

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



**MONDAY, JULY 6, 2020
6:00 P.M.**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 6, 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 4:00 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 Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck (in person)
Assistant City Manager – David Esquivel (in person)
City Secretary – Doris Speer (in person)
City Attorney – Loren B. Smith (in person)
Legal Secretary-Olson & Olson – Layla Walker (via video)
Fire Chief – Randy Parr (in person)
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 (via video)
CSO Administrative Assistant – Sasha Luna (in person)
Police Captain – Ricky Doerre (in person)
Police Officer-Investigations – Cleo Thomas (in person)
Pastor Dustin Reitzel – Woodlands Church Northpointe Campus (via video)

- 2.0 The invocation was given by Pastor Dustin Reitzel – Woodlands Church Northpointe Campus.

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

4.0 The following public comments were received:

Kevin Barnes (via telephone) - Expressed his opposition to Ordinance No. 2020-21.

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 July 4th, and 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.
- ***TOMBALL KID'S CLUB – Activities:*** June 23, 25, 30 and July 2, 7, 9, 14, 16, 21, 23, 28, and 30 from 10:30 a.m. to 12:30 p.m., at **Juergens Park**
- July 11, 2020 – **2nd Saturday at the Depot – Movie Only**, beginning at 8:30 p.m.
- **Cancelled** - August 7, 2020 – **Tomball Night**, a Greater Tomball Area Chamber of Commerce Event
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Randy Parr presented an update on the City of Tomball's Radio Station, KTTF, 95.3, and the City's **July Fourth Fireworks Display and Musical Presentation**.

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the June 15, 2020 Regular Tomball 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. 2020-10, 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 1.66 Acres out of 2.135 Acres of Land Legally Described as Lot 1 Block 1 City of Tomball Railroad Museum, from the Single-Family 6 District to the Old Town & Mixed Use District, said Property being generally located on the West Side of the BNSF Railroad and the East Side of the Elm Street Right-of-Way, 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. 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 New Business:

- 8.1 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Alexander Estates Section One Properties in the City of Tomball Public Improvement District Number Four, Established by City Council Resolution No. 2019-04 at 6:25 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:25 p.m.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2020-13 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-13, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision). 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.

- 8.3 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to read Ordinance No. 2020-14 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. 2020-14, 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 Four (Alexander Estates Subdivision); and Making Certain Findings Related Thereto. 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.

- 8.4 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Timber Trails Section One Properties in the City of Tomball Public Improvement District Number Eight, Established by City Council Resolution No. 2018-29 at 6:40 p.m.

Receiving no public comments, Mayor4 Fagan closed the Public Hearing at 6:40 p.m.

- 8.5 Motion was made by Councilman Ford, second by Councilman Stoll, to read Ordinance No. 2020-15 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Eight (Timber Trails Subdivision). 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.

- 8.6 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2020-16 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-16, 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 Eight (Timber Trails) and Making Certain Findings Related Thereto. 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.

- 8.7 Councilman Townsend advised that he would abstain from discussion and vote on Item 8.7, due to a Conflict of Interest, and would file an affidavit with the City Secretary.

Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2020-12 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-12, 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 Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously, with one abstention.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2020-21 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2020-21, an Ordinance of the City Council of Tomball, Texas, Amending Section 8-124 of Its Code of Ordinances to Remove the Use of the Term “Single-Family Residential Platted Lot” and Removing the Requirement that the One-Acre Requirement be Calculated Without Regard to Improvements Existing on the Property; 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 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.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2020-18, a Resolution of the City of Tomball, Texas, Excluding Emergency Responders from the City’s COVID-19 Employee Leave Policy.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to authorize the City Manager to Execute Contract between the City of Tomball and Texas Commission on Environmental Quality (TCEQ) for the Award of Texas Volkswagen Environmental Mitigation Program (TxVEMP) Grant, for an Amount of \$72,284.00.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to award the Purchase of One (1) Peterbilt Dump Truck in the Amount of \$128,629.00 to Rush Truck Center, through State Buyboard Cooperative Purchasing Contract

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of July 2020.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor