

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



MONDAY, OCTOBER 20, 2014

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Stoll - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Superintendent of Streets and Parks – Steve Purvis
Superintendent of Utilities – John Escamilla
Community Center Manager – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Community Events Coordinator – Denise Neef-Fiore
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Pastor David Crowson, The Real Church.

3.0 Pledges to U. S. and Texas Flags were led by Brian Bayani and Robert Hauck

4.0 No public comments were received.

5.0 Reports and Announcements:

- October 20-24, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball *Bluegrass Festival***
- October 27-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- **November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.**
- November 8, 2014 – **6th Annual 5K Tomball Dash (Woodforest Bank)**
- November 8, 2014 – **2nd Saturday at the Depot – 5:00 p.m.**
- **November 10, 2014 – Canvass Election – 5:00 p.m.**
- **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:
 - Rosalie Dillon reported on the success of “**Zomball in Tomball**”
 - Mike Baxter introduced the new Community Events Coordinator, Denise Neef-Fiore

6.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Minutes of the October 6, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-36 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2014-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 40-76, Utilities, of Article III, Design Standards, of Chapter 40, Plats and the Subdivision of Land, to Require all Utility Lines, Other than Electric Lines, to be Located Underground; to Require all Electric Distribution Lines to be Underground if the Customer Elects Such Pursuant to the Utility’s Distribution Tariff; and to Require All Aboveground Electric Distribution Lines be Located Along the Perimeter of the Overall Subdivision Unless the Utility Determines Different Placement is Needed to Provide Safe and Reliable Electric Service; Providing a Penalty in an Amount Not to Exceed \$2,000 for Each Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

8.0 New Business:

8.1 Consideration was given to **ZONING CASE P14-184**: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

- Mayor Fagan called the public hearing on **ZONING CASE P14-184** to order at 6:17 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:17 p.m.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2014-37 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2014-37, an Ordinance of the City Of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to JTS Development, Ltd. to Operate a Hotel/Motel that is 59-Feet, 3-Inches in Height; Said Property Being Approximately 2.2 Acres, and Being Legally Described as Lot 2, Block 1, JTS Subdivision Final Plat, Generally Located South of Medical Complex Drive, West of State Highway 249 Bypass; Providing Requirements and Conditions for this CUP; 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 Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.2 Consideration was given to **ZONING CASE P14-186**: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a “Country Club (Private).” The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural District.

- Mayor Fagan called the public hearing on **ZONING CASE P14-186** to order at 6:27 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:27 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2014-38 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2014-38, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit (CUP) to Tennis Ventures, LLC. to Operate a “Country Club (Private);” Said Property Being Approximately 4.02 Acres, and Being Legally Described as Tract 64B-1, Tomball Outlots, Generally Located North of East Hufsmith Road, West of Hospital Road; Providing Requirements and Conditions for this CUP; 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 Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.3 Motion was made by Councilman Degges, second by Councilman Hudgens, to accept Purchase and Financing Proposal to Acquire a New 2015 Pierce Velocity Pumper to Replace Engine 3, a 1995 E-One Pumper.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to award Contract for Project No. 2014-06 (Solid Waste Collection and Disposal) to Waste Corporation of Texas, LP.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Degges, to award Contract for Project No. 2015-01 - North Wastewater Treatment Plant Emergency Backup Generator to National Electrical Systems, Inc., in the Amount of \$249,456.00. Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Development Agreement between the City of Tomball and Big Diamond LLC, a Texas Limited Liability Company, to Participate with the Over-Sizing Cost of Water and Sanitary Sewer Facility Extensions along Tomball Parkway (SH 249 Business), in the Amount Not to Exceed \$34,100.00

- 8.7 Discussion was held regarding amending Section 50-82(b) to Prohibit or to Allow Through a Conditional Use Permit Auto Dealer (New, Auto Servicing and Used Auto Sales as Accessory Uses Only, with Outdoor Sales) and Auto Dealer, Primarily Used Auto Sales with Outdoor Sales in the Old Town and Mixed Use Zoning District.

No action taken.

- 8.8 Discussion was held regarding possible amendments to Chapter 34, Signs.

No action taken.

- 8.9 Council recessed at 6:54 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(s):

- Sec. 551.071 – Private Consultation with Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session

Upon reconvening in regular session at 7:51 p.m., no consideration was given regarding the following items and no action was taken.

- 8.10 No consideration was given regarding the approval of Development Agreement with NewQuest Properties, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway.

No action taken.

8.11 No consideration was given regarding a Strategic Partnership Agreement with NewQuest Properties, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of November 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor