

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



**MONDAY, DECEMBER 3, 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  
Director of Public Works – Beth Jones  
Police Chief – Billy Tidwell  
Fire Chief – Randy Parr  
Marketing Director – Mike Baxter  
Finance Director – Glenn Windsor  
IT Manager – Doug Tippet  
Director of Community Development – Craig Meyers  
Planner – Amelia Lindley  
Assistant City Secretary – Tracy Garcia  
Fire Marshal – Joe Sykora  
Community Center Manager – Rosalie Dillon  
Senior Accountant – Christine Brookshire  
Police Captain – Ricky Doerre  
Executive Director-TEDC – Kelly Violette  
PID Administrator – Scott Bean

2.0 The invocation was led by Pastor James Roberson, Hufsmith Church of Christ, Tomball

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr.

4.0 The following Public Comments were received:

- Bruce Hillegeist - Expressed the Chamber's appreciation for the City's support for another successful annual Holiday parade and introduced 2019 Miss Tomball, Presley Babb.
- Presley Babb - Expressed her desire to serve the citizens of Tomball as 2019 Miss Tomball.

5.0 Reports and Announcements:

- December 7-9, 2018 – **Tomball German Christmas Market**
- December 24-25, 2018 – **Christmas Holidays** – City Offices closed
- January 1, 2019 – **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:
  - Glenn Windsor presented the Quarterly Investment Report for Period Ending September 30, 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 September 30, 2018, the City had total cash and cash equivalents in the amount of \$69,325,792.

6.0 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to approve the Minutes of the November 19, 2018 Special Tomball City Council Meeting and the November 19 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Stoll, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-37, 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 3 Acres of Land, Legally Described Tract 253a Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property Being Generally Located on the West Side of Pitchford Road at 902 Pitchford 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.

- 7.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2018-38, 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 10 Acres of Land, Legally Described Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, from the Planned Development District to the Office District; Said Property Being Generally Located on the East Side of Lovett Street, South of Carrell 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>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-39, 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 Great Oak School to Operate a "School, Other Than Public or Denominational"; Said Property Being Approximately 10 Acres, and Being Legally Described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, Generally Located on the East Side of Lovett Street, South of Carrell Street and Zoned Office District; 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.

8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, on First Reading, Resolution No. 2018-32-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 Agreement by and between the Corporation and Industrial Reserve, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs to be required or suitable for the promotion of new or expanded business development related to the development and construction of a Office/warehouse building to be located on approximately 1.9890 acres of land in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas, and generally located at the northwest corner of Cherry Street and Theis Lane, Tomball, TX 77375. The estimated amount of expenditures for such Project \$44,650.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, on First Reading, Resolution No. 2018-33-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 Agreement by and between the Corporation and Clarus Tomball Investments Ltd., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Days Inn Hotel & Suite to be located at 15525 FM 2920 Road, Tomball, Texas. The estimated amount of expenditures for such Project is \$149,750.00.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, as a Project of the TEDC Corporation, an Agreement with Houston Poly Bag I, LTD to make direct incentives to or expenditures for equipment expansion for the creation and retention of primary jobs for Houston Poly Bag I, LTD. The estimated amount of expenditures for such Project is an amount not to exceed \$110,369.00.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the First Amendment to Economic Development Agreement between the Tomball Economic Development Corporation and Houston Poly Bag, Ltd. for Additional Funding of \$12,752.00.

Motion carried unanimously.

- 8.5 Consideration of Appointment/Reappointment of Members to Positions 2, 5, and 8 of the Tourism Advisory Committee Board, for Terms expiring December 5, 2018 was withdrawn by Mayor Fagan.

No action taken.

- 8.6 Presentation was made by Hines Real Estate regarding Funding Options for Their Proposed Residential Subdivision in Tomball, Located at the Northeast Corner of Agg Road and Persimmon Street.

No action taken.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Abandonment of a Drainage Right-of-Way and to read Ordinance No. 2018-40 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. 2018-40, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Drainage Right-of-Way situated within The Tomball 2920 Subdivision, Harris County, Texas, and as Recorded in the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Drainage Right-of-Way; Providing for Severability; 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.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2018-41 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. 2018-41, an Ordinance of the City Council of the City of Tomball, Texas, Approving the 2018 Updated Service and Assessment Plan for the City of Tomball Public Improvement District Number Three (PID No. 3), for The Reserve at Spring Lake Subdivision. 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.

- 8.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Software License and Service Agreement with Zuercher Technologies for Replacement of Computer Aided Dispatch System (CAD) for the Tomball Police Department, in the Amount of \$247,811.00.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Execution of an Agreement for Professional Services with Freese & Nichols for the Completion of a Water and Wastewater Impact Fee Study in the Amount of \$59,100.00.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Ford, second by Councilman Townsend, to award Contract for Project No. 2018-20 – E&P Project 2018-10026, Pine Street Ground Storage Tank Rehabilitation, to NG Painting, L.P., in the Amount of \$139,000.00.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Fixed Pricing for Natural Gas Acquisitions for the City's North Gate Natural Gas Purchases from EDF Trading, for a Fixed Price of \$4.09/MMBtu from December 2018 through November 2019.

Motion carried unanimously.

8.13 Executive Session: The City Council recessed at 7:51 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. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 8:27 p.m., no action was taken regarding Executive Session.

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 17th day of December 2018.

Doris Speer  
Doris Speer, TRMC, MMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor