

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



MONDAY, MARCH 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

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
City Planner – Amelia Lindley
Community Events Coordinator – Denise Fiore
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Monica Duran
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor James Clark, First Baptist Church

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, Member of the Tomball High School or Tomball Memorial High School Student Councils

4.0 The following Public Comments were received:

Steven Martin - Requested Council Consideration to
1009 Hicks Street, 77375 install stops signs on Hicks Street, between
Quinn Road and Baker Street

Dylan Morgan - Updated Council and attendees regarding
1011 Village Square #823, 77375 the TISD food drive; last day is March 7.

5.0 Presentations:

- The Mayor advised that presentation of the New Baby Proclamation for Jason and Hollyann Apel, Parents of Jackson Scott Apel, will be moved to a future meeting.

6.0 Reports and Announcements:

- 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**
- April 17-22, 2017 – Annual **Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College- Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- 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:
 - Randy Parr reported on the success of the **Shattered Lives Event** at **Tomball Memorial High School**, advising that the program has reduced the number of teenage arrests significantly since its inception.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the February 20, 2017 Regular Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

Mayor Fagan recused herself from discussion and action regarding Item 8.1, 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.

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second 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. Vote was as follows:

| | |
|------------------------|---------------|
| 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:

- 8.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2017-03, 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 Ryan Bailey, on Behalf of Adapt Programs, LLC, to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 13628 Michel Road; Said Property Being Approximately 1.00 Acre, and Being Legally Described as Reserve B Block 1 Falcon, Tomball, Harris County, Texas, Generally Located on the South Side of

Michel Road, Between Johnson Road and SH 249; 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>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.

9.0 New Business:

- 9.1 Conduct First Public Hearing to Consider the Annexation of the Following Tract of Land: (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):

A FIELD NOTE DESCRIPTION of 65.6190 acres (2,858,363 square feet) of land in the Williams Perkins, Survey, Abstract No. 621, in the T. A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas; said 65.6190 acre tract of land being several tracts of land conveyed to A-K Venture Capital, L.C., as recorded in Harris County Clerk's File Nos. P577137, 20150073274, 20150446291, 20150424692, 20150446503, 20150446572 and 20150085560; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod found at the intersection of the south right-of-way line of Boudreaux Estates Drive (previously called Boudreaux Road, 60 feet wide) with the east right-of-way line of Rocky Road (previously called Boudreaux Road, 60 feet wide) for the northwest corner of a 14.8700 acre tract of land conveyed to Greater Life Church, as recorded in Harris County Clerk's File No. P747894;

THENCE, South 02° 42' 23" East with the east right-of-way line of said Rocky Road, at a distance of 508.47 pass a point at the intersection of the east right-of-way line of said Rocky Road with the north right-of-way line of State Highway 99 (Grand Parkway, right-of-way width varies), as recorded in Harris County Clerk's File No. 20130635661 and continuing for a total distance of 1,125.13 feet to a TXDOT monument disk found at the intersection of the east right-of-way line of said Rocky Road with the south right-of-way line of said State Highway 99 for a northwest corner and the POINT OF BEGINNING of this tract;

THENCE, North $87^{\circ} 08' 44''$ East – 3.45 feet with a south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an interior corner of this tract;

THENCE, North $02^{\circ} 28' 32''$ West – 66.98 feet with an east right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $42^{\circ} 34' 59''$ East – 50.02 feet with the southeast right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $88^{\circ} 01' 15''$ East – 1,169.62 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, South $73^{\circ} 26' 35''$ East – 26.19 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North $88^{\circ} 01' 15''$ East – 30.30 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for the beginning of a non-tangent curve to the right;

THENCE, in a southeasterly direction with the south right-of-way line of said State Highway 99 and with said non-tangent curve to the right having a radius of 1,030.79 feet, a central angle of $22^{\circ} 58' 29''$, a length of 413.33 feet and a chord bearing South $60^{\circ} 10' 38''$ East – 410.57 feet to a 5/8-inch iron rod found in the southwest right-of-way line of State Highway 249 (width varies) for the northeast corner of this tract;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a non-tangent curve to the right having a radius of 1,379.00 feet, a central angle of $01^{\circ} 37' 30''$, a length of 39.11 feet and a chord bearing South $23^{\circ} 20' 16''$ East - 39.11 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." found for the end of said curve;

THENCE, South $22^{\circ} 44' 12''$ East - 154.41 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found for a point-of-curvature;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a curve to the left having a radius of 1,512.00 feet, a central angle of $12^{\circ} 29' 50''$, a length of 329.80 feet and a chord bearing South $28^{\circ} 59' 08''$ East - 329.14 feet to a TXDOT monument disk found for the end of said curve;

THENCE, South $35^{\circ} 12' 22''$ East - 395.67 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found at the northeast end of a cutback at the intersection of the southwest right-of-way line of said State Highway 249 with the northwest right-of-way line of Boudreaux Road (100 feet wide), as recorded in Harris County Clerk's File No. D900150 for a southeast corner of this tract;

THENCE, South $08^{\circ} 39' 54''$ West – 53.94 feet with said cutback to a TXDOT monument disk found at the southwest end of said cutback for a southeast corner of this tract;

THENCE, South 58° 19' 09" West - 791 .84 feet with the northwest right-of-way line of said Boudreaux Road to a 5/8-inch iron rod found for the beginning of a non-tangent curve to the right;

THENCE, in a westerly direction with the north right-of-way line of said Boudreaux Road and with said non-tangent curve to the right having a radius of 2,750.00 feet, a central angle of 28° 57' 23", a length of 1,389.80 feet and a chord bearing South 72° 50' 56" West – 1,375.06 feet to a 5/8-inch iron rod found at the intersection of the north right-of-way line of said Boudreaux Road with the east right- of-way line of said Rocky Road for the southwest corner of this tract;

THENCE, North 02° 42' 23" West - 1,732.43 feet with the east right-of-way line of said Rocky Road to the POINT OF BEGINNING and containing 65.6190 acres (2,858,363 square feet) of land.

Mayor Fagan called the First Public Hearing regarding the above-described annexation to order at 6:13 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:13 p.m.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2017-06, Canceling the Regular City Officer's Election Scheduled to be held on the 6th Day of May, 2017, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Fue presentada una moción por el Concejal Townsend, secundada por el Concejal Klein Quinn, para aprobar la Resolución Nro. 2017-06 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 6 de mayo de 2017 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Klein Quinn, để chấp thuận Nghị Quyết số 2017-06, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2017, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

提案是由市議員Townsend, 第二由市議員Klein Quinn, 批准決議案編號 2017-06, 取消一般市府官員應於2017年5月6日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2017-04 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. 2017-04, an Ordinance Altering the Prima Facie Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, 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>Absent</u> |
| Councilman Townsend | <u>Aye</u> |
| Councilman Klein Quinn | <u>Aye</u> |

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Request by Tomball United Methodist Church for City Support and In-Kind Services to Host a Free Community Easter Egg Hunt at the Tomball Depot, to be Held on Saturday, April 15, 2017.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Request by Tomball Rotary Club for City Support and In-Kind Services for Their Annual Fish Fry at the Tomball Depot, to be Held on Saturday, April 22, 2017.

Motion carried unanimously.

- 9.6 Presentation was given by Doug Miller, President, HMW Special Utility District, and Rachel Musgrove, Cobb Finley, requesting consideration by Council to authorize City Staff and HMW Staff to prepare an agreement allowing for the

creation of a water interconnect and the sale of wholesale water to the Red Oak Terrace and McKinney Place Subdivisions.

Consensus of Council (3-1) was to direct City Staff to prepare a contract and provide annexation costs, including impact fees and possibly higher rates, for presentation at a future Council meeting.

No action taken.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, as a Project of the Corporation, an Agreement with Epic International, LLC to Make Direct Incentives to, or Expenditures for, the Relocation of Its Corporate Headquarters Facility to 21227 Hufsmith-Kohrville Road, Bldg. C, Tomball, Texas 77375. The Estimated Amount of Expenditures for such Project is \$37,500.00.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve RFQ No. 2017-05 for the City of Tomball Utility Rate Study and Authorization to Execute a Contract for Services to Willdan Financial Services, in the Amount of \$55,000.00.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Execution of an Engineering Contract with Goodwin Lasister Strong for the Design of the Sanitary Sewer Extension along Rudolph Road, in an Amount Not to Exceed \$43,700.00.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Execution of an Engineering Contract with Gunda Corporation for the Design of New Sidewalks along Quinn Road and Holderrieth Boulevard, in the Amount of \$114,297.00.

Motion carried unanimously.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept a 0.0442-Acre Tract (1,924 Sq. Ft.) of Land (Parcel 532), via Special Warranty Deed from Mariah Group, Ltd., for Right-of-Way Needed for Extension of the Tomball Tollway.

Motion carried unanimously.

- 9.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept a 0.0058-Acre Tract (253 Sq. Ft.) of Land (Parcel 540), via Special Warranty Deed from Brown Road Timber Resources, LLC, for Right-of-Way Needed for Extension of the Tomball Tollway.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of March 2017.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor