

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



**MONDAY, SEPTEMBER 18, 2017
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 Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
Fire Marshal – Joe Sykora
Police Officer-Investigations – Jason Smith

- 2.0** The invocation was led by Pastor Scott Zbylot - Silver Springs Baptist Church, Magnolia
- 3.0** The pledges to U. S. and Texas Flags were led by Randy Parr.
- 4.0** No public comments were received.

5.0 Reports and Announcements:

- September 25, 2017 – 5:00 p.m. – Public Hearing on the Proposed 2017 Tax Rate
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 2, 2017 – 6:00 p.m. – Public Hearing on the Proposed 2017 Tax Rate
- October 9, 2017 – 5:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- October 16, 2017 – 6:00 p.m. – Vote on the Proposed 2017 Tax Rate
- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken

6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the September 5, 2017 Regular Tomball City Council Meeting

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2017-15, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball’s Investment Policy, as set forth in the City’s Administrative Policy No. 13, entitled “Investment Policy”.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-30 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-30, an Ordinance Amending Article VI, Erosion and Sediment Control, of Chapter 18, Environment, of the Code of Ordinances of the City of Tomball, to Add Provisions to Support the City’s Compliance with Permitting Requirements for Stormwater System; Allowing an Application for a Site Development

Permit as an Alternative to an Erosion and Sediment Control Plan; Adopting Penalties in Accordance with Chapter 54 of the Texas Local Government Code; Adopting a New Article VIII, Illicit Discharge Program, of Chapter 18, Environment, Providing Definitions, Regulation and Enforcement of Illicit Discharges Into the City's Stormwater System; Adopting a New Article IX, Post-Construction Runoff Control Program, to Chapter 18, Environment, Establishing Definitions, Regulations, and Enforcement Regarding Discharge of Pollutants in the City's Stormwater Runoff from New Development and Significant Redevelopment; Adopting a New Article X, Pet Waste Management, to Chapter 18, Environment, to Establish Definitions, Regulations and Enforcement Regarding Discharge of Bacteria in Stormwater Runoff from Pet Waste; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for any Violation of any Provision of this Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for Publication; and Providing for Severability. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 7.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-31 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. 2017-31, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting the Word "Burglar" from Section 16-59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services; Providing a Repealer, and Providing for Severability. 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.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-32 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. 2017-32, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting the Wording "Possibility of Imprisonment for Violation of the International Fire Code" from Section 20-28 (c), Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection; Providing a Repealer, and Providing for Severability. 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.

- 7.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-34 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. 2017-34, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a Penalty Provision to Article VI, Right of Way Management, and Article VII, Telecommunications and Wireless Facilities, of Chapter 38, Streets, Sidewalks and Other Public Places, Providing for Severability, Making Other Findings. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award the Contract for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to JTR Constructors, Inc. in the Amount of

\$4,368,250 and to approve Change Order No. 1, decreasing the contract amount to \$3,612,103.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Ford, second by Councilman Degges, to approve the request by Dana Kelly, Owner of the Empty Glass, for Approval to Stage the 4th Annual Texas Wine Festival at the Depot, to be Held on Saturday, October 7, 2017.

Motion carried unanimously.

- 7.8 Executive Session: The City Council recessed at 6:31 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 the City Attorney regarding a matter that the Attorney's duty requires to be discussed in closed session.

Upon reconvening into regular session at 6:50 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned at 6:52 p.m.

PASSED AND APPROVED this the 2nd day of October 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor