

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JULY 21, 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 Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Hudgens - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Scott Bounds
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
IT Manager – Doug Tippet
HR Director – Lisa Coe
Public Administration Intern – Amelia Vasquez

2.0 The invocation was led by Pastor Steven Lee, The Pointe Fellowship Church.

- July 7, 2014 Special City Council Meeting
- July 7, 2014 Regular City Council Meeting

- July 14, 2014 Special City Council Meeting

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Stoll, to receive the FY 2014-15 proposed Budget, as presented to Council by the City Manager, and to set August 18, 2014 at 6:00 p.m. as the date for the Public Hearing on the FY 2014-2015 Budget.

Motion carried unanimously.

- 8.2 Mayor Fagan opened the Public Hearing at 6:22 p.m. to consider approval of **COMPREHENSIVE PLAN CASE P14-087**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial. The following public comment was received:

N. T. Breaux 1502 Rudolph	- Expressed his opposition to the proposed change in future land use.
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Receiving no additional public comments, Mayor Fagan closed the public hearing at 6:23 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-16 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. 2014-16, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 2.46 Acres of Land, Legally Described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, from Low Density Residential to Commercial; Said Property being Generally Located between Ulrich Road and Rudolph Road, North of East Hufsmith 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>Absent</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 8.3 Mayor Fagan opened the Public Hearing at 6:54 p.m. to consider approval of **ZONING CASE P14-088**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:54 p.m.

Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-17 by caption only on First Reading. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2014-17, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 2.46 Acres of Land, Legally Described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Commercial District; said Property being Generally Located between Ulrich Road and Rudolph Road, North of East Hufsmith 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>Absent</u>
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Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 8.4 Mayor Fagan opened the Public Hearing at 7:00 p.m. to consider approval of **ZONING CASE P14-109**: Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning 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, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District

Steven Vaughan 13322 Wildwood, 77375	- Expressed his support for the proposed rezoning.
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Receiving no additional public comments, Mayor Fagan closed the public hearing at 7:00 p.m.

Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-18 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First 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>Absent</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 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Following Plats as Recommended by the Planning and Zoning Commission:

- **CAPPADONNA TRACTS:** A Subdivision of a 3.8897-acre tract; Being a Replat of Lot 1, Block 1 Stotts Tracts as recorded under Film Code No. 612089, Harris County Map Records, Situated in the Ralph Hubbard Survey A-383, Harris County, Texas.
- **SECOND REPLAT OF MARTIN MARIETTA SUBDIVISION:** Being a Subdivision of 29.5011 acres and being a Replat of Martin Marietta Subdivision Replat recorded under Film Code No. 645043, Harris County Map Records, Situated in the William Hurd Survey, Abstract 371 and the Jesse Pruett Survey Abstract 629, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 8.6 Mayor Fagan opened the Public Hearing at 7:05 p.m. to consider the adoption of Impact Fees for Water, Wastewater, Drainage, and Roadway Facilities, in Accordance with Chapter 395, Texas Local Government Code; Making Other Findings and Providing Details Related Thereto.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:05 p.m.

Motion was made by Councilman Degges, second by Councilman Stoll, to read Ordinance No. 2014-22 by caption only on First Reading.

Motion carried unanimously.

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

Motion to Amend was made by Councilman Townsend, second by Councilman Degges, to adopt, on First 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, with water and wastewater impact fees to increase 15 percent per year for the next five years, not to exceed a total increase

of 75 percent to a final impact fee of \$2,325.96 for water and \$2,322.57 for sewer, and to increase the drainage impact fees as follows:

M125 - \$436.88
M121 West - \$6,692.00
M121 East - \$7,886.69
M118 - \$5,757.81.

Vote was as follows:

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

Motion, as amended, carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Acquisition of a Low-Power FCC-Issued FM Radio Station License to Create a Local Broadcasting System. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 8.8 Motion was made by Councilman Degges, second by Councilman Townsend, to approve the proposed 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.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the annual update to the Memorandum of Understanding (MOU) between the City of Tomball and Tomball Independent School District for Assistance During Disaster and Other Large-Scale Incidents.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, 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, 2014 to November 30, 2015.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to appoint Robert Maxwell as the City's Representative to serve on the Texas Heritage Railroad Museum Board of Directors.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Townsend, second by Councilman Degges, to award the contract for Project No. 2014-06, Solid Waste Collection and Disposal Services for the City of Tomball, to WCA Waste Corporation, for a three-year term with two one-year renewal options, and to authorize the City Manager to execute the necessary service contract, with the final decision regarding Proposals 1, A, or B to be determined by Council on September 9, 2014.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of August 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor