

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



**MONDAY, FEBRUARY 5, 2018
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 Smith
Fire Chief – Randy Parr
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
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 Engineer – Beth Jones
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Assistant Director-TEDEC – Tiffani Wooten
Police Officer-Investigations – David White

2.0 The invocation was led by Pastor Randy Johnson, Carrell Street Baptist Church, Tomball.

3.0 The pledges to the U. S. and Texas flags were led by Dylan Morgan, Tomball High School Student Council.

4.0 The following public comments were received:

Rob Greening - Invited City Council and audience to attend the
12202 Pine Shadows, 77362 Tomball Rotary Club Annual Fish Fry.

Dwight Mohle - Expressed his concerns regarding flooding in the
13203 Spring Hollow, 77375 Tomball area.

5.0 Presentations: Mayor Fagan presented plaque to Tracy Garcia for her completion of the Texas Registered Municipal Clerk Certification Program and to Doris Speer for her third recertification in the Texas Registered Municipal Clerk Certification Program.

6.0 Reports and Announcements:

- February 10, 2018 – **2nd Saturday at the Depot**
- February 16, 2018 – Last date to file Application for Place on Ballot
- February 20, 2018 – **Trailride Reception** – 12 Noon at the Depot
- Tomball Police Department Annual Data Capture Report (SB 1074)
- March 10, 2018 – **2nd Saturday at the Depot**
- April 4-5, 2018 – **Shattered Lives Event** – Tomball High School
- April 14, 2018 – **2nd Saturday at the Depot**
- April 28, 2018 – **Lions Club Car Show** – Lone Star College-Tomball
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Councilman Townsend advised that he will run for Council in the May 5, 2018 Election.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the January 15, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2018-04, 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 to have a Gate that remains Closed at all Times Except when in Use and Adding Non-Conforming Language; 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	<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. 2018-03R, 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 5.8588 Acres of Land, Legally Described Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, from the Agricultural District to the General Retail District; Said Property being Generally Located on the North Side of East Hufsmith Road at Hospital 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. 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 Townsend, to adopt, on Second Reading, Ordinance No. 2018-06, 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 Lance Langenhoven to Operate a "Mini-Warehouse/Self Storage" Facility at 419 East Hufsmith Road; Said Property being Approximately 5.8588 Acres, and being Legally Described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, Generally Located on the North Side of East Hufsmith Road at Hospital 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.

9.0 New Business:

9.1 Consideration to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

- Mayor Pro Tem Klein Quinn called the Public Hearing to order at 6:25 p.m. for **Zoning Case P17-0115**.

Millie Martin - Did not wish to speak, but asked that
13319 Spring Hollow, 77375 her opposition to the proposed zoning change be read into the record.

David Martin - Expressed his opposition to the
13319 Spring Hollow, 77375 proposed zoning change.

Sandy Maurer - Did not wish to speak, but asked that
13215 Spring Hollow, 77375 her opposition to the proposed zoning change be read into the record.

Ted Johnson - Expressed his opposition to the
13214 Spring Hollow, 77375 proposed zoning change.

Robert Maurer - Expressed his opposition to the
13215 Spring Hollow, 77375 proposed zoning change.

Dwight Mohle - Expressed his opposition to the
13203 Spring Hollow, 77375 proposed zoning change.

- Daniel Stadenwater
31411 Helen Lane, 77375 - Expressed his opposition to the proposed zoning change.
- Chuck Seeber
13202 Isbell, 77375 - Expressed his opposition to the proposed zoning change.
- Scott Howland
13106 Kimbrough, 77375 - Expressed his opposition to the proposed zoning change.
- Sherry Mohle
13203 Spring Hollow, 77375 - Did not wish to speak but asked that her opposition to the proposed zoning change be read into the record.
- Bob Fontenot
31110 Ulrich, 77375 - Expressed his opposition to the proposed zoning change.
- Ken Coffman
13211 Mercer, 77375 - Expressed his opposition to the proposed zoning change.
- Eddie Sansom
13102 Kimbrough, 77375 - Expressed his opposition to the proposed zoning change.
- Raymond Stawaisz
31514 Helen, 77375 - Expressed his opposition to the proposed zoning change.
- Xavier Grostabussiat
13318 Wildwood, 77375 - Expressed his opposition to the proposed zoning change.
- Dave DiCamillo
31215 Ulrich, 77375 - Expressed his opposition to the proposed zoning change.

Receiving no additional public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 6:59 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-36 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. 2017-36, 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 76.01 Acres of Land, Legally Described Reserve “D” Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; 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 TABLE was made by Councilman Townsend, second by Councilman Stoll, to table consideration to adopt, on First Reading, Ordinance No. 2017-36, 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 76.01 Acres of Land, Legally Described Reserve “D” Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; 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, pending additional hydrology studies to show where runoff will go in order to prevent damage to other properties.
- Motion to AMEND motion to TABLE was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-36, 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 76.01 Acres of Land, Legally Described Reserve “D” Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; 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, pending additional hydrology studies to show where runoff will go in order to prevent damage to other properties, and to table consideration for 120 days or the nearest Council meeting to the 120-day deadline. Vote was as follows:

Councilman Ford

Aye

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

Motion to TABLE, as AMENDED, carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2018-08 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to abandon a City of Tomball Utility Easement and to adopt, on First Reading, Ordinance No. 2018-08, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity No Longer Require the Continued Existence of a Certain Portion of a City of Tomball Utility Easement across a Certain 0.007 Acre Tract of Land Being Out of and a Part of the John M. Hooper Survey, A-375, Tomball, Harris County, Texas and Being out of the Partial Replat of Tomball Marketplace, Lot 2, the Map of Which is Recorded in Film Code No. 639076 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such City of Tomball Utility Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; and Containing Other Provisions Relating to the Subject. 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.

- 9.3 No action was taken regarding the request by Julia Blake for "Sundays in Tomball Arts & Crafts Market and Farm Stand."
- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve request by The Tomball Rotary Club for City Support and In-Kind Services for the 49th Annual Fish Fry at the Tomball Depot, to be Held on Saturday, April 21, 2018, from 4:00 p.m. to 8:00 p.m.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to award Bid for RFP No. 2018-07, Soliciting Requests for Proposal (RFP) from Qualified Firms or Individuals to Act as Primary Vendor for the Sales of Beer and Wine at City Signature Festivals, to Cisco's Salsa Company. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to award Contract for Project No. 2017-11 for the Installation of Steel Welded Water Line across the Bridge on Zion Road for the Water Line Extension Project 2017-10009 to WadeCon, LLC in the Amount of \$54,960.00.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project No. 2018-08 for Improvements to the M121-00-00 Drainage Channel and Installation of Culverts at Theis Road Project 2003-10005 to Rebel Contractors, Inc. in the Amount of \$1,307,551.50.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to Extend Agreement between the City of Tomball and Redflex Traffic Systems for the Red Light Photo Enforcement Program for a One (1)-Year Period. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 9.9 No Action was taken following discussion regarding Councilmembers serving on the Tomball Economic Development Board

9.10 Executive Session: The City Council recessed at 8:44 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
- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 9:33 p.m., 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 19th day of February 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor