

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



**MONDAY, AUGUST 19, 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
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Fire Marshal – Joe Sykora
Assistant City Secretary – Tracy Garcia
City Planner – Amelia Lindley
Community Center Manager – Rosalie Dillon
Senior Accountant – Christine Brookshire
Accountant – Luisa Taylor
Executive Director-TEDC – Kelly Violette
Asst. Director-TEDC – Tiffani Wooten
Utilities Billing Supervisor – Lauren Sykora

2.0 The invocation was led by Pastor Adam McIntosh – St. David’s Church

3.0 The pledges to U. S. and Texas Flags were led by Glenn Windsor.

4.0 The following public comments were received:

Linda and Jim Wrentz - Expressed their appreciation for the City's
31203 Antonia Lane, 77375 redesign and repair to correct the inadequate
drainage in their subdivision.

5.0 Reports and Announcements:

- **Tomball City Pool – 2019 Swim Season** - Jerry Matheson Park Pool will be open on Saturday and Sunday only on the weekends of August 24-25 and August 31-September 1. The pool will be open on Monday, Labor Day (September 2). Pool hours are: Saturday & Sunday: 12 p.m.-8 p.m.
- September 14, 2019 – **2nd Saturday at the Depot**
- September 28, 2019 – **GroovFest '19 at the Depot**
- October 5, 2019 – **5th “Annual Paces for Pink” 5K Run**
- 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.**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Doris Speer presented the **Certified Municipal Clerk Certification** from **International Institute of Municipal Clerks (IIMC)** to Tracylynn Garcia, Assistant City Secretary.
 - Glenn Windsor presented the Quarterly Investment Report for period ending June 30, 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 June 30, 2019, the City had total cash and cash equivalents in the amount of \$68,247,819.00.

6.0 Motion was made by Councilman Townsend, second by Councilman Quinn, to approve the Minutes of the August 5, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old 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.]*

- 7.1 Adopt, on Second Reading, Ordinance No. 2019-15, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of Parts of Unimproved Roadways Between Persimmon Road and Hufsmith-Kohrville Road, all Situated in the Jesse Pruitt Survey, Abstract Number 629, City of Tomball, Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadways and Street Rights-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Raburn Commercial Resources, LP; Providing for Severability; and Containing Other Provisions Relating to the Subject
- 7.2 Adopt, on Second Reading, Ordinance No. 2019-18, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Repealing Article III. – Bingo Gross Receipts Tax, Section 42-58. – Construction and Administration. and Section 42-59 – Levy Of Tax., in Its Entirety; Providing for Severability; and Making Other Provisions and Findings Related Thereto

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt Ordinance No. 2019-15 and Ordinance No. 2019-18 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 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.]*

All items were removed from New Business Consent Agenda, at the request of Council.

- 8.1 Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with BJ Services LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with capital improvements to its corporate headquarters located at 11211 FM 2920 Rd., Tomball, TX 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$91,316.00.

- 8.2 Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Aspen Pumps Inc. to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters to be located at 14600 Brown Road, Tomball, Texas 77377. The estimated amount of expenditures for such Project is an amount not to exceed \$5,720.00.
- 8.3 Approve, on First Reading, Resolution No. 2019-29-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 Phillips Cleaning Services, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprises related to the construction of an office/warehouse facility to be located at 1311 Hicks Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$26,313.00.
- 8.4 Approve Resolution No. 2019-27, a Resolution of the City Council of the City of Tomball, Texas, Setting a Public Hearing on October 7, 2019 at 6:00 P.M., to Discuss and Review a Proposed Ordinance Amending the City's Land Use Assumptions, Capital Improvements Plan and Impact Fees

No action taken under New Business Consent.

9.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Ford, to approve, as a Project of the Tomball Economic Development Corporation, an agreement with BJ Services LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with capital improvements to its corporate headquarters located at 11211 FM 2920 Rd., Tomball, TX 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$91,316.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Ford, to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Aspen Pumps Inc. to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters to be located at 14600 Brown Road, Tomball, Texas 77377. The estimated amount of expenditures for such Project is

an amount not to exceed \$5,720.00.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Klein Quinn, second by Councilman Degges, to approve, on First Reading, Resolution No. 2019-29-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 Phillips Cleaning Services, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprises related to the construction of an office/warehouse facility to be located at 1311 Hicks Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$26,313.00.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2019-27, a Resolution of the City Council of the City of Tomball, Texas, Setting a Public Hearing on October 7, 2019 at 6:00 P.M., to Discuss and Review a Proposed Ordinance Amending the City's Land Use Assumptions, Capital Improvements Plan and Impact Fees

Motion carried unanimously.

- 9.1 Conduct Second Public Hearing Regarding the Proposed Budget for Fiscal Year 2019-2020

Mayor Fagan opened the Second Public Hearing Regarding the Proposed Budget for Fiscal Year 2019-2020 at 6:35 p.m.

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

- 9.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2019-19 by caption only, on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2019-19, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2019-2020; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of

Budgeted Funds; and Amending the Budget for the 2018-2019 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

- 9.3 Consideration to Approve **Zoning Case P19-090**: Request by Colleen Pye to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 0.53 Acres of Land legally described as Tract 91K Tomball Outlots, within the City of Tomball, Harris County, Texas, Generally Located on the East Side of Hospital Road, at 601 Hospital Road, from the Single-Family 9 District to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P19-090**

Mayor Fagan opened the Public Hearing at 6:38 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:38 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No., 2019-16 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. 2019-16, 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 0.53 Acres of Land, Legally Described as Tract 91K Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 9 District to the Single-Family 6 District; Said Property being generally located on the East Side of Hospital Road, at 601 Hospital Road; 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 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.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2019-26, 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 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]* and Setting the Date of the Public Hearing for September 16, 2019, at the regular Council meeting.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Annexation and Service Agreement between City of Tomball and Merenco Realty, Inc. for Construction of Service Lines, Conveyance and Acceptance of Water and Sewer Facilities and Consent to Provide Service.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Request by The Houston Repertoire Ballet (HRB) for Financial Support for Eight Performances and Two Dress Rehearsals of "The Nutcracker" Ballet, to be held December 6-8, 2019 at the Tomball High School Theatre, in the Amount of \$16,500.00.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Spring Creek County Historical Association Request for \$59,800.00 for Fiscal 2019-2020 Annual Operations, to be funded from the General Fund.

Motion to AMEND was made by Councilman Klein Quinn to approve the Spring Creek County Historical Association Request for \$19,700.00 for Fiscal 2019-2020 Annual Operations for termite extermination, computer software, and sidewalk repair, to be funded from the General Fund.

Motion to AMEND died for lack of second.

Motion to AMEND was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Spring Creek County Historical Association Request in an amount of \$28,700.00 for Fiscal 2019-2020 Annual Operations - \$13,000.00 for termite extermination, \$700.00 for computer software, and up to \$15,000.00 for sidewalk repair to meet TAS standards, to be funded from the General Fund.

Motion as AMENDED for \$28,700.00 carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Latrell Shannon and Jim Ross to their current respective positions as members of the Tomball Regional Health Foundation Board of Directors for new terms expiring September 1, 2021.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed Contract for Solid Waste Services between the City of Tomball and Waste Corporation of Texas, L.P.

Motion carried unanimously.

- 9.10 Mayor Fagan advised that the Executive Session was not needed.

Executive Session: The City Council will 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

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

Motion carried unanimously.

Meeting adjourned at 7:09 p.m.

PASSED AND APPROVED this the 3rd day of September 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor