

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



TUESDAY, JANUARY 3, 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 Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Stoll - Excused

Others present:

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
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Planner – Amelia Lindley
Community Center Manager – Rosalie Dillon
Senior Administrative Assistant – Tracy Garcia

2.0 The invocation was led by Senior Pastor Rick Brown, ChristBridge Fellowship Church.

3.0 Pledges to U. S. and Texas Flags were led by Rob Hauck.

4.0 No public comments were received.

5.0 Reports and Announcements:

- January 18, 2017 – First day to apply for Place on Ballot for the May 6, 2017 City General Election
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Randy Parr reported on the success of the Fire Department's *Thanksgiving and Christmas Family and Senior Citizen Assistance* Programs.
 - Billy Tidwell reported on the success of *Shop with a Cop*.

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 19, 2016 Regular Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2016-31, 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 3.9 Acres of Land, Legally Described as Tract 262A Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of South Pitchford Street, at 909 South Pitchford; 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 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.

Mayor Fagan recused herself from discussion and action regarding Items 8.1 and 7.2, having filed an Affidavit of Conflict of Interest with the City Secretary. Mayor Pro Tem Degges proceeded with the meeting.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2016-33, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-2 (“Definitions”), Section 50-82(B) (“Use Charts”) and Section 50-116 (“Supplemental Regulations”) by Defining and Creating a Land Use for “Mobile Food Courts”; 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>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.3 Motion was made by Councilman Klein Quinn second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2016-34, an Ordinance of the City of Tomball, Texas Amending Section 32-2, Exceptions to Chapter, and Section 32-8, Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, in General, of Chapter 32, Peddlers and Solicitors, to Allow Mobile Food Vendors Registered with the City in Compliance with the City’s Zoning Regulations; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing for Severability and Providing Other Findings Related Hereto. 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.

Mayor Fagan returned to the dais and the following items were considered:

- 7.4 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2016-35, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Public Right-of-Way, All Situated in the Replat of Final Plat Reserve at Spring Lake Section One and in the Replat of

The Reserve at Spring Lake Section Two, Located in the Joseph Miller League, A-50, W.H. Clemens Survey, A-1641, Harris County Texas; Vacating and Abandoning Said Right-Of-Way and Replacing with an Access and Utility Easement; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Street Right-of-Way to Zion Road Properties, LLC; Providing for Severability; and Containing Other Provisions Relating to the Subject. 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.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2017-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 6, 2017; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election. *Fue presentada una moción por el Concejal Townsend, secundada por el Concejal Degges, para aprobar la Resolución Nro. 2017-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 6 de mayo de 2017; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.* Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Degges, để chấp thuận Nghị Quyết số 2017-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 6 tháng Năm, 2017; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó. 提案是由市議員Townsend, 第二由市議員Degges, 批准決議案編號2017-01, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2017年5月6日, 星期六在Tomball市召開; 並已為此選舉指定投

票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2017-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Potpourri (Houston Community Newspaper) as the Official Newspaper for 2017 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Degges, to award Engineering Contract to Jones and Carter for Design Services for a Water and Sewer Line along Zion and E. Hufsmith Roads in the Amount of \$196,000.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2000-62916, styled City of Tomball, et al vs. Emma Dial Fullylove, et al, said Property being described as: Tract 1: Lot No. 44, Block No. 36, Located in Harris County, Texas, According to the Map or Plat Thereof Recorded in Vol. 4, Page 25 of the Map Records of Harris County, Texas, HCAD Acct No. 035-264-036-0044, to Maricsa Villasenor, in the Amount of \$3,749.47; Located at 0 Clarence Street, Tomball.

Motion carried unanimously.

- 8.5 Executive Session: The City Council recessed at 6:18 p.m. into Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into Regular Session at 6:29 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of January 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor