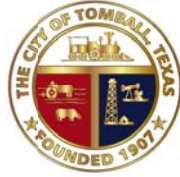


**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MAY 18, 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
Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Assistant Fire Chief – Jonathan Fontenot
Community Center Director – Rosalie Dillon
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole
Police Detective – Albert Chambers
Community Development Coordinator – Amelia Vasquez
Presiding Municipal Court Judge – Brett Peabody
Associate Municipal Court Judge – Cindy Bennett Smith
TEDC-Executive Director – Kelly Violette
Chief-NWEMS – Brian Bayani

2.0 The invocation was led by Steve Allison, Chaplain, VFW Post 2427

3.0 The pledges to U. S. and Texas Flags were led by Presley Folkerts and Brooke McQuillan, members of the Tomball High School Student Council.

4.0 Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

4.1 Resolution No. 2015-03, Cancelling the Election 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

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.

Nghị Quyết số 2015-03, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 9 tháng Năm, 2015, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

到 2015年-03 号决议取消选举决议号 2015年-03 年度，托姆伯尔市得克萨斯州的一项决议取消定期市官选举定于在 2015 年的 5 月，第 9 天根据部分 2.053(a) 的德克萨斯州选举守则；导演给选举；这种取消通知和提供细节，有关这类选举取消

No action necessary; Resolution No. 2015-03 was adopted on March 16, 2015.

Ninguna acción necesaria; la Resolución el No 2015-03 fue adoptada el 16 de marzo de 2015

Không có hành động cần thiết; Nghị quyết số 2015-03 đã được thông qua ngày 16 tháng 3 năm 2015.

不採取行動的必要；2015 年 3 月 16 日通過了 2015年-03 號決議。

4.2 Administer Oath of Office to Elected Officials.

Administrar el juramento al cargo de los Oficiales Electos.

Làm Lễ Tuyên Thệ Nhậm Chức cho Các Viên Chức Được Bầu.

對選出的官員進行宣誓

The Oath of Office was administered by Mayor Fagan to Mark A. Stoll as the newly elected Councilman, Position 2 and to Dereck S. Townsend, Sr. as the newly elected Councilman, Position 4.

El Juramento al Cargo fue administrado por la Alcaldesa Fagan a Mark A. Stoll como nuevo Concejal, Posición 2 y a Derek S. Townsend, Sr. como nuevo Concejal, Posición 4.

Tuyên Thệ Nhậm Chức đã được tiến hành bởi Thị Trưởng Fagan cho Mark A. Stoll là Nghị Viên mới được bầu chọn, Vị Trí 2 và cho Derek S. Townsend, Sr. Nghị Viên mới được bầu chọn, Vị Trí 4.

官員宣誓已由Mayor Fagan支配 Mark A. Stoll 視為新當選的委員，席位2及 Derek S. Townsend, Sr. 視為新當選的委員，席位4。

4.3 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.

Considerar elegir un Alcalde Interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.

Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.

考慮根據 Tomball市政府當地規章第6.08條選舉臨時市長

Motion was made by Councilman Stoll, second by Councilman Townsend, to Elect Councilman Klein Quinn as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.

El Concejal Stoll hizo la moción, secundada por el Concejal Townsend, a elegir el Concejal Klein Quinn como Alcalde Pro-Tem, de conformidad con la sección 6,08 de la ciudad de Tomball Carta autonómica.

Chuyển động đã được thực hiện bởi Ủy viên Hội đồng Stoll, thứ hai bởi Nghị Townsend, đề cử Ủy viên Hội đồng Klein Quinn như Thị trưởng Pro-Tem, phù hợp với mục 6.08 của thành phố Tomball Trang chủ Quy tắc Điều lệ.

參議會 Stoll，其次由參議會 Townsend 向運動選出議員克萊因奎因作為市長 Pro-Tem 按照節 6.08 的該市的托姆伯爾家規則的憲章。

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

Councilman Klein Quinn was elected Mayor Pro-Tem.

El Concejal Klein Quinn fue elegido Alcalde interino.

Nghị Viên Klein Quinn được chọn làm Thị Trưởng Tạm Thời.

委員 Klein Quinn 已當選為暫時市長。

5.0 The following public comments were received:

Pat Bailey
1319 Dove Trails, 77375

- Expressed her support for Item 9.4, the Creation of a Depot Station Agent Sculpture and presented a donation toward the project.

Mary Harvey
405 S. Walnut, 77375

- Expressed her support for Item 9.4, the Creation of a Depot Station Agent Sculpture and presented a donation toward the project.

Barbara Tague
503 Inwood, 77375

- Expressed her interest in being reappointed to the Planning and Zoning Commission.

Bruce Hillegeist
20339 Telge Road, 77377

- Expressed his support for Item 9.4, the Creation of a Depot Station Agent Sculpture.

John Lockwood
9531 Landry Blvd., Spring

- Email - His support for Item 9.4, the Creation of a Depot Station Agent Sculpture was read into the record.

6.0 Presentations: The Mayor presented the following proclamations:

- Proclamation – the Month of May is “**Motorcycle Safety and Awareness Month**”
- Proclamation – May 20, 2015 is “**Tomball Special Olympics Day – 2015**”
- Proclamation - May 17-23, 2015 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 17-23, 2015 is “**National Emergency Medical Services Week – “EMS STRONG” – Tomball, Texas**”
- Proclamation – May 17-23, 2015 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 24-30, 2015 is “**National Hurricane Preparedness Week – Tomball, Texas**”

7.0 Reports and Announcements:

- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **Tomball City Pool – 2015 Swim Season - Jerry Matheson Park Pool** opens May 23, 2015 and will close on September 7, 2015. May 23-June 7, 2015, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2015, except Memorial Day and Labor Day. June 9-August 23, 2015 will be regular weekly days and hours. August 29-September 7, 2015, the pool will open weekends only.
- June 13, 2015 – **2nd Saturday at the Depot**
- June 16-July 17, 2015 – **TOMBALL KIDS’ CLUB – Every Tuesday and Friday, 11:00 a.m.-1:00 p.m., at Tomball Community Center, 221 Market Street**
- June 25, 2015 – **7th Annual Economic Outlook Luncheon** – sponsored by the **Tomball Economic Development Corporation at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.**
- July 4, 2015 – **Tomball 4th of July Celebration and Street Party – 5:00 p.m.-10:30 p.m.**
- **June 15 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **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 was taken

8.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the following:

- Regular City Council Meeting – May 4, 2015
- Special City Council Meeting – May 6, 2015
- Special City Council Meeting – May 9, 2015
- Special City Council Meeting – May 11, 2015

Motion carried unanimously.

9.0 New Business:

9.1 Conduct Public Hearing regarding Tax Exempt Financing for the Benefit of Concordia Lutheran High School of North Harris County.

- Mayor Fagan opened the Public Hearing Regarding Tax Exempt Financing for the Benefit of Concordia Lutheran High School of North Harris County at 6:38 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:38 p.m.

9.2 Motion was made by Councilman Klein Quinn, second by Councilman Degges, to approve Resolution No. 2015-09, a Resolution of the City Council of the City of Tomball, Texas Approving a Tax Exempt Financing to be Undertaken by the Riesel Education Facilities Corporation for the Benefit of Concordia Lutheran High School of North Harris County (*This is not a debt of the City of Tomball, and no public funds are involved in this financing.*)

Motion carried unanimously.

9.3 Consideration to approve **ZONING CASE P15-039**: Request by Diane Deaton, on behalf of Kathy A. Gibson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 1 & 2, Block 3, Main Street – Tomball, within the City of Tomball, Harris County, Texas, generally located south of Barbara Street and west of South Vernon Street, from the Single-Family Residential-6 District to the Old Town & Mixed Use District

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-039** at 6:44 p.m.; the following comments were received:

Marilyn Higgins
714 Barbara, 77375

- Expressed her opposition to the proposed rezoning request.

- Rebecca Golemon
304 S. Vernon, 77375
- Gladys Cook
726 Barbara, 77375
3830 FM 391, 77855
- Les Lee
725 Barbara, 77375
- Earlene Schmidt
728 Barbara, 77375
- Peggy Hugonin
30507 Country Meadows, 77375
- Ramona Rudel
727 Barbara, 77375
- Billie Goad
703 Barbara, 77375
- Laura Golemon
304 Vernon, 77375
- Florence Martin
701 Barbara, 77375
- Larry & Peggy Hugonin
30507 Country Meadows, 77375
- Leo Delaney
711 Barbara, 77375
- Expressed her opposition to the proposed re-zoning request.
 - Expressed her opposition to the proposed re-zoning request.
 - Expressed his opposition to the proposed re-zoning request.
 - Expressed her opposition to the proposed re-zoning request.
 - Her opposition to the proposed re-zoning request was read into the record.
 - Her opposition to the proposed re-zoning request was read into the record.
 - Her opposition to the proposed re-zoning request was read into the record.
 - Her opposition to the proposed re-zoning request was read into the record.
 - Her opposition to the proposed re-zoning request was read into the record.
 - Email expressing opposition to the proposed re-zoning request was read into the record.
 - Expressed his opposition to the proposed re-zoning request.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:03 p.m. p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-11 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. 2015-11, 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

0.32 Acres of Land, Legally Described as Lots 1 & 2, Block 3, Main Street – Tomball, Within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; Said Property being Generally Located South of Barbara Street and West of South Vernon 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>Nay</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.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Creation of a Depot Station Agent Sculpture Representing Tomball's Railroad Heritage and the Installation of the Piece on City Property, Not to Exceed \$35,000, as Recommended by the Tomball Tourism Advisory Committee. 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.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Contract between the City of Tomball and the Gulf Coast Chapter of the National Railway Historical Society regarding the Relocation of the Chapter's Houston Railroad Museum Collection to the City of Tomball.

Motion to AMEND was made by Councilman Townsend, second by Councilman Hudgens, to approve Contract between the City of Tomball and the Gulf Coast Chapter of the National Railway Historical Society regarding the Relocation of the Chapter's Houston Railroad Museum Collection to the City of Tomball, subject to insurance/indemnity requirements being included in the Contract as requested by Council.

Motion as AMENDED carried unanimously.

- 9.6 Motion was made by Councilman Degges, second by Councilman Stoll, to Reappoint Barbara Tague and Evelyn Torres to their respective positions on the Planning and Zoning Commission for Terms Expiring June 1, 2015.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve a Two-Year Extension to the Current Engagement Agreement Letter with the Firm of Weaver and Tidwell, LLP, to Conduct City of Tomball Audits for Fiscal Years 2015 and 2016.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Hudgens, second by Councilman Stoll, to read Ordinance No. 2015-10 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. 2015-10, an Ordinance Creating City of Tomball, Texas, Reinvestment Zone No. 5; an Approximately 17.38-Acre Tract of Land, Being Part of the Tomball Business and Technology Park and Located Generally at the Northwest Corner of Holderrieth Road and Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability (Packers Plus Energy Services (USA) Inc.). 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 Stoll, to award Contract for COT Project Bid Number 2015-03, Tomball Business & Technology Park, Harris County Holderrieth Road & Hufsmith Kohrville Road Left Turn Lanes and Box Culverts, E&P Number 2013-10022, to Forde Construction Company, Inc. in the Amount of \$1,743,953.86.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to authorize the Mayor to Sign the Updated Harris County Emergency Management Plan Basic Plan Document. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2015-10, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be held in Tomball on Saturday, July 4, 2015, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 3:00 PM until 11:00 PM, and Authorizing the City Manager to issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249.

Motion carried unanimously.

- 9.12 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Reject All Bids for City of Tomball Project No. 2015-04, Purchase of Cab Tractor with Boom Mower, and to approve Purchasing the Kubota Cab Tractor with Boom Mower Utilizing the TASB "Buy Board" Contract, in the Amount of \$112,185.20.

Motion carried unanimously.

- 9.13 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve the Dedication of a Utility Easement to Centerpoint for Underground Electrical Service to the Depot Plaza.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Degges, second by Councilman Stoll, to approve **GATEWAY BUSINESS PARK**: A subdivision of 2.9894 acres of land situated in the Joseph House Survey, Abstract No. 20, Montgomery County, Texas.

Motion carried unanimously.

- 9.15 Discussion was held regarding Red Light Enforcement Cameras, Collections vs. Outstanding Balances, and Possible Collection Program

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 1st day of June 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor