

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



**MONDAY, FEBRUARY 19, 2018
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Councilman Townsend – Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
City Planner – Amelia Lindley
Fire Marshal – Joe Sykora
Police Captain – Rick Grassi
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Police Officer – James Harral

2.0 The invocation was led by Pastor Dustin Reitzel, Pastor for the Woodlands Church Northpointe Campus, Tomball.

3.0 Pledges to the U. S. and Texas Flags were led by Dylan Morgan and Kiah Green, members of the Tomball High School Student Council.

4.0 The following public comments were received:

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| Eric Evans
CEO, Tomball Regional Medical Center | - | Introduce himself to the Council and expressed his interest in working with the City of Tomball |
| Millie Theis Martin
13319 Spring Hollow, 77375 | - | Expressed her concerns regarding Theis Attaway Nature Center |

5.0 Presentations:

- Mayor Fagan presented a Proclamation to Corey Brennan, declaring February 19, 2018 as ***“Corey Brennan – Tomball’s 2018 Local Hero” Day.***

6.0 Reports and Announcements:

- **February 20, 2018 – Trail Ride Reception** – 12 Noon at the Depot
- March 10, 2018 – **2nd Saturday at the Depot**
- April 4-5, 2018 – **Shattered Lives Event** – Tomball High School
- April 14, 2018 – **2nd Saturday at the Depot**
- April 28, 2018 – **Lions Club Car Show** – Lone Star College-Tomball
- 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 December 31, 2017. 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 December 31, 2017, the City had total cash and cash equivalents in the amount of \$68,614,155.

7.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the February 5, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-08, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity No Longer Require the Continued Existence of a Certain Portion of a City of Tomball Utility Easement across a Certain 0.007 Acre Tract of Land Being Out of and a Part of the John M. Hooper Survey, A-375, Tomball, Harris County, Texas and Being out of the Partial Replat of Tomball Marketplace, Lot 2, the Map of Which is Recorded in Film Code No. 639076 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such City of Tomball Utility Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; and Containing Other Provisions 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments Against Section Two Properties in the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision) Established by City Council Resolution No. 2007-22 at 6:19 p.m.

Receiving no public comments, Mayor Fagan recessed the public hearing at 6:20 p.m.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2018-07, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Two 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.3 Council received a presentation and update by the Texas Railroading Heritage Museum at Tomball Board of Directors.

No action necessary.

- 9.4 Motion was made by Councilman Stoll, second by Councilman Degges, to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Motion Machinery, Ltd, to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the expansion and development of its current facility located at 909 E. Main Street, Tomball, TX 77375. The estimated amount of expenditures for such Project is \$10,584.00.

Motion carried unanimously.

- 9.5 Council received an update by David Esquivel regarding improvements to the City Parks of Martin Luther King Park, Juergens Park, Matheson Park, Wayne Stovall Park, Broussard Park, Depot Plaza, and to the Theis Attaway Nature Center.

No action necessary.

- 9.6 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to reject Bids Received for Project No. 2018-09, Four (4) Fleet Replacement Vehicles, and award BuyBoard Contract to Caldwell Country.

Motion carried unanimously.

- 9.7 Consideration To Approve Zoning Case P18-004: Request By Ahmad Adnan Aslam To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 0.32 Acres Of Land Legally Described As Lots 11 & 12 Block 6 Main Street-Tomball, Harris County, Texas, Generally Located At The Southeast Corner Of Barbara Street And Lawrence Street, From The Single-Family 6 District To The Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-004** at 6:58 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:59 p.m.

- Motion was made by Councilman Degges, second by Councilman Stoll, to read Ordinance No. 2018-09 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2018-09, 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 0.32 Acres of Land, Legally Described Lots 11 & 12 Block 6 Main Street – 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 at the Southeast Corner of Barbara Street and Lawrence 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.8 Consideration To Approve **Zoning Case P18-008**: Request By Daniel & Rebecca Morgan To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 1 Acre Of Land Legally Described As Lots 7, 8, 9 & 10 Block 8 Main Street Addition And Tract 11A, 11B, 12A & 12B Block 8, Part Of Lots 11 & 12 Main Street Tomball, Harris County, Texas, Generally Located On The East Side Of Raymond Street, Between Barbara Street And Alma Street, From The Single-Family 6 District To The Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-008** at 7:03 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:03 p.m.

- Motion was made by Councilman Ford, second by Councilman Degges, to read Ordinance No. 2018-10 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. 2018-10, 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 Acre of Land, Legally Described Lots 7, 8, 9 & 10 Block 8 Main Street Addition and Tract 11a, 11b, 12a & 12b Block 8, Part of Lots 11 & 12 Main Street - 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 East Side of Raymond Street, between Barbara Street and Alma 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.9 Motion was made by Councilman Degges, second by Councilman Klein Quinn, to read Ordinance No. 2018-11 by caption only on first reading.

Motion was made by Councilman Degges, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2018-11, an Ordinance Altering the Prima Facie Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of the City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

- 9.10 Motion was made by Councilman Stoll, second by Councilman Degges, to approve the execution of an Engineering Contract with Gunda Corporation for the Design of 2018 Sidewalk Project for Installation of New Sidewalks along Various Roads within the City (Commerce Street, N. Walnut Street, Market Street, Johnson Road and Theis Lane), in the Amount of \$114,606.00.

Motion carried unanimously.

- 9.11 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to authorize the City Manager to Execute an Interlocal Agreement with Harris County for the Acquisition and Use of Additional Grace Electronic Accountability Equipment.

Motion carried unanimously.

- 9.12 Executive Session: The City Council recessed at 7:13 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. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager
- Sec. 551.071 - Consultation with Attorney regarding Cause No. 201777979; City of Tomball, Texas v. 20.Nine.20 Offroad and Performance, LLC., in the 334th Judicial District Court in and for Harris County, Texas; and
- Sec. 551.071 - Consultation with Attorney regarding a Matter in which the Duty of the Attorney is Required to be Held in Closed, Executive Session.

Upon reconvening in regular session at 8:03 p.m., the following action was taken:

- 9.13 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve and accept the Settlement in Cause No. 201777979; City of Tomball, Texas v. 20.Nine.20 Offroad and Performance, LLC., in the 334th Judicial District Court in and for Harris County, Texas, in the amount of \$12,500.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of March 2018.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor