

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



MONDAY, FEBRUARY 20, 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

Members absent:

Councilman Degges - Excused

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 Planner – Amelia Lindley

2.0 The invocation was led by Pastor Bryan Donahoo, Graceview Baptist Church.

3.0 Pledges to U. S. and Texas were led by Corey Brennan and Dylan Morgan, Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Dylan Morgan and Corey Brennan
THS Student Council
77375 - Extended invitation to Council and meeting attendees to join Tomball ISD in a Food Drive, beginning February 17, 2017 to fill local food banks for summertime.

5.0 Reports and Announcements:

- February 28, 2017 – *Trailride Reception* – 12 Noon at the Depot
- Tomball Police Department Annual Data Capture Report (SB 1074)
- March 1 and 2, 2017 – *Shattered Lives Event – Tomball Memorial High School*
- March 11, 2017 – *2nd Saturday at the Depot*
- April 8, 2017 – *7th Annual 5K Bunny Run and 1 Mile Kids Walk*
- April 8, 2017 – *2nd Saturday at the Depot*
- May 6-7, 2017 – *Rails & Tails Mudbug Festival*
- May 27, 2017 – *Tomball Honky Tonk Music Festival and Chili Challenge*
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for Period Ending December 31, 2016. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On December 31, 2016, the City had total cash and cash equivalents in the amount of \$69,660,639. A copy of the report was provided for review.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the February 6, 2017 Regular Council Meeting.

Motion carried unanimously.

7.0 New Business:

Mayor Fagan recused herself from discussion and action regarding Item 7.1, having filed an Affidavit of Conflict of Interest with the City Secretary. Motion was made by Councilman Townsend, second by Councilman Stoll, to nominate Councilman Hudgens as temporary Mayor Pro Tem.

Motion carried unanimously.

Mayor Pro Tem Hudgens proceeded with the meeting.

- 7.1 Consideration to approve Zoning Case P17-0001: Request by GREVIS Properties for a Conditional Use Permit to operate a Mobile Food Court at 403 East Main Street. The property is approximately 0.28 acres, legally described as Lot 24, Block

80 Tomball Townsite Lot 24 Replat, generally located at the southeast corner of East Main Street and Chestnut Street and is zoned Old Town & Mixed Use.

- Mayor Pro Tem Hudgens opened the Public Hearing on **ZONING CASE P17-0001** at 6:15 p.m.

Receiving no public comments, Mayor Pro Tem Hudgens closed the Public Hearing at 6:16 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-02 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. 2017-02, 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 Grevis Properties, to Operate a “Mobile Food Court” at 403 East Main Street; Said Property Being Approximately 0.28 Acres, and Being Legally Described as Lot 24 Block 80 Tomball Townsite Lot 24 Replat, Harris County, Texas, Generally Located at the Southeast Corner of East Main Street and Chestnut 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

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

Motion carried unanimously.

Mayor Fagan returned to the dais and the following items were considered:

- 7.2 Consideration to approve Zoning Case P16-0189: Request by Ryan Bailey, on behalf of ADAPT Programs, LLC, for a Conditional Use Permit to operate an Institution for alcoholic, narcotic or psychiatric patients at 13628 Michel Road. The property is approximately 1 acre, legally described as Reserve B, Block 1 Falcon Subdivision, generally located on the south side of Michel Road, between Johnson Road and SH 249 and is zoned Commercial.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0189** at 6:25 p.m.; the following public comments were received:

Ata Ahmad - Did not wish to speak but requested
Michel Road, 77375 that his opposition to the proposed
CUP be read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:26 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. 2017-03, 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.

Motion to AMEND was made by Councilman Townsend to adopt, on First Reading, Ordinance No. 2017-03, 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, with a requirement that flood lighting be added to the building. No second was received.

Vote on the original motion was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2001-30026, styled City of Tomball, et al vs. J. W. Whitt, et al, said Property being described as: Lot No. 35, Block No. 76, Tomball, Located in Harris County Texas and Being More Particularly Described in Volume 367, Page 513 of the Deed Records of Harris County, Texas, HCAD Acct No. 035-274-076-0035, to Christie Craig and Steven Craig, in the Amount of \$5,100.00; Located at 0 Carrell Street, Tomball

Motion carried unanimously.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to partially accept bids received for Project No. 2017- 06, and approve the purchase of one (1) cargo van from Grapevine Chrysler Jeep Dodge in the amount of \$23,901.00, to reject the purchase of a ¾-ton crew cab truck from Grapevine Chrysler Jeep Dodge, and to award the purchase of one (1) full-size SUV, one (1) Ford Police Interceptor, and one (1) ¾-ton crew cab truck, in the amount of \$94,308.00, through a Buyboard Contract to Caldwell Country.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to award an Engineering Contract for Medical Complex Segment 4B and South Persimmon Street to Gunda Corporation LLC in the Amount of \$3,349,467.00

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to reject the bid received for Project No. 2017-09, Facility Maintenance: City Hall & IT/Marketing Annex.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-05, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball's Investment Policy, as Set Out in City of Tomball Administrative Policy No. 13, Entitled "*Investment Policy*", with the amendments recommended by City Staff.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of March 2017.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor