

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



TUESDAY, JULY 5, 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 Townsend
Councilman Hudgens
Councilman Klein Quinn
Councilman Stoll

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
HR Director – Lisa Coe
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
IT Manager – Doug Tippey
Finance Director – Glenn Windsor
Community Events Coordinator – Denise Fiore
Police Detective – Albert Chambers

2.0 The invocation was led by Pastor Shawn O'Hearn, Western Apostolic Church Ministries.

- 3.0 The pledges to U. S. and Texas Flags were led by Ted Beckham, Committee Chairman, Boy Scout Troop 41
- 4.0 No public comments were received.
- 5.0 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.
 - **TOMBALL KID'S CLUB – June 14, 17, 21, 24, 28 and July 1, 8, 12, 15, 19, and 22, 2016** - 11:00 a.m.-1:00 p.m., at the Community Center
 - July 9, 2016 – **2nd Saturday at the Depot**
 - August 5, 2016 – **Tomball Night**
 - August 13, 2016 – **2nd Saturday at the Depot**
 - 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 – **3rd “Annual Paces for Pink” 5K Run**
 - October 8, 2016 – **“Zomball in Tomball”**
 - 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:
 - Mike Baxter reported on the success of the City’s **July Fourth Celebration & Street Festival**
- 6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the June 20, 2016 Regular City Council Meeting.
- Motion carried unanimously.
- 7.0 Old Business:
- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-10, an Ordinance of the City of Tomball, Texas Amending Article VII, Donation Containers, of Chapter 22, Health and Sanitation, by Amending Sections 22-191, Location, 22-192, Container Design and Maintenance, and 22-194, Permit Required to Allow Donation Containers on Public and Private School Properties and Providing Certain Exemptions Thereto; 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 Other Findings Related Hereto. Vote was as follows:

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

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-08, an Ordinance of the City of Tomball, Texas, Changing the Prima Facie Speed Limit Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Brown-Hufsmith Road, from State Highway 249 Business to the Eastern City Limit Line and Zion Road, from Quinn Road to Ulrich Road, All within the Corporate Limits of the City of Tomball as Set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Conduct Second Public Hearing to Consider the Annexation of the Following Tracts of Land: (4.847-Acre FM 2920 and Telge Road Right-of-Way and 14.427-Acre Milner Tract):

TRACT ONE: FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as provided.

TRACT TWO: FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and out of and a part

of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as provided.

Mayor Fagan opened the Public Hearing at 6:10 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:10 p.m.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve Request by The Empty Glass to Host the 3rd Annual Empty Glass Wine Festival, to be held on Saturday, October 1, 2016, 12p.m. to 6 p.m. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Request by Tomball Pregnancy Center for In-Kind Services from the City Police, Fire, Public Works, and NWEMS Department, for the 3rd Annual New Life 5K & Kid's Walk, to be held on September 17, 2016.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve the Quad-Party Memorandum of Understanding (MOU) between the City of Tomball, Lone Star College-Tomball, and Tomball Independent School District regarding Coordinated Usage of the City's Low-Power FM Radio Station to Include Concordia Lutheran High School, replacing the Tri-Party MOU approved June 20, 2016.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2016-14, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Future Leaders and Graduates (FLAG) Project for the 2016-2017 Fiscal Year, and Designating the Assistant City Manager as the City's Authorized Official.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Replacement of City Copiers to Marimon Business Systems, Inc.

Motion carried unanimously.

- 8.7 Executive Session: The City Council recessed into Executive Session at 6:19 p.m., 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., the following items were considered:

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Purchase from Jeff Stallones, Stallones AEG LLC, of Lots 11, 12, 13, 14, 15, 16, 17, and 18, Block 5, Located at 114 Fannin, together with House Situated on Lots, and Authorize the City Manager to Execute Appropriate Deed Document and Non-Cash Donation Form.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of July 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor