

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



**MONDAY, MARCH 2, 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 Stoll  
Councilman Townsend  
Councilman Klein Quinn  
Councilman Hudgens  
Councilman Degges

Others present:

City Manager – George Shackelford  
Assistant City Manager – Robert Hauck  
City Secretary – Doris Speer  
City Attorney – Loren Smith  
Police Chief – Billy Tidwell  
Fire Chief – Randy Parr  
Marketing Director – Mike Baxter  
Community Events Coordinator – Denise Neef-Fiore  
Finance Director – Glenn Windsor  
Public Works Director – David Esquivel  
Community Development Director – Craig Meyers  
City Engineer – Lori Lakatos  
City Planner – Harold Ellis  
Fire Marshal – Doug Sanguedolce  
Building Official – Ken Cole  
Community Center Director – Rosalie Dillon  
Executive Director-TEDC – Kelly Violette

**2.0** The invocation was led by Pastor Kevin Pieper, Salem Lutheran Church

**3.0** The pledges to U. S. and Texas Flags were led by a member of the Tomball High School Student Council.

4.0 The following public comments were received:

- |                                                |   |                                                                                                                                                                                                             |
|------------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Brianna Lopez<br>14503 Timbergreen, 77355      | - | Extended an invitation to City Council to attend her Girl Scout Gold Award Project, a Resource Fair, which will be held on April 18, 2015 at Graceview Baptist Church                                       |
| Nancy Newton<br>30819 Country Meadows<br>77375 | - | Requested Council consideration on March 16 to expand City Support for the Little League fields, i.e., more fields, additional lighting, additional parking, possibly on the March 16 <sup>th</sup> agenda. |

5.0 Presentations:

- Mayor Fagan administered the Oath of Office for Lance Wilson, the City's new Assistant Fire Marshal.

6.0 Reports and Announcements:

- March 14, 2015 – **2nd Saturday at the Depot**
- March 21, 2015 – ***Tomball Honky Tonk Music Festival*** and ***"Texas Two-Step" Washers Tournament***
- March 27-29, 2015 – **German Heritage Festival at Depot Plaza**
- April 7 and 8, 2015 – **Shattered Lives Event** – Concordia Lutheran High School
- April 11, 2015 – ***7th Annual 5K Bunny Run and 1 Mile Kids Walk***
- April 11, 2015 – **2nd Saturday at the Depot**
- April 12, 2015 – ***"Stroll the Toll"*** – 2:00 p.m. to 4:00 p.m.
- April 19, 2015 – ***"2015 Ride 2 Recovery Texas Challenge" Welcome and Reception*** – 9:30 a.m.-11:00 a.m.
- April 20-24, 2015 – **Annual Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- April 27-May 1 and May 4-5, 2015 – Early Voting for May 9, 2015 General City Election
- May 2 and 3, 2015 – ***Rails and Tails Mudbug Festival***, with ***"Roux Run"*** at **Depot Downs** on Sunday, May 3
- May 9, 2015 – General City Election, City Hall – 7:00 a.m.-7:00 p.m.
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – ***3rd Annual Memorial Day Weekend Chili Challenge***
- ***Walk Tomball!*** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the February 16, 2015 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-03, 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 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Commercial District; Said property being generally located at the southwest corner of Lizzie Lane and South Persimmon 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 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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-04, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Commercial Properties within the Old Town Area as defined in the Tomball Comprehensive Plan and including the Properties located West of the BNSF Railroad, South of Fannin Street, East of South Elm Street, and North of Florence Street, Starting at the DSP Boundary in the Southeast corner at the BNSF Railroad and Florence Street Westerly along Florence Street to South Pine Street, Northerly along South Pine Street to Percival Street, Westerly along Percival Street to School Street, Northerly along School Street to Main Street, Westerly along Main Street to Baker Street, Northerly along Baker Street to Hicks Street, Easterly along Hicks Street to North Magnolia Street, Northerly along North Magnolia Street to Unimproved Right-of-Way North of Hicks and Epps Streets, Easterly along Unimproved Right-of-Way North of Hicks and Epps Streets to North Cherry Street, Southerly along North Cherry Street to Epps Street, Easterly along Epps Street to North Elm Street, Southerly along North Elm Street to Main Street, Main Street Southerly along South Elm Street to Unimproved Fannin Street, Easterly along Unimproved Fannin Street to Right-of-Way Adjacent to BNSF Railroad, Southerly along Right-of-

Way adjacent to BNSF Railroad to Florence Street until March 2, 2017; and Providing for Severability. 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>Nay</u> |

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve request by Tomball United Methodist Church for City Co-sponsorship and In-Kind Support for a Free Community Easter Egg Hunt at the Tomball Depot on Saturday, April 4, 2015.

Motion carried unanimously.

- 9.2 Mayor Fagan opened the Public Hearing on the Proposed Public Improvement District (PID) Number Five, Yaupon Trails at 6:32 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:33 p.m.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Mayor Gretchen Fagan as the City of Tomball Representative to the 249 Partnership Board of Directors.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve all of the following documents related to the Tomball Business and Technology Park, a Project of the Tomball Economic Development Corporation, and all actions necessary to give them effect, including filing Certificate of Formation with the Texas Secretary of State and filing Declaration of Covenants in the real property records:

- Certificate of Formation of Tomball B&TP Property Owners Association, Inc.
- Bylaws of the Tomball B&TP Property Owners Association, Inc.
- Declaration of Covenants, Restrictions, and Conditions for the Tomball Business and Technology Park

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to approve the following documents related to the Tomball Business and Technology Park, a Project of the Tomball Economic Development Corporation, and all actions necessary to give them effect, including filing Certificate of Formation with the Texas Secretary of

State and filing Declaration of Covenants in the real property records and to request that the TEDC bring the Bylaws back at a later date:

- Certificate of Formation of Tomball B&TP Property Owners Association, Inc.
- Declaration of Covenants, Restrictions, and Conditions for the Tomball Business and Technology Park.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Degges, to approve, as a Project of the Corporation, an Agreement with Dynamed Clinical Research to make Direct Incentives To, or Expenditures For, the Creation or Retention of Primary Jobs associated with the Relocation and Development of Its Corporate Headquarters to be Located at 13406 Medical Complex Drive, Tomball, TX. The Estimated Amount of Expenditures for such Project is \$15,852.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Request from St. Anne Catholic Community to Install a Changeable Electronic Variable Message Sign (CEVMS) Within the Footprint of Their Existing Sign at 1111 South Cherry Street.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve **LARUE's PLACE**: Being a subdivision of 0.16 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and a replat of Lots 43 and 44, in Block 69, of the City of Tomball, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Fire Department Request to Apply for a new FEMA SAFER Grant and Authorize the Mayor to Execute the Required Support Letter to be Included in the Application Package. Vote was as follows:

|                        |            |
|------------------------|------------|
| Councilman Hudgens     | <u>Aye</u> |
| Councilman Stoll       | <u>Nay</u> |
| Councilman Degges      | <u>Aye</u> |
| Councilman Townsend    | <u>Aye</u> |
| Councilman Klein Quinn | <u>Aye</u> |

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.9 A Digital Billboard presentation was given by Lee Vela, Clear Channel Outdoor, with Council Discussion following the presentation regarding Changeable Electronic Variable Message Signs (CEVMS) and Proposed Amendments to the Code of Ordinances.

No action taken.

- 9.10 Robert Hauck and Craig Meyers presented information regarding Licensing Requirements for Mobile Vendors. Loren Smith will research possible amendments to the Code of Ordinance and return with a recommendation for Council consideration.

No action taken.

- 9.11 Council recessed at 7:40 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 – Private Consultation with Attorney in Closed Meeting regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session

Upon reconvening in regular session at 8:00 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of March 2015.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor