

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



MONDAY, SEPTEMBER 19, 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
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Planner – Amelia Lindley
CSO Administrative Assistant – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Community Center Manager – Rosalie Dillon
Police Detective – Albert Chambers

2.0 The invocation was led by Pastor Gary Aaron, Victory Baptist Church

3.0 Pledges to U. S. and Texas Flags were led by Members of the Falcon Patrol, Arrow of Light Webelos, Pack 469.

4.0 The following Public Comment was received:

Melanie Younger 13522 Spring Court, 77375	-	Expressed her dissatisfaction with BNSF's closure of the crossing at Ulrich for repairs;
--	---	---

the closure was not handled well and prohibited parent/student access to the parking area.

5.0 Presentations:

- Mayor Fagan presented a proclamation – ***“New Kentucky Chapter Daughters of the Republic of Texas - 30th Anniversary”***.
- George Shackelford announced that the Government Finance Officers Association (GFOA) has again awarded the City of Tomball the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2015; this is the 26th year.

6.0 Reports and Announcements:

- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque Festival** – Noon-6:00 p.m.
- October 1, 2016 – **4th Annual “Paces4Pink” 5K Run/Walk and 1 Mile Run/Walk**
- October 8, 2016 – **“Zomball in Tomball”**
- October 15, 2016 – **“Freight Train Food Truck Festival” at the Depot** – Noon to 5:30 p.m. (Combining the ***Honky Tonk Music Festival*** and ***Memorial Day Chili Challenge***)
- October 22, 2016 – **5th 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 – Southeast Texas Housing Finance Corporation (SETH) has made funding in the amount of \$50,000 available to the City of Tomball for Affordable Housing Initiatives and Related Services

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the September 6, 2016 Regular Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Resolution No. 2016-19-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 Source Point Solutions, LLC, to make direct incentives to, or expenditures for, the relocation of its corporate headquarters facility to an approximately 2.95-acre tract located at 24227 FM 2978, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$28,514.00. 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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2016-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) (“Use Charts”) in regards to the Land Uses “Check Cashing Service”, “Convenience Store (With or Without Gasoline Sales)”, “Gasoline Station”, “Hotel/Motel”, “Rehabilitation Care Facility (Halfway House)”, “Tattoo or Body Piercing Studio” and by Adding “Loan Service (Payday/Auto Title)” and Amending Section 50-2 (“Definitions”) in regards to the Land Use “Hotel/Motel”; 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.

9.0 New Business:

- 9.1 Mayor Fagan opened the Public Hearing on 2016 Tax Year Proposed Property Tax Rate at 6:17 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:17 p.m.

- 9.2 Mayor Fagan announced that voting on the Proposed 2016 Tax Rate will be held at a Regular Council Meeting on October 3, 2016 at 6:00 p.m. and at a Special Council Meeting on October 10, 2016 at 5:00 p.m.

No action taken.

- 9.3 Motion was made by Councilman Degges, second by Councilman Townsend, to reappoint Ralph Foxworthy and Steven Vaughan to Positions 1 and 3 and to

appoint Will Benson, Jr. to Position 5 on the Tomball Regional Health Foundation for Terms Expiring September 1, 2016.

Motion to AMEND was made by Councilman Degges, second by Councilman Townsend, to reappoint Ralph Foxworthy and Steven Vaughan to Positions 1 and 3 and to appoint either Will Benson, Jr. or Lori Wilson to Position 5 on the Tomball Regional Health Foundation for Terms Expiring September 1, 2016. Votes were as follows:

Councilman Hudgens	<u>Vaughan, Foxworthy, Benson</u>
Councilman Stoll	<u>Vaughan, Foxworthy, Wilson</u>
Councilman Degges	<u>Vaughan, Foxworthy, Benson</u>
Councilman Townsend	<u>Vaughan, Foxworthy, Wilson</u>
Councilman Klein Quinn	<u>Vaughan, Foxworthy, Wilson</u>

Ralph Foxworthy is reappointed to Position 1, Steven Vaughan is reappointed to Position 3, and Lori Wilson is appointed to Position 5.

- 9.4 Motion was made by Councilman Hudgens, second by Councilman Townsend, to cast Ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees (TML-IRP) for the incumbents, as recommended by City Manager:

Place 6 – Mary Gauer
Place 7 – C. J. Wax
Place 8 – Larry Melton
Place 9 – Andres Garza.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve the request by Tomball Sister City Organization for In-Kind and Financial Support, in the amount of \$57,750, Road Closures, and Waiver of Fees for the 9th Annual Tomball German Christmas Market, to be held December 8-11, 2016, and for In-Kind and Financial Support, in the amount of \$57,750, Road Closures, and Waiver of Fees for the 17th Annual Tomball German Heritage Festival, to be held March 30-April 2, 2017.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the request by Spring Creek County Historical Association for Funding in the Amount of \$30,000 for SCCHA's 2016-2017 Fiscal Budget, Annual Operations.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to approve Professional Services Agreement with RG Miller Engineers, in the amount of \$80,000, for Implementation of Permit Year 4 of the City of Tomball's Storm Water Management Program. 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.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to authorize the City Manager to Execute the Necessary IRS Documents in regards to the Dedication of Right-of-Way to the City of Tomball along Medical Complex Drive.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Hudgens, to award Proposal for Implementation of Landfill Gas Remediation Plan to Raba Kistner Environmental, in the amount of \$66,850.00.

Motion carried unanimously.

- 9.10 Consideration to approve ZONING CASE P16-0123: Request by Justin Cottle for a Conditional Use Permit to operate an amusement, commercial (indoor) facility at 701 E. Main Street. The property is approximately 1 acre, located on the north side of Main Street, east of Willow Street, legally described as Lots 1 and 2, Block 1 McCraw Acres and is zoned General Retail.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0123** at 7:14 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:14 p.m.
- Motion was made by Councilman Hudgens, second by Councilman Degges, to read Ordinance No. 2016-24 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First 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.

9.11 Executive Session: The City Council recessed into Executive Session at 7:21 p.m., 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.

Upon reconvening into Regular Session at 7:56 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of October 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor