

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



MONDAY, MARCH 21, 2016

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:03 p.m. by Mayor Fagan. Other members present:

Councilman Klein Quinn
Councilman Townsend
Councilman Degges
Councilman Stoll

Members absent:

Councilman Hudgens – Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Assistant Fire Chief – Jonathan Fontenot
Accountant – Christine Brookshire
CSO Administrative Assistant – Tracy Garcia

2.0 The invocation was led by Pastor Brandon Guindon, Real Life Ministries Texas.

3.0 The pledges to U. S. and Texas Flags were led by Members of Tomball High School FFA.

4.0 The following public comments were received:

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| Kevin Walker
1023 Cedar Post Court, 77375 | - | Requested a traffic study and possible stop sign installed at the intersection of Lovett and Carrell. |
| Mary Harvey
405 S. Walnut, 77375 | - | Expressed her desire to be reappointed to the Tourism Advisory Committee |
| Dinesh Parikh
Dry Clean Express, 77375 | - | Presented an update regarding on-going natural gas meter-related issues. |

5.0 Mayor Fagan and Fire Chief Randy Parr Presented the following:

- Promotions and New Employees
 - Recognition of Captain James Jones – Promotion to Gunnery Sergeant, U. S. Marines
 - New Fire Department Captains
 - Steven Foehner
 - James Jones
 - Joe Sykora
 - New Fire Department Lieutenants:
 - Chris Caron
 - Matt Cappozelli
 - Chris Thornton
 - Matt Hughes
 - Steven McHenry
 - New Fire Department Driver/Operators:
 - Lori Bradshaw
 - Nathan Doe
 - Dave Harrington
 - Andrew Heinson
 - Brandon Reade

6.0 Reports and Announcements:

- March 31-April 3, 2016 – **Tomball German Heritage Festival** at the Depot. *Carnival Thursday evening; Friday, Bands 6:00 p.m.-10:00 p.m.; Saturday, 10:00 a.m.-10:00 p.m.; Sunday, 10:00 a.m.-6:00 p.m.*
- April 9, 2016 – **8th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 9, 2016 – **Lions Club Car Show** at Lone Star College-Tomball Campus
- April 9, 2016 – **2nd Saturday at the Depot**

- April 11, 2016 (Monday) – **“2016 Ride 2 Recovery Texas Challenge”** Welcome and Reception at the Depot – 10:30 a.m.
- April 16, 2016 – **Tomball Rotary Club Annual Fish Fry** at the Depot
- April 18-23, 2016 – **Annual Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – **Shattered Lives** Event – **Tomball Memorial High School**
- April 23, 2016 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot, **“Trackside Toss”** Washers Tournament
- May 28, 2016 – Tomball **Chili Challenge 2016** at the Depot
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - o Glenn Windsor – Finance Department has received the **Distinguished Budget Presentation Award for Fiscal Year 2015-2016** – 8th consecutive year

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the March 3 Special Council Meeting and the March 7, 2016 Regular City Council Meeting.

Motion carried unanimously.

8.0 New Business:

8.1 Mayor Fagan opened the Public Hearing and Review of the City of Tomball’s Juvenile Curfew Ordinance at 6:15 p.m. to determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:15 p.m.

8.2 Motion was made by Councilman Townsend, second by Councilman Stoll to read Ordinance No. 2016-03 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. 2016-03, an Ordinance of the City of Tomball, Texas, Continuing the City’s Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Absent</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 Motion was made by Councilman Townsend, second by Councilman Degges, to reappoint Mary Harvey and Prakash Patel to their respective positions and to appoint Cindy Vincik to Position 5 of the Tourism Advisory Committee for Terms Expiring December 5, 2018.

Motion carried unanimously.

- 8.4 Consideration to approve **Zoning Case P15-0158**: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-0158** at 6:40 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:40 p.m.
- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2016-04 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2016-04, 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 Maple Creek Bed & Breakfast to Operate a “Bed and Breakfast Inn;” Said Property Being Approximately 5.663 Acres, and Being Legally Described as Tract 3, 5.663 Acres of McGraw Tract II, a Subdivision in the Ralph Hubbard Survey, Abstract 383, according to the Map or Plat Thereof Recorded in Vol. 423, Page 107, Map Records, Harris County, Texas, Generally Located East of Hospital Road on the North Side of E. Hufsmith 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.

- Motion to AMEND was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2016-04, 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 Maple Creek Bed & Breakfast to Operate a “Bed and Breakfast Inn;” Said Property Being Approximately 5.663 Acres, and Being Legally Described as Tract 3, 5.663 Acres of McGraw Tract II, a Subdivision in the Ralph Hubbard Survey, Abstract 383, according to the Map or Plat Thereof Recorded in Vol. 423, Page 107, Map Records, Harris County, Texas, Generally Located East of Hospital Road on the North Side of E. Hufsmith 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, with the addition to Section 6 that “no ATVs, motorcycles, dirt bikes, or four-wheelers shall be operated on site”. Vote was as follows:

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

Motion, as AMENDED, carried unanimously.

- 8.5 Consideration to approve **Zoning Case P16-0020**: Request by Matthew Gilbert, on behalf of Brandt Construction, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0020** at 7:02 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:02 p.m.

- Motion was made by Councilman Degges, second by Councilman Stoll to read Ordinance No. 2016-05 by caption only on first reading.

Councilman Townsend advised that he would abstain from discussion and vote on this item and has filed a Conflict of Interest with the City Secretary.

Vote was as follows:

Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- Motion was made by Councilman Degges, second by Councilman Stoll, to Adopt, on First Reading, Ordinance No. 2016-05, 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 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., 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 Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; 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>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute Necessary Documents to Apply for a UASI Grant to Electronically Link Five Major Dispatch Centers in Harris County.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project Number 2016-15 for the Purchase of Four (4) Zero Turn Commercial Mowers, in the Amount of \$50,500, to D-S Lawn & Automotive.

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 4th day of April 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor