

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



MONDAY, FEBRUARY 16, 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

Members absent:

Councilman Degges – Excused

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
IT Manager – Doug Tippey
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Community Development Coordinator – Amelia Vasquez
Fire Marshal – Doug Sanguedolce
Community Center Director – Rosalie Dillon
Police Captain – Rick Grassi
Utilities Billing Supervisor, Lauren Sykora

2.0 The invocation was led by Pastor Scott Knight, The Pointe Fellowship Church

3.0 The pledges to U. S. and Texas Flags were led by Alan Paul, member of the Tomball High School Student Council, and Clark Abel, member of Scout Troop 113.

4.0 The following public comments were received:

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| Mary Harvey
401 South Walnut, 77375 | - | Expressed her opposition to and concerns regarding Item 7.4, TRAC grant funding |
| Jeffie Cappadonna
12727 Zion Road, 77375 | - | Expressed her opposition to and concerns regarding Item 7.4, TRAC grant funding |
| Jennifer Parks
13807 Magnolia Manor, 77429 | - | Expressed her support for approval of Item 7.4, TRAC grant funding |

5.0 Reports and Announcements:

- Tomball Police Department Annual Data Capture Report (SB 1074)
- February 24, 2015 – **Trailride Reception** – 12 Noon at the Depot
- March 2, 2015 – Public Hearing to Consider the Advisability of the Creation of a Public Improvement District (PID 5)
- 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 – ***6th 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 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 17, 2015 – **Lions Club Car Show** at the Depot
- ***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
 - Glenn Windsor presented information regarding the new utility billing system, invoicing and payment options.
 - Mike Baxter announced that "The Daytripper", PBS' popular travel show, will be in Tomball on Thursday and Friday (2/19-20/2015) to film the Depot, Museum Complex, Nonnies, Whistle Stop, Mel's, the Family Homestead, and Main Street Crossing for the 2015 season.

- 6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the February 2, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Request by Oil Patch Kids for In-Kind Support for the Use of the Tomball Community Center and Services of One Attendant, on Saturday, May 9, 2015.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Request by Tomball Lions Club for City Co-sponsorship and Support for the Annual Car Show, to be held on Sunday, May 17, 2015 at the Depot.

Motion carried unanimously.

- 7.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Request from Tomball Rotary Club for City Co-sponsorship and Support for the 46th Annual Tomball Rotary Fish Fry, to be held on Saturday, April 25, 2015 at the Depot. Councilman Hudgens advised that he would abstain, as a member of Rotary. Vote was as follows:

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

Motion carried unanimously, with 1 abstention.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve TRAC Request for Funding of the 2014 Nutcracker Performances, held December 5-7, 2014 at the Tomball High School Auditorium, in the Amount of \$15,400.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, to return consideration of TRAC's request for funding of the 2014 Nutcracker performances to the Tourism Advisory Committee for review and recommendation to Council, following resubmittal of the application for funding by TRAC.

Motion to AMEND carried unanimously.

- 7.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00. Vote was as follows:

Councilman Hudgens	<u>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

Direction was given by Council for City staff to bid the possible purchase of the listed vehicles and equipment.

- 7.6 Consideration to approve **ZONING CASE P14-262**: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-262** at 7:01 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:01 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-03 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. 2015-03, 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>Absent</u>

Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.7 Consideration of **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 acres of Land, being a Replat of Unrestricted Reserve "E", Final Plat of Leslie's Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas was withdrawn at the request of City staff.

No action necessary.

- 7.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2015-04 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 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Nay</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.9 Discussion was held regarding Allowing Brewpub Operations in Old Town Mixed-Use Area, through Conditional Use Permit for “Distillation of Liquors”.

Direction was given for City staff to develop and provide recommendations to amend Chapter 50 of the Code of Ordinances to provide for brewpub/micro-brewing operations (“Distillation of Liquors”) with a Conditional Use Permit.

No action taken.

- 7.10 Billy Tidwell provided presentation regarding Body Worn Cameras and Real Time Streaming Vision for Tomball Police Department Officers.

Direction was given by Council for George Shackelford, Billy Tidwell, and Doug Tippey to pursue the purchase of body-worn cameras, real time streaming, and video editing software; funding is available.

No action taken.

- 7.11 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed Settlement Agreement between the City of Tomball and Martha Michel Huebner, Trustee of the Michel Family Irrevocable Trust, to Acquire 3.001 Acres of Land, Approximately Located at the Southeast Corner of SH 249 and Holderrieth Road as Part of the M121 Drainage Project in the City of Tomball.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

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

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor