

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



MONDAY, AUGUST 15, 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 Klein Quinn

Members Absent:

Councilman Townsend – 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
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
CSO Administrative Assistant – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Bayani
Police Detective – Kenneth Yoho
Assistant Fire Chief – Jonathan Fontenot
Fire Marshal – Charlie Hazlegrove
Presiding Municipal Court Judge – Brett Peabody

2.0 The invocation was led by Greg Sipe, Pastor, Church 1:37.

3.0 The pledges to U. S. and Texas Flags were led by Dylan Morgan, Connor McKee, and Corey Brennan, members of the Tomball High School Student Council and by members of the Cub Scouts, Webelos 2.

4.0 The following public comments were received:

Bruce Hillegeist GTACC	-	Expressed his appreciation to City Council for the City's assistance in the success of the GTACC's <i>Tomball Night</i> .
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5.0 Presentations:

- Police Chief Billy Tidwell presented the newest Tomball Police Officers, Korey Orr, Juliette Pommer, and Camilo Flores.

6.0 Reports and Announcements:

- ***Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool*** will operate normal hours through August 21. From August 22 through September 4, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2016, except Memorial Day (May 31), July 4th, and Labor Day (September 5). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 27, 2016 – **Texas Music Festival** – Noon-6:00 p.m.
- September 10, 2016 – **2nd Saturday at the Depot**
- 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:
 - Glenn Windsor presented the Quarterly Investment Report for period ending June 30, 2016. 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 June 30, 2016, the City had total cash equivalents and investments totaling \$50,113,306. A copy of the report was provided for review.
 - Billy Tidwell announced that the Tomball Police Department has two parking spaces marked as “Safe Exchange Zones” for the public to use.

- George Shackelford announced that Mike Baxter was named *Houston Business Journal's* **“Outstanding Marketing Director”** for 2016

- 7.0 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Minutes of the August 1, 2016 Regular City Council Meeting.

Motion carried unanimously.

- 8.0 Old Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2016-13, 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 .32 Acres of Land, Legally Described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, from the Single Family 6 District to the Old Town and Mixed Use District; Said Property being generally located at the Northwest Corner of Mechanic Street and S. Chestnut 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 Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance, No. 2016-18, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2016-2017; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2015-2016 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments Against Yaupon Trails Section One Properties in the City of Tomball Public Improvement District Number Five (PID 5) Established by City Council Resolution No. 2015-05.

- Mayor Fagan opened the Public Hearing at 6:19 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:19 p.m.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to read Ordinance No. 2016-16 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-16, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Five, Yaupon Trails, Section One. Vote was as follows:

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

Motion carried unanimously.

- 9.3 Motion was made by Councilman Klein Quinn, second by Councilman Degges, to read Ordinance No. 2016-17 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2016-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Five (Yaupon Trails Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

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

Motion carried unanimously.

- 9.4 Motion was made by Councilman Stoll, second by Councilman Degges, to Reappoint Lori Klein Quinn to Current Position on the Tomball Economic Development Corporation Board of Directors. Councilman Klein Quinn abstained; vote was as follows:

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

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to reappoint Presiding Municipal Court Judge, Brett Peabody.

Motion carried unanimously.

- 9.6 Consideration to appoint Will Benson, Jr. as Alternate Member to the Board of Adjustments was withdrawn at the request of Mr. Benson and the Community Development Department.

No action taken.

- 9.7 Consideration to approve **ZONING CASE P16-0115**: Request by the City of Tomball to amend 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 to amend Section 50-2 (Definitions) in regards to the land use “Hotel/motel”.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0115** at 6:36 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.
- Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2016-20 by caption only on first reading.

Motion carried unanimously.

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

- Motion to AMEND was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on First 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, by changing the land use of "Halfway House", removing it from SF-6, SF-9 and SF-20 and leaving the land use permitted by right in Commercial. Vote was as follows:

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

Motion, as AMENDED, carried unanimously.

- 9.8 Consideration was given to request from Mike Clark, of Maple Creek Bed & Breakfast, to waive the installation of an Automatic Fire Sprinkler System, as required per the 2012 International Building Code (IBC) and 2012 International Fire Code (IFC). Council directed staff to provide definitions of and information regarding options for Bed and Breakfasts and Air BnBs.

No action taken.

- 9.9 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve and Grant Permission for the Fire Chief to Address the TML Legislative Committee Regarding Returning to Texas Cities', Including the City of Tomball, the Decision

Process Regarding the Authority to Require Residential Fire Sprinklers in Newly Constructed Single Family and Duplex Homes. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.10 Motion was made by Councilman Hudgens, second by Councilman Stoll, to read Ordinance No. 2016-19 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2016-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 34, Section 34-71. Amendments to the 2012 International Fire Code, (w), to Change the Definition of "Fire Area"; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.11 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Two-Year Extension of Contract with Sun Coast Resources for the Purchase of Gasoline and Diesel Fuel at the current prices.

Motion carried unanimously.

- 9.12 Motion was made by Councilman Hudgens, second by Councilman Stoll, to reject All Bids for E&P Project No. 2016-10005 Hunterwood and Hicks Lift Station Rehabilitation Project

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of September 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor