

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



MONDAY, MAY 2, 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 Townsend
Councilman Degges
Councilman Klein Quinn
Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Coordinator-TEDC – Tiffani Wooten
CSO Administrative Assistant – Tracy Garcia
Police Detective – Kenneth Yoho
Police Lieutenant – Danny Arriaga
Police Sergeant – Shon Davis

2.0 The invocation was led by Pastor Dustin Reitzel, Woodlands Church, Tomball Campus.

3.0 The pledges to U. S. and Texas Flags were led by Robert Hauck and Randy Parr. A moment of silence was led by Mayor Fagan in honor of Diane Holland, former Councilman.

4.0 The following public comments were received:

- | | |
|---|---|
| Albert Thomas
24903 Elmira, 77377 | - Requested support for the TEAM Food Drive, sponsored by “ <i>Men Who Set Trends</i> ” to benefit TEAM, to be held May 16-21, 2016 |
| Charlie Fenner
12303 Preece Court, 77429
Blake Bartlett
27914 Waller Spring Creek, 77484 | - Requested support for amendment to City’s Code regarding donation boxes, to allow the donation box at Concordia Lutheran High School. |

5.0 Presentations:

Mayor Fagan presented a proclamation to the Tomball Economic Development Corporation for “**Economic Development Week**” – May 8-14, 2016.

6.0 Reports and Announcements:

- May 5, 2016 – **National Day of Prayer** at the Depot – 12 Noon
- May 14, 2016 – **Ribbon Cutting and Open House at Fire Station 5**, 19900 Telge Road
- May 14, 2016 – **2nd Saturday at the Depot**
- May 28, 2016 – Tomball **Chili Challenge 2016** at the Depot
- June 4, 2016 – **Tomball Honky Tonk Music Festival** at the Depot
- 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
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Randy Parr reported on the success of the ***Shattered Lives*** Event at **Tomball High School**.
 - David Esquivel reported on the success of the **Annual Spring Clean-Up and Chipping Week** and **Tomball Consolidated Recycling Day** Events.
 - Glenn Windsor presented the Quarterly investment report for period ending March 31, 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 March 31, 2016, the City had total cash equivalents and investments totaling \$51,513,436. A copy of the report was provided for review.

- 7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the April 25, 2016 Regular City Council Meeting.

Motion carried unanimously.

9.0 New Business

Request was made by Councilman Townsend to move Item 9.6 to allow discussion with the Concordia Lutheran High School students. Hearing no objections, Mayor Fagan moved Item 9.6 forward:

- 9.6 Discussion was held regarding Chapter 42, Health and Sanitation, Regarding Regulation of Donation Containers. Consensus of Council was unanimous to amend the Code and City Staff was directed to bring recommendations/proposed amendments to Council for consideration and action.

No action taken.

8.0 Old Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-05, 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 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; 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.

The following public comments were received:

- | | |
|--|--|
| Robert White
11014 N. Club Green, 77375 | - Expressed his opposition to approval of the zoning reclassification. |
| Todd Johnson
30614 Quinn Road, 77375 | - Expressed his opposition to approval of the zoning reclassification. |
| Leigh Anne Maxwell
10934 S. Country Club Green, 77375 | - Expressed her opposition to approval of the zoning reclassification. |

- | | |
|---|---|
| Cressie Wright
11311 Misty Willow, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Mitchell Forrest
11110 S. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Andrew Canales
11114 S. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Fredrick Westling
11214 N. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Jerry Calhoon
11002 N. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Sally Calhoon
11002 N. Country Club Green, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Richard N. Merchant
11006 N. Country Club Green, 77735 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Eric Hobbs
11018 N. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Jay Judge
11104 N. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Meghan Raney
11311 Misty Willow, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Patty Zachary
10909 S. Country Club Green, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Kristi Zadik
21602 Country Club Green, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Katie Jones
21502 Country Club Green Circle | - Requested that her opposition to the zoning reclassification be read into the record. |
| Sandra Glasscock
11056 Crestbrook Park, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |
| Angelynn Johnson
30614 Quinn Road, 77375 | - Requested that her opposition to the zoning reclassification be read into the record. |

- | | |
|---|---|
| Les Coker
11102 N. Country Club Green, 77375 | - Requested that his opposition to the zoning reclassification be read into the record. |
| Patricia Killough
11210 N. Country Club Green, 77375 | - Email - Requested that her opposition to the zoning reclassification be read into the record. |
| Johnny Johnson
21619 Country Club Green, 77375 | - Email - Requested that his opposition to the zoning reclassification be read into the record. |
| Neil and Karen Guiles
22303 Willow Creek Bridge, 77375 | - Email - Requested that their opposition to the zoning reclassification be read into the record. |
| Derek Townsend, Sr.
30618 Williams Juergens, 77375 | - Speaking as citizen, expressed his opposition to the zoning reclassification. |

Motion was made by Councilman Hudgens, second by Councilman Klein Quinn to Move the Previous Question.

Motion carried unanimously.

Vote on Main Motion, to adopt, on Second Reading, Ordinance No. 2016-05, 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 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; 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, was as follows:

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

A tie resulting, Mayor Fagan cast her vote to break the tie: Aye

Motion carried, 3 votes Aye, 2 votes Nay.

Mayor Fagan called a 10-minute recess at 7:35 p.m. Upon reconvening into regular session at 7:45 p.m., the following items were considered:

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for City of Tomball Project No. 2016-01, 2016 W. Main Sidewalk Annual Maintenance & Repair Project, to Core Stone Construction Services for the Base Bid Amount of \$48,830.00.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for City of Tomball Project No. 2016-13, Market Street and Walnut Street Sidewalk and Paving, to Site Work Contractors, LLC for the Base Bid Amount of \$111,535.00.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Degges, second by Councilman Townsend, to award Contract for Project No. 2016-17 for the Purchase of Two (2) Work Trucks, in the Amount of \$54,670.00 to Caldwell Country.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2016-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be held in Tomball on Monday, July 4, 2016, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 3:00 PM until 11:00 PM, and Authorizing the City Manager to issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Request that Harris County Commissioners Court Enter into an Interlocal Agreement with the City of Tomball for Harris County to Provide Contingency Debris Removal Services to the City of Tomball in the Event of a Disaster Incident.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to Move the Previous Question.

Motion carried unanimously.

Vote was cast on Main Motion, to authorize the City Manager to Request that Harris County Commissioners Court Enter into an Interlocal Agreement with the City of Tomball for Harris County to Provide Contingency Debris Removal Services to the City of Tomball in the Event of a Disaster Incident.

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 16th day of May 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor