

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



**MONDAY, AUGUST 21, 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 Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. 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
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Fire Marshal – Joe Sykora
Police Officer-Investigations – Jason Smith

2.0 The invocation was led by Father Tommy Hopper, St. Anne's Catholic Church, Tomball

3.0 The pledges to U. S. and Texas Flags were led by Boy Scout Troop #113.

4.0 The following Public Comment was received:

Bruce Hillegeist - Expressed GTACC's appreciation for City of Tomball's
20339 Telge, 77375 support for another successful Tomball Night.

5.0 Presentations: Mayor Fagan and Chief Parr made the following presentations:

- Fire Department:
 - Dave Harrington – Promotion to Lieutenant
 - Matt Jones – Promotion to Driver/Operator
 - Curtis Garland – Promotion to Driver/Operator.

6.0 Reports and Announcements:

- ***Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool*** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 26, 2017 – **Tomball Texas Music Festival**
- September 30, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 10:00 a.m. to 6:00 p.m.
- October 7, 2017 – **5th “Annual Paces for Pink” 5K Run**
- October 14, 2017 – **“Zomball in Tomball”**
- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor presented the Quarterly Investment Report for period ending June 30, 2017. 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 at the end of the quarter, yield information, and weighted average maturities. On June 30, 2017, the City had total cash and cash equivalents in the amount of \$68,386,720.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the August 7, 2017 Regular Tomball City Council Meeting and the August 14, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Ford, to approve the salary and benefits for City Employees as included in the FY 2017-2018 Budget. Councilman Townsend stated that he would abstain from discussion and

vote on salary and benefits, due to a family member being a City employee, and had filed an Affidavit with the City Secretary. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-26, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2017-2018; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2016-2017 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

Councilman Ford	<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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-24, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Adding a New Section 44-167, Parking in Designated Areas Unlawful during Special Events and Festivals, of Division 1, Generally, of Article V, Stopping, Standing, and Parking, of Chapter 44, Traffic and Vehicles; Making it Unlawful to Park in Designated Areas during Special Events and Festivals and Providing for Removal of Such Unlawfully Parked Vehicles; Providing for a Penalty of an Amount Not to Exceed \$200.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters. Vote was as follows:

Councilman Ford	<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.

- 8.3 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2017-25, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Section 16-100, Definitions, of Division 1, Generally, of Article III, Emergency Medical Services and Ambulance Regulations, of Chapter 16, Emergency Services, to Add a Definition of Paratransit Vehicle; Amending Section 16-162, Permit Required; Exception, of Division 3, Nonemergency Transfer Services, of Article III, Emergency Medical Services and Ambulance Regulations, of Chapter 16, Emergency Services; to Incorporate Paratransit Vehicles in the Exception to the Permit Requirement; Providing a Penalty in an Amount Not to Exceed \$2,000.00 for Any Violation of Any Provision of This Ordinance; Repealing All Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability. Vote was as follows:

Councilman Ford	<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.

9.0 New Business:

- 9.1 Consideration to Approve Zoning Case P17-0077: Request by Catalyst Technical Group, Inc. for a Conditional Use Permit to operate a motel. The property is approximately 2.1879 acres, legally described as Lot 1 Block 1 Dixie Properties, generally located on the south side of FM 2920, east of Tomball Cemetery Road and is zoned Commercial District.

- Mayor Fagan called the Public Hearing on Zoning Case P17-0077 to order at 6:27 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:27 p.m.

- Motion was made by Councilman Degges, second by Councilman Stoll, to read Ordinance No. 2017-27 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. 2017-27, 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 Catalyst Technical Group, Inc. to Operate a “Motel”;

said Property Being Approximately 2.1879 Acres, and Being Legally Described as Lot 1 Block 1 Dixie Properties, Harris County, Texas, Generally Located on the South Side of FM 2920 East of Tomball Cemetery Road; 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 Ford	<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.

- 9.2 Consideration to Approve Zoning Case P17-0083: Request by Shane Estes, on behalf of Vaquero Ventures, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Lot 2 Block 1 Park Manor of Tomball, Harris County, Texas, generally located on the south side of Medical Complex Drive, west of School Street, from the Agricultural District to the Commercial District.

- Mayor Fagan called the Public Hearing on Zoning Case P17-0083 to order at 6:33 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:33 p.m.

- Motion was made by Councilman Ford, second by Councilman Townsend, to read Ordinance No. 2017-28 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-28, 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 One Acre of Land, Legally Described Lot 2 Block 1 Park Manor, within the City of Tomball, Harris County, Texas, from the Agricultural District to the commercial district; Said Property Being Generally Located on the South Side of Medical Complex Drive, West of School Street; 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 Ford	<u>Aye</u>
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Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-29 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. 2017-29, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, Deleting All of Article VI, Use of Public Rights-of-Way, of Chapter 38, Streets, Sidewalks and Other Public Places, and Replacing it with a New Article VI, Right-of-Way Management; Updating the City's Right-of-Way Management Regulations; Deleting All of Article VII, Use of Rights-of-Way by Providers of Telecommunication Services, of Chapter 38, Streets, Sidewalks and Other Public Places, and Replacing it with a New Article VII, Telecommunications and Wireless Facilities; Regulating the Physical Use, Occupancy and Maintenance of the City's Rights-of-Way by Telecommunications Service and Wireless Network Providers; Providing Procedures for Applications for Permits; Establishing Time Periods for Approval of Permit Applications; Providing Permit Fees and Public Rights-Of-Way Rental Rates; Requiring Land Use Approval Prior to Placement of Network Nodes and Node Support Poles in Parks, Residential Areas, Historic Areas, Underground Areas and Design Areas; Adopting a Design Manual Under Chapter 284 of the Texas Local Government Code; and Providing a Savings Clause. Vote was as follows:

Councilman Ford	<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.

- 9.4 Discussion was held regarding Implementing Commercial Alleyway Improvements within the Old Town Area of Tomball. City staff received direction from Council and will bring this item back for Council consideration at a future meeting.

No action taken.

9.5 Executive Session: The City Council recessed at 7:30 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session.

Upon reconvening into regular session, no action was taken.

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 5th day of September 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor