

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



**MONDAY, FEBRUARY 6, 2017**

**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 Townsend  
Councilman Klein Quinn  
Councilman Degges

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  
Director of Public Works – David Esquivel  
Director of Community Development – Craig Meyers  
Assistant City Engineer – Beth Jones  
Assistant City Planner – Amelia Lindley  
Executive Director-TEDC – Kelly Violette  
Community Events Coordinator – Denise Fiore  
Community Center Manager – Rosalie Dillon  
Assistant City Secretary – Tracy Garcia

2.0 The invocation was led by Pastor Russell Hall, Tomball United Methodist Church.

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr.

4.0 No public comments were received.

5.0 Reports and Announcements:

- February 11, 2017 – 2<sup>nd</sup> Saturday at the Depot
- February 17, 2017 – Last day to apply for Place on Ballot for the May 6, 2017 City General Election – 5 p.m. deadline
- February 28, 2017 – *Trailride Reception – 12 Noon at the Depot*
- March 11, 2017 – 2<sup>nd</sup> **Saturday at the Depot**
- Reports by City staff and members of Council about items of community interest on which no action will be taken

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the January 16, 2017 Regular Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-32 by caption only on First Reading.

Motion carried unanimously.

Mayor Fagan opened the floor for public comments regarding the requested CUP and the following public comments were received:

- |  |   |   |
|--|---|---|
| Britt Heald<br>127 Cherry Oak Lane, 77316        | - | Expressed her opposition to the proposed CUP.   |
| Mary Harvey<br>405 S. Walnut, 77375              | - | Expressed her opposition to the proposed CUP.   |
| Marie Heffernan<br>13615 Country Hill Ct., 77375 | - | Did not wish to speak, but asked that her opposition to the proposed CUP be read into the record. |
| Paul Cheney<br>19103 Logan Timbers Ln., 77375    | - | Expressed his opposition to the proposed CUP.   |

- Samantha Heard  
212 S. Pine St., 77375 - Expressed her opposition to the proposed CUP.
- Salvador Medrano  
17222 Pinion Creek Cr., 77355 - Did not wish to speak, but asked that his opposition to the proposed CUP be read into the record.
- Lisa Daniels  
403 Epps St., 77375 - Expressed her opposition to the proposed CUP.
- George McGovern  
505 Tall Pines Dr., 77354 - Expressed his opposition to the proposed CUP.
- Rodney K. Hutson  
9431 Rosie Lane, 77354 - Expressed his opposition to the proposed CUP.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2016-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Aaron Edwards, on Behalf of Tomball Renewal Center, to Operate a “Rehabilitation Care Facility (Halfway House)” at 401 ½ Commerce Street and to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 401 Commerce Street; Said Property Being Approximately 0.17 Acres, and Being Legally Described as Lots 22, 23 & 24 Block 18 Tomball, Harris County, Texas, Generally Located at the Southwest Corner of Commerce Street and North Oak Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

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

Motion FAILED, 4 votes Nay, 1 vote Aye.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2017-01, an Ordinance Reducing the Prima Facie Speed Limit Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and

Traffic Investigation, upon SH249 Frontage Roads/Access Roads, for a Temporary Reduction of Speed during Construction Only, from the Intersection of Heidi Lane and SH 249, North to the Harris/Montgomery County Line, within the Corporate Limits of the City of Tomball as set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. 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 Executive Session: The City Council recessed at 7:15 p.m. into Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.087 – Deliberations Regarding Economic Development
- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property
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Upon reconvening into Regular Session at 8:47 p.m., the following action was taken:

8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Amended Strategic Partnership Agreement with NewQuest Properties, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway, with the following addition to Section 5.05: *“Finally, the District will provide a copy of the bond application within ten (10) days of the District’s submittal of a bond application to the Texas Commission on Environmental Quality.”*

Motion, as AMENDED, carried unanimously.

8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Amended Development Agreement with NewQuest Properties, Harris County Municipal Utility District No. 273 and the City of Tomball for Property Consisting of 153.0194 Acres at the Southwest Corner of State Highway and the Grand Parkway, with the following additions to Section 2.01, *“or when*

- i. water, wastewater, drainage, street, road, park and recreational facilities have been completed to serve at least 90% of the developable acreage within the land within the District; and*
- ii. the Developer or developers in the District, or their successors or assigns, have been reimbursed by the District to the maximum extent permitted by the rules of the Texas Commission on Environmental Quality or the City assumes any obligation of the District for such reimbursement to the developers under such rules and pursuant to the terms of any reimbursement agreements between the District and such developers.”*

Motion, as AMENDED, carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-04, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (Tract 1: 65.6190 acres of land in the William Perkins Survey, Abstract No. 621, the T. A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas).

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Jeffie Cappadonna, Rodney Hutson, M.D., and Paige Cassel to their respective positions on the Tourism Advisory Committee for Terms Expiring December 5, 2016; new terms will expire December 5, 2019.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Jarmon Wolfe, Billy Hemby, and Brett Tynes to their respective regular positions and Rock Pilgrim and Rob Maxwell to their respective alternate positions on the City of Tomball Board of Adjustments (BOA), for Terms Expiring March 2, 2017; new terms will expire March 2, 2019.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the proposed amendments to the Long-Term Use Agreement between the City of Tomball and Tomball Farmers Market Allowing Tomball Farmers Market to Use City of Tomball Property Located at 105-A Cherry Street.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Special Event Guidelines for Races and Events held at the Depot that Include Road Closures, Alcohol Sales, and In-Kind Donations, with an amendment to the application allowing non-profit organizations to provide information regarding the Tomball charitable organizations that will receive funds from the profits of their races/events.

Motion, as AMENDED, 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 20th day of February 2017.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor