

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



MONDAY, MARCH 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 Townsend
Councilman Klein Quinn
Councilman Hudgens
Councilman Degges

Members absent:

Councilman Stoll - 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
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce

2.0 The invocation was led by Pastor Bob Webb, Rosehill United Methodist Church

3.0 The pledges to U. S. and Texas Flags were led by Gabe Gach and Alexis Gach, members of the Tomball High School Student Council.

4.0 There were no public comments.

5.0 Presentations:

- Mayor Fagan presented a Proclamation for "***Salem Lutheran School Blue Boys' Basketball Team Lutheran Middle School State Championship Day***" to the Salem Lutheran Blue Boys Basketball Team.

6.0 Reports and Announcements:

- The rain date of Saturday, **April 18, 2015** was announced for the ***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
- May 2 and 3, 2015 – **Rails and Tails Mudbug Festival**, with "***Roux Run***" at **Depot Downs** on Sunday, May 3
- 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 Klein Quinn, to approve the Minutes of the March 2, 2015 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Purchase of Thirteen (13) Vehicles through Caldwell Country Chevrolet, under an Existing BuyBoard Contract, in the Amount of \$373,019.00.

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Klein Quinn, second by Councilman Hudgens, to approve Resolution No. 2015-03, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 9th Day of May, 2015, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details relating to the Cancellation of Such Election.

El Concejal Klein Quinn hizo la moción, secundada por el Concejal Hudgens, para adoptar la Resolución Nro. 2015-03 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 9 de mayo de 2015 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chuyển động đã được thực hiện bởi Councilman Klein Quinn, thứ hai bởi Councilman Hudgens, chấp nhận nghị quyết số 2015-03, độ phân giải của thành phố Tomball, Texas, huỷ các thành phố thường xuyên của viên chức bầu cử dự kiến sẽ được tổ chức vào ngày 9 tháng 5, năm 2015, phù hợp với phần 2.053(a) của luật bầu cử Texas; Chỉ đạo cho thông báo như vậy huỷ bỏ của cuộc bầu cử; và cung cấp thông tin chi tiết liên quan đến huỷ bỏ các cuộc bầu cử như vậy.

議案是議員克萊因奎因，其次由參議會·哈金斯，作出批准取消定期市官員選舉定于在 2015 年的 5 月，第 9 天根據德克薩斯州選舉守則；一節 2.053(a) 號決議到 2015 年-03 年度，托姆伯爾市德克薩斯州的一項決議導演給選舉；這種取消通知和提供細節，有關這類選舉取消

Councilman Townsend stated that he would abstain from the discussion and vote on Resolution No. 2015-03.

El Concejal Townsend declaró que él se abstendría de la discusión y voto en la Resolución Nro. 2015-03.

Hội viên hội đồng Townsend tuyên bố rằng ông sẽ tránh các cuộc thảo luận và bỏ phiếu về nghị quyết số 2015-03.

議員湯森說他會投棄權票，從討論和表決 2015 年-03 號決議。

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

- 9.2 Request by the Texas Mead Association for City Co-sponsorship for the 2015 Texas Mead Fest, to be held at the Tomball Depot area on Saturday, September 5, 2015 (Labor Day weekend) was withdrawn by the Requestor.

No action necessary.

- 9.3 Motion was made by Councilman Degges, second by Councilman Townsend, to reappoint Jarmon Wolfe, Billy Hemby, and Brett Tynes as Regular members, to Regular

Member Positions 1, 3 and 5, respectively, to reappoint Rocky Pilgrim as Alternate member to Alternate Member Position 2, and to appoint Robert Maxwell as Alternate member to Alternate Member Position 4 on the City of Tomball Board of Adjustments.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve the Change Order #2 for \$266,267.00 Medical Complex Drive, Segment 3, Community Development Project No. 2011-10019, Project Bid No. 2014-04.

Motion carried unanimously.

- 9.5 Mayor Fagan opened the Public Hearing on the regarding the Grant Application for Broussard Community Park and Update on the Grant Application that is due March 31, 2015 and Current Work at the Park at 6:21 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:21 p.m.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-04, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Five related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making other Findings Related to the District.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-05, a Resolution Authorizing the Establishment of the Public Improvement District Number Five in the City of Tomball, Texas; Authorizing Publication of this Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making other Provisions Related to the Subject.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve a Development Agreement between the City of Tomball and Yaupon Trails LTD LLC, a Texas Limited Liability Company (the Developer), regarding Public Improvement District Number Five (PID 5) in the City of Tomball, Texas.

Motion carried unanimously.

- 9.9 Council received the presentation by Nancy Newton from Tomball Sports Association regarding Needs for Tomball Little League Fields, Located in the Wayne Stovall Sports Complex.

No action taken.

- 9.10 Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-254** at 7:07 p.m. Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.
- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2015-05 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. 2015-05, 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 10 Acres of Land, Legally Described as Lots 335 & 336, Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Agricultural District to the Light Industrial District; Said Property Being Generally Located East of South Persimmon Street and South of Lizzie Lane; 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>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.11 Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-009** at 7:10 p.m.
Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:10 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2015-06 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. 2015-06, 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 20.64 Acres of Land, Legally Described as Tracts 4h-1 and 4l-2, Abstract 632, C.N. Pillot Survey, Within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District; Said Property Being Generally Located West of South Cherry Street, North of Holderrieth 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>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.12 Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-020** at 7:13 p.m.
Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:13 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2015-07 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of

Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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.

Motion to AMEND was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to Add a Land Use and Associated Definition for “Brewpub”; 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, by amending Ordinance No. 2015-07 to state that the Old Town area is limited to a maximum production of 5,000 barrels per year and the remainder of the City is limited to a maximum production of 10,000 barrels per year. Vote was as follows:

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

Motion to AMEND carried, 3 votes Aye, 1 vote Nay.

9.13 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Following Plats as Recommended by the Planning and Zoning Commission:

- **YAUPON TRAILS SEC 1**: A subdivision of 10.9461 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.
- **PYE ESTATES**: Being a subdivision of a 0.2410-acre tract, in the William Hurd Survey, A-371, Being a replat of Lots 29, 30 and 31 Block 29, Tomball Townsite as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.
- **CJ’S COUNTRY**: A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Maps Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Motion carried unanimously.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Hudgens, to authorize City Staff to proceed with preparing for the Redemption of Waterworks and Sewer System Revenue Bonds, Series 1999.

Motion carried unanimously.

- 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 6th day of April 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor