract to January 2012, due to the delay in completing the contract negotiations.

Motion carried unanimously.

- 8.8 Shawn Cox presented the proposed amendments to Administrative Policy Number 22. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Amendments to Administrative Policy Number 22, "*Hotel Occupancy Tax Grant Process and Application*," as recommended by the Tourism Advisory Committee.

Motion carried unanimously.

- 8.9 Doris Speer presented the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2011-07 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. 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. Vote was as follows:

Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.10 Lori Lakatos presented the proposed Ordinance. Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2011-08 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. 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. Motion was made by Councilman Townsend, second by Councilman Dodson, to amend the motion to adopt Ordinance No. 2011, with the addition of an amendment to include the requirement that City Manager, City Engineer, and City Secretary sign minor plats. Vote was as follows:

Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion, as amended, carried unanimously.

Council requested that City staff and attorney conduct research and provide information regarding possible amendments to the code of ordinances to provide a simplified platting process to reduce the costs of removing interior lot lines in joined and built-over 25-ft. lots in the older areas of Tomball.

- 8.11 George Shackelford presented an overview of Lone Star College-Tomball's proposed purchase of natural gas from the General Land Office. Motion was made by Councilman Townsend, second by Councilman Dodson, to discuss Lone Star College-Tomball's proposed purchase.

Motion carried unanimously.

Council requested that City staff conduct research and provide additional information regarding possible liability to the City, City's ability to refuse/reject the proposal, City's possible purchase of natural gas through the General Land Office.

No action taken.

- 8.12 The City Council recessed at 8:26 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:

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:46 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Brown, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 2nd day of May 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor