

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



**MONDAY, APRIL 1, 2013  
6:00 P.M.**

## 1.0 Call to Order

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

Councilman Hudgens  
Councilman Stoll  
Councilman Brown  
Councilman Townsend  
Councilman Dodson

Others present:

City Manager – George Shackelford  
Assistant City Manager – Christal Weber  
City Secretary – Doris Speer  
City Attorney – Loren Smith  
Police Chief – Robert Hauck  
Fire Chief – Randy Parr  
Director of Public Works – David Kauffman  
Community Development Director – Craig Meyers  
Marketing Director – Mike Baxter  
City Planner – Rebeca Guerra  
Assistant City Engineer – Lori Lakatos  
Community Events Coordinator – Rosalie Dillon  
Executive Director-TEDC – Kelly Violette  
Chief-NWEMS – Raul Reyes

## 2.0 Invocation

- Led by Pastor Jim Sim, The Journey Church

3.0 Pledges to U. S. and Texas Flags

- Led by Fire Chief, Randy Parr

4.0 The following public comments were received:

Richard Jennings, Pastor River of Praise Church 13215 Boudreaux Estates, 77377	- Spoke in support of Item 8.1, Request from River of Praise Church for the City of Tomball to Extend Potable Water Service to River of Praise Church Property
--	--

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 8:00 a.m. at the Depot
- April 13, 2013 – **2<sup>nd</sup> Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – Annual **Tomball Recycle and E-Waste Event** – Weingartens Center
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol do Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – **80<sup>th</sup> Anniversary of the 1933 Tomball Oil Strike** – TBA
- July 4, 2013 – **City of Tomball July 4<sup>th</sup> Celebration** – 2:00 p.m.-10:30 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:
  - Councilman Brown introduced Raul Reyes, the new Chief of Northwest EMS
  - Craig Meyers provided an update on the implementation of the sign ordinance
  - David Kauffman provided an update on the construction of restrooms at the Depot

6.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Minutes of the April 1, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2013-02, an Ordinance of the City of

Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried unanimously.

- 7.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; 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>Nay</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

8.0 New Business:

- 8.1 Richard Jennings presented the request from River of Praise Church for the City of Tomball to extend Potable Water Service to River of Praise Church Property, Located outside City of Tomball Extra-Territorial Jurisdiction.

No action was taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2013-04 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. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Mayor Fagan opened the Public Hearing at 6:31 p.m. to consider Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way.

Tom Crofoot addressed Council on behalf of himself and the adjacent property owners, presenting request for the abandonment of a portion of Timkin Road and South Persimmon Street rights-of-way.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 6:32 p.m.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-05 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Application of Tom Crofoot for Abandonment of a portion of Timkin Road and Persimmon Road Right-of-Ways and to adopt, on First Reading, Ordinance No. 2013-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as

Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve TOMBALL BUSINESS AND TECHNOLOGY PARK FINAL PLAT: a Subdivision of 120.8081 Acres, a Portion of Which is a Partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and being a Replat of Lot 4 of Tomball South Commercial as recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Brown, to award the purchase of Four (4) Public Works Fleet Replacement Vehicles in the Amount of \$89,299.00, to Caldwell Country, through the State Buyboard Cooperative Purchasing Contract.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the proposed revisions to the City of Tomball Boards, Commissions, and Committees Advisory Handbook.

Motion carried unanimously.

- 8.8 The City Council recessed at 6:40 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. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.

Upon reconvening into Regular Session at 7:10 p.m., no action was taken.

9.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of April 2013.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor