

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



**MONDAY, MAY 21, 2018  
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan at 6:00 p.m. 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  
Fire Chief – Randy Parr  
Marketing Director – Mike Baxter  
Finance Director – Glenn Windsor  
Director of Community Development – Craig Meyers  
Assistant City Planner – Amanda Lindley  
City Engineer – Beth Jones  
Community Center Manager – Rosalie Dillon  
CSO Administrative Assistant – Sasha Robinson  
Police Officer-Investigations – David White  
Senior Accountant – Christine Brookshire  
Chief-Northwest Community Health – Brian Bayani

2.0 The invocation was led by Pastor Greg Jenkins, Tomball Assembly of God.

3.0 Pledges to the U. S. and Texas Flags were led by Brian Bayani.

4.0 The following Public Comments were received:

|                            |   |                                               |
|----------------------------|---|-----------------------------------------------|
| Millie Martin              | - | Expressed her concerns about lack of          |
| 13319 Spring Hollow, 77375 |   | communication regarding restoration plans for |
|                            |   | Theis Attaway Nature Preserve                 |

Rob Greening - Presented GTACC's desire for support for the  
12202 Pine Shadows, 77362 Annual Holiday Parade and the Annual Tomball  
Night Parade

5.0 Mayor Fagan made the following Presentations:

- Proclamation – May 20-26, 2018 is **Northwest Community Health – “EMS STRONG: Stronger Together” Tomball, Texas**
- Proclamation – May 20-26, 2018 is **“National Public Works Week - Tomball, Texas”**

6.0 Reports and Announcements:

- May 24, 2018 – Economic Development Overview Workshop, hosted by the Tomball Economic Development Corporation – 7:45 a.m.-12:00 p.m., Tomball Marriott Residence Inn
- May 27, 2018 – **“Oil Town USA” Jamboree** at the Depot
- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool will be open Memorial Weekend, May 26-28, then will reopen on June 2 and 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 during swim season 2018, except Memorial Day (May 28), July 4th, and 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.
- June 6, 2018 – **10th Annual Economic Outlook Luncheon** – sponsored by the Tomball Economic Development Corporation at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- **TOMBALL KID'S CLUB** – July 10, 12, 17, 19, 24, 26, and 31; August 2, 7, 9, 14, and 16 from 10:30 a.m.-12:30 p.m., at the **Tomball Community Center** and July 13, 20, and 27; August 3, 10, and 17 from 10:30 a.m.-12:30 p.m. at **LoneStar College-Tomball Community Library**
- July 4, 2018 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 7, 2018 – **2nd Saturday at the Depot**
- August 3, 2018 – **Tomball Night**
- Reports by City staff and members of Council about items of community interest on which no action will be taken
  - Robert Hauck announced that the Finance Department has received the **GFOA Distinguished Budget Presentation Award** for the 10<sup>th</sup> consecutive year and Mayor Fagan presented the Award.

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the May 7, 2018 Regular Tomball City Council Meeting and the May 8, 2018 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2018-12, 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 *(374.9 Acres of Land, Located West of SH 249/Tomball Expressway, South of Humble Lake Road, North of a Private Road Forming the Northern Border of Willowcreek Ranch Equestrian Reserve and Boudreaux Estates Section One, and East of Willow Creek Ranch Subdivision, Situated in the Chauncey Goodrich Survey, Abstract Number 305, the Auguste Senechal Survey, Abstract Number 722, and the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being all of a Called 20.000 Acres Tract of Land Conveyed to County of Harris by Jimmy C. Shaw, Et Ux by Deed dated October 17, 2014 and Recorded in County Clerk's File 20140468595 of the Official Public Records of Real Property of Harris County, Texas, Being all of a Called 117.9465 Acres Tract of Land, Described In Six, (6), Tracts, Conveyed to County of Harris by Merenco Realty, Inc. by Deed Dated October 17, 2014 and Recorded in County Clerk's File 20140471160 of the Official Public Records of Real Property of Harris County, Texas, Being all of a Called 229.772 Acres Tract, Described in Thirteen, (13), Tracts, Being all of a Called 4.992 Acres Tract and Being all of a Called 2.363 Acres Tract Conveyed to County of Harris by Harris County Improvement District No. 17 by Deed dated September 11, 2017 and Recorded in County Clerk's File RP-2017-402273 of the Official Public Records of Real Property of Harris County, Texas, Save and Except that Certain Portion of Land out of a Called 3.693 Acres, a Called 2.088 Acres, a Called 3.709 Acres, and a Called 148.751 Acres Tracts that Apparently Lies within the Said Lewis Survey) (HCID #17 – Willow Creek Annexation).* 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.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2018-18, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Establishing The Zoning District Of Approximately 374.9 Acres Of Land, Legally Described 374.9 Acres Of Land Situated In The Chauncey Goodrich Survey, Abstract Number 305, The Auguste Senechal Survey, Abstract Number 722, And The Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being All Of A Called 20.000 Acres Tract Of Land Conveyed To County Of Harris By Jimmy C. Shaw, Et Ux By Deed Dated October 17, 2014 And Recorded In County Clerk's File 20140468595 Of The Official Public Records Of Real Property Of Harris County, Texas, Being All Of A Called 117.9465 Acres Tract Of Land, Described In Six (6) Tracts, Conveyed To County Of Harris By Merenco Realty, Inc. By Deed Dated October 17, 2014 And Recorded In County Clerk's File 20140471160 Of The Official Public Records Of Real Property Of Harris County, Texas, Being All Of A Called 229.772 Acres Tract, Described In Thirteen, (13), Tracts, Being All Of A Called 4.992 Acres Tract And Being All Of A Called 2.363 Acres Tract Conveyed To County Of Harris By Harris County Improvement District No. 17 By Deed Dated September 11, 2017 And Recorded In County Clerk's File Rp-2017-402273 Of The Official Public Records Of Real Property Of Harris County, Texas, Save And Except That Certain Portion Of Land Out Of A Called 3.693 Acres, A Called 2.088 Acres, A Called 3.709 Acres, And A Called 148.751 Acres Tracts That Apparently Lies Within The Said Lewis Survey, Within The City Of Tomball, Harris County, Texas, To The Commercial District; Said Property Being Generally Located On The West Side Of SH 249 Between Willow Creek And Alice 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 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.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Three Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek 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.

9.0 New Business:

- 9.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Interlocal Agreement for the Development, Ownership and Maintenance of Gas and Water Infrastructure in Support of the Harris County Precinct Four, Willow Creek Campus, by and Between Harris County and the City of Tomball.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Ford, second by Councilman Stoll, to adopt authorize the Mayor to Issue Letter to Governor Abbott requesting the State to utilize Economic Stabilization Fund, or other state funding sources to participate fully, at 100 percent, in covering local match portion for FEMA 404 Hazard Mitigation Grant Program.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2018-16 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. 2018-16, 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 a 2.844-Acre Tract of Land in the Jesse Pruitt Survey, Abstract No. 629, Harris County Texas, out of and a part of that Certain 4.8914-Acre Tract of Land described in Deed recorded under Clerk's File No. 2013-0036029 of the Official Public Records of Real Property of Harris County, Texas, Located at 22828 Hufsmith-Kohrville Road*). 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 Townsend, second by Councilman Stoll, to approve Resolution No. 2018-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 53rd Annual Tomball Holiday Parade, to be Held in Tomball on Saturday, November 17, 2018 and Approving Requested Street Closures and In-Kind Services.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Stoll, second by Councilman Ford, to approve Resolution No. 2018-14, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 46th Annual Tomball Night and Parade, to be Held in Tomball on Friday, August 3, 2018.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll to approve request from Russell McKee of PFG Construction, LLC to Provide City Water for Their Facilities, Located Outside the City of Tomball, Without Requiring Annexation.

Motion to approve was withdrawn by Councilman Townsend, second by Councilman Stoll.

Motion to WITHDRAW carried unanimously.

No action taken.

- 9.8 Consideration to Approve **Zoning Case P18-055**: Request By Dorothy And Thomas Wanko To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 0.0803 Acres Of Land Legally Described As Lot 18 Block 70 Tomball, Harris County, Texas, Generally Located On The West Side Of Chestnut Street And The North Side Of Mechanic Street, From The Single-Family 6 District To The Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-055** at 7:31 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:31 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-19 by caption only, on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt on First Reading, Ordinance No. 2018-19, 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 0.0803 Acres of Land, Legally Described Lot 18 Block 70 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town and Mixed Use District; Said Property being generally located on the West Side of Chestnut Street and the North Side of Mechanic 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.

- 9.9 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve an Amended Development Agreement with LS Development, LLC (Developer of Raleigh Creek Subdivision) for Public Improvement District No. 2 (Raleigh Creek), Containing the Same Terms Provided in Development Agreements for PID 3 and Subsequent City of Tomball PIDs.

Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to table consideration of this item until the June 4, 2018 Council meeting.

Motion to TABLE carried unanimously. Original motion stands.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Change Order No. 1 for City of Tomball Broussard Community Park Improvements, E&P Project No. 2017-10031, to Diffco, LLC, in the Amount of

\$91,138.58.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of June 2018.

Doris Speer  
Doris Speer, TRMC, MMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor