

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



MONDAY, APRIL 19, 2010

7:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, April 19, 2010 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 Pastor Kay Johnson, Rosehill United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by members of the THS Student Council

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:

- Proclamation to Tomball Regional Medical Center Day – April 19, 2010
- Proclamation for Tomball Invocation Leaders Day – April 19, 2010
- Proclamation for Tomball High School Student Council Day – April 19, 2010
- Proclamation and Plaque for Thomas “T. Lee” Ollison Day – April 22, 2010
- Proclamation for Motorcycle Safety Awareness Month - May 2010

6.0 Reports and Announcements:

- Report from City Manager regarding Error Discovered in Contract between the City of Tomball and Sandra Van Zandt Art Sculptures, LLC for the Beckendorf Statue
- Report from the Tomball Sister City Organization regarding **German Heritage Festival**
- April 26-May 4 – **Early Voting** at City Hall

- Report from City Staff regarding the **2nd Annual City of Tomball Bunny Run 5K and Kids 1 Mile**
- April 27, 2010 – Volunteer Firefighters and Reserve Police Officers Banquet
- May 6, 2010 – **Mayor's Coffee** – (New Location) **Bootsie's** – 5:30 p.m.-7:00 p.m.
- **May 8, 2010 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 8, 2010 - **Farmers Market**
- May 8, 2010 - **2nd Saturday at the Depot**
- **Walk Tomball!** (Every Saturday at 9:00 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

7.0 Approve the Minutes of the following Meetings:

- Special City Council Meeting of April 5, 2010
- Regular City Council Meeting of April 5, 2010
- Special City Council Meeting of April 14, 2010

8.0 New Business:

- 8.1 Approve, as a Project of the Corporation, an agreement with FabCorp, Inc., 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: FabCorp, Inc. relocation of its light weldments line of machined fabrications to 27807 Red Fox Road in Tomball's extraterritorial jurisdiction (ETJ). The estimated amount of expenditure for such Project is \$156,000.00
- 8.2 Adopt, on First Reading, Ordinance No. 2010-06, an Ordinance of the City of Tomball, Texas, amending Chapter 26, "Emergency Services" of the Code of Ordinances of the City to Establish Policies, Procedures and Regulations as they relate to Alarms; Providing a Penalty in an Amount of not more than \$500 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making other Provisions and Findings Related Thereto
- 8.3 Consideration and Possible Action Regarding **ZONING CASE P10-206**: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.
- Conduct a Public Hearing on **ZONING CASE P10-206**
 - Adopt on First Reading, Ordinance No. 2010-07, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.006 Acres of land, Legally

Described as Tract 281, Tomball Outlots, of the Map Records of Harris County, Texas, from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District; Said Property Being Located on the westerly side of South Persimmon Street, northerly of Agg 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.

- 8.4 Consideration and Possible Action Regarding **ZONING CASE P10-208**: Request by the Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas, from the SF-6 Single-Family Residential-6 District to the OT&MU - Old Town and Mixed Use District; said property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

- Conduct a Public Hearing on **ZONING CASE P10-208**
- Adopt on First Reading, Ordinance No. 2010-08, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 2.456 Acres of land, legally described as Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas, from the SF-6 Single-Family Residential-6 District to the OT&MU - Old Town and Mixed Use District, said property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street; 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.

- 8.5 Consideration and Possible Action Regarding **ZONING CASE P10-218**: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

- Conduct a Public Hearing on **ZONING CASE P10-218**
- Adopt on First Reading, Ordinance No. 2010-09, Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 38, Use Regulations, to add "Temporary Real Estate Field Office" and "Model Home" as Listed Uses; Amending Section 43.8, Temporary Buildings, to Rename the Section "Temporary Structures and Uses" and add Development Regulations for Such; Amending Section 45, Definitions, to add a New Definition

for “Temporary Real Estate Field Office;” 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.

- 8.6 Approve Contract between the City of Tomball and TXU Energy for the Purchase of Electrical Energy
- 8.7 Discuss and Possibly Take Action Regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
- 8.8 **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:
- Section 551.071 – Consultation with Attorney regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
 - Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
- 8.9 Possible Action Regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
- 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 2010 by 6:00 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.