

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



**MONDAY, MAY 6, 2019
6:00 P.M.**

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

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend

Members absent:

Councilman Klein Quinn - 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
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Fire Marshal – Joe Sykora
Police Officer-Investigations – David White
Chief, Northwest Community Health – Brian Bayani
Utilities Billing Supervisor – Lauren Sykora

2.0 The invocation was led by Pastor Danny Carpenter – Grace Christian Family Center

3.0 The pledges to U. S. and Texas Flags were led by Joe Sykora.

4.0 The following public comments were received:

E. F. Detwiler - Expressed his concerns about speeding
620 Texas, 77375 at Willow Street and FM 2920.

5.0 Reports and Announcements:

- May 11, 2019 – **2nd Saturday** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mayor expressed the City’s appreciation to Rosalie Dillon for the successful National Day of Prayer event at the Depot.

6.0 Presentations:

Mayor Fagan presented the following proclamations:

- Proclamation – May 5-11, 2019 is **“Municipal Clerks Week”**
- Proclamation – May 12-18, 2019 is **“Tomball Firefighter Appreciation Week”**
- Proclamation – May 12-18, 2019 is **Northwest Community Health, and National Emergency Medical Services Week - "EMS Strong: Stronger Together" - Tomball, Texas**

Mayor Fagan invited the public to attend the Police Officers Memorial Day Ceremony on May 15, 2019 for the following proclamations:

- Proclamation – May 15, 2019 is **“Peace Officers Memorial Day”**
- Proclamation – May 12-18, 2019 is **“Tomball Police Week”**

7.0 Motion was made by Councilman Ford, second by Councilman Stoll, to approve the Minutes of the April 15, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 New Business:

8.1 Conduct Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 9 – Tomball Heights Subdivision)

Mayor Fagan opened the Public Hearing at 6:15 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:15 p.m.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2019-11, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Nine Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making Other Findings Related to the District (TPID 9 – Tomball Heights Subdivision).

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2019-12, a Resolution Authorizing the Establishment of the Public Improvement District Number Nine in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject.

Motion carried unanimously.

- 8.4 Consideration to Approve **Zoning Case P19-039**: Request by Pamela Casia to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, generally located on the south side of Michel Road, west of School Street, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P19-039**

Mayor Fagan opened the Public Hearing at 6:21 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:21 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-10 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. 2019-10, 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 1.5 Acres of Land, Legally Described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the

Commercial District; Said Property being generally located on the South Side of Michel Road, West of School 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. 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>Absent</u>

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Enter Negotiations with WCA Waste Corporation for Solid Waste Services.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Change Orders 3 & 4 for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to the Contract dated October 20, 2017, between the City of Tomball and JTR Constructors, Inc.

Motion carried unanimously.

- 8.7 Executive Session: The City Council recessed at 6:32 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 City Attorney regarding Settlement Offer in Cause No. 2018-00921; City of Tomball v. KCC International, LLC d/b/a LaQuinta Inn & Suites and CPIF Tomball, LLC., in the 234th District Court in and for Harris County, Texas

Upon reconvening into regular session at 6:43 p.m., the following action was taken:

- 8.8 Motion was made by Councilman Townsend, second by Councilman Ford to approve the Settlement Offer in Cause No. 2018-00921; City of Tomball v. KCC International, LLC d/b/a LaQuinta Inn & Suites and CPIF Tomball, LLC., in the 234th District Court in and for Harris County, Texas, in the Amount of

\$80,000.00, and to authorize the City Manager to execute the appropriate and necessary documents.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of May 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor