

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



**MONDAY, AUGUST 3, 2020
6:00 P.M.**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 3, 2020, at 6:00 p.m., at 401 Market Street, Tomball, Texas, 77375, via video/telephone conference (Zoom).

- 1.0 Mayor Fagan called the meeting to order at 6:00 p.m., having established a quorum. Mayor Fagan read a statement regarding the process for the conduct of the meeting via Zoom and telephone. Members present (in person):

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members present (via video):

Councilman Degges

Others present:

City Manager – Robert Hauck (in person)
Assistant City Manager – David Esquivel (in person)
City Secretary – Doris Speer (in person)
Assistant City Secretary- Tracy Garcia (in person)
City Attorney – Loren B. Smith (in person)
Legal Secretary-Olson & Olson – Layla Walker (via video)
Fire Chief – Randy Parr (via video)
Police Chief – Jeff Bert (in person)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor (in person)
Director of Public Works – Beth Jones (in person)
Director of Community Development – Craig Meyers (in person)
Police Officer-Investigations – Cleo Thomas (in person)
Fire Marshal – Joe Sykora (via video)
Executive Director-TEDC – Kelly Violette (via video)
Pastor Scott Zyblot – Silver Spring Baptist Church (via video)

- 2.0 The invocation was led by Pastor Scott Zyblot – Silver Spring Baptist Church.

3.0 Pledges to U. S. and Texas Flags were led by Chief Jeff Bert.

4.0 The following public comments were received:

Cindy Lanham 635 Baker Rd., 77375	-	Expressed her opposition to adoption of Item 8.1, Ordinance No. 2020-09.
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5.0 Reports and Announcements:

- **Tomball City Pool – 2020 Swim Season** - Jerry Matheson Park Pool will operate with normal hours through August 16. The pool will be open on Saturday and Sunday only on the weekends of August 22-23 and August 29-30. The pool will be closed every Monday during swim season 2020, except Labor Day (September 7). Normal pool hours are:
Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- **GrooveFest 2020** – September 19, 2020 at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of **Tomball Kids’ Club**

6.0 Motion was made by Councilman Townsend, second by Councilman Mark Stoll, to approve the Minutes of the July 20, 2020 Special Tomball City Council Meeting, the July 20, 2020 Regular Tomball City Council Meeting and the July 21, 2020 Special Tomball City Council Meeting

Motion carried unanimously.

7.0 Old Business Consent Agenda:

7.1 Adopt, on Second Reading, Ordinance No. 2020-17, Ordinance No. 2020-17, 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 Whitmeyer’s Distilling Co., LLC to Operate a “Soap, Detergents, Cleaning Preparations Manufacture” Facility; Said Property being Approximately 6.10 Acres of Land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, within the City of Tomball, Harris County, Texas, generally located at the End of Spell Circle at 21250 Spell Circle, and is Zoned Light Industrial District; 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 [P20-105 – Whitmeyer’s Cup 21250 Spell Circle]

7.2 Adopt, on Second Reading, Ordinance No. 2020-19, 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 95.4 Acres of Land, Legally Described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X)

Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, within the City of Tomball, Harris County, Texas, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District; said Property being generally located on the South Side of Theiss Lane at Commercial Park Road and North Side of Holderrieth Road between SH 249 and South Cherry 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 [P20-103 – 95 Acre Planned Development]

- 7.3 Adopt, on Second Reading, Ordinance No. 2020-20, 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 1.7958 Acres of Land Legally Described as Part of Tracts 6A 12A 18A 24A 30A & 36A (AG-Use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said Property being generally located on the North Side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas; 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 [P20-99 – E. Hufsmith Rezoning]

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt Ordinance Nos. 2020-13, 2020-14, 2020-15, 2020-16 and 2020-21 (Items 7.1, 7.2, and 7.3) on Second Reading. Vote was as follows:

Councilman Ford	<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.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2020-09, 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 One Acre of Land Legally Described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District, said Property being generally located at the Southwest

Corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas; 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 this Ordinance. Vote was as follows:

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

Motion carried 3 votes Aye, 2 votes Nay.

- 8.2 Consideration to Adopt, on Second Reading, Ordinance No. 2020-18, 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 6 Acres of Land, Legally Described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, within the City of Tomball, Harris County, Texas, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District; Said Property being generally located on the South Side of FM 2920 at South Live Oak 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 was withdrawn at the request of the developer and City staff.

9.0 New Business Consent Agenda:

- 9.1 Reappoint Three Associate/Alternate Judges to the Municipal Court for an Additional One-Year Term
- 9.2 Reappoint Associate/Alternate Prosecutor to the Municipal Court for an Additional One-Year Term
- 9.3 Reappoint Presiding Municipal Court Judge, Brett Peabody, for an Additional Two-Year Term
- 9.4 Reappoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, for an Additional Two-Year Term
- 9.5 Approve Resolution No. 2020-15, a Resolution of the City of Tomball, Texas, Stating the City of Tomball's Intent to Participate in Tax Abatement and Establishing the Guidelines and Criteria for Granting Tax Abatements in a Reinvestment Zone Created in the City of Tomball

- 9.6 Approve Resolution No. 2020-25, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 13th Annual Homecoming Parade and Community Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, in October 2020.

Motion was made by Councilman Townsend, second by Councilman Stoll, to approve items 9.1, 9.2, 9.3, 9.4, 9.5 and 9.6. Vote was as follows:

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>
Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

10.0 New Business:

- 10.1 Glenn Windsor presented the Comprehensive Annual Financial Report (CAFR Audit) for the Fiscal Year Ending September 30, 2019.

No action was taken.

- 10.2 Conduct First Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2020-2021.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to adopt the City of Tomball's budget at 6:24 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:24 pm.

- 10.3 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2020-20, a Resolution of the City Council of the City of Tomball, Texas, Accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Raburn Reserve Public Improvement District; Setting a Date September 8, 2020 for Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating Thereto (TPID 10)

Motion carried unanimously.

- 10.4 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2020-24, a Resolution of the City Council of the City of Tomball, Texas Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program

under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating North Houston - TRMC, LLC (HCA Houston Healthcare Tomball) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties. Councilman Ford advised that he would abstain from discussion and vote, and had filed an affidavit of conflict of interest with the City Secretary. Vote was as follows:

Councilman Ford	<u>Abstain</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

- 10.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2020-11 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. 2020-11, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, 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 Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>
Councilman Ford	<u>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>

Motion FAILED unanimously.

- 10.6 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First and Final Reading, Ordinance No. 2020-22-E, an Ordinance of the City of Tomball, Texas Declaring and Continuing a Public Health Emergency and a State of Disaster; Providing for a Penalty in an Amount Not to Exceed \$2,000.00 for Every Violation Hereof; Providing for Severability; Making Findings Related Thereto and Providing an Effective Date. Vote was as follows:

Councilman Klein Quinn	<u>Aye</u>
Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

- 10.7 Motion was made by Councilman Townsend, second by Councilman Ford, to approve an Agreement with Thirkettle Corporation for a Flexnet Pilot Program with Purchase of the Required Components for the Pilot Program and Authorize the City Manager to Execute the Agreement

Motion carried unanimously.

Motion was made by Councilman Townsend and second by Councilman Stoll to approve items 10.8, 10.9, 10.11 and 10.12 in a single motion.

- 10.8 Approve Proposed Amendment to Administrative Policy No. 9, Entitled "*Purchasing and Bidding Policy*"
- 10.9 Approve Proposed New Administrative Policy No. 27, Adopting Policies and Procedures Necessary to Receive State and Federal Grant Funding
- 10.10 Proclamation was presented by Mayor Fagan– the Month of August is "***Fair Housing Month***"
- 10.11 Approve Resolution No. 2020-16, a Resolution of the City Council of the City of Tomball, Texas, Designating Authorized Signatories for Contractual Documents and Documents for Requesting Funds Pertaining to the Community Development Block Grant – Disaster Recovery Program (CDBG-DR) Contract Number 19-076-029-B386
- 10.12 Approve Resolution No. 2020-21, a Resolution of the City Council of the City of Tomball, Texas, Adopting the Attached Policies in Connection with the City of Tomball, Texas Participation in Federally Funded Community Development Block Grant (CDBG) Projects and Adherence to the Regulations Described Therein

Items 10.8, 10.9, 10.11 and 10.12 were adopted in a single motion, unanimously.

- 10.13 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Termination of Land Lease and Museum Development Agreement with the Texas Railroading Heritage Museum

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:01 p.m.

PASSED AND APPROVED this the 17th day of August 2020.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor