

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



**MONDAY, OCTOBER 7, 2019
6:00 P.M.**

1.0 Meeting was called to order at by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn
Councilman Townsend

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
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Fire Marshal – Joe Sykora
Administrative Assistant-CSO – Sasha Luna
Community Center Manager – Rosalie Dillon
Police Captain – Ricky Doerre
Police Captain – Brian Hill
Utilities Billing Supervisor – Lauren Sykora

2.0 The invocation was led by Pastor Bill Haygood – Tomball United Methodist 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:

- October 12, 2019 – **“Zomball in Tomball”**
- October 19, 2019 – **Freight Train Food Truck Festival at the Depot**
- October 26, 2019 – **9th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 9, 2019 – **“Depot Day”** – 10:00 a.m.-5:00 p.m., **a National Model Railroad Month Celebration at the Depot - Tomball**
- November 16, 2019 – **Tomball Holiday Parade**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - * Mike Baxter reported on the Success of **GroovFest ’19 at the Depot.**
 - * Brian Hill reported on the success of **National Night Out.**

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the following meetings:

- September 16, 2019 Regular Tomball City Council Meeting
- September 23, 2019 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting
- September 30, 2019 Special 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. 2019-20, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits and Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (*Being 9.493 Acres of Land Situated in the C. Goodrich Survey, Abstract No. 305 in Harris County, Texas and Being a Part of That Certain Tract of Land Described in the Deed to Merenco Realty, Inc. Recorded in Harris County Clerks File No. 20130384778, Official Public Records of Real Property of Harris County, Texas, (O.P.R.R.P.H.C.T.), which is Part of that Certain 606.1394 Acre Tract of Land Described in the Deed to Merenco Realty, Inc. [an Undivided One-Half Interest] Recorded in Harris County Clerks File No. T693301, O.P.R.R.P.H.C.T. - Merenco Tract*). 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.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2019-21, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2019 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. 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.

- 7.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2019-22, an Ordinance of the City of Tomball, Texas Adopting the Tomball Comprehensive Plan, as an Update to the First Comprehensive Plan – Vision 2030, Providing an Overview of Existing Conditions, Demographics and Socioeconomic Characteristics; Analyzing Community Input; Providing Maps Describing Proposed Future Land Uses; Establishing Goals, Recommendations, Implementation Strategies; 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>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.0 New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

- 8.1 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28226, styled *City of Tomball, et al vs. Morris, Anna*, said Property being described as: Lot No. 23, Block No. 103, Tomball, Located in Harris County Texas and Being More Particularly Described in Volume 359, Page 318 of the Deed Records of Harris County, Texas, HCAD Acct No. 035-281-004-0023, to Robert and Jill Carr, in the Amount of \$2,000.00; Located at 0 Moore Street, Tomball
- 8.2 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28227, styled *City of Tomball, et al vs. Johnson, T. H.*, said Property being described as: Lot No. 33, Block No. 103, Tomball, Located in Harris County Texas and Being More Particularly Described in Volume 1008, Page 47 of the Deed Records of Harris County, Texas, HCAD Acct No. 035-281-004-0033, to Robert and Jill Carr, in the Amount of \$2,000.00; Located at 0 Moore Street, Tomball
- 8.3 Approve Amended Development Agreement between the City of Tomball and Tomball Timber Trails, LLC, Amending the Original Development Agreement Approved by Council on November 5, 2018, to Include Paving as a Reimbursable Cost (TPID 8 - Timber Trails Subdivision)
- 8.4 Approve Amended Development Agreement between the City of Tomball and Brown Road, LLC, Amending the Original Development Agreement Approved by Council on May 14, 2019, to Include Paving as a Reimbursable Cost (TPID 9 - Tomball Heights Subdivision)
- 8.5 Approve Resolution No. 2019-35, a Resolution of the City Council of the City of Tomball, Texas, Stating that the City of Tomball Has No Objections to the Application by HVM BP Tomball Cong., LLC for the Rehabilitation of the Elderly Designated Multi-Family Housing Development Known as The Village Apartments

Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Items 8.1 through 8.5 on the New Business Consent Agenda.

Motion carried unanimously.

9.0 New Business:

- 9.1 Presentation and Discussion regarding the Adoption of Updated Impact Fees for Water and Wastewater, in Accordance with Chapter 395, Texas Local Government Code; Making Other Findings and Providing Details Related Thereto
 - Conduct Public Hearing on Amendment of Land Use Assumptions, Capital Improvements Plan and Impact Fees

Mayor Fagan opened the Public Hearing at 6:30 p.m.; the following public comments were received:

- | | | |
|---|---|--|
| Bryan Hutson
55 W. Turnberry Pl, 77381 | - | Expressed his concerns regarding the proposed changes. |
| Teresa Latsis
9320 Rosie Lane | - | Expressed her opposition regarding the proposed changes. |

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:35 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-24 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. 2019-24, an Ordinance of the City of Tomball, Texas, Adopting Impact Fees for Water and Wastewater Facilities; Defining Certain Terms; Providing for the Assessment and Collection of Such Impact Fees; Containing Other Provisions Relating to the Subject; 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>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.2 Mayor Fagan opened the Public Hearing to Consider Proposed Assessments against Grand Junction Section One Properties in the City of Tomball Public Improvement District Number Seven, Established by City Council Resolution No. 2018-08 (TPID 7 – Grand Junction Subdivision) at 6:39 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:39 p.m.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2019-25 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. 2019-25, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Seven (TPID 7 – Grand Junction 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.

- 9.4 Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2019-26 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-26, 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 Seven (TPID 7 – Grand Junction 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.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2019-23 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt on First Reading, Ordinance No. 2019-23, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Repealing Chapter 36 – Solid Waste, in Its Entirety and Adopting a New Chapter 36 – Solid Waste; Providing for Severability; and Making Other Provisions and

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.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2019-28, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Date, Time, and Place for Public Hearing at which All Interested Parties shall have an Opportunity to be Heard; Providing for Publication of Notice of Such Public Hearing; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (*Being a 0.8684-acre (37,827 square feet) tract of land out of and part of TOMBALL OUTLOT 477, according to the map or plat thereof recorded in Volume 2, Page 65 of the Harris County Map Records, in the Jesse Pruett Survey, Abstract No. 629, Harris County, Texas, said 0.8684 acre tract being all of that certain 1.00 acre tract described in deed recorded under Harris County Clerk's File No. 20100242691, save and except a 0.1423 acre tract called Parcel 10 for the widening of Huffsmith-Kohrville Road right-of-way*) [22526 Huffsmith-Kohrville and setting November 4, 2019 Council meeting at 6:00 p.m. as the date, time and place for the Public Hearing.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2019-39, a Resolution of the City of Tomball, Texas, Amending the Municipal Court Fees and the Garbage and Trash Collection/Disposal Service Rates in the Master Fee Schedule for Fiscal Year 2019-2020.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Ford, second by Councilman Townsend, to approve Resolution No. 2019-40, a Resolution of the City Council of the City of Tomball, Texas Approving a Development Agreement Relating to the Raburn Reserve Public Improvement District Project (TPID 10).

Motion carried unanimously.

- 9.9 Motion was made by Councilman Ford, second by Councilman Stoll, to approve Resolution No. 2019-41, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Creating the Raburn Reserve Public Improvement District in the City of Tomball, Harris County, Texas, in Accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date (TPID 10).

Motion carried unanimously.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2019-42, a Resolution of the City Council of the City of Tomball, Texas, Calling for a Public Hearing on the Addition of Land to the Raburn Reserve Public Improvement District Located within the City of Tomball (TPID 10) and setting November 4, 2019 Council meeting at 6:00 p.m. as the date, time and place for the Public Hearing.

Motion carried unanimously.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Contract with Oller Engineering, Inc. for Engineering Design and Inspection for Rehabilitation of the North Sanitary Sewer Basin for a Total of \$110,275.00.

Motion carried unanimously.

- 9.12 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Interlocal Agreement with Harris County for the Operation and Maintenance of Broussard Community Park and Authorize City Manager to Execute the Agreement.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:02 p.m.

PASSED AND APPROVED this the 21 day of October 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor