

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



**MONDAY, MARCH 18, 2019
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
Director of Community Development – Craig Meyers
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Police Officer-Investigations – James Harral

2.0 The invocation was led by Pastor Mike Hernandez – Local Church

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

4.0 No public comments were received.

5.0 Reports and Announcements:

- April 13, 2019 – **2nd Saturday** at the Depot
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**

- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 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 March 4, 2019 Regular Tomball City Council Meeting .

Motion carried unanimously.

- 7.0 New Business:

- 7.1 Conduct Public Hearing and Review of the City of Tomball’s Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Mayor Fagan opened the Public Hearing at 6:04 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:04 p.m.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2019-04 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. 2019-04, 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 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 Consideration to Approve **Zoning Case P19-017**: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District

- Conduct Public Hearing on **Zoning Case P19-017**

Mayor Fagan opened the Public Hearing at 6:09 p.m.; the following comments were received:

Melvin Jones 308 Blackshear	-	Expressed his opposition to the proposed rezoning.
Samuel Shannon 823 Lizzie Lane	-	Expressed his opposition to the proposed rezoning.
Mary Scott 919 Timkin	-	Expressed her opposition to the proposed rezoning.
Willie Johnson 1032 Timkin	-	Expressed her opposition to the proposed rezoning.
Elena Holiday 414 S. Chestnut	-	Expressed her opposition to the proposed rezoning.
JoAnn Scott 919 Timkin	-	Expressed her opposition to the proposed rezoning.
Latrell Shannon 823 Lizzie Lane	-	Provided detail regarding original Zoning Commission decision for the area in question.

Receiving no additional 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. 2019-05 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. 2019-05, 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 One Acre of Land, legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the General Retail District; Said Property being generally located on the North Side of

Timkin Road, East of Blackshear 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>Nay</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED, 1 vote Aye, 4 votes Nay.

- 7.4 Consideration to Approve **Zoning Case P19-018**: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

- Conduct Public Hearing on **Zoning Case P19-018**
- Adopt on First Reading, Ordinance No. 2019-06, 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 Don Cannon, to Operate an “Office Showroom/Warehouse”; Said Property being Approximately One Acre, and being legally described as Tract 10C Abstract 629 J Pruitt, Harris County, Texas, generally located on the North Side of Timkin Road, East of Blackshear 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

No public hearing was held nor was any consideration of Ordinance No. 2019-06 given, due to the failure of Ordinance No. 2019-05.

- 7.5 Consideration to Approve **Zoning Case P19-023**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

- Conduct Public Hearing on **Zoning Case P19-023**

Mayor Fagan opened the Public Hearing at 7:02 p.m.; the following comment was received:

Will Benson - Email expressing his support for
will@bensondev.com the proposed text amendment was
read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:03 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2019-07 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Ford, to adopt on First Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-79 (Old Town and Mixed Use District) by Reducing the Required Building Setbacks for Nonresidential Uses in a Portion of the Old Town Area; 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.

- 7.6 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2019-08 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. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed

Materials Can Be Discharged into Sewer System; 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.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; 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, adding the provision that the words “in writing” be added after the word “approved” in Sec. 46-92. 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, as AMENDED, carried unanimously.

8.0 Motion was made by Councilman Townsend, second by Councilman Ford, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 1st day of April 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor