

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 4, 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 were:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
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
Accountant – Christine Brookshire
HR Director – Lisa Coe
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Reverend Russell Hall, Tomball United Methodist Church.

3.0 The pledges to the U. S. and Texas Flags were led by Randy Parr.

4.0 The following public comments were received.

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| Pat Bailey
1319 Dove Trails | - Spoke on behalf of Lessie Upchurch, regarding Mrs. Upchurch's objections to the proposed polycarts for trash collection. |
| Bruce Hillegeist
GTACC
29201 Quinn Road | - Expressed his and the GTACC's appreciation of the City's support in another successful Tomball Night event. |

5.0 Presentations – the following presentation was made:

- Mayor Fagan and Mike Baxter presented the City of Tomball's **2014 Marketing Partner** award to Georgia Keen, Designer-Tomball Tribune.

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.
- June 9-July 28, 2014 - **TOMBALL KID'S CLUB** - Every Monday and Thursday, 11:00 a.m.-1:00 p.m., at **MLK Community Park**, 403 W. Chestnut
- August 1, 2014 – **Tomball Night**
- August 9, 2014 - **2nd Saturday at the Depot – The SpongeBob Squarepants Movie** - 6:30 p.m.
- **August 15, 2014 – Friday Night Creature Feature – The Lost Skeleton of Cadavra**
- August 30, 2014 – **Texas Music Festival**
- September 13, 2014 – **2nd Annual “New Life” 5K and Kids Walk Fundraiser** (Tomball Pregnancy Center and Salem Lutheran Church)
- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival**
- October 11, 2014 – **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- 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:
 - Glenn Windsor presented the Quarterly Investment Report for the quarter ending June 30, 2014. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together

with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On June 30, 2014, the City had total cash equivalents and investments totaling \$56,368,097. A copy of the report was provided to Council for review.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn to approve the Minutes of the Following Meetings:

- July 21, 2014 Special City Council Meeting
- July 21, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2014-18, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately .68 Acres of Land, Legally Described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, from the Commercial and Old Town and Mixed Use Districts to the Commercial District; Said Property being Generally Located West of Lawrence Avenue, South of West Main 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. 2014-22, an Ordinance of the City of Tomball, Texas, Adopting Impact Fees for Water, Wastewater, and Drainage Facilities; Defining Certain Terms; Providing for the Assessment and Collection of Such Impact Fees; Containing Other Provisions Relating to the Subject; 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>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Degges, second by Councilman Townsend, to award Contract for Project No. 2014-08, Asphalt Overlay Improvements, to Low Bidder, Forde Construction Co., Inc. in the amount of \$162,079.54, and to Authorize the City Manager to Execute the Necessary Agreement.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Presiding Municipal Andrea Walker to a new two-year term beginning September 1, 2014 and expiring August 31, 2016, and to reappoint Alternate Municipal Court Judge Blair Bruce to a new one-year term beginning September 1, 2014 and expiring August 31, 2015.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Degges, second by Councilman Stoll, to approve the renewal of the Medical Insurance Contract with Blue Cross Blue Shield and to approve a new contract to Aetna for Dental Services.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-19 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Hudgens, to adopt 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.

- 9.5 Consideration was given to **COMPREHENSIVE PLAN CASE P14-118:** Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, Inc., to amend the City's Comprehensive Plan by altering the Future Land Use 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, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

- Mayor Fagan called the public hearing on **COMPREHENSIVE PLAN CASE P14-118** to order at 6:31 p.m. The following public comment was received:

Skip Fortune 11011 Spell, 77375	-	Expressed his concern regarding the proposed amendment to the Comprehensive Plan, due to the proposed development having only one entrance/egress on Spell Road; Albury Trails also opens onto Spell Road.
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Receiving no further public comments, Mayor Fagan closed the public hearing at 6:33 p.m.

- Motion was made by Councilman Stoll, second by Councilman Hudgens, to read Ordinance No. 2014-20 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on First 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.

- 9.6 Consideration was given to **ZONING CASE P14-102**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, Inc., to amend the City's Zoning Ordinance by rezoning 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, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

- Mayor Fagan called the public hearing on **ZONING CASE P14-102** to order at 6:43 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:44 p.m.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2014-21 by Caption only.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First 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.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-214 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt on First 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	<u>Aye</u>

Motion carried unanimously.

- 9.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to Receive the Report from the Fire Chief and to Approve the Proposed Medical Responses and Protocols between the City of Tomball Fire Department and Northwest Emergency Management Services (NWEMS), to Make Provisions in Emergency Circumstances to Allow TFD Firefighter/Paramedics, Only under the Direction of the NWEMS In-Charge Paramedic, to Initiate and Perform Paramedic Level Tasks.

Motion carried unanimously.

9.9 Council recessed at 6:55 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 Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session.
- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening in regular session at 7:45 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of August 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor