

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



MONDAY, OCTOBER 19, 2015

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 Hudgens
Councilman Stoll
Councilman Klein Quinn
Councilman Townsend
Councilman Degges

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Police Chief – Billy Tidwell
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Gary Aaron, Victory Baptist Church.

3.0 The pledges to U. S. and Texas Flags were led by Alexis Campbell and Sabrina Hernandez, Members of the Tomball High School Student Council.

Mayor Fagan presented a Proclamation to the Creighton Elliot Heslop family proclaiming October 19, 2015 as **“CREIGHTON ELLIOTT HESLOP – A CELEBRATION OF LIFE” DAY.**

4.0 The following public comment was received:

Louis Smulders - Expressed his opposition to Zoning Case P15-107
30 E. Rivercrest Dr., 77042 and his support for Zoning Case P15-108.

5.0 Reports and Announcements:

- The October 24, 2015 **4th Annual Tomball Bluegrass Festival** has been rescheduled for **November 15, 2015 (Sunday)**, due to inclement weather – 12:00 Noon-6:00 p.m.
- November 14, 2015 – **7th Annual 5K Tomball Dash** (Woodforest Bank)
- November 14, 2015 – **2nd Saturday at the Depot**
- November 20, 2015 – **Lamp Post Decorating Contest and "Lamp Post Stroll"**
- November 22, 2015 – **"True to the Blue; Our Cops are Tops"** Event – 2:00 p.m.- 4:00 p.m. at the Depot
- November 21, 2015 – **50th Annual Holiday Parade**
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a 2nd Saturday at the Depot Event
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - o Mike Baxter/Denise Fiore – Report on the success of the City's annual **"Zomball in Tomball"**

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 5, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2015-20, an Ordinance of the City of Tomball, Texas, amending the Code of Ordinances of the City of Tomball, Texas by Removing therefrom Article III, Auto Wreckers and Towers, of Chapter 48, Vehicles for Hire, in its Entirety, and Substituting in its place a New Article III, Tow Trucks And Tows, Regulating the Operation of Tow Trucks, Vehicle Storage Facilities, the City's Tow Truck Rotation List and Related Regulations; Providing a Penalty in an Amount not to exceed \$2,000 for Each Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability; and Making Other Findings related Hereto. Vote was as follows:

Councilman Hudgens	<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 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2015-24, a Resolution of the City of Tomball, Texas, Approving the Certificate of Formation and Bylaws of Texas Coalition for Affordable Power ("TCAP"), a Political Subdivision Corporation; Accepting Membership in Said Corporation; Appointing a Representative to Serve on Behalf of the City of Tomball; Approving Payment of an Initial Membership Fee.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2015-24, a Resolution of the City of Tomball, Texas, Approving the Certificate of Formation and Bylaws of Texas Coalition for Affordable Power ("TCAP"), a Political Subdivision Corporation; Accepting Membership in Said Corporation; Appointing a Representative to Serve on Behalf of the City of Tomball; Approving Payment of an Initial Membership Fee, and Designating George Shackelford, City Manager, as the representative.

Motion, as amended, carried unanimously.

- 8.2 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Extension of the Current Lease Agreement between the Harris County Tax Assessor-Collector and the City of Tomball for the use of the Facility located at 101 South Walnut as a Harris County Tax Office for an Additional One-Year Term, from December 1, 2015 to November 30, 2016.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Professional Services Agreement with RG Miller Engineers, in the Amount of \$50,000 for Implementation of Permit Year 3 of the City of Tomball's Storm Water Management Program.

Motion carried unanimously.

- 8.4 Consideration to approve **ZONING CASE P15-107**: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres

conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-107** at 7: 04 p.m.

Mr. Smulders again expressed his opposition to Zoning Case P15-107 and his support for Zoning Case P15-108.

- Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:13 p.m.
- Motion was made by Councilman Hudgens, second by Councilman Townsend, to read Ordinance No. 2015-21 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. 2015-21, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 7 Acres of Land, Legally Described as C.N. Pillot Survey, A-632, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being generally located on the South Side of Theis Ln., West of Commercial Park Rd.; 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 Hudgens	<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.

- 8.5 Consideration to approve **ZONING CASE P15-108**: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072

acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-108** at 7:20 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:20 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-22 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2015-22, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Tract 1, a 2.691 Acre Tract, H.C.C.F No. S551075; Tract 2, a 3.072 Acre Tract, H.C.C.R. No. S551078; Tract 3, a 2.684 Acre Tract, H.C.C.R. No. S551077; and Tract 4, a 1.852 Acre Tract, H.C.C.R. No. S551076 Located in the Jesse Pruitt Survey, A-629, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally Located at the Northwest Corner of Cherry Street and Theis Ln.; 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 Hudgens	<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.

- 8.6 Council recessed at 7:26 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

Upon reconvening in regular session at 8:05 p.m., the following action was taken.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed amendments to and one-year extension of the Employment Contract for George Shackelford, City Manager.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of November 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor