

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



MONDAY, MAY 15, 2017

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 Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn
Council-Elect Ford

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Fire Marshal – Joe Sykora
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
CSO Admin. Assistant – Sasha Robinson
Police Officer-Investigations – James Harrell

2.0 The invocation was led by Richard Jennings, Senior Pastor - River of Praise.

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

4.0 Canvass of Election

4.1 Canvass of Election Escrutinio de la Elección Kiểm Phiếu của Cuộc Bầu Cử 拉票選舉

Resolution No. 2017-06, Canceling the Regular City Officer's Election Scheduled to be held on the 6th Day of May, 2017, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 6, 2017, at the Regular Council Meeting. The following actions complete the canvass of the May 6, 2017 Election.

Resolución Nro. 2017-06, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 6 de mayo de 2017, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 6 de marzo de 2017 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 6 de mayo de 2017.

Nghị quyết số 2017-06, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2017 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 6 tháng Ba, 2017 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 6 tháng Năm, 2017.

決議案2017-06號，取消一般市府官員應於2017年5月6日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於由市政委員會於2017年3月6日，在一般是政會議通過取消該選舉的詳情。下列行動完成2017年5月6日選舉遊說

No action necessary; Resolution No. 2017-06 was adopted on March 6, 2017.

Ninguna acción necesaria; la Resolución el No 2017-06 fue adoptada el 6 de marzo de 2017

Không có hành động cần thiết; Nghị quyết số 2017-06 đã được thông qua ngày 6 tháng 3 năm 2017.

不採取行動的必要；2017年3月6日通過了2017年-06號決議。

4.2 Mayor Fagan presented a carved rattlesnake limestone clock/plaque to Councilman F. S. "Field" Hudgens, in honor of his service to the City of Tomball and its citizens. *El Alcalde Fagan presentó una placa al Concejal F.S "Field" Hudgens, en honor de su servicio a la ciudad de Tomball, y sus ciudadanos.*

Thị trưởng Fagan đã trình bày một được khắc đá với rắn đuôi chuông đồng hồ/mảng bám để ông hội đồng F. S. "Field" Hudgens, trong vinh quang của dịch vụ của ông với thành phố Tomball và các công dân ở đây.

费根市长提出了一尾蛇飞弹转交雕刻石灰石时钟/的牙菌斑要寻短见 F S

“Field” Hudgens, 在他服务的城市, Tomball 和它的公民。

- 4.3 The Oath of Office was administered by Mayor Fagan to John Ford as the newly elected Councilman, Position 1 and to Lori Klein Quinn as the newly elected Councilman, Position 5.

El Juramento al Cargo fue administrado por la Alcaldesa Fagan a John Ford como nuevo Concejal, Posición 1 y a Lori Klein Quinn como nuevo Concejal, Posición 5.

Tuyên Thệ Nhậm Chức đã được tiến hành bởi Thị Trưởng Fagan cho John Ford là Nghị Viên mới được bầu chọn, Vị Trí 1 và cho Lori Klein Quinn Nghị Viên mới được bầu chọn, Vị Trí 5.

官員宣誓已由Mayor Fagan支配 John Ford 視為新當選的委員，席位1及 Lori Klein Quinn 視為新當選的委員，席位5。

- 4.4 Motion was made by Councilman Degges, second by Councilman Stoll, to Elect Councilman Klein Quinn as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.

El Concejal Degges hizo la moción, secundada por el Concejal Stoll, a elegir el Concejal Klein Quinn como Alcalde Pro-Tem, de conformidad con la sección 6,08 de la ciudad de Tomball Carta autonómica.

Chuyển động đã được thực hiện bởi Ủy viên Hội đồng Degges, thứ hai bởi Nghị Stoll, đề cử Ủy viên Hội đồng Klein Quinn như Thị trưởng Pro-Tem, phù hợp với mục 6.08 của thành phố Tomball Trang chủ Quy tắc Điều lệ.

動作是由 Degges Councilman , 第二個依 Councilman Stoll , 以選出 Councilman Klein Quinn 昆因為王 Pro-Tem 符合節 6.08 的城市 Tomball 家庭規則章程

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

Councilman Klein Quinn was elected Mayor Pro-Tem.

El Concejal Klein Quinn fue elegido Alcalde interino.

Nghị Viên Klein Quinn được chọn làm Thị Trưởng Tạm Thời.

委員 Klein Quinn 已當選為暫時市長。

Councilman Ford took the dais and the meeting proceeded.

5.0 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 - GC, 551.042.]*

6.0 Reports and Announcements:

- May 27, 2017 – **Tomball Honky Tonk Music Festival and Chili Challenge**
- July 4, 2017 – **Tomball July 4th Celebration & Street Festival**
- August 26, 2017 – **Tomball Texas Music Festival**
- September 23, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 7, 2017 – **4th “Annual Paces for Pink” 5K Run**
- October 7, 2017 – **“Zomball in Tomball”**
- October 21, 2017– **6th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - George Shackelford reported on the Success of the **Rails & Tails Mudbug Festival**
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending March 31, 2017. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On March 31, 2017, the City had total cash and cash equivalents in the amount of \$70,624,591. A copy of the report was attached for Council review.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the minutes of the May 1, 2017 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately 65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development–10 (PD 10) District; Adopting Regulations Applicable To PD–10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each

Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Request for Qualifications to Seek an Independent Auditing Firm for the Fiscal Years Ending September 30, 2017 through September 30, 2021, a Five-Year Term.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-09 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-09, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [A Tract Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas. Being out of a Called 16.4724-Acre Tract Conveyed to 11311 Holderreith Limited, L.P. as recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas, Located at 11311 Holderrieth Road]] (Mustang Cat). Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.3 Consideration to Approve **Zoning Case P17-0037**: Request by Jerry M. Young, on behalf of Mustang Cat, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.130 acres of land, legally described as a tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. W840420, generally located at the southwest corner of Holderrieth and Hufsmith-Kohrville Road to the Light Industrial District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0037** to order at 6:28 p.m. The following comment was received:

James Storfer	-	Expressed his support of the
11215 Olde Mint House Lane		annexation and zoning change.

Receiving no additional comments, Mayor Fagan closed the Public Hearing at 6:29 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-16 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 11.130 Acres of Land, Legally Described as a Tract or Parcel Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, Being out of a Called 16.4724 Acre Tract Conveyed to 11311 Holderrieth Limited, L.P. as Recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, within the City of Tomball, Harris County, Texas, to the Light Industrial District; Said Property being generally located at the Southwest Corner of Holderrieth Road and Hufsmith-Kohrville 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 Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

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

Motion carried unanimously.

- 9.4 Consideration to Approve **Zoning Case P17-0036**: Request by DJ and Kelly Ray, on behalf of Lefty's Auto Crafters, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball, generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street, from the Single-family 6 District to the Commercial District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0036** to order at 6:34 p.m. Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:34 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-17 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2017-17, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 0.17 Acres of Land, Legally Described as Lot 9 Block 1 Main Street – Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property being generally located on the East Side of Holderrieth Boulevard, between Main Street and Arnold 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. Vote was as follows:

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

Motion FAILED, 2 votes Aye, 3 votes Nay.

- 9.5 Motion was made by Councilman Klein Quinn, second by Councilman Ford, to award Contract for Project No. 2017-12 - Traffic Signal at Hufsmith-Kohrville Road and Spell Road to Third Coast Services, LLC, in the Amount of \$106,847.77.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Development Agreement with Pigs Unlimited International, Inc. for the City of Tomball to Temporarily Provide Out-of-City Utility Services.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of June 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor