

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



**MONDAY, DECEMBER 17, 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
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna
Fire Marshal – Joe Sykora
Community Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Warrant Officer/Bailiff – Ron McGullion
Executive Director-TEDC – Kelly Violette

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

3.0 The pledges to the U. S. and Texas Flags were led by Joe Sykora.

4.0 No Public Comments were received.

5.0 Presentations:

- **Resale with a Purpose** presented donations of \$5,000 each to the City of Tomball Fire and Police Departments for their Christmas Projects.
- **Tomball Lions Club** presented donations of \$500 each to the City of Tomball Fire and Police Departments for their Christmas Projects.
- Mayor Fagan presented the **2018 Citizen of the Year Award** to Samuel and Latrell Shannon.

6.0 Reports and Announcements:

- 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:
 - Denise Fiore reported on the success of the **“Christmas on Commerce”** Event
 - Doris Speer presented Tracylynn Garcia with her designation of **Certified Public Manager** from The University of Houston and The William P. Hobby Center for Public Service of Texas State University
 - Rob Hauck advised that the City Secretary's Office has received the **“5 Star Exemplary Award”** from Texas Department of Vital Statistics, 8th Year and presented the plaque.
 - Billy Tidwell reported on the success of **Police Explorers Post #5451** at the Annual Conference in Grand Prairie and presented the Explorers to Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the December 3, 2018 Special Tomball City Council Meeting and the December 3, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, on Second 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 Townsend, second by Councilman Stoll, to approve, on Second 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 Shri Vanayak, LLC, 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 Townsend, second by Councilman Stoll, to adopt, on Second 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.

- 8.4 Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on Second 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>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

9.1 Consideration to Approve **Zoning Case P18-176**: Request by Lance Langenhoven for a Conditional Use Permit to operate an office showroom/warehouse facility at 419 East Hufsmith Road. The property is approximately 5.86 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, and is zoned General Retail District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-176** at 6:36 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.
- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2018-42 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. 2018-42, 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 Lance Langenhoven to operate an “Office Showroom/Warehouse” at 419 East Hufsmith Road; said property being approximately 5.86 acres, and being legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road and zoned General Retail 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.

- 9.2 Consideration to Approve **Zoning Case P18-168**: Request by Ahmad Adnan Aslam to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Barbara Street and Holderrieth Boulevard, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-168** at 6:42 p.m.

Arlene Edwards - Expressed her opposition to the
203 Holderrieth, 77375 proposed zoning change.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:48 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-43 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. 2018-43, 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 0.32 acres of land, legally described Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said property being generally located at the southwest corner of Barbara Street and Holderrieth Boulevard; 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>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion carried, 3 votes Aye, 2 votes Nay.

- 9.3 Consideration to Approve **Zoning Case P18-162**: Request by W D Hill to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.568 acres of land legally described as Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Kane Street and Baker Drive, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-162** at 6:57 p.m.

Harry Byrd - Expressed his opposition to the
602 N. Hickory, 77375 proposed zoning change.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:00 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-44 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. 2018-44, 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 0.568 acres of land, legally described Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town and Mixed Use District; said property being generally located at the northeast corner of Kane Street and Baker Drive; 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>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Agreement between City of Tomball and Pelican Reserve Pipeline/Tortuga Operating Company for Pipeline Relocation along the M121W Drainage Channel.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Consent to Assignment between Zion Road Properties, LLC and Continental Land Acquisitions, LLC, of the Development Agreement dated May 3, 2010 between the City of Tomball and Zion Road Properties, LLC to Finance Public Improvement District Number Three (Reserve at Spring Lake).

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve an Amended Development Agreement with Bob Allen (Developer of Reserve at Spring Lake Subdivision) for Public Improvement District No. 3 (Reserve at Spring Lake), Containing the Same Terms Provided in Subsequent City of Tomball PIDs.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of January 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor