

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



TUESDAY, SEPTEMBER 6, 2016

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 Townsend
Councilman Klein Quinn

Others present:

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
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
CSO Administrative Assistant – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Building Official – Ken Cole
Assistant Fire Chief – Jonathan Fontenot
Fire Marshal – Charlie Hazlegrove
Police Detective – Albert Chambers

2.0 The Invocation was led by Quinton Payton, Associate Pastor/Youth, Church 1:37

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, Parliamentarian for the Tomball High School Student Council

4.0 No Public Comments were received.

5.0 Reports and Announcements:

- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque Festival** – Noon-6:00 p.m.
- October 1, 2016 – **4th Annual “Paces4Pink” 5K Run/Walk and 1 Mile Run/Walk**
- October 8, 2016 – **“Zomball in Tomball”**
- October 15, 2016 – **“Freight Train Food Truck Festival” at the Depot** – Noon to 5:30 p.m. (Combining the *Honky Tonk Music Festival* and *Memorial Day Chili Challenge*)
- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter reported on the success of the *Texas Music Festival*.

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the August 15, 2016 Regular Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-16, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Five, Yaupon Trails, Section One. 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.

7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Five (Yaupon Trails Subdivision); and Making Certain Findings Related Thereto. 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.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 20, Section 20-28. Amendments to the 2012 International Fire Code, (w), to Change the Definition of "Fire Area"; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation Hereof; 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.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) ("Use Charts") in regards to the Land Uses "Check Cashing Service", "Convenience Store (With or Without Gasoline Sales)", "Gasoline Station", "Hotel/Motel", "Rehabilitation Care Facility (Halfway House)", "Tattoo or Body Piercing Studio" and by Adding "Loan Service (Payday/Auto Title)" and Amending Section 50-2 ("Definitions") in regards to the Land Use "Hotel/Motel"; 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.

8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to appoint Will Benson, Jr. to Fill Vacancy on the Planning and Zoning Commission; Position 5, Term Expiring June 1, 2017.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2016-2017 Budget.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Degges, to approve, on First Reading, Resolution No. 2016-19-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 Source Point Solutions, LLC, to make direct incentives to, or expenditures for, the relocation of its corporate headquarters facility to an approximately 2.95-acre tract located at 24227 FM 2978, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$28,514.00.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve Resolution No. 2016-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Ninth Annual Homecoming Parade and Pep Rally, to be held at the Tomball High School Campus and Stadium, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, September 14, 2016.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2016-16, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2016-17, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2016-2017.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2004-28117, styled City of Tomball vs. Perry, Helen, et al, said Property being described as: Lots 33 and 34, Block 104, Located at 0 Texas Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 365, Page 83 in the Deed Records of Harris County, Texas, HCAD Acct No. 035-281-008-0033, to Tyler Patrick Torres, in the Amount of \$18,294.61.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Hudgens, second by Councilman Stoll, to Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28224, styled City of Tomball vs. Jackson Soll, said Property being described as: Lot 29, Block 90, Located at 0 Foster Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 342, Page 543 of the Real Property Records of Harris County, Texas, HCAD Acct No. 035-278-090-0029, to Mariaca Villasenor, in the Amount of \$2,000.00.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-22 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. 2016-22, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Section 10-22, Amendments to the International Building Code, of Article II, Building Code, of Chapter 10, Buildings and Building Regulations, to Amend Sections 310.3, 310.5 and 420.4 of the International Building Code to Provide Exceptions to the Sprinkler Requirements for Certain Residential Group R-1 and R-3 Occupancies as Specified Therein; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto. Vote was as follows:

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

Motion FAILED, 3 votes Nay, 2 votes Aye.

- 8.10 No consideration was taken regarding the adoption, on First Reading, Ordinance No. 2016-21, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 20, Section 20-28. Amendments to the 2012 International Fire Code, to Change Certain Fire Protection Requirements for R-3 Occupancies and Bed and Breakfasts; Providing a Penalty in an Amount Not to Exceed \$2,000 for Each Day of Violation Hereof; and Providing for Severability, due to the failure of Ordinance No. 2016-22 on first reading.

No action necessary.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to amend Current Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Five (5) Student Resource Officers (SROs) to TISD Campuses.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Interlocal Agreement between the City of Tomball and Concordia Lutheran High School (CLHS), affording the Tomball Police Department the Ability to Assign One (1) Student Resource Officer (SRO) to the CLHS Campus.

Motion carried unanimously.

- 8.13 Motion was made by Councilman Stoll, second by Councilman Townsend, to ratify the FY 2016-2017 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2015-2016 Budget.

Motion carried unanimously.

- 8.14 Motion was made by Councilman Hudgens, second by Councilman Townsend, to set September 26, 2016 at 5:00 p.m. and October 3, 2016 at 6:00 p.m. as the dates for the required Public Hearings on the Proposed 2016 Tax Rate.

Motion carried unanimously.

- 8.15 Motion was made by Councilman Townsend, second by Councilman Stoll, to set October 10, 2016 at 5:00 p.m. and October 17, 2016 at 6:00 p.m. as the Dates for the Vote on the Proposed 2016 Tax Rate and Announce that Voting on the Proposed 2016 Tax Rate will be held at a Special Council Meeting on October 10, 2016 at 5:00 p.m. and at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of September 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor