

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



**MONDAY, SEPTEMBER 17, 2018
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Greg Sipe, Church 1:37.

3.0 Pledges to U. S. and Texas Flags were led by Harris County Commissioner, Precinct 4, R. Jack Cagle.

4.0 No public comments were received.

5.0 Reports and Announcements:

- October 6, 2018 – **6th “Annual Paces for Pink” 5K Run**
- October 13, 2018 – **“Zomball in Tomball”** at the Depot
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot

- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.- 6:00 p.m.
- November 16, 2018 – ***Downtown Holiday Lamp Post Stroll***
- November 16, 2018 – **Christmas Tree Lighting** at the Depot – 7:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll to approve the Minutes of the September 4, 2018 Regular Tomball City Council Meeting and the September 10, 2018 Special Tomball City Council Meeting

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2018-29, 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 [*Being All That Certain Tract or Parcel Containing 1.5153 Acres of Land for Proposed Annexation Purposes Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same Being Comprised of a 1.5153 Acre Portion of Brown Road, (60.00 Feet in Width), According to a Deed Filed for Record in Volume 3194, Page 388 of the Harris County Deed Records) [A Portion of Brown Road from SH 249 to PFG Company Property]*. Vote was 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.

7.2 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on Second Reading, Resolution No. 2018-25-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Houston PFG Inc., to make direct incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction

of a commercial facility to be located at 14600 Brown Road, Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$39,097.00.

Motion carried unanimously.

- 8.0 New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Motion was made by Councilman Townsend, second by Councilman Ford, to approve all items under the Consent Agenda (8.1 and 8.2).

Motion carried unanimously.

- 8.1 Reappoint Michael Tiffin, Cindy Bennett-Smith, and Blair Bruce to their respective positions as Associate/Alternate Judges to the Municipal Court for an additional one-year term.
- 8.2 Reappoint Erik Berglund as Associate/Alternate Prosecutor to the Municipal Court for an additional one-year term.
- 9.0 New Business:

- 9.1 Harris County Commissioner, Precinct 4, R. Jack Cagle presented the Greenway Project and requested City consideration for financial and in-kind support of the project.

No action taken.

- 9.2 Mayor Fagan announced the Dates for the Vote on the 2018 Tax Rate, at the Regular City Council Meeting on October 1, 2018 at 6:00 p.m. and the Regular City Council Meeting on October 15, 2018 at 6:00 p.m.

No action taken.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2018-2019.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Degges, second by Councilman Ford, to approve Resolution No. 2018-27, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2019 General Assembly, designating Councilman Derek Townsend as the City's Representative and Councilman Stoll as the City's Alternate Representative.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve General and No Litigation Certificate of the City of Tomball for the Anticipated Issuance of "The Southeast Texas Housing Finance Corporation Multifamily Housing Revenue Bonds (Bayshore Towers Apartments), Series 2018", Not to Exceed \$15,000,000, in Connection with the Rehabilitation of the Bayshore Towers Apartments in the City of Pasadena, Harris County, Texas, and Authorize the Mayor to Execute the Requested Documents as Requested by Southeast Texas Housing Finance Corporation (SETH).

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-28, a Resolution of the City Council of the City of Tomball, Texas supporting Hamilton Valley Management Ltd., in the Rehabilitation of the Elderly Designated Multi-Family Housing Development Known as The Village Apartments, and Authorize Mayor to Issue Letter of Support.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Contractual Agreement for Right-Of-Way Utility Adjustments between Harris County and the City of Tomball, for Certain Improvements to Holderrieth Road from SH 249 to 715 LF East of Existing Calvert Road.

Motion carried unanimously.

- 9.8 Consideration to Approve **Zoning Case P18-130**: Request by Greg Breaux for a Conditional Use Permit to operate a Mobile Food Court on approximately 3.39 acres of land legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, generally located on the west side of Business 249 between Hirschfield Road and Alice Road and zoned General Retail District.

- Mayor Fagan opened the public hearing on **Zoning Case P18-130** at 7:02 p.m.

Fred Sembera, Owner - spoke in support of the
Pecos Grilling Company, 77375 proposed zoning change.

Beau Breaux - spoke in support of the
31411 Bearing Star Lane, 77375 proposed zoning change.

Receiving no further public comments, Mayor Fagan closed the public hearing at 7:06 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-32 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. 2018-32, 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 Greg Breaux, To Operate A “Mobile Food Court”; Said Property Being Approximately 3.39 Acres, And Being Legally Described As Lot 1A Block 1 Parkway Oasis 3rd Replat, Harris County, Texas, Generally Located On The West Side Of Business 249 Between Hirschfield Road And Alice 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 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

- 9.9 Executive Session: The City Council recessed at 7:11 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 attorney regarding Cause No. 2018-00921; *City of Tomball v. KCC International, LLC d/b/a*

LaQuinta Inn and Suites, in the 234th Judicial District Court in and for Harris County, Texas

- 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 at 7:39 p.m., the following action was taken:

- 9.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed amendments to and extension of the Employment Contract for Robert Hauck, City Manager for one additional year.

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 1st day of October 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor