

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



**MONDAY, MAY 7, 2018
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan at 6:00 p.m. Other members present:

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges – Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Chief of Police – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Assistant City Planner – Amanda Lindley
Community Center Manager – Rosalie Dillon
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Assistant City Secretary – Tracy Garcia
Police Captain – Ricky Doerre

2.0 The invocation was led by Pastor Courtney White, Troy Street Church of God in Christ

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, President, Tomball High School Student Council.

4.0 No public comments were received.

5.0 Mayor Fagan made the following presentations:

- Proclamation – May 7, 2018 is “*Billie Ann Dio, 2018 Mayor’s Citizen of the Year*” Day
- Eagle Scout Letter – **Samuel Matthew Lopez, Troop 471**
- Proclamation – May 6-12, 2018 is “**National Hurricane Preparedness Week – Tomball, Texas**”
- Proclamation – May 6-12, 2018 is the “*49th Annual Municipal Clerks Week*”
- Proclamation – May 13-19, 2018 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 15, 2018 is “**Peace Officers Memorial Day**”
- Proclamation – May 13-19, 2018 is “**Tomball Police Week**”.

6.0 Reports and Announcements:

- May 8, 2018 – Special City Council meeting to Canvass the May 5, 2018 Election - 5:30 p.m.
- May 19, 2018 – “*Honky Tonk Chili Challenge*” at the Depot
- **May 27, 2018 – “Oil Town USA” Jamboree** at the Depot
- 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 March 31, 2018. 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 March 31, 2018, the City had total cash and cash equivalents in the amount of \$70,534,238.

7.0 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Minutes of the April 16, 2018 Regular Tomball City Council Meeting and the April 30, 2018 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 New Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2018-12, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Tenth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on

Wednesday, September 12, 2018.

Motion carried unanimously.

- 8.2 Mayor Fagan called the Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Section Three Properties in the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision) Established by City Council Resolution No. 2007-22 to order at 6:31 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:31 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-17 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. 2018-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Three Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Ford	<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.

- 8.4 Motion was made by Councilman Stoll, second by Councilman Ford, to approve Amendment No. 1 to Consultant Services Agreement with MuniServices, LLC to Perform Audit and Administration Services to Assist the City of Tomball with the Collection and Administration of the City of Tomball's Local Hotel Occupancy Tax, and Authorize the City Manager to Execute the Amendment Agreement.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-12 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. 2018-12, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause *(374.9 Acres of Land, Located West of SH 249/Tomball Expressway, South of Humble Lake Road, North of a Private Road Forming the Northern Border of Willowcreek Ranch Equestrian Reserve and Boudreaux Estates Section One, and East of Willow Creek Ranch Subdivision, Situated in the Chauncey Goodrich Survey, Abstract Number 305, the Auguste Senechal Survey, Abstract Number 722, and the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being all of a Called 20.000 Acres Tract of Land Conveyed to County of Harris by Jimmy C. Shaw, Et Ux by Deed dated October 17, 2014 and Recorded in County Clerk's File 20140468595 of the Official Public Records of Real Property of Harris County, Texas, Being all of a Called 117.9465 Acres Tract of Land, Described In Six, (6), Tracts, Conveyed to County of Harris by Merenco Realty, Inc. by Deed Dated October 17, 2014 and Recorded in County Clerk's File 20140471160 of the Official Public Records of Real Property of Harris County, Texas, Being all of a Called 229.772 Acres Tract, Described in Thirteen, (13), Tracts, Being all of a Called 4.992 Acres Tract and Being all of a Called 2.363 Acres Tract Conveyed to County of Harris by Harris County Improvement District No. 17 by Deed dated September 11, 2017 and Recorded in County Clerk's File RP-2017-402273 of the Official Public Records of Real Property of Harris County, Texas, Save and Except that Certain Portion of Land out of a Called 3.693 Acres, a Called 2.088 Acres, a Called 3.709 Acres, and a Called 148.751 Acres Tracts that Apparently Lies within the Said Lewis Survey [HCID #17 – Willow Creek Annexation]).* Vote was as follows:

Councilman Ford	<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.

- 8.6 Consideration to Approve **Zoning Case P18-035**: Request By John Blount, County Engineer, On Behalf Of Harris County, To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Zoning Approximately 374.9 Acres Of Land Generally Located On The West Side Of SH 249 Between Willow Creek And Alice Road, As Commercial. The Property Is Legally Described As 374.9

Acres Of Land Situated In The Chauncey Goodrich Survey, Abstract Number 305, The Auguste Senechal Survey, Abstract Number 722, And The Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being All Of A Called 20.000 Acres Tract Of Land Conveyed To County Of Harris By Jimmy C. Shaw, Et Ux By Deed Dated October 17, 2014 And Recorded In County Clerk's File 20140468595 Of The Official Public Records Of Real Property Of Harris County, Texas, Being All Of A Called 117.9465 Acres Tract Of Land, Described In Six (6) Tracts, Conveyed To County Of Harris By Merenco Realty, Inc. By Deed Dated October 17, 2014 And Recorded In County Clerk's File 20140471160 Of The Official Public Records Of Real Property Of Harris County, Texas, Being All Of A Called 229.772 Acres Tract, Described In Thirteen, (13), Tracts, Being All Of A Called 4.992 Acres Tract And Being All Of A Called 2.363 Acres Tract Conveyed To County Of Harris By Harris County Improvement District No. 17 By Deed Dated September 11, 2017 And Recorded In County Clerk's File Rp-2017-402273 Of The Official Public Records Of Real Property Of Harris County, Texas, Save And Except That Certain Portion Of Land Out Of A Called 3.693 Acres, A Called 2.088 Acres, A Called 3.709 Acres, And A Called 148.751 Acres Tracts That Apparently Lies Within The Said Lewis Survey.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-035** at 6:42 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:42 p.m.

- Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to read Ordinance No. 2018-18 by caption only, on First Reading.

Motion carried unanimously.

Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2018-18, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Establishing the Zoning District of Approximately 374.9 Acres of Land, Legally Described 374.9 Acres of Land Situated in the Chauncey Goodrich Survey, Abstract Number 305, the Auguste Senechal Survey, Abstract Number 722, and the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being All of a Called 20.000 Acres Tract of Land Conveyed to County of Harris by Jimmy C. Shaw, Et Ux by Deed Dated October 17, 2014 and Recorded in County Clerk's File 20140468595 of the Official Public Records of Real Property of Harris County, Texas, Being All of a Called 117.9465 Acres Tract of Land, Described in Six (6) Tracts, Conveyed to County of Harris by Merenco Realty, Inc. by Deed dated October 17, 2014 and Recorded in County Clerk's File 20140471160 of the Official Public Records of Real Property of Harris County,

Texas, Being All of a Called 229.772 Acres Tract, Described in Thirteen, (13), Tracts, Being All of a Called 4.992 Acres Tract and Being All of a Called 2.363 Acres Tract Conveyed to County of Harris by Harris County Improvement District No. 17 by Deed dated September 11, 2017 and Recorded in County Clerk's File RP-2017-402273 of the Official Public Records of Real Property of Harris County, Texas, Save and Except That Certain Portion of Land Out of a Called 3.693 Acres, a Called 2.088 Acres, a Called 3.709 Acres, and a Called 148.751 Acres Tracts that Apparently Lies Within the Said Lewis Survey, Within the City of Tomball, Harris County, Texas, to the Commercial District; Said Property Being Generally Located on the West Side of SH 249 between Willow Creek and Alice 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request to extend reconsideration of Tabled Item for The Reserve at Spring Lakes Section 2 Rezoning Request from the June 4, 2018 Council Meeting to the July 16, 2018 Council Meeting – Ordinance No. 2017-36. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 8.8 Executive Session: The City Council recessed at 7:22 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. 551.071 - Consultation with the City Attorney regarding a matter that the Attorney's Duty requires to be discussed in closed session.

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

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 21st day of May 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor