

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



MONDAY, MARCH 20, 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 Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Monica Duran
Fire Marshal – Joe Sykora

2.0 The invocation was led by Pastor Greg Jenkins, Tomball Assembly of God

3.0 The pledges to U. S. and Texas Flags were led by Robert Hauck.

4.0 The following public comments were received:

Paula Whitaker	-	Extended an invitation to the assembly to
12026 Live Oak Dr., 77354		attend the dedication and first lighting of the
		Cross of Tomball, Sunday, April 9, 2017,
		6:30 p.m.

5.0 Reports and Announcements:

- March 31-April 2, 2017 – **17th Annual Tomball German Heritage Festival at the Depot**
- April 8, 2017 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 8, 2017 – **2nd Saturday at the Depot**
- April 17-22, 2017 – **Annual Spring Clean-Up and Chipping Week**
- April 22, 2017 – **Tomball Consolidated Recycling Day** at Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 22, 2017 – **Tomball Rotary Club Annual Fish Fry** at the Depot, 4:00 p.m.-8:00 p.m.
- April 29, 2017 – **Tomball Lions Club Car Show** at Lone Star College, 10:00 a.m.-2:00 p.m.
- May 6-7, 2017 – **Rails & Tails Mudbug Festival**
- May 27, 2017 – **Tomball Honky Tonk Music Festival and Chili Challenge**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Doris Speer reported on the success of the **Sam Houston Trail Ride Reception**
 - David Esquivel presented Dwayne Osgood and Will Goff, members of the Tomball Public Works Utility/Gas Department, for recognition of the City's outstanding gas services.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the March 6, 2017 Regular Tomball City Council Meeting and the March 13, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-04, an Ordinance Altering the Prima Facie Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within

the Corporate Limits of the City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance. Vote was as follows:

Councilman Hudgens	<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 Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2017-03, 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 (11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, Being out of a Called 16.4724-Acre Tract Conveyed to 11311 Holderrieth Limited, L.P. as Recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, Located at 11311 Holderrieth Road, Harris County, Tomball, Texas) – Mustang Cat

Motion carried unanimously.

- 8.2 Consideration to Approve **Zoning Case P17-0006**: Request by Banson Ventures I, LLC for a Conditional Use Permit to Operate a Mini-Warehouse/Self-Storage Facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

- Conduct Public Hearing on **Zoning Case P17-0006**

Mayor Fagan called the Public Hearing regarding the above-described Zoning Case to order at 6:24 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:24 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-05 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. 2017-05, 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 Banson Ventures I, LLC to Operate a “Mini-Warehouse/Self Storage” at 1210 East Hufsmith Road; Said Property being Approximately 2.43 Acres, and Being Legally Described as Tract 3A R/S 10 Abstract 730 J S Smith, Tomball, Harris County, Texas, Generally Located on the South Side of East Hufsmith Road, between Zion Road and Snook Lane; 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 Hudgens	<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 Consideration to Approve **Zoning Case P17-0007**: Request by Francisco Choi, on Behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 2 acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-Family 6 District to the Office District.

- Conduct a Public Hearing on **Zoning Case P17-0007**

Mayor Fagan called the Public Hearing regarding the above-described Zoning Case to order at 6:29 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:29 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2017-06 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. 2017-06, 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 2 Acres of Land, Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Office District; Said Property Being Generally Located on the East Side of South Pine Street between James Street and Cherry Laurel 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 Hudgens	<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.

- 8.4 Consideration to Approve **Zoning Case P17-0008**: Request by Baker Investors Group LLC to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, Generally Located at the Southwest Corner of Brown Road and Baker Road, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0008**
- Adopt, on First Reading, Ordinance No. 2017-07, 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 1.01 Acres of Land, Legally Described as Reserve H Block 1 Leslie's Park, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property Being Generally Located at the Southwest Corner of Brown Road and Baker 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.

Mayor Fagan advised that Item 8.4 will be withdrawn from consideration by Council at the request of the applicant.

- 8.5 Executive Session: The City Council recessed at 6:34 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.

Upon reconvening into regular session at 7:01 p.m., no action was taken.

- 9.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of April 2017.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor