

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



**MONDAY, JULY 17, 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
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
Marketing Assistant – Larissa Roberts
Police Officer-Investigations – James Harral

2.0 The invocation was led by Pastor Bob Webb, Rose Hill United Methodist Church, Tomball.

3.0 Pledges to U. S. and Texas flags were led by Randy Parr.

4.0 No Public Comments were received.

5.0 Presentations:

- Mayor Fagan presented a Proclamation declaring Monday, July 17, 2017 as **“HCA HEALTHCARE – GULF COAST DIVISION and TOMBALL REGIONAL MEDICAL CENTER DAY”** to representatives of the HCA Gulf Coast Division and Tomball Regional Medical Center.

6.0 Reports and Announcements:

- ***Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool*** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 26, 2017 – **Tomball Texas Music Festival**
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore reported on the success of the **Tomball Kids Club** and presented Certificates of Appreciation to the many sponsors and volunteers present.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the July 5, 2017 Regular and Special Tomball City Council Meetings.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2017-20, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding Language to Section 40-65, Streets; Specific Standards, of Article III, Design Standards, of Chapter 40, Subdivisions, Allowing for the Payment of a Fee In Lieu of the Construction of Sidewalks at the City Manager or Designee's Discretion; Providing for an Appeal to the City Council; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed

\$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other 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.

9.0 New Business:

- 9.1 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Health Insurance Contracts with Blue Cross Blue Shield of Texas and Aetna for City Employees.

Councilman Townsend advised that he would refrain from discussion and vote on this item and that he had filed a Conflict of Interest affidavit with the City Secretary prior to the meeting. Vote was as follows:

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

Motion carried unanimously.

- 9.2 Motion was made by Councilman Ford, second by Councilman Stoll, to award Contract for E&P Project Number 2017-10026 for the Development of a Water System Master Plan for the City of Tomball to Freese & Nichols in the Amount of \$74,500.00.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for E&P Project Number 2016-10014, City Project No. 2017-01R, Sherwood Forest Drainage Improvements to Site Work Contractors, LLC in the Amount of \$288,671.00.

Motion carried unanimously.

- 9.4 Consideration to Approve **Zoning Case P17-0070**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13 acres of land legally described as Lots 157, 161 and Tract 153A Tomball Outlots, Harris County, Texas, generally located on the east side of South Cherry Street north of Justin Court, from the Single-Family 20 Estate District to the Single-Family 6 District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0070** to order at 6:28 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:28 p.m.

- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2017-21 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. 2017-21, 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 Acres of Land, Legally Described Lots 157, 161 and Tract 153A Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Single-Family 6 District; Said Property Being Generally Located on the East Side of South Cherry Street North of Justin Court; 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.

- 9.5 Consideration to Approve **Zoning Case P17-0069**: Request by Benson Development, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.7 acres of land legally described as Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Harris County, Texas, generally located on the south

side of East Hufsmith Road west of Lovett Street from the Single-Family 9 District to the Single-Family 6 District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0069** to order at 6:41 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:41 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-22 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2017-22, 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 11.7 Acres Of Land, Legally Described Tracts 71D, 73B, 76B, 80B & 83C Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Single-Family 9 District To The Single-Family 6 District; Said Property Being Generally Located On The South Side Of East Hufsmith Road West Of Lovett 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>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.6 Consideration to Approve **Zoning Case P17-0068**: Request by Susan Alt for a Conditional Use Permit for an accessory dwelling at 202 Florence Street. The property is approximately 5,000 square feet, legally described as Lot 2 Block 24 Tomball Outlots, generally located on the north side of Florence Street between Cherry Street and Walnut Street and is zoned Single-Family 6 District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0068** to order at 6:58 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:58 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-23 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. 2017-23, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Susan Alt to Operate an “Accessory Dwelling” at 202 Florence Street; Said Property Being Approximately 0.11 Acres, and Being Legally Described as Lot 2 Block 24 Tomball Outlots, Harris County, Texas, Generally Located on the North Side of Florence Street between Cherry Street and Walnut Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; 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.

- 9.7 Executive Session: The City Council recessed at 7:01 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:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session.

Upon reconvening into regular session at 7:35 p.m., the following action was taken:

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to void the awarding of Contract for Bid No. 2017-03, Sale of Improvements Located at 114 Fannin Street, to Rodney K. Hutson, in the Amount of \$100 and Lot 10, Block 5 of Tomball Outlots with Contingencies.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Attorney to Proceed with Claim and Possible Litigation against 20.nine.20 for Failure to Perform Proper Repairs to Fire Department Brush Truck and for Return of Funds Paid by City for Agreed-Upon Repairs.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:37 p.m.

PASSED AND APPROVED this the 7th day of August 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor