

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



MONDAY, DECEMBER 19, 2016

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
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Engineer – Beth Jones
Assistant City Planner – Amelia Lindley
CSO Administrative Assistant – Tracy Garcia
Building Official – Ken Cole
Police Detective – Kenneth Yoho
Police Detective – Ron McGullion
Police Lieutenant – Danny Arriaga

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family Church.

3.0 Pledges to U. S. and Texas Flags were led by Members of Pack 72 Cub Scouts.

4.0 No public comments were received.

5.0 Reports and Announcements:

- December 23 and 26, 2016 – **Christmas Holidays** – City offices closed
- January 2, 2017 – **New Year's Day Holiday** – City offices closed
- January 18, 2017 – First day to apply for Place on Ballot for the May 7, 2016 City General Election
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the **“Christmas on Commerce”** Event
 - Doris Speer – the City Secretary’s Office has received the **“5 Star Exemplary Award”** from the Texas Department of Health and Human Services for the sixth year
 - Doris Speer – Tracy Garcia has earned her **Master Registrar Certification** from the Texas Department of Health and Human Services

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the December 5, 2016 Special Meeting of the Tomball City Council and the December 5, 2016 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on Second Reading, Ordinance No. 2016-30, 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 7.34 Acres of Land, Legally Described as Tracts 189A, 189B, 189C, 193A-1 & 193B-1 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 20 Estate District to the Commercial District; Said Property Being Generally Located on the East Side of South Cherry Street, North of Theis Lane at 1623 South Cherry 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.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2016-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 4, 2017.

Motion carried unanimously.

- 8.2 Consideration to approve **Zoning Case P16-0162**: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0162** at 6:17 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:17 p.m.
- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2016-31 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. 2016-31, 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 3.9 Acres of Land, Legally Described as Tract 262A Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of South Pitchford Street, at 909 South Pitchford; 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.

- 8.3 Consideration to approve **Zoning Case P16-0171**: Request by Aaron Edwards, on Behalf of Tomball Renewal Center, for a Conditional Use Permit to Operate a Rehabilitation Care Facility (Halfway House) at 401 ½ Commerce Street and to Operate an Institution for Alcoholic, Narcotic or Psychiatric Patients at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0171** at 6:45 p.m.. The following comments were received:

Rev. Steven G. Lightfoot 455 School, 77375	-	Expressed his support for the CUP
Becky Loving 1015 Inwood, 77375	-	Expressed her support for the CUP
Leanne Dinsmore 401 Commerce, 77375	-	Expressed her support for the CUP
Rick Brown 24102 Doverwick, 77375	-	Expressed his support for the CUP
Britt Heald 213 W. Main, 77375	-	Expressed his opposition to the CUP
Mike Brockwell 22102 Gromwell, 77351	-	Expressed his support for the CUP
Les Herron 13922 Blackfoot, 77429	-	Expressed his support for the CUP
Father George McGavern 505 Tall Pines, 77354	-	Expressed his support for the CUP
Mary Harvey 401 S. Walnut, 77375	-	Expressed her opposition to the CUP
Kevin Peipper 22407 Miramar Crest, 77375	-	Expressed his support for the CUP (read by Rev. Lightfoot)
Samantha Heard 212 S. Pine, 77375	-	Expressed her opposition to the CUP

Tina Roquemore - Expressed her opposition to the CUP
614 North Hickory

Rodney Hutson - Expressed both opposition and
9431 Rosie Lane, 77354 support regarding the CUP

- Receiving no further public comments, Mayor Fagan closed the Public Hearing at 7:21 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-32 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. 2016-32, 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 Aaron Edwards, on Behalf of Tomball Renewal Center, to Operate a “Rehabilitation Care Facility (Halfway House)” at 401 ½ Commerce Street and to Operate an “Institution for Alcoholic, Narcotic or Psychiatric Patients” at 401 Commerce Street; Said Property Being Approximately 0.17 Acres, and Being Legally Described as Lots 22, 23 & 24 Block 18 Tomball, Harris County, Texas, Generally Located at the Southwest Corner of Commerce Street and North Oak Street; 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.

Motion to TABLE consideration of this item until the February 6, 2017 Council meeting was made by Councilman Townsend, second by Councilman Stoll.

Motion to TABLE to a date certain carried unanimously.

Mayor Fagan recessed the meeting at 8:06 p.m.; upon reconvening into regular session at 8:15 p.m., Mayor Fagan recused herself from discussion and action regarding Items 8.4 and 8.5, having filed an Affidavit of Conflict of Interest with the City Secretary. Mayor Pro Tem Degges proceeded with the meeting.

- 8.4 Consideration to approve **ZONING CASE P16-0175**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

- Mayor Pro Tem Degges opened the Public Hearing on **ZONING CASE P16-0175** at 8:15 p.m. The following comments were received:

Dan Howes - Expressed his support of the zoning change.
15223 Hilltop View, 77429

Darryl Romero - Expressed his support of the zoning change.
8303 Vintage Creek, 77379

Michael Fagan - Expressed his support of the zoning change.
1314 Pine Brook, 77375

- Receiving no additional public comments, Mayor Pro Tem Degges closed the Public Hearing at 8:28 p.m.
- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2016-33 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2016-33, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-2 (“Definitions”), Section 50-82(B) (“Use Charts”) and Section 50-116 (“Supplemental Regulations”) by Defining and Creating a Land Use for “Mobile Food Courts”; 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.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2016-34 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. 2016-34, an Ordinance of the City of Tomball, Texas Amending Section 32-2, Exceptions to Chapter, and Section 32-8,

Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, in General, of Chapter 32, Peddlers and Solicitors, to Allow Mobile Food Vendors Registered with the City in Compliance with the City's Zoning Regulations; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-34, an Ordinance of the City of Tomball, Texas Amending Section 32-2, Exceptions to Chapter, and Section 32-8, Responsibility of Owners, Tenants, and Lessees Allowing Peddlers to Utilize Property, of Article 1, in General, of Chapter 32, Peddlers and Solicitors, to Allow Mobile Food Vendors Registered with the City in Compliance with the City's Zoning Regulations; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto, by adding provisions to limit occupancy to six months, to require that food trucks retain their roadworthiness at all times and to request confirmation of sales tax compliance on the registration form. 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 to AMEND carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-35 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. 2016-35, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Public Right-of-Way, All Situated in the Replat of Final Plat Reserve at Spring Lake Section One and in the Replat of The Reserve at Spring Lake Section Two, Located in the Joseph Miller League, A-50, W.H. Clemens Survey, A-1641, Harris County Texas; Vacating and Abandoning Said Right-Of-Way and Replacing with an Access and Utility Easement; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Street Right-of-Way to Zion Road Properties, LLC; Providing for Severability; and Containing Other Provisions Relating to the Subject. 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.

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

Motion carried unanimously.

Meeting adjourned.

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

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor