

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



MONDAY, AUGUST 18, 2014

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 Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
Finance Director – Glenn Windsor
IT Manager – Doug Tippey
Accountant – Christine Brookshire
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Dr. Russell Hall, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr, Fire Chief.

4.0 The following public comments were received:

Mike Wangsmo - City Secretary read Mr. Wangmo's email regarding his
29607 Imperial Creek, 77375 support for 95-gallon polycarts into the record.

- | | |
|---|--|
| Ellis Carmichael
1306 Pine Bark, 77375 | - Expressed his opposition to proposed changes in the City's sanitation service. |
| Tina Evans
308 Lawrence, 77375 | - Expressed her opposition to proposed changes in the City's sanitation service. |
| Karen Vantronk
314 Foster, 77375 | - Expressed her opposition to proposed changes in the City's sanitation service. |
| Patsy Herald
315 Foster, 77375 | - Expressed her opposition to proposed changes in the City's sanitation service. |

5.0 Presentations:

- Mayor Fagan and Rosalie Dillon made presentations to the Sponsors of Tomball Kids Club:
 - Lunch Meal Donations: Buffalo Wild Wings, Cisco's Salsa Company, and H-E-B
 - Volunteers: Tomball Bible Church, Redeemer Church, Salem Lutheran Ministries, Tomball High School NJROTC, Tomball High School Charms, Tomball High School National Honor Society, and Concordia Lutheran High School
 - Monetary/Supplies Donations: Cisco's Salsa Company, Resale with a Purpose, Lone Star College Tomball, and French Quarter Restaurant
 - Programs/Support: Tomball Lowe's, Denise Neef, Mi Pottery, Houston Livestock Show & Rodeo Special Event Team, Tomball Soo Bahk Do, Texas Star Gymnasium, Waste Corporation of America, Northwest EMS, Tomball Public Works Department, Tomball Fire Department, and Tomball Police Department

6.0 Reports and Announcements:

- ***Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool*** opened May 24, 2014 and will close on September 1, 2014. May 24-June 6, 2014, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2014, except Memorial Day and Labor Day. June 6-August 24, 2014 will be regular weekly days and hours. After August 24, 2014, the pool will open weekends only until September 1, 2014.
- August 30, 2014 – ***Texas Music Festival***
- September 13, 2014 – ***2nd Annual "New Life" 5K and Kid's Walk Fundraiser (Tomball Pregnancy Center and Salem Lutheran)***
- September 13, 2014 - ***2nd Saturday at the Depot - "Barnyard"*** - 6:00 p.m.
- September 27, 2014 – ***4th Annual Bugs, Brew & Barbeque Festival***
- October 7, 2014 – ***Mayor's Coffee, Cisco's Salsa, Sol de Luna*** – 5:30 p.m.-7:00 p.m.
- October 11, 2014 - ***2nd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness***
- October 20-31, 2014 – Early Voting for ***November 4, 2014 Local Option Election***
- October 25, 2014 – ***3rd Annual Tomball Bluegrass Festival***
- ***November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.***

- November 8, 2014 – **6th Annual 5K Tomball Dash** (Woodforest Bank)
- **Walk Tomball!** – Every Saturday at 8:00 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 August 4, 2014 Regular City Council Meeting.

Motion carried unanimously.

- 8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Solid Waste Collection and Disposal Services for the City of Tomball, Texas and the Proposed Service Level for the Contract for Project No. 2014-06, Solid Waste Collection and Disposal Services for the City of Tomball, between the City of Tomball and WCA Waste Corporation, and specifying Option 1, Maintaining Current Service Levels.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-19, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [70.36 Acres of Land Located on FM 2978 (Hufsmith-Kohrville Road), North of Spell Road; Located within the Extraterritorial Jurisdictional of the City of Tomball, Harris County, Texas]. 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.

- 8.3 Motion was made by Councilman Degges, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-20, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classifications of Approximately 70.36 Acres of Land, Legally Described as All of Proposed Alexander Estates Subdivision and Being a Partial Replat of Tomball Greens Unrestricted Reserve "C" as Recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas; from Rural

Residential and Business/Industrial to Medium Density Residential; Said Property Being Generally Located East of Hufsmith-Kohrville Road, North of Spell Road; Providing for the Amendment of the Comprehensive Plan 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>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.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-21, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 70.36 Acres of Land, Legally Described as All of Proposed Alexander Estates Subdivision and Being a Partial Replat of Tomball Greens Unrestricted Reserve "C" as Recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas; from the Agricultural District to the Single-Family Residential-9 District; Said Property Being Generally Located East of Hufsmith-Kohrville Road, North of Spell Road; 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>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.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-24, an Ordinance of the City of Tomball, Texas, Amending the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Making Certain Findings; 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 Aye

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Joint Resolution and Interlocal Agreement between the City of Tomball and Harris County Emergency Management regarding Updates to the Interlocal Agreement between Harris County and the City of Tomball regarding the Harris County Emergency Operations Plan for the Provision of Mutual Aid between Harris County and the City of Tomball during a Disaster Event, to which the City of Tomball is a Signatory, and to read **Ordinance No. 2014-23** by Caption Only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Joint Resolution and Interlocal Agreement between the City of Tomball and Harris County Emergency Management regarding Updates to the Interlocal Agreement between Harris County and the City of Tomball regarding the Harris County Emergency Operations Plan for the Provision of Mutual Aid between Harris County and the City of Tomball during a Disaster Event, to which the City of Tomball is a Signatory, and to adopt, on First Reading, **Ordinance No. 2014-23**, an Ordinance of the City of Tomball, Texas, Establishing an Emergency Management Program by Amending Chapter 22, Emergency Management, by Deleting Chapter 22 in Its Entirety and Adopting a New Chapter 22, Emergency Management; Establishing Program Response and Recovery Phase of Comprehensive Emergency Management; Acknowledging the Office of Emergency Management Director; Authorizing the Appointment of an Emergency Management Coordinator; and Providing for the Duties and Responsibilities of those Offices; Identifying an Operational Organization; Granting Necessary Powers to Cope with All Phases of Emergency Management which Threaten Life and Property in the City of Tomball; Authorizing Cooperative and Mutual Aid Agreements for Relief Work between This and Other Cities or Countries and for Related Purposes; Repealing Ordinance No. 92-16, Passed, Approved and Adopted on October 19, 1992; Providing for Severability; and Making Other Findings Related Thereto. 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.

9.0 New Business:

- 9.1 Motion was made by Councilman Stoll, second by Councilman Degges, to approve Resolution No. 2014-18, a Resolution and Order of the City Council of the City of

Tomball, Texas, Ordering a Special Local Option Election, to be Held in the City of Tomball on Tuesday, November 4, 2014; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election

El Concejal Stoll, secundado por el Concejal Degges, presentó la moción para aprobar la Resolución Nro. 2014-18, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball, Texas, que ordena una Elección de Opción Local Especial, a celebrarse en la Ciudad de Tomball el martes 4 de noviembre de 2014; que designa los lugares de votación y los funcionarios electorales para dicha elección; que instruye la entrega del aviso de dicha elección; y que dispone detalles relativos a la celebración de dicha elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Stoll, tán thành bởi Ủy Viên Hội Đồng Degges, thông quan Nghị Quyết số 2014-18, một Nghị Quyết và Lệnh của Hội Đồng Thành Phố Tomball, Texas, Ra Lệnh một Cuộc Bầu Cử Lựa Chọn Địa Phương Đặc Biệt, sẽ được tổ chức tại Thành Phố Tomball vào Thứ Ba, ngày 4 tháng Mười Một, 2014; Chỉ định các Địa Điểm Bỏ Phiếu và Bổ Nhiệm Các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Chỉ thị đưa ra Ngày cho cuộc Bầu Cử đó; và Đưa ra các Chi Tiết Liên Quan đến việc tổ chức Cuộc Bầu Cử đó

動議已由市議員Stoll, 第二由市議員Degges, 通過決議案2014-18, 即Texas州Tomball市市議會的決議和命令, 需要計劃在2014年11月4日星期二於Tomball市舉行一次特殊的本地選項選舉; 指定這次選舉的投票站和指定所要任命的官員; 管理該選舉信息的發出; 和提供這次選舉舉行的相關詳細資料。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

動議一致通過。

- 9.2 Presentation was provided by George Shackelford and Paul Howard and Charlie Burditt, Burditt Land Consultants.

Mayor Fagan called the Public Hearing for the Purpose of Council Consideration, Approval and Submission of a Grant Application to the Texas Parks and Wildlife Outdoor Recreation Grant Program for the Proposed Development of a New City Park, said Park being located at 1414 Hufsmith, Tomball, Texas to order at 7:01 p.m.

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

- 9.3 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Submittal of Grant Application to the Texas Parks & Wildlife Outdoor Recreation Grant Program.

Motion carried unanimously.

A copy of the application will be provided to Council prior to submission.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-19, a Resolution of the City of Tomball, Texas, as Hereinafter Referred to as “Applicant”, Designating Certain Officials as Being Responsible For, Acting For, and on Behalf of the Applicant in Dealing with the Texas Parks & Wildlife Department, Hereinafter Referred to as “Department,” for the Purpose of Participating in the Local Park Grant Program, Hereinafter Referred to as the “Program”; Certifying that the Applicant is Eligible to Receive Program Assistance; Certifying that the Applicant Matching Share is Readily Available; and Dedicating the Proposed Site for Permanent (or for the Term of the Lease for Leased Property) Public Park and Recreational Uses.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2014-28 by Caption Only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2014-28, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, Within the Corporate Limits of the City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance. 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.

- 9.6 Presentation was given by Trent Conner, Kimley-Horn, Regarding a Proposed/Potential Development at SH 249 and Holderrieth Road.

No action necessary.

- 9.7 Mayor Fagan called the Public Hearing on the Proposed Budget for Fiscal Year 2014-2015 and Set Dates for Public Hearings on the Proposed Tax Rate to order at 7:24 p.m.

The following public comments were received:

Pat Bailey - Requested Council consideration to fund sidewalks
1319 Dove Trails on South Cherry instead of on Zion Road.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:26 p.m.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to set the public hearing dates for the proposed tax rate of \$0.341455 to support the Budget for Fiscal Year 2014-2015 as September 8, 2014 at 5:00 p.m. and September 15, 2014 at 6:00 p.m. and to place a proposal to adopt the proposed tax rate on a future agenda, following the public hearings. 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.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-25 by Caption Only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2014-25, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2014-2015; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2013-2014 Fiscal Year in Accordance with Actual Expenditures; and Providing other Details Relating to the Passage of This Ordinance. 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.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-20, a Resolution of the City of Tomball, Texas, Soliciting

Support for Legislative Action to Change the Deadline for Posting the Proposed Property Tax Rate Notice as Required by Texas Local Government Code Section 140.010.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve **CABANAS**; A Subdivision of a 0.2410-acre tract; Being a Replat of Lots 42, 43 and 44, Block 68 of Revised Map of Tomball as recorded in Volume 4, Page 25, Harris County, Texas.

Motion carried unanimously.

- 9.11 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve Resolution No. 2014-02, a Resolution of the City Council of the City of Tomball, Texas Determining that a 3.608 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings and “that the City of Tomball authorize the use of the power of eminent domain to acquire the 3.608 acre right-of-way for drainage purposes, owned by James Midkiff for the M121 Drainage Project”.

Motion was made by Councilman Stoll, second by Councilman Hudgens, to table consideration and action regarding Resolution No. 2014-02, a Resolution of the City Council of the City of Tomball, Texas Determining that a 3.608 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings and to place consideration of Resolution No. 2014-02 on the September 2, 2014 Council agenda, following an executive session to receive information from the City Attorney.

Motion to table Item 9.11 until September 2, 2014 carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Hudgens, to table consideration and action regarding Items 9.12 and 9.13, Resolution No. 2014-03 and Resolution No. 2014-21, and to place consideration of Resolution No. 2014-03 and Resolution No. 2014-21 on the September 2, 2014 Council agenda, following an executive session to receive information from the City Attorney.

Motion to table Items 9.12 and 9.13 until September 2, 2014 carried unanimously.

- 9.12 Tabled - Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2014-03, a Resolution of the City Council of the City of Tomball, Texas, Determining that 8.288 Acre Tract of Land is Needed for Use as a

Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas;
and Authorizing the Institution of Eminent Domain Proceedings

No action taken.

- 9.13 Tabled - Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2014-21, a Resolution of the City Council of the City of Tomball, Texas, determining that 3.001 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings.

No action taken.

- 9.14 Consideration to approve **ZONING CASE P14-123**: Request by Bill Merriman, on behalf of Concordia Lutheran High School, to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street; from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.

- Mayor Fagan called the Public Hearing on **ZONING CASE P14-123** to order 15:46 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:46 p.m.

- Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to read Ordinance No. 2014-24 by Caption Only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2014-27, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development (PD) District of Approximately 39.4 Acres of Land, Legally Described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be Known as PD District #7 (PD-7); Adopting a Concept Plan and Regulations Applicable to PD-7; 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.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of September 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor