

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



**MONDAY, AUGUST 20, 2018
6:00 P.M.**

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

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - 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
Admin. Asst. to City Secretary – Sasha Robinson
Community Events Coordinator – Denise Fiore
Asst. Community Events Coordinator – Laryssa Roberts
Fire Marshal – Joe Sykora
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Police Captain – Ricky Doerre

2.0 The invocation was led by Father Tommy Hopper of St. Anne Catholic Church.

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

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented a Proclamation to Mary Coats – ***“Mary Peoples Coats – Happy 90th Birthday!” Celebration Day.***

6.0 Reports and Announcements:

- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool, from August 20 through September 2, will be open on Saturday and Sunday only. The pool will be closed every Monday, except Labor Day (September 3). Saturday and Sunday pool hours are: - 12:00 p.m.-8:00 p.m.
- September 15, 2018 – ***GroovFest’18*** at the Depot
- October 6, 2018 – **6th “Annual Paces for Pink” 5K Run**
- October 13, 2018 – **“Zomball in Tomball”** at the Depot
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Denise Fiore and Laryssa Roberts reported on the success of ***TOMBALL KIDS’ CLUB*** and distributed Certificates of Appreciation.
 - Mayor Fagan reminded attendees that the last day of early voting for the August 25, 2018 Bond Election is Tuesday, August 21, from 7 a.m.-7 p.m.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the August 6, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-20, 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 36 Acres of Land Zoned Agricultural and Approximately 3 Acres of Land Zoned Commercial to the Single-Family 6 District. The Property is Legally Described Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 Of The C.N. Pillot Survey, Abstract 632, within the City Of Tomball, Harris County, Texas; Said Property Being Generally Located on the South Side of Theis Lane West of Pine Meadows Subdivision and the North Side of Holderrieth Road, West of 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 follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Ford, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2018-25, an Ordinance Amending the Code of Ordinances of The City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-126, Potbelly Pigs, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Pygmy Goats, and to Apply Regulations to Pygmy Goats; 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 follows:

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

Motion carried, 3 votes Ayes, 1 vote Nay.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-30, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting and Replacing Section 20-28 Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection in Its Entirety; by Deleting and Replacing Section 20-47, of Article III. Standards for Installation of Fire Sprinkler Systems in Its Entirety; by Amending Section 20-48, Amendments to NFPA13D of Article III, Standards for Installation of Fire Sprinkler Systems; By Deleting Section 20-94 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-95 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-96 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-97 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-98 of Article V. Arson Rewards in Its Entirety; by Deleting Article V. Arson Rewards in Its Entirety; Providing a Penalty in an Amount Not to Exceed \$2,000.00 Per Day for Violation of Any Provision Hereof, with Each Day Constituting a Separate Offense; Providing a Repealer; Providing for Severability, and Making Other Findings Related Thereto. Vote was follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Executive Session: The City Council recessed at 6:25 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.

Upon reconvening into regular session at 7:02 p.m., the following items were considered:

- 9.2 Mayor Fagan opened the Second Public Hearing Regarding the Proposed Budget for Fiscal Year 2018-2019 at 7:04 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:04 p.m.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance no. 2018-31 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. 2018-31, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2018-2019; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2017-2018 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance. Vote was follows:

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

Motion carried unanimously.

- 9.4 Mayor Fagan opened the Second Public Hearing to Consider the Annexation of the Following Tract of Land: Being All that Certain Tract or Parcel Containing 1.5153 Acres of Land for Proposed Annexation Purposes Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same being Comprised of a 1.5153 Acre Portion of Brown Road, (60.00 Feet in Width), According to a Deed Filed for Record in Volume 3194, Page 388 of the Harris County Deed Records) [*A Portion of Brown Road from SH 249 to PFG Company Property*] at 7:07 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to Reappoint Tina Nash, Steven Vaughan, and Lori Wilson to their respective Positions 1, 3 and 5 on the Tomball Regional Health Foundation for Terms Expiring September 1, 2018.

Motion carried unanimously.

- 9.6 Mayor Fagan opened the Public Hearing regarding a Proposal to Create City of Tomball, Texas, Reinvestment Zone No. 6, to Include a Tract of Land Containing 16.9 Acres, More or Less, Being Described as Approximately 16.9 acres, situated in the Elizabeth Smith Survey, Abstract No. 70, Being a Portion of Lot 5, Block 1 of Tomball Business and Technology Park, F.C. No. 563006, H.C.M.R., Located at the Northwest Corner of Holderrieth Road and South Persimmon Street, City of Tomball, City Limits, Harris County, Texas at 7:12 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:12 p.m.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2018-27 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. 2018-27, creating Hoelscher Reinvestment Zone No. 6 for a 16.9-acre Tract of Land, out of Lot 5 of the Recorded Plat of the Tomball Business and Technology Park Subdivision, Film Code No. 653006 H.C.M.R., in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas, Generally Located at the Northwest Corner of South Persimmon Street and Holderrieth Road. Vote was as follows:

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

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance no. 2018-28 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. 2018-28, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [Tract One: Being a 0.6123 Acre Portion of Brown Road, (60.00 Feet in Width), According to a Deed Filed for Record in Volume 3194, Page 388 of the Harris County Deed Records and Tract Two: 3.0223 Acres of Land for Proposed Annexation Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same Being Comprised of All of Lot 1 in Block 1 of Fourteen Six Hundred Business Park, a Subdivision in Said Harris County, Texas According to the Map or Plat Thereof Filed for Record under Film Code No. 680728 of the Harris County Map Records, Located at 14600 Brown Road, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]. Vote was as follows:

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

Motion carried unanimously.

- 9.9 Consideration to Approve **Zoning Case P18-122**: Request by Russell McKee, on Behalf of Houston PFG, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Zoning Approximately 2.7 Acres of Land Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Harris County, Texas, as Commercial.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-122** at 7:17 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:17 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2018-24 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. 2018-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Establishing the Zoning District of Approximately 2.7 Acres of Land, Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Within the City of Tomball, Harris County, Texas, to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Brown Road and Park Place 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>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.10 Consideration to Approve **Zoning Case P18-089**: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-089** at 7:21 p.m.

Receiving no 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. 2018-26 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. 2018-26, 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 47.675 Acres of Land, Legally Described Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632, Within the City of Tomball, Harris County, Texas, from the Agricultural and General Retail Districts to the Single-Family 6 District; Said Property Being Generally Located on the West Side of South Cherry Street, South of Pine Meadows Subdivision and North of Holderrieth 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.11 Consideration to Approve **Zoning Case P18-120**: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-120** at 7:37 p.m.; the following comments were received:

Michael Clark 519 E. Hufsmith, 77375	-	Expressed his opposition to the proposed zoning change.
Rodney Hutson 9431 Rosie Lane, 77354	-	Expressed his support for the proposed zoning change.
Marinela Valadez 510 E. Hufsmith, 77375	-	Expressed her opposition to the proposed zoning change.

Vivian Michaelson - Expressed her opposition to the
1022 Hickory Post, 77375 proposed zoning change.

Amadeo Valadez - Expressed his opposition to the
510 E. Hufsmith, 77375 proposed zoning change.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:52 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-23 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. 2018-23, 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 25.7328 Acres of Land, Legally Described Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Single-Family 9 District to the Planned Development (PD-11) District; Said Property Being Generally Located on East Hufsmith Road Between Hospital Road and Lovett 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.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2018-23, 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 25.7328 Acres of Land, Legally Described Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Single-Family 9 District to the Planned Development (PD-11) District; Said Property Being Generally Located on East Hufsmith Road Between Hospital Road and Lovett 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, by amending Ordinance No. 2018-23 to include a requirement that the front façade of each residence be brick or stone. Vote was as follows:

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

Motion, as AMENDED, carried, 3 votes Aye, 1 vote Nay.

- 9.12 Discussion was held regarding Consideration and Possible Action regarding TML Committees and Direction to Randy Parr, Representative for City of Tomball for Home-Rule Legislation.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of September 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor