

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



**MONDAY, NOVEMBER 19, 2018
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Klein Quinn
Councilman Degges – arrived at 6:28 p.m.

Members absent:

Councilman Townsend - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Asst. Fire Chief – Jonathon Fontenot
Community Center Manager – Rosalie Dillon
Senior Accountant – Christine Brookshire
Police Captain – Ricky Doerre

2.0 The invocation was led by Pastor Dustin Reitzel, Woodlands Church Northpointe Campus.

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

4.0 The following public comment was received via text message:

Bruce Hillegeist - Expressed his appreciation for the help and support
President, GTACC provided by the City of Tomball, instrumental in the
success of the annual Holiday Parade.

5.0 Presentations:

- Mayor Fagan and Rob Hauck presented the Government Finance Officers Association **Certificate of Achievement for Excellence in Financial Reporting** for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2017 (28th Year) to Glenn Windsor, Finance Director, and Christine Brookshire, Senior Accountant.

6.0 Reports and Announcements:

- November 22-23, 2018 – **Thanksgiving Holidays** – City offices closed
- December 1, 2018 – **“Christmas on Commerce” – a 2nd Saturday at the Depot** Event
- December 7-9, 2018 – **Tomball German Christmas Market**
- 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:
 - Mike Baxter presented a report on the success of **Depot Day**, the **Freight Train Food Truck Festival**, the **8th Annual Tomball Bluegrass Festival**, and the **Christmas Tree Lighting**.

7.0 Motion was made by Councilman Klein Quinn, second by Councilman Ford, to approve the Minutes of the November 5, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Agricultural Science Project Center, and to Exclude the Regulations of Section 8-124 From Applying to Agricultural Science Project Centers; 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>Absent</u>
Councilman Townsend	<u>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.5 Consideration of item 9.5 was moved for consideration following adoption of Ordinance No. 2018-36.

Motion was made by Councilman Stoll, second by Councilman Ford, to approve Tomball Independent School District's Project Facility Guidelines for an Agricultural Science Project Center at 30330 Quinn Road.

Motion carried unanimously.

- 9.1 Motion was made by Councilman Ford, second by Councilman Stoll, to appoint Susan Harris, currently an Alternate Member, to fill the Unexpired Term vacated by Brett Tynes, Regular Member, on the Board of Adjustments, Term Expiring March 2, 2019.

Motion carried unanimously.

- 9.2 Consideration to Approve **Zoning Case P18-161**: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-161** at 6:22 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:22 p.m.
- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2018-37 by caption only on First Reading.

Motion carried unanimously.

Councilman Degges arrived at 6:28 p.m.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2018-37, 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 Acres Of Land, Legally Described Tract 253A Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Light Industrial District; Said Property Being Generally Located On The West Side Of Pitchford Road At 902 Pitchford 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>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.3 Consideration to Approve **Zoning Case P18-166**: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadraplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-166** at 7:03 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:03 p.m.
- Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2018-38 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2018-38, 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 10 Acres Of Land, Legally Described

Lot 1 Block 1 Welling Owens Quadrplexes, Within The City Of Tomball, Harris County, Texas, From The Planned Development District To The Office District; Said Property Being Generally Located On The East Side Of Lovett Street, South Of Carrell 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 Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.4 Consideration to Approve **Zoning Case P18-167**: Request by Great Oak School for a Conditional Use Permit to operate a School, other than public or denominational on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-167** at 7:07 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.
- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2018-39 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2018-39, 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 Great Oak School To Operate A “School, Other Than Public Or Denominational”; Said Property Being Approximately 10 Acres, And Being Legally Described As Lot 1 Block 1 Welling Owens Quadrplexes, Within The City Of Tomball, Harris County, Texas, Generally Located On The East Side Of Lovett Street, South Of Carrell Street And Zoned Office 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>Absent</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.6 Motion was made by Councilman Klein Quinn, second by Councilman Degges, to authorize a Substitute Position Authority, on a Temporary Basis, to Cover Vacancy Created by the Long-Term Absence of Tomball Fire Captain, James Jones, Who has been Assigned to Military Reserve Duty.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve Resolution No. 2018-30, a Resolution of the City Council of the City of Tomball, Texas regarding Release of an Approximately 119-Acre Tract of Land Located at the Southwest Corner of FM 2920 and Telge Road, from the Extraterritorial Jurisdiction of the City of Houston, Texas (Trendmaker Homes).

Motion carried unanimously.

- 9.8 Executive Session: The City Council recessed at 7:15 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
- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee.

Upon reconvening into regular session at 8:20 p.m., no action was taken regarding Executive Session.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of December 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor