

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



**MONDAY, AUGUST 6, 2018
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
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Assistant City Secretary – Tracy Garcia
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Senior Accountant – Christine Brookshire
Warrant Officer/Bailiff – Ron McGullion

2.0 The invocation was led by Pastor Russell Hall, Tomball United Methodist Church

3.0 The pledges to U. S. and Texas Flags were led by members of Boy Scout Troop #469

4.0 No public comments were received.

5.0 Reports and Announcements:

- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool will operate with normal hours through August 19. From August 20 through September 2, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday, except Labor Day (September 3). 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** – August 7, 9, 14, and 16 from 10:30 a.m.-12:30 p.m., at the **Tomball Community Center** and August 10, and 17 from 10:30 a.m.-12:30 p.m. at **LoneStar College-Tomball Community Library**
- September 15, 2018 – **GroovFest'18** at the Depot
- October 6, 2018 – **4th "Annual Paces for Pink" 5K Run**
- October 13, 2018 – **"Zomball in Tomball"** at the Depot
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 27, 2018 – **8th 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:
 - Glenn Windsor presented the Quarterly Investment Report for the Period Ending June 30, 2018. 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, 2018, the City had total cash and cash equivalents in the amount of \$69,643,453.
 - Mike Baxter presented an update regarding the Tomball Depot and its new attractions.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the July 16, 2018 Special and Regular Tomball City Council Meetings and the July 30, 2018 Special City Council Meeting.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to move items 8.8 and 8.9, New Business, for consideration and action before Old Business items.

Motion carried unanimously.

8.0 New Business:

8.8 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2018-30 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2018-30, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting and Replacing Section 20-28 Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection in Its Entirety; by Deleting and Replacing Section 20-47, of Article III. Standards for Installation of Fire Sprinkler Systems in Its Entirety; by Amending Section 20-48, Amendments to NFPA13D of Article III, Standards for Installation of Fire Sprinkler Systems; By Deleting Section 20-94 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-95 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-96 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-97 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-98 of Article V. Arson Rewards in Its Entirety; by Deleting Article V. Arson Rewards in Its Entirety; Providing a Penalty in an Amount Not to Exceed \$2,000.00 Per Day for Violation of Any Provision Hereof, with Each Day Constituting a Separate Offense; Providing a Repealer; Providing for Severability, and Making Other 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.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize Randy Parr, Fire Chief, as Tomball's Representative to TML Municipal Policy Summit, to Make Presentations/Recommendations Supporting the City of Tomball's Values regarding Home-Rule City Legislation.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to authorize Randy Parr, Fire Chief, as Tomball's Representative to TML Municipal Policy Summit, to Make Presentations/Recommendations Supporting the City of Tomball's Values regarding Home-Rule City Legislation and that City Staff bring the TML topic calendar to the August 20, 2018 meeting, for Council consideration and direction regarding topics/areas that the Council, as the governing body of the City, wish Randy Parr to advocate for or against on behalf of the City.

Motion, as AMENDED, carried unanimously.

7.0 Old Business:

7.1 The following individuals spoke regarding Ordinance No. 2017-36:

Vic Lawrence - Expressed his opposition to zoning change.
13202 Spring Hollow, 77375

David DiCamillo - Expressed his opposition to zoning change.
31215 Ulrich, 77375

Michael Young - Expressed his support for zoning change.
Tomball Gun Club
12147 Misty Moss, 77070

Bob Allen, Vice President, Zion Road Properties, LLC, presented the Declaration of Restrictions for a Portion of The Reserve at Spring Lake, as requested by Council. He stated his support for the proposed zoning change, his willingness to meet Council requests, and gratitude to Council and City staff for assisting in the development process.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2017-36, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 76.01 Acres of Land, Legally Described Reserve "D" Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; 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>Nay</u>

Motion carried, 4 votes Aye, 1 vote Nay.

7.2 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-22, 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 13.36 Acres of

Land, Legally Described Lots 174 & 178 and Tracts 166B, 170, 170A & 170B Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being Generally Located at the Southeast Corner of Michel Street and 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>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Mayor Fagan opened the First Public Hearing Regarding the Proposed Budget for Fiscal Year 2018-2019 at 7:07 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.

- 8.2 Mayor Fagan opened the First Public Hearing to Consider the Annexation of the Following Tract of Land: Being All that Certain Tract or Parcel Containing 1.5153 Acres of Land for Proposed Annexation Purposes Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same being Comprised of a 1.5153 Acre Portion of Brown Road, (60.00 Feet in Width), According to a Deed Filed for Record in Volume 3194, Page 388 of the Harris County Deed Records) [*A Portion of Brown Road from SH 249 to PFG Company Property*] at 7:08 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:09 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-19, a Resolution of the City Council of the City of Tomball, Texas, Approving Request by Iglesia Taller del Alfarero (The Potter's Workshop) for City Support/Co-Sponsorship to Conduct a Prayer March/Walk on FM 2920/Main Street on Saturday, September 22, 2018.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept Bid from Redeemer Church (Carolyn Pett) for Project No. 2018-15, Sale of a 1.4112-Acre Tract of Land, Located at the Northwest Corner of Brown Road and Baker Street and Authorize the Mayor to Execute Quitclaim Deed.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Townsend to approve, as a Project of the Tomball Economic Development Corporation, an Agreement with Hoelscher Weatherstrip Manufacturing Co., Inc., to Make Direct Incentives to or Expenditures for the Creation or Retention of Primary Jobs Associated with the Development of Its Corporate Headquarters Facility on Approximately 16.9 Acres of Land in the Tomball Business and Technology Park. The estimated Amount of Expenditures for Such Project is up to \$168,083.00.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2018-20, a Resolution of the City of Tomball, Texas, Stating the City of Tomball's Intent to Participate in Tax Abatement and Establishing the Guidelines and Criteria for Granting Tax Abatements in a Reinvestment Zone Created in the City of Tomball.

Motion carried unanimously.

- 8.7 The following individuals spoke regarding Ordinance No. 2017-36:

Dan Howes 15223 Hilltop View, 77429	-	Expressed his support for the change to Ordinance No. 2017-36.
Caitlyn & Parker 8303 Vintage Creek, 77379	-	Expressed their support for the change to Ordinance No. 2017-36.
Lindsey Strenk 8303 Vintage Creek, 77379	-	Expressed her support for the change to Ordinance No. 2017-36.
Darryl Romero 314 E. Main, 77375	-	Expressed his support for the change to Ordinance No. 2017-36.
Monique Dermaux 2531 S. Cherry, 77375	-	Expressed her support for the change to Ordinance No. 2017-36.
Kerron Dugan 15150 Boudreaux, 77377	-	Expressed her opposition to the change to Ordinance No. 2017-36.
Connie Jones 310 E. Main, 77375	-	Did not speak; read her opposition to the change to Ordinance No. 2017-36 into the record.

Faye Boyce
308-A E. Main, 77375 - Did not speak; read her opposition to the change to Ordinance No. 2017-36 into the record.

Jennifer Gillespie
The Russell Family - Expressed her support for the change to Ordinance No. 2017-36.

The following emails were read into the record:

Lori Shiffler - Expressed her support for the change to Ordinance No. 2017-36.

Sandy Francis - Expressed her support for the change to Ordinance No. 2017-36.

Carolyn Taylor - Expressed her support for the change to Ordinance No. 2017-36.

Cara Gunia - Expressed her support for the change to Ordinance No. 2017-36.

Phyllis Grey - Expressed her support for the change to Ordinance No. 2017-36.

Travis Hanson - Expressed his support for the change to Ordinance No. 2017-36.

Shirley Boone - Expressed her support for the change to Ordinance No. 2017-36.

Regina & Mike Pickering - Expressed their support for the change to Ordinance No. 2017-36.

Bert & Jackie Alexander
402 E. Main, 77375 - Expressed their support for the change to Ordinance No. 2017-36.

Grace Gillespie
25211 Barmby, 77375 - Expressed her support for the change to Ordinance No. 2017-36.

Jesica & Makayla Schronk - Expressed their support for the change to Ordinance No. 2017-36.

Barbara Henley - Expressed her support for the change to Ordinance No. 2017-36.

John Mottershaw - Expressed his support for the change to Ordinance No. 2017-36.

Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2018-25 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. 2018-25, an Ordinance Amending the Code of Ordinances of The City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-126, Potbelly Pigs, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Pygmy Goats, and to Apply Regulations to Pygmy Goats; 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.

Action taken on Items 8.8 and 8.9 is recorded following Item 6.0 (pages 2-3).

- 8.10 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2018-21, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the City Manager or the Assistant City Manager to Execute and Submit the 2016 Floods Most-Impacted Infrastructure Application for DR-4266 and DR-4269, the Tax Day and Memorial Day Flood incidents that Occurred in 2016.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Presiding Municipal Court Judge, Brett Peabody, for an Additional Two-Year Term.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Townsend, second by Councilman Ford, to reappoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, for an Additional Two-Year Term.

Motion carried unanimously.

- 8.13 Executive Session: The City Council recessed at 7:49 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. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 8:05 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of August 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor