

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



MONDAY, AUGUST 17, 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 Hudgens
Councilman Stoll
Councilman Degges
Councilman Klein Quinn
Councilman Townsend

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
HR Director – Lisa Coe
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole
Community Center Director – Rosalie Dillon
Detective – Kenneth Yoho
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Senior Pastor Christopher Hull, Zion Lutheran Church.

3.0 The pledges to U. S. and Texas Flags were led by Billy Tidwell and Robert Hauck.

4.0 The following public comment was received:

Mr. Barik - Expressed his concern regarding his water meter
27910 SH 249, 77375 and the City's billing system.

5.0 Reports and Announcements:

Jason Schultz, Director of Large Business, TXU Energy, presented a rebate check in the amount of \$30,000 to the City of Tomball, representing energy savings realized through energy efficiency measures utilized by the City.

- **Tomball City Pool – 2015 Swim Season - Jerry Matheson Park Pool** will close on September 7, 2015. The pool will be closed every Monday during swim season 2015 except 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.
- August 22, 2015 – **Unveiling of the Ken Walden, Station Agent Statue** at the Depot – Saturday at 11:00 a.m.
- August 25, 2015 – **Mayor's Coffee** at Cisco's Salsa Company, Sol de Luna, 207 Commerce, 5:30 p.m.
- August 29, 2015 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 10, 2015 – *Sherine's Stride 5K Run*
- October 10, 2015 – *"Zomball in Tomball"*
- October 24, 2015 – **4th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- **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:
 - Mike Baxter presented a report regarding the **Texas Festivals and Events Association Awards**. The City of Tomball has scored nine first place awards for its marketing and festivals program from the Texas Festivals & Events Association during the TFEA's recent conference held in Houston, with a clean sweep in the Best Event Photography and Best Radio categories as the City won first, second and third places. In addition to the nine first place honors, Tomball also took multiple second and third place awards, as well. Depot Station Agent Ken Walden was posthumously awarded Volunteer of the Year by the Texas Festivals & Events Association for his years of work at the Depot and the City's many festivals and special events. Walden's sister, Karen Perkovich, accepted on his behalf and plans to display the award inside the Depot. Mike

Baxter, marketing director for the City of Tomball, was also honored by the organization with a Lifetime Achievement Award and inducted into the Texas Festivals & Events Association's Hall of Honor. Baxter is now serving a second term on the TFEA Board of Directors. Since joining the TFEA in 2012, the City of Tomball has won a total of 33 first place awards for its festivals and marketing programs.

- Mayor Fagan advised that public input regarding the City's grant application to H-GAC will be accepted until August 25, 2015, regarding Main Street/FM 2920.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the August 3, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-14, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2015-2016; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2014-2015 Fiscal Year in Accordance with Actual Expenditures; and Providing other Details Relating to the Passage of This Ordinance.

Councilman Stoll advised that he would abstain from discussion regarding the Zion Road sidewalks and requested Council consensus before participating in the vote on Ordinance No. 2015-14. Consensus of remaining Council was unanimous. 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.

8.0 New Business:

8.1 The City Council received the Receipt of Report from Tomball Regional Health Foundation by Lynn LeBouef and Jack Smith.

No action taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Latrell Shannon and Rick Pritchett to their respective positions as members of the Tomball Regional Health Foundation; new terms will expire September 1, 2017.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2015-2016 Budget.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on First Reading, Resolution No. 2015-17-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Clarus Tomball Investments Ltd., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, Texas. The estimated amount of expenditures for such Project is \$437,250.00. 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.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2015-15 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. 2015-15, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Non-Residential Properties Adjacent to FM 2920 (Main Street) Between State Highway 249 Business and North Willow Street Until March 2, 2017; and Providing for Severability. Vote

was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

8.6 Consideration to approve **ZONING CASE P15-008**: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-008** at 7:14 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:14 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2015-17 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2015-17, 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 .4186 Acres of Land, Legally Described as Tract 2a, Abstract 629, Joseph Pruitt Survey, Within the City of Tomball, Harris County, Texas, From The Single-Family Residential-6 District to the Planned Development District; Said Property Being Generally Located East of South Chestnut Street, North of Chestnut Business Park Drive; 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.

8.7 Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-071** at 7:34 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:34 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2015-16 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2015-16, an Ordinance of The City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Code of Ordinances by Amending Section 50-2 (“Definitions”) By Creating a Definition For “Masonry;” by Amending Section 50-33 (“Board Of Adjustments”) by Authorizing The Board of Adjustments to Hear and Decide Upon Special Exceptions for Building Façade Requirements; and by Amending Section 50-62 (“Reserved”) By Creating An Exterior Building Material/Façade Overlay District And Associated Regulations Effecting Properties Along FM 2920, SH 249 and SH Business 249; 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.

8.8 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the following plats as recommended by the Planning and Zoning Commission:

- **BVW Main Street – Tomball**: A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, Block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34 Tomball, Harris County, Texas.
- **KCS Subdivision**: Being a Subdivision of 7.3681 acres of land in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 8.489 acres as described in deed recorded in Clerk's File Number S026291 of the Real Property Records of Harris County, Texas
- **Asgard Replat**: A replat of Lots 37 and 38 into New Lot 38 in Block 42 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 Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Motion carried unanimously.

8.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Purchase of Five (5) Automated License Plate Readers to be Placed in New Patrol Cars, in the Amount of \$72,026.25.

Motion carried unanimously.

8.10 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Renewal of Medical Insurance Contract with Blue Cross Blue Shield.

Motion carried unanimously.

8.11 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Amendment to the Current Delinquent Tax Collection Contract with the Law Firm, Perdue, Brandon, Fielder, Collins, and Mott, LLP, to include the Collection of Delinquent Assessments from the City's Existing Public Improvement Districts (PIDs) and any Future Public Improvement Districts.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to award the Contract for Proposal No. 2015-08R – Vendor to Sell Beer and Wine at City Festivals to The Empty Glass Wine Bar – Tomball.

Motion carried unanimously.

- 8.13 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Purchase of a Track Excavator from Mustang CAT in the Amount of \$175,707.17 Utilizing the Buy Board Cooperative Purchasing Contract. Councilman Stoll advised that he would refrain from discussion and vote on this item and that he had filed a Conflict of Interest affidavit with the City Secretary prior to the meeting.

Motion carried unanimously, with 1 abstention.

- 8.14 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to set September 14, 2015 and September 21, 2015 as the dates for the required Public Hearings on the Proposed 2015 Tax Rate.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 8th day of September 2015.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor