

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



MONDAY, OCTOBER 17, 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:

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
Community Events Coordinator – Denise Fiore
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Engineer – Beth Jones
Assistant City Planner – Amelia Lindley
CSO Administrative Assistant – Tracy Garcia
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by the Reverend Thomas Hopper, St. Anne's Catholic Church.

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan and Ecko Mitchell, Members of the Tomball High School Student Council, and Members of the Webelos Cheetah Patrol, Pack 469

4.0 The following public comments were received:

Bruce Hillegeist - Expressed his support for the 51st Annual Holiday Parade and the City's support of this annual event.
President, GTACC

5.0 Reports and Announcements:

- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 12, 2016 – **2nd Saturday at the Depot**
- November 18, 2016 – **"Holiday Lamp Post Stroll"**
- November 19, 2016 – **51st Annual Tomball Holiday Parade**
- November 24-25 – **Thanksgiving Holidays**; City offices will be closed
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the first **"Freight Train Food Truck Festival" at the Depot**
 - Billy Tidwell – Report on the success of **2016 National Night Out**
 - Denise Fiore – Report on the success of **"Zomball in Tomball"**

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 3, 2016 Regular Council Meeting and the October 10, 2016 Special 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. 2016-23, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between Epps Street and Hufsmith Road, All Situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records Of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-Of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-Of-Way to Arthur M. Sansom; Providing for Severability; and Containing Other Provisions Relating to the Subject. 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 Hudgens, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2016-25, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455 for the Year 2016 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes not Timely Paid; and Providing Other Matters Relating to the Subject. 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 Stoll, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2016-26, an Ordinance of the City Council of the City of Tomball, Texas Consenting to the Creation of Harris County Improvement District No. 17 and Consenting to the Annexation of Land into Said District. 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 Council received a presentation by Angie Lutz, Allen Boone Humphries Robinson, LLP in regards to Municipal Utility Districts versus Public Improvement Districts. Council requested a workshop on Municipal Utility Districts in the near future.

No action necessary.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Request from Woodforest Bank for City Support of the 8th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 12, 2016, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Degges, second by Councilman Stoll, to approve Resolution No. 2016-22, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 51st Annual Tomball Holiday Parade, "***A Gold Medal Christmas***", to be Held in Tomball on Saturday, November 19, 2016 and to Approve Requested Street Closures and In-Kind Services.

Motion carried unanimously.

- 8.4 Consideration to approve Zoning Case P16-0140: Request by Robert Chandler, on behalf of Lone Star Partners, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Road, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0140** at 6:57 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:57 p.m.
- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2016-27 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. 2016-27, 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 11.898 Acres of Land, Legally Described as 11.898 Acres of Land Situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, Being a Portion of That Certain Called 160.3 Acres of Land Described in Deed and Recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located at the Southeast Corner of SH 249 Bypass and Alice 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>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.5 Consideration to approve Zoning Case P16-0142: Request by Scott McKinzie, on behalf of BCDE, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north Spell Road, from the Single-Family 9 District to the Single-Family 6 District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0142** at 7:13 p.m.; the following public comments were received:

Rob Maxwell 31507 Helen Lane, 77375	-	Expressed his support for the proposed zoning change.
Brent Lapsley 1419 Green Tree Dr., 77375	-	Expressed his support for the proposed zoning change.
Beau Bisso 21207 Belmont Farms, 77375	-	Expressed his concerns regarding the proposed zoning change. Not opposed personally, but is concerned about increased flooding and traffic.
Joseph Kee 10987 Spell Rd., 77375	-	Expressed his opposition to the proposed zoning change.
Christopher Murdoch 11234 Spell Rd., 77375	-	Expressed his opposition to the proposed zoning change.

- Robert Anderson - Expressed his opposition to the proposed zoning change.
21230 Belmont Farms, 77375
- Jim Alsup - Expressed his opposition to the proposed zoning change.
21202 Belmont Farms, 77375
- Becky Clepper - Did not wish to speak, but wanted opposition to the proposed zoning change read into the record.
10722 Spell Rd., 77375
- Eva Bisso - Email expressing her opposition to the proposed zoning change was read into the record.
11000 Spell Rd., 77065
- Anthony Gallegos - Email expressing his opposition to the proposed zoning change was read into the record.
21218 Belmont Farms, 77375
- Dara Marulo - Expressed her opposition to the proposed zoning change.
10354 Spell Rd., 77375

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:38 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-28 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. 2016-28, 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 70 Acres of Land, Legally Described as a 70.3604 Acre Tract of Land Situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; Being a Portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a Plat Filed for Record under Film Code Number 440128 of the Harris County Map Records, Being the Remainder of a Called 78.4754 Acre Tract Conveyed to BCDE, Ltd. by Special Warranty Deed with Vendor's Lien Dated December 30, 2002 and Filed for Record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and Being All of a Called 4.882 Acres Conveyed to Eibsen & Associates, Inc. by Warranty Deed Dated March 31, 2014 and Filed for Record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County,

Texas, from the Single-Family 9 District to the Single-Family 6 District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville Road, North Spell 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>Nay</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion **FAILED**, 2 votes Aye, 3 votes Nay.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute a Revised, FEMA-Compliant, Mutual Aid Agreement between Harris County Fire Departments.

Motion carried unanimously.

Mayor Fagan called a recess at 7:56 p.m.; upon reconvening into the regular Council meeting at 8:02 p.m., the following action was taken:

- 8.7 Discussion and Possible Action regarding On-Street and Off-Street Parking Options for the Old Town Area.

Consensus of the Council was unanimous in requesting City staff to install temporary parallel parking, with signage, as quickly as possible, while permanent options are being explored.

- 8.8 Consideration of Recommended Amendments to Administrative Policy No. 23, Entitled "Park Reservation Policy" was tabled at the request of City staff, pending further review.

No action taken.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to renew Contract Number 0000-10004 for Janitorial Services to Sparkling Maintenance Service.

Motion carried unanimously.

9.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of November 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor