

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



**MONDAY, NOVEMBER 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 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
HR Director – Lisa Coe
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon

2.0 The invocation was led by Chaplain Steven Allison, VFW Post 2427, Tomball

3.0 Pledges to U. S. and Texas Flags were led by Ryan Roberts, Boy Scout Troop 471.

4.0 The following public comments were received:

Dane Dunagin - Expressed his desire for additional city services (police,
535 E. Hufsmith, 77375 water, gas, fire hydrants) along East Hufsmith; expressed
his opposition to zoning changes along East Hufsmith.

Robert E. King - Expressed his desire for additional city services (speed
14175 Buckingham, 77375 signs, sidewalks, cleaning of ditches) in Sherwood Forest
Subdivision.

5.0 Reports and Announcements:

- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**
- December 9, 2017 – **“Christmas on Commerce”** – a **2nd Saturday at the Depot** Event
- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Lisa Coe reported on the success of the **5th Annual “Paces for Pink” 5K Run**
 - Mayor Fagan presented a check in the amount of \$8,733.44 to **TOMAGWA**, proceeds from the **5th Annual “Paces for Pink” 5K Run**
 - Mike Baxter reported on the success of the **2nd Annual Freight Train Food Truck Festival and the 6th Annual Tomball Bluegrass Festival**

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the October 16, 2017 Regular Tomball City 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. 2017-38, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 8.355 Acres of Land, Legally Described Lot 9 Tomball Marketplace, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the North Side of Medical Complex Drive, West of SH 249; 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>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

Councilman Townsend Aye
Councilman Klein Quinn Aye

Motion carried unanimously.

- 7.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date. Vote was as follows:

Councilman Ford Aye
Councilman Stoll Aye
Councilman Degges Aye
Councilman Townsend Aye
Councilman Klein Quinn Aye

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-39 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. 2017-39, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-115(B)(2) by Requiring Refuse Areas Which Are Visible from a Public Right-of-Way be Visually Screened by a Minimum Six-Foot Solid Masonry Wall on at Least Three Sides; 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 Nay
Councilman Stoll Aye
Councilman Degges Aye
Councilman Townsend Aye
Councilman Klein Quinn Aye

Motion carried, 4 votes Aye, 1 vote Nay.

8.0 New Business:

- 8.1 Mayor Fagan called the Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 6 – Copper Cove Subdivision) to order at 6:33 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 6 – Copper Cove Subdivision) at 6:34 p.m.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2017-17, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Six Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost Between the District and the City as a Whole; and Making Other Findings Related to the District.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2017-18, a Resolution Authorizing the Establishment of the Public Improvement District Number Six in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Ford, second by Councilman Stoll, to approve the Development Agreement between the City of Tomball and Tomball Copper Cove, LLC for the Construction of Improvements in Tomball Public Improvement District Number Six (TPID 6), Copper Cove Subdivision.

Motion carried unanimously.

- 8.5 Council received the Presentation of the Wastewater Master Plan completed by Freese and Nichols.

No action taken.

8.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2017-19, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District, and voting for Mike Sullivan.

8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-20, 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 (Remaining Portion of Tract 1: 0.5968 Acres of Land out of a 9.4852-Acre Tract in the Chauncey Goodrich Survey, Abstract No. 311, Harris County, Texas) [Majed, Inc.] and setting the dates of the public hearings as December 4, 2017 and December 11, 2017.

Motion carried unanimously.

8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to appoint Cindy Phillips to the position of Alternate Member Position 1 on the Board of Adjustment, for Term Expiring March 2, 2018.

Motion carried unanimously.

8.9 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Request by The Houston Repertoire Ballet (HRB) for Financial Support for Six Performances of "The Nutcracker" Ballet, to be held December 1-3, 2017 at the Tomball High School Theatre, in an Amount up to \$18,750, with \$12,500 guaranteed.

Motion to AMEND was made by Councilman Townsend, second by Councilman Degges, to approve Request by The Houston Repertoire Ballet (HRB) for Financial Support for Six Performances of "The Nutcracker" Ballet, to be held December 1-3, 2017 at the Tomball High School Theatre, in an Amount of \$12,500.

Motion, as AMENDED, carried unanimously.

8.10 Motion was made by Councilman Degges, second by Councilman Townsend, to approve and accept the Proposal for the Extension of the Depot "Speeder Building" to Accommodate Expansion of Depot Facility and Exhibits.

Motion to AMEND was made by Councilman Degges, second by Councilman Townsend, to approve and accept the proposal for the extension of the Depot "Speeder Building" to accommodate expansion of the Depot Facility and Exhibits, and to move the "Speeder" to the front of the building and the storage area to the rear of the building.

Motion, as AMENDED, carried unanimously.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Ford, to approve the request from Tomball Grand Junction, LLC, for City assistance to acquire a right-of-way and utility easement for utility extensions to the proposed Grand Junction Residential Subdivision and to approve the Memorandum of Understanding regarding City assistance in the acquisition of the right-of-way and utility easement.

Motion was made by Councilman Townsend, second by Councilman Ford, to call the question. 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>Nay</u>

Motion to stop debate and vote on the pending question carried, 4 votes Aye, 1 vote Nay.

Vote on pending question, to approve the request from Tomball Grand Junction, LLC, for City assistance to acquire a right-of-way and utility easement for utility extensions to the proposed Grand Junction Residential Subdivision and to approve the Memorandum of Understanding regarding City assistance in the acquisition of the right-of-way and utility easement was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Repairs to the Pine Street Water Well by Weisinger, Inc., for an Amount of \$64,585.00.

Motion carried unanimously.

- 8.13 Executive Session: The City Council recessed at 7:40 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(s):

- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into regular session, no action was taken.

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 20th day of November 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor