

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



MONDAY, JUNE 7, 2010

7:00 P.M.

1.0 Call to Order

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

Councilman Stoll
Councilman Townsend
Councilman Driver
Councilman Quinn
Councilman Brown

Others present:

Assistant City Manager – Christal Klierwer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Municipal Court Judge – George Covington

2.0 The invocation was led by Pastor Danny Williams, Dominion International

3.0 The pledges to U. S. and Texas Flags were led by Randy Parr, Fire Chief

4.0 No public comments were received.

5.0 The following presentations were made by Mayor Fagan:

- Plaque to George Covington, Municipal Court Judge, honoring his years of service with the City of Tomball (1992-2010)
- Plaque to City Council from VFW Post 2427, expressing the VFW's appreciation of the City's support.

6.0 The following reports and announcements were given:

- June 12, 2010 – **Farmers Market** – 8 a.m.
- June 12, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- June 26, 2010 – **Farmers Market** – 8 a.m.
- **July 4, 2010** (Sunday) – Fireworks Display by Tomball Fire Department, approximately 9:15 p.m.
- July 5, 2010 (Monday) – City offices closed for 4th of July holiday
- July 10, 2010 – **Farmers Market** – 8 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 24, 2010 – **Farmers Market** – 8 a.m.
- August 6, 2010 – **38th Annual Tomball Night**
- **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.

Councilman Driver announced that his home is under contract and he will submit his resignation, pending sale of his home.

Councilman Townsend forwarded Barbara Tague's thanks to the fire, police, and public works departments' response to the explosion at the Woodstock townhomes on Graham.

Christal Kliever updated Council on the Strategic Planning process; City staff is working to develop action plans for presentation to Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the minutes of the following meetings; motion was made by Councilman Driver, second by Councilman Brown, to approve the minutes of the following meetings, with the minutes of the May 24, 2010 corrected to show Councilman Townsend's absence as "excused":

- Regular City Council Meeting of May 17, 2010
- Special City Council Meeting of May 20, 2010
- Special City Council Meeting of May 21, 2010
- Special City Council Meeting of May 24, 2010

Motion carried unanimously.

8.0 Old Business:

8.1 Kelly Violette presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt on Second Reading, Ordinance No. 2010-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of

approximately 6.3637 acres of land, Legally Described as Tracts 2B, 2Y-1, and 2Z 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 between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, 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 Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.2 Kelly Violette presented an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Brown, to Adopt on Second Reading, Ordinance No. 2010-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.3584 acres of land, Legally Described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, 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 Business, Southerly of Alice 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 Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Betty Reinbeck presented an overview of the TEDC proposed Strategic Work Plan. Motion was made by Councilman Townsend, second by Councilman Driver to Approve the Tomball Economic Development Corporation 2010-2011 Strategic Work Plan.

Motion carried unanimously.

- 9.2 Betty Reinbeck presented an overview of the TEDC proposed Annual Report. Motion was made by Councilman Stoll, second by Councilman Brown, to Receive the Tomball Economic Development Corporation 2009-2010 Annual Report.

Motion carried unanimously.

- 9.3 Betty Reinbeck presented information regarding the proposed Resolution. Motion was made by Councilman Brown, second by Councilman Townsend, to Adopt Resolution No. 2010-09-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 Glass Tex Enterprises LLC to promote and develop a new or expanded business enterprise; containing other provisions relating to the subject; and providing for severability; approving, as a project of the Tomball Economic Development Corporation (TEDC), an agreement with Glass Tex Enterprises LLC, to make direct incentives to, or expenditures for assistance with infrastructure costs related to the development and construction of a commercial building to be located at 200 East Main Street in Tomball, Texas. The estimated amount of expenditure for such Project is \$15,000.00.

Motion carried unanimously.

- 9.4 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Stoll, second by Councilman Brown, to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an agreement with Jamison Products, L.P., to make direct incentives to, or expenditures for the creation or retention of primary jobs and that are found by the Board of Directors to be required or suitable for the promotion of new or expanded business development, to wit: Jamison Products, L.P. corporate headquarters relocation to 27760 Commercial Park Drive within the City of Tomball. The estimated amount of expenditure for such Project is \$36,000.00.

Motion carried unanimously.

- 9.5 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an agreement with PDGL Partners L.P., to make direct incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at 701 S. Persimmon in Tomball, Texas. The estimated amount of expenditure for such Project is \$25,000.00.

Motion was carried unanimously.

- 9.6 Kelly Violette presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Driver, to Approve Pipeline Relocation/Reimbursement Agreement with Eagle Rock Desoto Pipeline, L.P. ("Eagle Rock") in the amount of \$67,793.00.

Motion carried unanimously.

- 9.7 Kelly Violette presented the proposed Replat . Motion was made by Councilman Driver, second by Councilman Townsend, to Approve **Replat "J WALKER HOME"** : A Replat of Lots 41 and 42 into New Lot 41 in Block 33 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 33 being situated in the William Hurd Survey (A-371).

Motion carried unanimously.

- 9.8 Shawn Cox provided an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Driver, to read Ordinance No. 2010-12 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. 2010-12, an Ordinance of the City Council of the City of Tomball, Texas, amending Chapter 24. Courts, by deleting Chapter 24 in its Entirety and substituting therefore a new Chapter 24, making General Provisions for the Operation of the Municipal Court; specifying the Term of the Municipal Court and the Judges of the Court; providing for Citations to the Municipal Court; providing for Severability; providing for a Penalty of an amount not to exceed \$500 for each day of violation of any provision hereof; making Findings of Fact; and making other provisions related thereto. 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 Driver	<u>Aye</u>

Motion carried unanimously.

- 9.9 Shawn Cox presented the proposed Lease Agreement with Frank and Russell DeNina for the Property containing the Day Labor Site. Motion was made by Councilman Driver, second by Councilman Brown, to approve the proposed Lease Agreement. No vote was

taken. Motion was made by Councilman Quinn, second by Councilman Stoll, to table consideration of the proposed Lease Agreement until discussions have been held with the Greater Tomball Area Chamber of Commerce or other organizations regarding outside organizations taking over operation of the Day Labor Site.

Motion to table consideration of the proposed Lease Agreement until staff has had an opportunity to look at other organizations and bring the information back to Council for consideration carried unanimously.

- 9.10 Council held discussion regarding reconsideration of Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball. Consensus of the Council was unanimous to place reconsideration of Resolution No. 2010-04 on the June 21, 2010 agenda.
- 9.11 Derek Townsend presented information regarding Hutson Group's Proposal for City to Lease Land for Parking. Dr. Hutson has offered the City an opportunity to lease land for parking. Christal Kliwer advised Council that Dr. Hutson's proposal should be considered in conjunction with the downtown specific plan as a whole. Consensus of Council was for City staff to provide more information regarding costs, liability, construction requirements, drainage, detention, etc. No action was taken.
- 9.12 Council held discussion regarding the request for assistance by Russ Brown, Pine Country of Tomball. Tim Sbrusch and Jim Barkley, CenterPoint representatives, and Russ Brown provided information regarding the request for a variance to the code of ordinances regarding underground utility requirements in residential subdivisions. Consensus of the Council was unanimous to allow CenterPoint to complete temporary electrical service, pending City staff and City attorney's review of possible remedies, including a possible revision of the code of ordinances to allow aboveground utilities when underground installation is not feasible.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of June 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor