

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



MONDAY, OCTOBER 3, 2016

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:

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
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
CSO Administrative Assistant – Tracy Garcia
Police Detective – Jason Smith

2.0 The invocation was led by Josh Eckert, Youth Minister, ChristBridge Fellowship Church

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr and Robert Hauck.

4.0 The following public comments were received:

- | | | |
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| Francesca Garcia
8702 (?), Houston, TS | - | Representing merchants on Main Street regarding loss of parking on Main Street, upcoming holiday season and loss of revenue, speed limit on Main Street is now over 40 mph and needs to be reduced to 30 mph, tripping hazards on sidewalk. |
| Rodney Hutson, MD
9431 Rosie Lane, 77354 | - | Comments regarding limited parking in 300 and 400 block of Main, suggestions to create one-way parking on Oak Street. |

5.0 Reports and Announcements:

- October 4, 2016 – **2016 National Night Out** – Tuesday, October 4, at the Depot – 6:00 p.m.-8:00 p.m.
- October 8, 2016 – **“Zomball in Tomball”**
- October 15, 2016 – **“Freight Train Food Truck Festival” at the Depot** – Noon to 5:30 p.m.
- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 12, 2016 – **2nd Saturday at the Depot**
- November 18, 2016 – ***“Holiday Lamp Post Stroll”***
- November 19, 2016 – ***51st Annual Tomball Holiday Parade***
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the ***6th Annual Beetles, Brew & Barbeque Festival***

6.0 Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve the Minutes of the September 19, 2016 Regular Council Meeting and the September 26, 2016 Special Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2016-24, 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 Justin Cottle on Behalf of Arclight Gaming, LLC., to Operate an “Amusement, Commercial (Indoor)”;
- Said Property being Approximately 1 Acre, and Being Legally Described as Lots 1 & 2, Block 1 McCraw Acres, Tomball, Harris County, Texas, Generally Located on the North Side of Main Street, East of Willow Street, at 701 E. Main 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.

8.0 New Business:

- 8.1 Mayor Fagan called the Second Public Hearing regarding 2016 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas to order at 6:13 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:13 p.m.

- 8.2 Mayor Fagan announced that voting on the proposed 2016 Tax Rate will be held at a Special Council Meeting on October 10, 2016 at 5:00 p.m. and at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

No action necessary.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Klein Quinn to approve Resolution No. 2016-21, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2017 General Assembly, and designating Councilman Derek Townsend as the Representative and Councilman Mark Stoll as the Alternate. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-26 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2016-26, an Ordinance of the City Council of the City of Tomball, Texas Consenting to the Creation of Harris County Improvement District No. 17 and Consenting to the Annexation of Land into Said District. 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.

- 8.5 Consider the Adoption of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto:

Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resolution No. 2016-20, a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto. 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.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project No. 2017-02, E&P Project Number 2016-10005, Hunterwood and Hicks Lift Station Rehabilitation, to Peltier Brothers Construction in the Amount of \$287,610.00.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to award contract for E&P Project Number 2017-10002 for the Design of the Critical Needs Improvements to the North and South Wastewater Treatment Plants to Freese & Nichols in the Amount of \$494,725.00.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for E&P Project Number 2017-10003 for the Development of a Wastewater Master Plan for the City of Tomball to Freese & Nichols in the Amount of \$148,300.00.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-23 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Stoll, to award to approve Application from Arthur Sansom to Abandon a Public Right-of-Way and to adopt, on First Reading, Ordinance No. 2016-23, 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 an Unimproved Roadway Between Epps Street and Hufsmith Road, All Situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records Of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-Of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-Of-Way to Arthur M. Sansom; 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 Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.10 Executive Session: The City Council recessed at 6:30 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. 551.071 - Consultation with the City Attorney regarding a matter that the Attorney's duty requires to be discussed in closed session.
- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into Regular Session at 7:01 p.m., the following actions were taken:

- 8.11 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Approve the proposed amendments to and extension of the Employment Contract for George Shackelford, City Manager for an additional year.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of October 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor