

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



MONDAY, JUNE 20, 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 Degges
Councilman Klein Quinn
Councilman Stoll

Members absent:

Councilman Hudgens - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
CSO Administrative Assistant – Tracy Garcia
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Bayani
Police Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Bryan Donahoo, Graceview Baptist Church.

3.0 The pledges to U. S. and Texas Flags were led by Randy Parr

4.0 The following public comments were received:

- | | | |
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| Albert Thomas
24903 Elmira Street, 77375 | - | Expressed his support for a Diane N. Holland Memorial statute to be placed in a prominent location in Tomball. |
| Terry Schell
353 Ridgewood, 77355 | - | Expressed his support for a Diane N. Holland Memorial statute to be placed in a prominent location in Tomball. |
| Rob Greening
GTACC
12202 Pine Shadows, 77362 | - | Expressed his support for the 44 th Annual Tomball Night. |

5.0 Presentations:

- Presentation of Plaque by Mayor Fagan and Brian Bayani, NWEMS, to the Tomball Fire Department for the **2016 Mission: Lifeline® EMS Gold Level Recognition Award**

6.0 Reports and Announcements:

- **Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool** re-opened on June 4 and will operate with 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
- June 23, 2016 – **8th Annual Economic Outlook Luncheon**, sponsored by the **Tomball Economic Development Corporation** at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- 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** – 12:00 Noon-6:00 p.m.
- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque 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:
 - Kelly Violette – The Tomball EDC was presented a Certificate of Achievement for Economic Excellence by the Texas Economic Development Council for the 3rd year in a row

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the May 16, 2016 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-06, 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 9.6 Acres of Land, Legally Described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the **Office** District; said Property being Generally Located at the Northeast Corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith Road; 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>Absent</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 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to ratify the proposed change in Public Hearing Dates for the Proposed Annexation of 4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way and 14.427 Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas, Due to Cancellation of the June 6, 2016 Council Meeting

Motion carried unanimously.

- 9.2 Conduct First 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 6:17 p.m.

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

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2016-12, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball Potpourri as the Official Newspaper for 2016 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Stoll, second by Councilman Townsend, to appoint Sherrie Meicher as the Replacement Member to the Southeast Texas Housing Corporation (SETH) Board of Directors.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to reappoint Richard Anderson to his current position on the Planning and Zoning Commission for a new term expiring June 1, 2016.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Degges, to appoint April Gray to her current position and appoint Tina Roquemore to the current vacancy on the Board of Adjustments for new terms expiring March 2, 2016.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to reappoint Richard Bruce and Bill Sumner to their respective positions and appoint Tom Crofoot to the current vacancy the Tomball Economic Development Corporation.

Motion carried unanimously.

- 9.8 Council received the Tomball Economic Development Corporation (TEDC) 2015-2016 Annual Report.

No action taken.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Tomball Economic Development Corporation (TEDC) 2016-2017 Strategic Work Plan.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Resolution No. 2016-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 44th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 5, 2016.

Motion carried unanimously.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2016-10 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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>Absent</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.

- 9.12 Consideration and Possible Action regarding **Zoning Case P16-0072**: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by

rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0072** at 6:41p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:41 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-11 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-11, 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 1.12 Acres of Land, Legally Described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City Of Tomball, Harris County, Texas, from the Planned Development – 8 (PD8) District to the Commercial District; Said Property Being Generally Located at the Northeast Corner of SH 249 and Holderrieth Road; 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>Absent</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 9.13 Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police

Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours.

Motion carried unanimously.

- 9.15 David Esquivel presented an update to Council on the Development of Broussard Park.

No action taken.

- 9.16 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Tri-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. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.17 Motion was made by Councilman Townsend, second by Councilman Degges, to renew the Interlocal Agreement between the City of Tomball Fire Department and Harris County Public Health and Environmental Services providing for the Tomball Fire Department to operate a "Closed POD" site for the distribution of medication and supplies.

Motion carried unanimously.

- 9.18 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2016-08 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First 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>Absent</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.

- 9.19 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reject Bids for Project No. 2016-16, Vactor and Valve Exercise Trailers, and award Buy Board Contract to Vermeer for the Purchase of One (1) Vactor and Valve Exercise Trailer, in the Amount of \$77,863.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of July 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor