

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



MONDAY, MAY 1, 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

Others present:

Council-Elect Ford
City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Community Center Director – Rosalie Dillon
TEDC-Executive Director – Kelly Violette
Chief-NWEMS – Brian Bayani
CSO Administrative Assistant – Monica Duran
Admin. Asst. to Assistant City Manager – Meagan Mageo
Public Works Admin. Assistant – Alexis McMinn

- 2.0 The invocation was led by Robert Hauck.
- 3.0 The pledges to the U. S. and Texas Flags were led by members of the Tomball High School Cougar Pride Band Percussion.
- 4.0 The following public comments were received:

Robert Harris - Expressed his support for changes to the City's
17335 Wagganner, 77447 red light camera enforcement program.

- 5.0 Presentations:

Robert Hauck, Meagan Mageo, and Alexis McMinn gave a presentation regarding the City of Tomball's Helping Hands Program, made possible through Southeast Texas Housing Finance Corporation (SETH) grant funds.

Mayor Fagan made the following presentations:

- Proclamation – May 1, 2017 is **“Tomball High School Cougar Pride Band Percussion - World Champions” Day**
- Proclamation – May 4, 2017 is **“2017 Tomball National Day of Prayer”**
- Proclamation – May 7-13, 2017 is **“National Travel and Tourism Week”**
- Proclamation – May 7-13, 2017 is **“National Hurricane Preparedness Week – Tomball, Texas”**
- Proclamation – May 14-20, 2017 is **“Tomball Firefighter Appreciation Week”**
- Proclamation – May 14-20, 2017 is **“National Public Works Week – Tomball, Texas”**
- Proclamation – May 16, 2017 is **“Peace Officers Memorial Day”** and May 14-20, 2017 is **“Tomball Police Week”**
- Proclamation – May 14-20, 2017 is **“National Emergency Medical Services Week”**

- 6.0 Reports and Announcements:

- May 6-7, 2017 – ***Rails & Tails Mudbug Festival***
- May 27, 2017 – ***Tomball Honky Tonk Music Festival and Chili Challenge***
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Esquivel reported on the Success of the ***Annual Spring Clean-Up and Chipping Week*** and the ***Tomball Consolidated Recycling Day***

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the April 17, 2017 Regular Tomball City Council Meeting and the April 24, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Resolution No. 2017-07-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 A-K 133 HWY 249-GRAND PARKWAY, L.P., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a commercial shopping center known as the Grand Parkway Town Center to be located at the southwest corner of State Highway 249 and State Highway 99. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-12, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Granting a Conditional Use Permit (CUP) to Francisco Choi, on behalf of TamiroWood, LLC, to Operate an "Assisted Living Facility (Continuing Care Retirement Community)" at 609 South Pine Street; Said Property Being approximately 2 acres, and Being Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Harris County, Texas, Generally Located on the East Side of South Pine Street Between James Street and Cherry Laurel Street; 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 \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

Councilman Hudgens	<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.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-13, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, By Approving a Planned Development District of approximately 70.36 acres of Land, Legally Described as Reserve C, C1 And C2 Tomball Greens; Within The City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the Planned Development District to be known as Planned Development – 9 (PD-9) District; Adopting a Concept Plan and Regulations Applicable to PD-9 District; 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 Hudgens	<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.

- 8.4 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-15, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Article II, Taxicabs, of Chapter 48, Vehicles for Hire, to Add Definitions to Section 48-26, Definitions; Amending Section 48-31, Cruising Prohibited, to Allow City Council to Designate Parking Areas within the City for Taxicabs during Peak Times; Amending Section 48-32, Maximum Seating, to Increase the Maximum Number of Persons to Ten (10); Deleting Sections 48-33 through 48-33; Adding a New Section 4-33, Violations, to Specify Specific Actions which Violate This Ordinance; Amending Section 48-39, Property Left in Vehicle, to Delete Specific Penalty Provision; Deleting Section 48-40, Penalties; Amending Section 48-56, Required, of Division 2, Business Permit, to Exclude Taxicabs Licensed in Other Jurisdictions Delivering Passengers in the City; Amending Section 48-57, Application, to Require Certain Information to be Included in Business Permit Application; Amending Section 48-65, Inspection, to Delete Certain Inspection Requirements; Amending Section 48-66, Revocation, to Allow Chief of Police to Revoke Business Permit; Amending Section 48-67, Identification of Vehicles, to Allow City Secretary to Issue Taxi Permit Numbers; Amending Section 48-83, Application of Division 3, Driver's Licenses, Changing the Medical Reporting Requirements; Amending Section 48-87, Appeal, to Allow City Manager to Hear Appeal;

Amending Section 48-88, Identification Cards, to Alter the Requirements of Identification Cards; Amending Sections 48-89, Transfer Prohibited, 48-90, Duration, and 48-91, Fee, to Add the Words “City Chauffer’s License”; Amending Section 48-107, Minimum Amounts of Coverage, of Division 4, Insurance, Altering the Minimum Insurance Requirements; Amending Section 48-110, Increasing Amount upon Return of Execution Unsatisfied, to Clarify Regulations Therein; Providing a Penalty Not in Accordance with Section 1-14 of the City’s Code of Ordinances for Any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Tuesday, July 4, 2017, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 3:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-09, a Resolution of the City of Tomball, Texas, Amending the City of Tomball’s Current Human Resources Handbook by Replacing Sections 2, 3, 4 and 7 Therein and Repealing all Other Resolutions or Parts of Resolutions Inconsistent or in Conflict Herewith; and Providing for Severability.

Motion carried unanimously.

- 9.3 Conduct Public Hearing on Ordinance No. 2017-10 and Adopt, on First 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

Mayor Fagan called the public hearing to order at 6:57 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:57 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-10 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. 2017-10, 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 Hudgens	<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 Motion was made by Councilman Klein Quinn, second by Councilman Hudgens, to approve and ratify the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 3, The Reserve at Spring Lake (Zion Road Properties, LLC, PID #3 receivables to Preferred Bank.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Degges, second by Councilman Klein Quinn, to reappoint Sherrie Meicher as the City of Tomball's Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors.

Motion carried unanimously.

- 9.6 Executive Session: City Council recessed at 7:04 p.m. to meet in closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss with the City Attorney the following pending litigation:

1. Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*; in the Harris County Court at Law No. 3; and
2. Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4

Upon reconvening into the regular session at 7:22 p.m., the action was taken:

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve settlement in Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*; in the Harris County Court at Law No. 3, in the amount of \$471,000.00, with a \$7,500.00 allotment for fences, and to authorize the City Manager to execute the necessary documents.
- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve settlement in Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4, in the amount of \$670,000.00, with a \$7,500.00 allotment for fences, and to authorize the City Manager to execute the necessary documents.
- 10.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of May 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor