

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



**MONDAY, MARCH 2, 2020
6:00 P.M.**

1.0 Meeting was called to order at 6:05 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Councilman Townsend - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Interim Police Chief – Skip Oliver
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Director of Community Development – Craig Meyers
IT Manager – Doug Tippey
Assistant City Secretary – Tracy Garcia
CSO-Administrative Assistant – Sasha Luna
Warrant Officer/Bailiff – Ron McGullion
Accountant – Luisa Taylor
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Mike Hernandez – Local Church

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

4.0 No public comments were received.

5.0 Reports and Announcements:

- March 21, 2020 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- March 25-26, 2020 – ***“Shattered Lives”*** Program – Concordia Lutheran High School
- March 27-29, 2020 – **Tomball German Sister City Heritage Festival** at the Depot
- April 22, 2020 – **Annual Lone Star College-Tomball Career Fair** – Beckendorf Conference Center, 10:00 a.m.-1:00 p.m., hosted by LSC-Tomball and Tomball Economic Development Corporation
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Luisa Taylor delivered the Quarterly Investment Report for Period Ending December 31, 2019. 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 at the end of the quarter, yield information, and weighted average maturities. On December 31, 2019, the City had total cash and cash equivalents in the amount of \$77,525,353.

6.0 Motion was made by Councilman Ford, second by Councilman Degges, to approve the Minutes of the February 17, 2020 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2020-02, 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 Lance Langenhoven to Operate an “Amusement, Commercial (Indoor)” Facility; said Properties Being Approximately 5.8588 Acres of Land Legally Described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located at the Northwest Corner of East Hufsmith Road and Neal Street at 419 East Hufsmith Road, and is Zoned General Retail 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. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Ford, to reappoint Tina Roquemore, April Gray, and Cindy Phillips to their respective positions as Regular and Alternate members on the Board of Adjustments (BOA), for new terms expiring March 2, 2022

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Degges, to approve Resolution No. 2020-09, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 2nd Day of May, 2020, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Fue presentada una moción por el Concejal Stoll, secundada por el Concejal Degges, para aprobar la Resolución Nro. 2020-09 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 2 de mayo de 2020 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Stoll, tán thành bởi Ủy Viên Hội Đồng Degges, để chấp thuận Nghị Quyết số 2020-09, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 2 tháng Năm, 2020, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

提案是由市議員Stoll，第二由市議員Degges，批准決議案編號2020-09，取消一般市府官員應於2020年5月2日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 8.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve, on First Reading, Resolution No. 2020-05-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Project of the Tomball Economic Development Corporation, the designation of a culinary incubator and food hall, including real and personal property acquisition, for the purposes of promoting new or expanded business development.

Motion to AMEND was made by Councilman Klein Quinn, second by Councilman Stoll, to approve, on First Reading, Resolution No. 2020-05-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Project of the Tomball Economic Development Corporation, the designation of a culinary incubator and food hall as a TEDC project, and approving a feasibility study only.

Motion, as AMENDED, carried unanimously, on First Reading.

- 8.4 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve, on First Reading, Resolution No. 2020-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by an between the Corporation and Turnstone Texas Group, LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a multibuilding office/warehouse park to be located on the west side of State Highway 249, north of Humble Road in Tomball. The estimated amount of expenditures for such Project is \$73,200.00.

Motion carried unanimously, on First Reading.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Ford, to approve, on First Reading, Resolution No. 2020-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and BJ Services for expenditures required or suitable for the promotion of new or expanded business development. The estimated amount of expenditures for such Project is \$57,100.00.

Motion carried unanimously, on First Reading.

- 8.6 Motion was made by Councilman Degges, second by Councilman Ford, to approve, as a Project of the Tomball Economic Development Corporation, an

agreement with American National Carbide, to make direct incentives to, or expenditures for, equipment expansion for the creation and retention of primary jobs for American National Carbide, located at 915 South Cherry Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$36,000.00.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Ford, second by Councilman Stoll, to approve, the Agreement with Developer for Floodplain Mitigation between the City of Tomball and 249 Holderrieth, LLC for Their Purchase of 20 Acre-Feet of Floodplain Mitigation Volume from the City of Tomball for Their Property Located along Holderrieth Road, Just to the West of South Cherry Street and Described as Tracts 4H-1 and 4L-2 Abstract 632, C.N. Pillot Survey

Motion carried unanimously.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2020-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2020-04, an Ordinance of the City of Tomball, Texas, Deleting Division 2, Municipal Court Technology Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Deleting Section 28-34, Municipal Court Building Security Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Deleting Division 3, Juvenile Case Manager Fund, of Article 28 of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Providing for the Incorporation of Preamble; Specifically Repealing Ordinance Number 2010-12, as Codified as Division 2, Municipal Court Technology Fund and Section 28-34, Municipal Court Building Security Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances; Specifically Repealing Ordinance 2014-02, as Codified as Division 3, Juvenile Case Manager Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances; Providing a Repealer Clause, a Severability Clause, a Savings Clause and an Effective Date. Vote was as follows:

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

Motion carried unanimously.

- 8.9 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to read Ordinance No. 2020-05 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2020-05, an Ordinance of the City of Tomball, Texas, Amending Division 1, Article II of Chapter 28, Municipal Court of the Code of Ordinances; Granting the City the Authority to Assess a Fine in the Case of a Person Failing to Appear for a Court Date or Violating a Promise to Appear to a Court Date; Providing a Repealer Clause, a Severability Clause, a Savings Clause, and an Effective Date. Vote was as follows:

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

Motion carried unanimously.

- 8.10 Motion was made by Councilman Ford, second by Councilman Stoll, to approve the Quote for Replacement of City of Tomball Existing Servers and Data Storage from Waypoint Business Solutions, in the Amount of \$74,802.26 and to authorize the City Manager to Execute the Necessary Documents.

Motion carried unanimously.

- 8.11 Executive Session: The City Council recessed at 6:46 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Consultation with the City Attorney regarding a Matter that the Attorney's Duty Requires to be Discussed in Closed Session
- Sec. 551.072 - Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into open session at 7:35 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of March 2020.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor